



## **BOOK REVIEWS**

LAW AND LIFE (2008). By Justice V.R. Krishna Iyer. Universal Law Publishing Co., Delhi. Pp. 228. Price Rs: 295/-

ALL THOSE involved in law, governance and justice in India would have come across some judgment, speech, article or book of Krishna Iyer J again and again because he has been publishing them consistently for the last two decades and more. He still does so. The book under review is one of the latest in the series containing nearly fifty pieces on different themes relevant to law and life in society.

The very first essay is a jurisprudential analysis of the interaction between law and life and how law can be used as a species of social engineering. Rule of law is not just about control of executive power, but equally with the right to life with dignity and cultural and economic opportunities. Drawing inspiration from the provisions of the Indian Constitution and its socialist orientation, Krishna Iyer J demands the Indian state to use law to serve life. In a sense, the entire social philosophy of the judge is reflected in the first essay itself.

The author does not agree with the view that judges are “a rare class above public servants”. They are indeed public servants. Democracy is a disaster, he writes, if the President, Speaker, Prime Minister and Chief Justice hide their wealth and other delinquent dealings from the scrutiny of “We, the People of India, the sovereign of the nation”.

Public Interest Litigation (PIL) is a functional dimension of social justice and judicial activism in this regard is a constitutional obligation of the judiciary. “Judicial allergy to PIL therapy – many on the High Bench suffer this pathology – betrays highbrow hostility unbecoming of our Constitutional instrumentality and the oath of office of judges”. He shows his disgust and retired judges fleecing litigants through prolonged arbitration. He considers the judicial function as public trust and wants increased public scrutiny of judges involved in public justice. He wants courts to give priority to humanity over legality which is a theme thrown up again and again in Krishna Iyer J’s writings.

Alarmed at the Himalayan arrears of court cases and the slow motion justice abetted by “lucratively long lawyerly submissions”, Krishna Iyer J has sought many reforms in procedure which courts themselves can adopt. It is a question of management which the judiciary cannot ignore any longer as it is a question of access to justice for the common man.



The author deprecates the decadence of democracy and suggests several measures to arrest it. Writing on treaty making power of the Union executive, he wants it to be subjected to mandatory control of both the houses of Parliament. If the issues involved in the treaty are of great national moment, even a referendum may be made necessary by a statute. Treaties, however strategic, are ultra-vires if our Parliament frowns on them or the Supreme Court pronounces them as unconstitutional, writes the author.

There are strong views expressed against death penalty, nuclear power, Indo-US nuclear deal, corruption of cricket by money power and a host of other issues which displays the multi-faceted personality that Krishna Iyer J is. A few pieces on personalities like Khanna J, Dr. Seshagivi Prabhu and Maharshi Mahesh Yogi who impressed or influenced the author in different ways as well as certain letters exchanged between the author and those in power give a personal touch to a book rich in thoughts and ideas of contemporary concern.

Krishna Iyer J is not only a judicial statesman but an intellectual of extra-ordinary abilities to transform ideas into practice. One wonders what would have been the state of the judicial system if he had been there in the high bench for a longer period. His thoughts and ideas inspired several generations and brought law and life closer in the cause of justice. This book is testimony of the movement in that direction.

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