



BOOK REVIEWS

THE MAJESTY OF THE JUDICIARY (2007). By Justice V.R.Krishna Iyer. Universal Law Publishing Co. Pvt. Ltd., Dilkhush Industrial Estate, G.T. Karnal Road, New Delhi – 110 033. Pp. v + 178, Price Rs. 250/-.

JUDICIARY IS the cornerstone of a democracy. It safeguards the rights and liberties of the individual. Strength, stability and success of the democracy hinge on the justice delivery system of the nation. Variegated canvass of the Indian legal history stands as testimony to the grandeur of our judiciary. The author of the book under review, Iyer J is a thinker par excellence and has been a part of the Indian judiciary. His deep insight of the social and national issues haunting our judicial system is manifest in his thoughts assimilated in his speeches and judgments.

The book, *The Majesty of the Judiciary* is a bouquet of some of the articles of Iyer J, handpicked by the author himself. In the very first article “The Majesty of the Judiciary,” the author affirms the supremacy of judiciary in our country, wherein he has contributed immensely through his own judicial articulation of deep rooted ideology. He vehemently opposes the undeserving Lordships, who live with aristocratic class bias, forgetting their concern for poverty oriented justice for which India struggled. He exhorts the judges to administer justice, based on fearless truth, moral rectitude and negation of addiction for power and lucre. Arraying the rich virtues of judges and judiciary the author reiterates the role of judges to live up to the promises made in the Constitution and their accountability to the people, which necessitates a machinery to guarantee the good performance of judiciary. He recommends a performance commission to make Indian judicature an illustrious institution.

In “Judges – Judicial Reforms in Indian Context” confessing on the accountability of judiciary, he points out at the necessity of an appropriate selection process for appointment of judges after a serious scrutiny through a commission for appointment of judges. In “Judicial Review and Jejune Judges,” he lambastes at corruption and malpractices prevailing among the judges, going unfettered by the poor collegium which lacks training in management causing decline of the system. Another article, “Law India- Indo- Anglian Semi – Centennial” unfolds enormous truths about the judges and judiciary, attributing the selection process as a dubious secrecy confined to few judges. Iyer J laments on abysmal progress of the law with a critical analysis in “Law in India: A Silver Jubilee Critique of a



Story Without a Plot”. He feels - if law is to run coterminous with life, the legal system must develop *pari passu*. According to him, ours is an example of utter failure.

The author expresses concern for national policy on legal education and research, so that law schools can also play their assigned role. If the legal foundation at college level fails, the super-structure of justice administration must also fail. A planned approach to burning problem of legislative gaps is overdue along with need for raising the image of court and its officers in the eyes of people. Planning of judicial system needs organization of self governing units at village level, which can be cheap, quick, local and popular. Public image of legal profession must be substituted by a more attractive social picture. Iyer J aptly remarks that law is not merely the concern of legislators, lawyers and judges but of the community, nor is the policeman its sole selling agent: a watchful people are. An architecture’s blueprint is needed for the nation’s law.

In “Law India: Some Contemporary Challenges,” the author dwells on the thesis that judicial and legislative instrumentalities as well as substantive and procedural laws operate so quizzically, tardily, expensively and traditionally that the hiatus between lawyer, law cum judicialised justice on the one hand and prompt, inexpensive obtainment of remedies in keeping with the rising aspirations of a free, but poor people for a just society on the other hand is widening. He picks up a single point programme of development law and emphasizes that single, spiritual all important point is simply that law- the bench and bar and importantly the legislature- shall live with the poor and listen to poor, for removing the gap between law and life. Harmony of the three branches of the government is *sine qua non* for attaining healthy amity and progress of the nation. Author has targeted the ruling of nine judges’ bench in ninth schedule case characterising it as a “classic interpretation by which the ninth schedule has been impotentised.”¹ He staunchly opposes capital punishment and pleads for its abolition with the remarks- “Save in the rarest of rare cases too diabolic to restore the criminal’s human dignity, the sublime power of clemency vested in the Governor and the President shall fulfil itself by ever saving life, never by slaughtering what God has created.”² A very hot issue regarding proliferation of profit making adventurism has been picked up asserting candidly that minority as a label can not be an alibi for loot or adventurism.³ In “Unequal Access to Professional Courses” he

1. Krishna Iyer, *The Majesty of the Judiciary* 104 (2007).

2. *Id.* at 106.

3. *Id.* at 109.



unequivocally states that these oblique excesses can and ought to be punitively prevented by the government so that there is no abuse of article 30 or other provision. Stem legislation in this respect is necessary.⁴

Iyer J has rightly applauded some selective lofty ideals incorporated in part III, IV and IV A of the Constitution. He emphasizes that any jurist can do justice to the sovereignty and supremacy of Indian humanity only by adopting a grand perspective realizing that we are interpreting a majestic Constitution, not a mere municipal law.⁵ He reminds the judges to give life to the words of Constitution, regretting for inhumane and atrocious orders of the judiciary for lifting prohibition on slaughter of camels on Id ceremony in Kerala, being contrary to fundamental duty of all to have compassion for living creatures as enjoined under article 51 A(g) of the Constitution.⁶ Accepting the alarming status of litigation explosion, he examines the merits and demerits of arbitration as a process of getting cheaper and speedy justice. He pleads for mutual settlement assisted by lawyers on both sides.⁷ In “Industrialize and Perish” the perils of development have been raked branding India as a prisoner of dependencia syndrome and dehumanized progress, where wealth accumulates and men decay.⁸ Having a vast reservoir of experience as minister, he portrays a road map for more production with more water utilized in a planned manner.⁹ Pained at ugly scenario of warring states, fighting on interstate waters, the author propounds his river jurisprudence for dispensing water justice to contesting states.¹⁰

The author’s love for ecological command of the Constitution has been manifested in “Hydel Power Project and Perils to Human Survival.” He is opposed to any dubious schemes which are constitutionally culpable.¹¹ Concerned on all-round decline in polity, the author makes a case for need of durable growth in the country.¹² Administrators and quasi corrupt rulers, political economists and affluent fractions blink at the downtrodden millions who have neither human rights nor access to judicial justice. A clarion call has been given, to strive, struggle and adopt *swadeshi* with patriotic policy and agrarian development to fulfill the former President A. P. J. Abdul Kalam’s vision of *Navbharat* in the article “Nav

4. *Ibid.*

5. *Supra* note 1 at 119.

6. *Id.* at 129.

7. *Id.* at 133.

8. *Id.* at 135.

9. *Id.* at 138.

10. *Id.* at 147.

11. *Id.* at 145.

12. *Id.* at 147.



*Bharat Miles to go and Promises to Keep.*¹³ Another write up on “State Extravaganza and Bankruptcy of Treasury” encapsulates the state of affairs in public life wherein extraordinary extravagance rule the roost and have-nots remain in subjugation.¹⁴ The situation calls for revolution. Vices and diseases caused by alcoholism do figure among the pearls of wisdom compiled in the compendium. The suggestion to banish alcoholism for restoration of social justice and welfare state runs along the constitutional mandate as well.¹⁵

The author also unfolds his memories of his advice and sharing of views with late Rajiv Gandhi on several controversial issues like Muslim Women’s Bill, besides hitting at the discriminations meted out to women in our society by the government itself as well as viciously prejudiced political parties holding them liable as violators of human rights.¹⁶ In totality the book is a beautiful collection of pearls of wisdom in the form of lucid and thought provoking write ups on judicial system, constitutional law, death sentence, arbitration, socio-economic and socio-legal issues of public interest. It is a source of inspiration and guide to the judges, lawyers, lawmakers and academia, on wide range of issues confronting the nation in general and judiciary in particular. The book is a must for every good library.

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13. *Id.* at 150.

14. *Id.* at 153.

15. *Id.* at 171.

16. *Id.* at 176.

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