

SPEECH AT THE INAUGURATION OF THE NEW BUILDING OF HIGH COURT OF KERALA

- **Hon'ble Mr. Justice Y. K. Sabharwal,
Chief Justice of India**

It is a matter of immense pleasure for me to be amongst this august gathering for celebrating the inauguration of the new building of the Kerala High Court. I feel privileged to come to Kerala, which my friends from the State would describe as a small State on the Southwest corner of the Indian Union. In my view, this is just another example of their gentle, simple and humble persona. Kerala, to me, represents every thing that is beautiful and benign. It may be small in size, but it stands tall amongst tallest - a land of rich heritage and history that goes back to times immemorial. I know Kerala as a place where art, culture and tradition come together. It is a land of communal harmony imbibing within itself a composite culture, a study of the story of cultural synthesis achieved by its interaction with various religions and ways of life, both indigenous and foreign, including Dravidian & Aryan, Hinduism, Jainism, Buddhism, Christianity, Judaism and Islam.

This State stands in the forefront of Indian Union in the matter of literacy and education. Its hard working, determined and educated people have always set high standards in almost all the sphere of its activities. It has produced eminent scholars and men of letters who have enriched diverse branches of Art & Science, histrionics dance, music, Mimansa, philosophy and most important for us, the field of law. No wonder, this land has produced legal luminaries from whose scholastic labours the field of law in India benefitted immensely.

High Court of Kerala, established in 1956, represents the rich heritage of its predecessor judicial institutions, right from the times of Desavazhis and Naduvazhis who would settle disputes in early times according to custom, followed by Zilla Court, Huzur Court, Sadar Court, High Court of Travancore, Cochin High Court, Travancore-Cochin High Court and High Court of Madras which parted in its favour with the Malabar District that was merged with the State of Kerala in due

course of time. Ernakulam was chosen as the seat of this High Court since this region is centrally located and very convenient for people coming from different parts of the State.

Ram Mohan Palace, the building allocated to the High Court at the time of its formation, was probably sufficient at that point of time. But with increase in the work load and the strength of the Judges in the High Court and consequent demands for more space for the purpose of every one connected with its functioning, search had to commence to find new location. The endeavor to have a new building, suitable and sufficient to sub-serve its all needs, not only in the present but for a long time to come in the future, has indeed taken a lot of time to fructify. I understand the completion of building itself has taken almost a decade.

The difficulties faced on account of crunch of space and claustrophobic environs of old building, however, must now be forgotten as things of the past. Today, with the inauguration of the new building, a new chapter is to begin in the history of High Court of Kerala. At this important juncture, it is time to look back at the past with pride, not only to take stock but also to draw inspiration and guidance from the forerunners on the Bench & in the Bar. It is also time to look ahead at the future.

Festivities and rejoicing usually attendant upon celebrations of this kind have a definite purpose. But they have to be accompanied by a resolve. The resolve required to be made today is to be steadfast in following the high conventions, traditions and precedents of judicial propriety, dignity and decorum, for continued constructive contribution to the cause of justice in which direction Kerala High Court has the reputation of being an unstinted sentinel.

The wisdom represented by this High Court is the resultant product of great thinkers including Mr. Ramachandra Iyer, the first Chief Justice of Travancore High Court; Shri Putthupally Krishna Pillai, the last Chief Justice of Travancore High Court; Justice K.T. Koshi, the first Chief Justice of Kerala High Court. The list could take a very long time to conclude.

Kerala High Court has the proud distinction of giving to the country its first woman Judge of the High Court in the form of Justice Anna Chandy and then added another feather in its cap through Justice M. Fathima Beevi, the first woman Judge in the Supreme Court.

A number of illustrious sons of Kerala have adorned the Supreme Court. I may mention some names that immediately come to mind: Hon'ble Mr. Justice V.R. Krishna Iyer, the great visionary who rendered path breaking judgments; Hon'ble Dr. Justice T. Kochu Thommen, who unfortunately is no longer amidst us; Hon'ble Mr. Justice K.S. Paripoornan and Hon'ble Mr. Justice K.T. Thomas, with whom I had the proud privilege to be on the same bench. Hon'ble Mr. Justice K.G. Balakrishnan & Hon'ble Mr. Justice P.K. Balasubramanyan are my worthy brothers presently serving the cause of Justice in Supreme Court. The word "Malayalam", I understand, also means "a land abounding in hills". It would not be wrong to say these statesmen are the peaks amongst these hills.

The sterling qualities of these celebrated sons and daughters of Kerala, and many more, since the list could be endless, must be remembered by us today with reverence & gratitude for their work and contribution shall be ever lasting motivational force. I would invoke their blessings on this auspicious occasion.

I am confident that the temple of justice represented by the High Court of Kerala at this new seat will produce for the country legal professionals of distinguished eminence who with their erudition will enrich the legal knowledge, whether as members of Bar or Judges on the Bench. I am confident that uniformly excellent Bar-Bench relations actuated by team spirit and fellowship would continue to be the hallmark of the judicial administration in the State of Kerala. With Hon'ble Mr. Justice V.K. Bali at the helm of affairs as the new Chief Justice of High Court, I have reasons to be confident that this Court would continue to make constructive contribution to the cause of justice, optimally mobilizing the resources available, motivating one and all including the subordinate judiciary of the State, which is known for its ability and skill. The judicial functionaries wield judicial power, which actually is not a power but a pledge. A pledge to wipe off each tear

caused by injustice. I am positive that Kerala High Court will continue to vigorously and zealously guard against all wrongs or violation of rights and do its duty in the service of the nation.

Judicial system at all levels in our country in the present times is at cross roads. It is expected to fight against sheer numbers in the bursting dockets and yet maintain high quality in adjudication. It faces the daunting task of dealing with a monolith of huge arrears. As per the data made available, at the end of the year 2005, Kerala High Court had a total pendency of over one-lakh thirty thousand cases. The Subordinate Courts in Kerala account for over nine lakh pending cases. The figures are alarming.

Indeed, we have not kept pace with the required Judge-population ratio so as to meet the new challenges on this account. Yet, we cannot sit quiet or make excuses. Judiciary would rise to the occasion, as it has always done, and provide the solutions.

The huge arrears would not deter us. It is not an insurmountable task. We must view the huge inflow of litigation as an expression of utmost faith reposed in the judiciary by the people of India. It is our duty to take a pledge that we shall redeem the hopes and aspirations of the litigants at large. It is time to make a resolve that we shall provide a modern, efficient and easily accessible judicial system that provides inexpensive, fair and complete justice to one and all. It is time that we all join a collective and concerted effort to TURN THE TIDE.

In this task, the role of the Bar would continue to be very significant. We have to remain united and concerted in our approach to render field of judicial administration a proper organizational effort. Judges take formal oath to administer justice, without fear or favour, affection or ill-will. The legal professionals, without any formal oath of the kind, are also under an implied duty to assist the judicial administration in attaining justice.

The Bar in Kerala has a glorious history. Mr. K.V. Suryanarayanan Iyer, the first Advocate General for the State; Mr. Thaikad Subramanya Iyer, former Advocate General of Travancore-

Cochin; Mr. Mathew Murickan, another Advocate General of Tavancore-Cochin; Mr. A Achuthan Nambiar and many more have been the leading lights in the legal fraternity in Kerala. They would always be a source of inspiration for the young entrants in the profession. And, can we ever forget Mr. V.K. Krishna Menon? The legendary figure, a towering personality, his contribution to the International law and India's foreign policy generates awe.

The executive seems to have done its bit in the matter of providing the Kerala High Court with a new building with requisite space. It is now the turn of the judiciary to put it to optimum utilization; nurture and sustain it so that it can serve the cause for which it has been created.

I understand that Kerala has lagged behind other High Courts in the matter of computerization, probably on account of want of timely availability of resources. I hope and trust this will be given due priority by the Administration and the High Court.

We are under a public duty to administer Justice. Benjamin Disraeli described justice as "Truth in Action". I wish you good luck in your continued quest for justice and, through it, for the truth.

Jai Hind.