



30th April, 1927 – 23rd November, 2023

Full Court Reference in the memory of

Late Hon'ble Ms. Justice M. Fathima Beevi

Former Judge, Supreme Court of India

held on Thursday, the 14th December 2023

at 10.30 a.m. in the Court of The Hon'ble The Chief Justice of India

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Letter from the Registrar, Supreme Court of India

Mahesh T. Patankar
Registrar
Supreme Court of India



Supreme Court of India

Tilak Marg, New Delhi-110001
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011-23112524

F.No.99/Ref/2023/SCA(Genl)
19th December 2023

Madam,

A Full Court Reference was held in the memory of late Hon'ble Ms. Justice M. Fathima Beevi, former Judge, Supreme Court of India on 14th December, 2023 in the Hon'ble Chief Justice's Court. Rich tributes were paid to Her Ladyship by Hon'ble Dr. Dhananjaya Y. Chandrachud, the Chief Justice of India; Shri Tushar Mehta, Learned Solicitor General of India and Dr. Adish C. Aggarwala, President, Supreme Court Bar Association. After the references were read, two minutes' silence was observed in Her Ladyship's memory.

I have the honour of forwarding a booklet containing memorial speeches delivered at the Full Court Reference, as aforesaid along with heartfelt condolences of the Officers and members of the staff of the Supreme Court Registry to you and other members of the family.

Encl.: as above.

Yours sincerely,

Registrar (Court & Building)

To,

Dr. Fazia Rafeek,
8/387, Anna Veedu, Pettah,
Pathanamthitta,
Kerala-689645.

*List of Business for 14th December, 2023 in respect of
Full Court Reference*



SUPREME COURT OF INDIA

LIST OF BUSINESS FOR THURSDAY THE 14TH DECEMBER, 2023

CHIEF JUSTICE'S COURT

AT 10.30 A.M.

**FULL COURT REFERENCE IN THE MEMORY OF
LATE HON'BLE MS. JUSTICE M. FATHIMA BEEVI,
FORMER JUDGE, SUPREME COURT OF INDIA**

Coram of Hon'ble Judges at the Full Court Reference

- ❖ *Hon'ble Dr. Justice D.Y. Chandrachud, Chief Justice of India*
- ❖ *Hon'ble Mr. Justice Sanjay Kishan Kaul*
- ❖ *Hon'ble Mr. Justice Sanjiv Khanna*
- ❖ *Hon'ble Mr. Justice Bhushan Ramkrishna Gavai*
- ❖ *Hon'ble Mr. Justice Surya Kant*
- ❖ *Hon'ble Mr. Justice Hrishikesh Roy*
- ❖ *Hon'ble Mr. Justice Abhay S. Oka*
- ❖ *Hon'ble Mr. Justice Vikram Nath*
- ❖ *Hon'ble Mr. Justice J.K. Maheshwari*
- ❖ *Hon'ble Ms. Justice Hima Kohli*
- ❖ *Hon'ble Mrs. Justice B.V. Nagarathna*
- ❖ *Hon'ble Mr. Justice C.T. Ravikumar*
- ❖ *Hon'ble Mr. Justice M.M. Sundresh*
- ❖ *Hon'ble Ms. Justice Bela M. Trivedi*
- ❖ *Hon'ble Mr. Justice Pamidighantam Sri Narasimha*
- ❖ *Hon'ble Mr. Justice J.B. Pardiwala*
- ❖ *Hon'ble Mr. Justice Dipankar Datta*
- ❖ *Hon'ble Mr. Justice Pankaj Mithal*
- ❖ *Hon'ble Mr. Justice Sanjay Karol*
- ❖ *Hon'ble Mr. Justice Ahsanuddin Amanullah*
- ❖ *Hon'ble Mr. Justice Manoj Misra*
- ❖ *Hon'ble Mr. Justice Rajesh Bindal*
- ❖ *Hon'ble Mr. Justice Aravind Kumar*
- ❖ *Hon'ble Mr. Justice K.V. Viswanathan*

- ❖ *Hon'ble Mr. Justice Ujjal Bhuyan*
- ❖ *Hon'ble Mr. Justice Sarasa Venkatanarayana Bhatti*
- ❖ *Hon'ble Mr. Justice Satish Chandra Sharma*
- ❖ *Hon'ble Mr. Justice Augustine George Masih*
- ❖ *Hon'ble Mr. Justice Sandeep Mehta*

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Reference made on 14th December, 2023

by

Hon'ble The Chief Justice of India

Dr. Justice D.Y. Chandrachud

in the memory of

Late Hon'ble Ms. Justice M. Fathima Beevi

Former Judge, Supreme Court of India

Brother and Sister Judges, Solicitor General Mr Tushar Mehta, President of the Supreme Court Bar Association, Mr Adish C Aggarwala, President of the Supreme Court Advocates-on-Record Association, Mr Manoj K Mishra, members of the Bar, family members of late Justice M Fathima Beevi, ladies and gentlemen.

We gather here this morning to remember and honour a truly remarkable and path breaking individual, Justice M Fathima Beevi. She was a former Judge of this Court, who passed away on 23 November 2023 at the age of ninety-six.

Justice Beevi was born to Annaveetil Sahib and Khadija Beevi of Pathanamthitta, Kerala on 30 April 1927. After completing her schooling at the Catholicate High School, Pathanamthitta, Justice Beevi graduated with a degree in Chemistry from University College, Thiruvananthapuram. Although Justice Beevi dreamed of pursuing Chemistry, her father persuaded her to study the law. Sahib, a government employee, was an ardent believer in the power of education who had been inspired by the story of Anna Chandy, India's first female judge. He was convinced that a career in the law would help his daughter scale new heights.¹ Encouraged by her father, Justice Beevi earned her Bachelor of Laws from Law College, Thiruvananthapuram. She secured the first rank and a gold medal in the Bar Council Examination and enrolled as a lawyer in 1950.

For seven years, Justice Beevi practised as an Advocate at the District Court, Kollam, appearing in both civil and criminal cases. She placed first in the Kerala Public Service Commission Examination, and joined the Judicial Services as a Munsiff in 1958.

¹ Shaju Philip, Icon of women's empowerment, gender justice: India's first woman Supreme Court Justice Fathima Beevi passes away, *The Indian Express*, (Nov. 24, 2023), <https://indianexpress.com/article/india/indias-first-woman-supreme-court-justice-fathima-beevi-passes-away-at-96-9039141/> (last visited Dec 13, 2023).

She was promoted to the rank of a Junior Judge in 1968, Chief Judicial Magistrate in 1972, and District and Sessions Judge in 1974.

Justice Beevi was a trailblazer and a woman of many firsts. In 1980, she became the first woman to be appointed to the Income Tax Appellate Tribunal. She was the first Muslim woman to enter the higher judiciary on her appointment as a Judge of the Kerala High Court in 1983. Six years later, she was the first woman to be appointed a Judge of this Court. With her elevation to the Supreme Court, Justice Beevi also became the first woman Supreme Court Judge of an Asian nation. She served on the Supreme Court of India until her retirement on 29 April 1992.

*Justice Beevi's time as a Judge will be remembered for her exemplary service to the cause of justice, her patient consideration of cases, her impartial adjudication, and her warm relationship with the Bar. At the Supreme Court, she left a lasting impact on Indian law through a number of notable judgments. In *Scheduled Caste & Weaker Section Welfare Assn v State of Karnataka*,² she adjudicated a challenge by individuals representing slum-dwellers who were being evicted without notice. Her judgement affirmed the right of socially and economically marginalised individuals to access the court through public interest litigation and the State's obligation to comply with the requirements of natural justice and listen to its citizens before acting. She wrote:*

"It is one of the fundamental rules of our constitutional set-up that every citizen is protected against exercise of arbitrary authority by the State or its officers. If there is power to decide and determine to the prejudice of a person, duty to act judicially is implicit in the exercise of such power and the rule of natural justice operates in areas not covered by any law validly made."

Even after her time as a Judge, Justice Beevi continued to serve our country in various capacities. She served as a member of the National Human Rights Commission from November 1993 to January 1997. She was the Chairperson of the Kerala Commission for Backward Classes. She also served as the Governor of Tamil Nadu between January 1997 and July 2001. After many years of public service, she retired to her hometown of Pathanamthitta, Kerala. The spirit of service stayed with Justice Beevi throughout her life. Even in her later years, she was an active participant in several educational and social initiatives.

Justice Beevi will long be celebrated as an inspiration who paved the way for not simply women, but the under-represented from all walks of life. She was the living

² *Scheduled Caste & Weaker Section Welfare Assn v State of Karnataka*, (1991) 2 SCC 604.

embodiment of the breaking of glass ceilings and gendered stereotypes. Indeed, her broader cultural impact has been immortalised on the silver screen. The Kerala State Film Development Corporation released a Malayalam documentary titled “Neethipathayile Dheera Vanitha” or “A Brave Woman on the Path of Justice,” earlier this year on International Women's Day to commemorate her remarkable life and legacy.³

Justice Beevi received several honours in her lifetime. The most recent of these, the Kerala Prabha Award, is the second highest civilian honour conferred by the State of Kerala and marks an individual's “priceless contribution to society.” Justice Beevi was awarded this honour on 1 November 2023.

She passed away at Travancore Medical College Hospital, Kollam on the morning of 23 November 2023. She is survived by her sisters, Kulsom Beevi, Rezia Beevi, and Dr. Fazia Rafeek. Justice Beevi's nephew, Aziz Sayd joins us today in Court, along with Dr. Rafeek, who is attending this Reference virtually. My colleagues and I express our heartfelt condolences to the members of the bereaved family. Our country is forever indebted to Justice Beevi's contributions, not just as a lawyer and a judge, but as a courageous and tireless public servant. She broke many barriers and paved the way for a more diverse and inclusive legal community. Her life and the ideals she stood by will forever serve as a guiding light for lawyers across the country. As we pay our respects, let us remember that her spirit lives on in the pursuit of justice.

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³ Saraswathy Nagarajan, *Malayalam Documentary on Justice Fathima Beevi Throws Light on Her Life as a Trailblazer*, *The Hindu*, (Mar. 11, 2023), <https://www.thehindu.com/entertainment/movies/malayalam-documentary-on-justice-fathima-beevi-throws-light-on-the-life-of-a-trailblazer/article66606682.ece> (last visited Dec 13, 2023).

Reference made on 14th December, 2023

by

Solicitor General of India

Shri Tushar Mehta

in the memory of

Late Hon'ble Ms. Justice M. Fathima Beevi

Former Judge, Supreme Court of India

1. Born in Pathanamthitta, Kerala in 1927, Justice Fathima Beevi was a true pioneer in the field of law. One of only five female students in her law class, she made her mark by topping the bar exam and earning a gold medal from the Bar Council of India. The first woman to serve as a High Court Judge in Independent India, she would also go on to become the first woman ever appointed to the position of a judge in the Supreme Court.

2. In a career spanning over forty years, Justice Fathima Beevi went from practicing in the district courts in Kerala, to serving in the lower judiciary before ultimately rising through the ranks all the way to the Apex Court. On being asked her feelings on having made history as the first female Supreme Court judge, Justice Fathima Beevi, with her customary humility, replied only that "I opened a closed door"

3. In her tenure as a judge of the Supreme Court, Justice Fathima Beevi showed a firm commitment to human rights and the principles of fairness in state action. In *Scheduled Caste and Weaker Section Welfare Association vs State of Karnataka*, Justice Fathima Beevi dealt with a notification which had defined an area for slum clearance without giving the slum dwellers an opportunity to be heard. Quashing the notification, Justice Fathima Beevi held: "It is one of the fundamental rules of our constitutional set-up that every citizen is protected against exercise of arbitrary authority by the State or its officers. If there is power to decide and determine to the prejudice of a person, duty to act judicially is implicit in the exercise of such power and the rule of natural justice operates in areas not covered by any law validly made."

4. Even after her tenure on the Supreme Court came to an end in 1992, Justice Fathima Beevi continued to play an active role in public affairs. From 1993 to 1997 she served first as a member of the Kerala Backward Classes Commission and thereafter as a

member of the National Human Rights Commission. She was appointed Governor of Tamil Nadu in 1997, a position she held until 2001.

5. Known for her simplicity and unassuming nature, Justice Fathima Beevi opted for a quiet retirement away from the public eye in her ancestral home of Pathanamthitta, Kerala. Justice Fathima Beevi was a true inspiration to all lawyers and particularly for women lawyers. The legal profession was left richer for having her in it and her legacy will certainly stand the test of time and continue to inspire.

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Reference made on 14th December, 2023

by

Dr. Adish C. Aggarwala (Sr.)

President, SCBA

in the memory of

Late Hon'ble Ms. Justice M. Fathima Beevi

Former Judge, Supreme Court of India

Hon'ble Dr. Chief Justice D.Y. Chandrachud, Chief Justice of India, Other Hon'ble Judges of Supreme Court, Learned Solicitor General of India Mr. Tushar Mehta, Learned Chairman Mr. Manan Kumar Mishra, Vice-Chairman Mr. S. Prabhakaran, Executive Chairman Mr. Apurba Kumar Sharma and other distinguished office bearers of Bar Council of India, Learned Additional Solicitors General of India, Senior Advocates, Hon'ble sitting and retired Judges from different parts of India, Learned Advocates General of different States, Vice President Mr. Sukumar Pattjoshi, Hony Secretary Mr. Rohit Pandey, Joint Secretary Mr. Meenesh Kumar Dubey, Treasurer Ms. Yugandhara Pawar Jha and Joint Treasurer Mr. Amrendra Kumar Singh and other distinguished office bearers and members of Supreme Court Bar Association, President Mr. Manoj K. Mishra, Vice President Mr. Snehasish Mukherjee, Hony Secretary Mr. Devvrat, Joint Secretary Ms. Rashmi Malhotra, Treasurer Mr. Puneet Singh Bindra, and Joint Treasurer Mr. Sachin Sharma, and other distinguished office bearers and members of Supreme Court Advocates on Record Association, Family members of late Justice M Fathima Beevi, Officers of Registry of Supreme Court including Secretary General Mr. Atul M. Kurhekar, Distinguished Mediapersons, My brothers and sisters in legal profession.

We have gathered here to pay homage to our most distinguished legal luminary and pure soul late Justice M Fathima Beevi, who was the most distinguished Judge of this Hon'ble Court.

She had many firsts to her credit. She was:

the first female judge of this Hon'ble Court,

the first Muslim woman to be appointed to the higher judiciary,

the first woman member of the country's Income Tax Appellate Tribunal

the first judge to be elevated to the Supreme Court after her retirement from the High Court.

Her demise is a personal loss to me. I was fortunate to have spent considerable time with her when she took over as Judge of the Supreme Court. Infact I owe it to her encouraging words that I contested the election of the Supreme Court Bar Association the first time.

I used to tell her often that she has worn too many hats. She started as a Munsiff. Then she became a Sub-Judge. Then Chief Judicial Magistrate. Then District Judge. Then Judicial Member of Income Tax Appellate Tribunal. Then High Court Judge. Then Supreme Court Judge. Then Member of National Human Rights Commission. Then she became Governor of the State of Tamil Nadu.

And the unique part is that her attitude remained just the same all those years. Despite occupying high offices, she remained a humble and spirited person. I used to joke with her that she should be arrested for breaking many glass ceilings.

Ms. Beevi always came across as a calm person but she was firm in her judicial disposition. She was patient in hearing cases and would not decide till she has got a grip over the facts of the case, no matter how complex they are.

She will be remembered for showing exemplary courage in the different Constitutional positions she occupied during her career spanning 51 years. She has inspired generations and has made them believe that one can fulfill every dream with hardwork and sincerity.

Being the President of Supreme Court Bar Association, I offer condolences to her family and respectfully pay homage to her.

Jai Hind.

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List of Attendees at the Full Court Reference

- ❖ *Shri Tushar Mehta,
Ld. Solicitor General of India.*
- ❖ *Dr. Adish C. Aggarwala, (Sr.)
President,
Supreme Court Bar Association.*
- ❖ *Shri Sukumar Pattjoshi, (Sr.)
Vice President,
Supreme Court Bar Association.*
- ❖ *Shri Rohit Pandey,
Hony. Secretary,
Supreme Court Bar Association.*
- ❖ *Shri Manoj K. Mishra,
President,
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Snehasish Mukherjee,
Vice President,
Supreme Court Advocates-on-Record Association.*
- ❖ *Shri Devvrat,
Hony. Secretary,
Supreme Court Advocates-on-Record Association.*

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Family Members of
Late Hon'ble Ms. Justice M. Fathima Beevi
Former Judge, Supreme Court of India
at the Full Court Reference

- ❖ *Dr. Fazia Rafeek, Sister*
- ❖ *Mr. Abdul Aziz Ibn Seyid, Nephew*

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THE SUPREME COURT OF INDIA

New Delhi - 110001

India