

Justice V.R. Krishna Iyer

Justice V. R. Krishna Iyer was a judge and Minister who reformed the Indian criminal justice system. He stood up for the poor and the underprivileged, and remained a human rights champion, a crusader for social justice and the environment, and a doyen of civil liberties, throughout his life. He was also a sports enthusiast and a prolific author. He was conferred with the Padma Vibhushan in 1999.

Justice V.R. Krishna Iyer was born on 15th November 1915 at Palakkad, in the Malabar region of the then Madras State. He was educated in Annamalai and Madras Universities before beginning his life as a lawyer at Thalassery. He started defending peasants and workers against the exploitation by feudal lords who had full support of the colonial regime. When he protested against torture by the police as an interrogation method, he was imprisoned for a month on a fabricated charge of giving legal assistance to communists.

In 1956, he was elected initially to Madras Legislative Assembly and later, after reorganisation of States, to the Kerala Assembly, where he was appointed as Minister in charge of important portfolios, like Home, Law, Social Welfare, etc. He drafted the landmark Kerala Land Reforms Act.

He was appointed as a Judge of the Kerala High Court in 1968. He was the Member of Law Commission from 1971 to 1973. He headed and was associated with many national and international organizations.

He was appointed as Judge of the Supreme Court of India in 1973. He played an important role in an era of judicial activism, public interest litigation, affirmative action through courts and a wide-

ranging exercise of judicial review for which the Indian judiciary is hailed throughout the world today. He earned fame and recognition for his fair judgments, for his way of penning down the verdicts and for his mastery over the English language. He was a thinker ahead of his time and wrote some landmark judgments.

The case of Maneka Gandhi paved the way to read the plain words "right to life" and "personal liberty" to mean many human rights now, thus expanding Article 21 of the Constitution. That the Government cannot put fetters on the rights of citizens, nor should courts get unduly alarmed. However, this judgment started focus of courts, society and Governments on respecting and ensuring rights and freedoms of individuals.

In Ratlam Municipality case, he started a trend for Judges to leave the courtroom and go out there to see with their own eyes the situation on the ground. This is a case in which the local Government's role and responsibility of an industry in connection with pollution and the cost of handling such pollution to be borne has been dealt with in protecting the larger interest of society and Government. This judgment laid foundation for the concepts of distributive justice and polluter pays.

He also dealt with gender bias prevalent not just in the society but in the Government at highest level of employment. In the case of Muthamma, an Indian Forest Service officer, his judgment resulted in the removal of discrimination against women officers, setting the balance right. Thus, he broke through the 'glass ceiling' with gender parity in traditional practices in public employment.

His contribution to right to life touched many areas which were so far not explored by anyone in India. He as a Justice was against death penalty in cases which are delayed and stood for the

principle of rarity of death penalty all through his career. Indeed, he was vocal against death penalty even after his retirement through his writings and in helping the convicts facing death sentencing to get their sentence commuted.

He also firmly believed that under trials should not be made to languish in jail and it was he who is known for his stand which was a taboo till then in Indian judiciary: "Bail is the rule, and jail, the exception".

He believed in correction and not retribution or vindication in dealing with prisoners. He recommended that meditation methods of Yoga which he practised, and which he observed in the prisons in the Americas and Oceania, could be introduced in the Indian justice system to help transform not just criminal tendencies in prisoners, but also help judges keep their mental poise invoking their higher values to have a better judgement of a case at hand.

Along with Justice P.N. Bhagwati, he laid the foundations for filing of PILs (Public Interest Litigations) in a series of cases. In one such case, he treated a prisoner's letter posted from jail as a writ petition, commenting: "Freedom behind bars is part of our constitutional trust...If wars are too important to be left to the generals, surely prisoners' rights are too precious to be left to the jailors".

This revolutionary tool, initially used by public-spirited citizens to file PILs on behalf of sections of society unable to do so on their own, continues to bring in unheard changes in the day-to-day lives of the people even now. Observing this, he stated: "To transform the Supreme Court of India into the Supreme Court for Indians was the

challenge...When the history of the judiciary in India comes to be written, PIL will be glorified as the noblest ally of the little Indian"

Justice Iyer used to reiterate time and again a guiding principle that: The law of all laws is that the 'rule of law' must sustain the 'rule of life'" by climbing down from its high pedestal, to ascertain ground realities for meeting the needs and aspirations of the people in an ever changing society. Though his tenure in the apex court was relatively short, he managed to make a lasting impression on the public.

During the last few years of his life, Justice Iyer had a keen desire to give a major and serious facelift to Indian jurisprudence. He had observed that our judicial system has been set up on the basis of British tradition. He wanted to reform it by merging our own traditional judicial doctrines with the best parts of the foreign judicial system simultaneously.

He would remain as the only Judge in India who is hailed as "Bhishma Pitamah" of Indian judiciary for a long time to come and I would like to call him as "Mahatma of Indian Judiciary". Though he left us, the values and ideals he stood for will continue to be our guiding principles in administration of justice as well as in making the justice accessible to citizens of our country.

Let us move forward on the path of reforms valued by Justice Krishna Iyer.