

Justice K.G. Balakrishnan

Konakuppakatil Gopinathan Balakrishnan is an Indian judge who has been the Chairperson of the National Human Rights Commission of India. He is a former Chief Justice of India. He was the first judge from Kerala to become the Chief Justice of the Supreme Court.

Early Life-

Justice K. G. Balakrishnan was born at Kaduthuruthy on 12th May 1945, near Vaikom, Kingdom of Travancore. His father was a clerk in the Vaikom munsiff court. After completing his primary education in Thalayolaparambu, he finished school at the Government High School, Vaikom for which he had to walk 5 km every day. Subsequently, he joined the Maharaja's College, Ernakulam, where he studied for his BSc. He took his Bachelor of Laws (L.L.B.) degree from the Government Law College, Ernakulam, and enrolled as an advocate in the Kerala Bar Council in 1968, beginning practice at the Munsiff's court, Vaikom. He then completed his L.L.M. in 1971.

Professional Life-

Justice KG Balakrishnan was appointed as a Munsiff in the Kerala Judicial Services in 1973. He later resigned from the services and resumed practice as an advocate in the Kerala High Court. In 1985, he was appointed as a judge of the Kerala High Court, and was transferred to the Gujarat High Court in 1997. He became the Chief Justice of Gujarat High Court in 1998, and in 1999, he assumed charge as the Chief Justice of the High Court of Judicature at Madras. While being Chief Justice of Gujarat High Court, he was appointed as the Acting Governor of Gujarat from 16th January 1999 to 18th March 1999. He also served as the Member of the General Council of the Gujarat National Law University.

On 8 June 2000 he was appointed a judge of the Supreme Court. He was sworn in as the Chief Justice of India on 14 January 2007 by then President A. P. J. Abdul Kalam. After his retirement on 12 May 2010, he has been serving since 7 June 2010 as the Chairman of the National Human Rights Commission.

As an advocate he pleaded both criminal and civil cases.

Limelight-

Justice K. G. Balakrishnan has said "due regard" must be given to the "personal autonomy" of rape victims to decide on whether they should marry the perpetrator or choose to give birth to a child conceived through forced crime. Lawyers and women's rights activists have expressed some reservations.

Justice KG Balakrishnan has stated that pornography sites and hate speeches should be banned from the internet. He also passed a judgment stating that journaling on the web anything hateful even against a political party is liable for censorship.

On a visit to Kasaragode as NHRC Chairman initiating Suo motu complaint, Balakrishnan felt there had been violations of human rights against the populace by the harmful spraying of the pesticide Endosulfan, and recommended the founding of a super-speciality hospital for the relief of the victims.

Balakrishnan has tried to exempt the Office of the Chief Justice of India from the purview of the Right to Information Act. He ordered the Supreme Court registry to file an appeal before

the Supreme Court against the Delhi High Court judgement making the office of the CJI amenable to the RTI act. He has also spoken about the need for amending the RTI act in the interests of the right to privacy.

National Human Rights Commission-

He had joined the Commission on the 7th June, 2010 after his retirement as the Chief Justice of India.

During about five years of his tenure, the NHRC was credited with several new initiatives towards promotion and protection of human rights. Starting of 'Open Hearings' of the complaints on the problems of Scheduled Castes and atrocities against them in different States of the country was one of his major initiatives.

Justice Balakrishnan re-started the practice of NHRC's 'Camp Sitings' in different States to dispose of pending cases in the presence of Government authorities. He also set up a Committee to study and classify offences which could be heard by Human Rights Courts.

He urged the Government for suitable modification in the Section 377 of the IPC to protect the rights of lesbian, gay, bi-sexual and transgender saying that "All people, regardless of their sexual orientation or gender identity, should be able to enjoy their human rights." An Expert Group was set up to prepare some guidelines on Clinical Drug Trials. It was decided to intervene in the matter before the Supreme Court. During his tenure, the NHRC commenced a study to develop a code of ethics for Indian industries to promote corporate-social responsibility.

For building awareness, a record number of 501 training programmes were organised for teachers, para military forces, police personnel, students and other sections of society.

Justice Shri K.G. Balakrishnan completed his tenure as the sixth and longest serving Chairperson of the National Human Rights Commission on the 11th May, 2015.

Notable Judgements-

During his ten-year term at the Supreme Court, Justice Balakrishnan authored a total of 219 judgements and a part of 787 benches. Justice Balakrishna predominantly worked on criminal matters. He was involved in landmark cases around caste-based reservation, elections and encroachment.

In Mondal Commission Case- He led the five-judge bench and gave an independent opinion on the office order which was given by the Mandal Commission. The order provided for a 27% reservation in educational institutes for Other Backward Classes (OBCs). J. Balakrishnan upheld the reservation and stated that it was required to bring social and economic equality. He asserted that it was not meant for the "creamy layer," and that only those who needed it could avail themselves of the benefits.

Sanjay Dutt v. State of Maharashtra- In this case, the renowned actor, Sanjay Dutt, from Hindi Cinema was convicted for the 1993 serial blasts in Mumbai. While waiting for his appeal, he approached the Supreme Court to contest elections, as his conviction was not final. However, due to the gravity of the offence alleged, J. Balakrishnan refused Dutt's request.

Bellary mining case- He upheld the High Court's decision of concretising the boundary between Karnataka and erstwhile Andhra Pradesh states. And instructed the Committee set up by a previous bench of the Supreme Court to undertake this responsibility. He stayed the

mining operations until the establishment of the fence and warned that non-compliance would amount to contempt of court.

Abortion in the privacy judgement

Suchitha Srivastava Anr v. Chandigarh Administration (2009)-

A bench consisting of Chief Justice K.G. Balakrishna and Justices P. Sathasivam and B.S. Chauhan held that “there is no doubt that a woman’s right to make reproductive choices is also a dimension of ‘personal liberty’ as understood under Article 21. The crucial consideration is that a woman’s right to privacy, dignity and bodily integrity should be respected. Taken to their logical conclusion, reproductive rights include a woman’s entitlement to carry a pregnancy to its full term to give birth and to subsequently raise children.”

Justice K.G. Balakrishnan retired as the Chief Justice of India on 12th May 2010 and served as the Chairman of National Human Rights Commission from 7th June 2010 to 11th May 2015.

Synopsis

- Former Chief Justice of India from 2007 to 2010.
- Justice Balakrishnan was the first Judge from Kerala to become Chief Justice of Supreme Court.
- Justice Balakrishnan has been the Chairperson of National Human Rights Commission.
- He has authored a total of 219 judgements and been a part of 787 benches.
- His most important judgement was relating to abortion in privacy judgement.
- He has given judgements in many landmark cases like Mondal Commission case, Sanjay Dutt case and Bellary mining case.
- He was the longest serving Chairperson of National Human Rights Commission.