



THE KERALA HIGH COURT ADVOCATES' ASSOCIATION

Reg. No. ER 931/2004

High Court Building, Kochi - 682 031

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KHCAA/Misc/101/ 2021

16.06.21

The Hon'ble Chief Justice,
Supreme Court of India, New Delhi.

Respected Sir,

This Association represents the entire lawyers practicing before the Hon'ble High Court of Kerala. Our total membership as on today is 8341. This is being penned with extreme grief, anguish and deep disappointment. The recent developments which have come reported in the media regarding some never heard of suggestions said to have been made by the Hon'ble Chief Justice of India virtually has created a feeling of distress and much more among the entire legal fraternity in the country. Already, responses from various High Court Bar Associations as well as Lawyers Organizations have been expressed in open and this Association do share the same views of protest, dissatisfaction and angst with added fervour against the unsavoury and patently improper desires of the Supreme Court Bar Association.

Freedom of minds to wander through wild dreams which can never materialize cannot be prevented. But if the same is expressed in terms of a resolution by SCBA and that too aiming at acquiring a Constitutional Office like that of the Judge of High Courts constituted under Chapter V of the Constitution of India, the same has to be seen as a raving hallucination and





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deserves only to be discarded. It is learnt that the Supreme Court Advocate on Record Association as per their letter dated 12.6.2021 has gone a step further by demanding to place an 'institutionalized mechanism' to materialize their desire to get themselves inducted as Judges of the High Courts in India. Needless to say, the SCBA and SCAORA have openly raised a challenge against the mandates of Article 217 of the Constitution of India and also the law laid down by the Hon'ble Apex Court in the 3 Judges Cases and the NJAC case. The reported statement that the Hon'ble Chief Justice of India has accepted the request is highly shocking.

More disturbing is the observation made in the representation that lady lawyers are not being presently considered by the High Courts only because "there are not enough lady lawyers fit for elevation". It is true that sufficient number of lady lawyers are not presently being inducted as Judges in the High Court. This is not because of the erroneous reason stated in the SCBA letter, but because of the myopic approach adopted in the matter of selection of women lawyers as Judges ignoring their comparative competence with their male counterparts which is only owing to the deficiency in the system and women lawyers practicing before the High Courts are not to be accused for the same. This lacuna is again attempted to be used to give thrust to the contention that better lawyers, men or women, can be found only from the Supreme Court bar and not from the High Court





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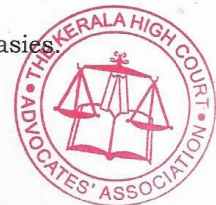
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bar. We most humbly reiterate that this is fallacious and patently mischievous.

The Hon'ble Supreme Court has been India's pride over the decades. As the Sentinel on the *qui vive* to borrow a phrase from Justice Patanjali Shastri, it has upheld the fundamental rights of the people of this great country and beyond in the most glorious of traditions. The majesty of the Court is matched only by its commitment to justice, fairness and the 'Rule of Law'. Given this outstanding legacy, the question that requires urgent attention is the commitment and approach of the Court to these questions in the current issue. An impartial assessment is imperative in the interest of justice and the future of all law abiding citizens, who have reposed their faith in the protective power of the Court and its timeless values. Such an exercise is timely and requires the attention of all Indians, committed to safeguarding the Rule of Law that is increasingly coming under threat in the difficult times we live in. These observations have special relevance in the current development of the Supreme Court Bar Association trying to claim that some of their members are more meritorious than the rest of the lawyers practicing in the Country so as to get the existing system of selection and appointment of judges a silent goodbye. This can be seen only as a brutal challenge against the Rule of Law and the office of the Hon'ble Chief Justice of India cannot be made a part of such undeserving fantasies.





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Hence, this Association requests the Hon'ble Chief Justice of India to take immediate steps to clear the dark clouds that have unfortunately created a shadow over the beaming lustre of this glorious institution by dispensing with any doubt regarding the selection of Judges to the High Courts in India through the shortcut of a "search committee" appointed by the Supreme Court Bar Association. We strongly decry the said proposal and humbly request Your Lordship to withdraw any orders, instructions if any issued endorsing the legally untenable requests made by the Supreme Court Bar Association in the representation stated to have been submitted to the Hon'ble Chief Justice of India on 31.5.2021.

We solicit urgent orders in the above regard.

Advocate Thomas Abraham
President



Yours Faithfully

Adv T R Renjith
Secretary