



REVIEWS

LAW, LIBERTY AND SOCIAL JUSTICE. By P. B. Gajendragadkar.
Bombay : Asia Publishing House. 1965. Pp. xi + 159. Rs. 14/-.

THIS VOLUME publishes the 1964 Lajpat Rai Memorial lectures delivered by the Chief Justice of India, P. B. Gajendragadkar. In these lectures Justice Gajendragadkar considered, as the titles of the several chapters of his book suggest, topics of universal significance : Law; Liberty; Social Justice; Liberty and Social Justice; Harmonious Adjustment; Democracy and the Common Citizen. The discussion throughout proceeds from the premise that "it is a part of the duty of citizens who believe in the democratic way of life to explain the principles underlying the democratic process and to persuade the public at large to accept the welfare philosophy on which democratic process hopes to succeed. . . ." ¹ The Chief Justice spoke and wrote "for the purpose of the common citizen." He sought "to speak to him in a language which he may find it easy to understand, and convey to him the philosophy of law which inspires the democratic way of life in this country." ²

The treatment of the topics considered is both perceptive and frank. The Chief Justice sees the central problem of law in the contemporary world as assisting, on the one hand, in the creation and maintenance of individual liberty and, on the other, of fostering and coordinating economic activity. In assessing the Indian legal order from this perspective Justice Gajendragadkar draws upon both Anglo-American and Continental legal thinking and experience. He speaks frankly of the difficulties that India faces in her quest for an effective legal order in a well functioning society. "[P]olitical freedom has no significance or meaning to the teeming millions of this country who suffer from poverty and all social evils flowing from it unless the socio-economic content of political freedom is assured to them." ³ And the "illusion [has been shattered] that the attainment of political freedom itself can help to resolve our socio-economic problems. . . ." ⁴ "[S]ocial inequality presents another serious problem to democracy in India. This vice of social inequality assumes a particularly reprehensible form in relation to the backward classes and communities which are treated as untouchable; and so, the problem of social justice is as urgent and important in India as is the problem of economic justice." ⁵

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1. Gajendragadkar, *Law, Liberty and Social Justice* 67 (1965).
 2. *Id.* at 15.
 3. *Id.* at 125.
 4. *Ibid.*
 5. *Id.* at 78.



The Indian reader should find in this small book much to engage his thought. He will be impressed by the candour with which Justice Gajendragadkar discusses practices and doctrines that are deeply intertwined with Indian life. For example, the practice of fasting in order to achieve public acceptance for a programme or point of view is criticized as preventing "a purely intellectual discussion of the issues involved so as to enable the state to reach a satisfactory decision."⁶ And the Chief Justice admits exceptions to the doctrine of non-violence.⁷ Justice Gajendragadkar concludes that "the rule of law is on an ultimate analysis the rule of reason, which shows how important it is to persuade the common citizen to appreciate the value of, and to adopt, a rational and scientific approach in dealing with all socio-economic problems."⁸

For the non-Indian reader, *Law, Liberty and Social Justice* provides a valuable insight into the thinking of one of India's leading contemporary jurists. His intellectual honesty and sense of purpose cannot but encourage those who wish his country well for the enormous tasks that lie ahead and who believe that law and the legal profession can contribute in significant fashion to India's efforts to achieve her goals of liberty and social justice.

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6. *Id.* at 129-30.

7. *Id.* at 137.

8. *Id.* at 148.

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