



MISCELLANEA (1988). By M. Hidayatullah. N.M. Tripathi Pvt. Ltd., Bombay. Pp. x+338. Price Rs. 150.

THIS BOOK¹ is neither a book on law only, nor a book dealing with non-legal matters only. Its range covers a pretty large area of intellectual and moral life, where the law appears, along with other disciplines, as part of an integral whole. In other words, it is a book which demonstrates once more, that the life of the mind is the true life; that the activity of living cannot be divided into compartments; and that, for a truly cultured man, it is easy to glide imperceptibly into regions other than that of one's chosen profession. It is always a thrilling experience to cross the frontiers of a country; and one can say the same about crossing the frontiers of one's discipline. The journey is most exciting and refreshing, when undertaken in the true spirit.

The book brings together the speeches, addresses and writings of the author. It is described as the "pick" of the original four *miscellanies* of the author (already published), with certain newer writings added. Anyone who appreciates good style will, of course, find the book rewarding. But it has much more. The author not only takes the reader through the traditional topics of legal learning, but also offers a wide perspective of views and comments on matters of more general interest, not excluding history and morality. One can say that law, ethics, historical learning and literary scholarship jostle with one another, as if in a merry but cultured crowd. To go through the book is to bring oneself in the drawing room of a great scholar, who can enjoy the good things of intellectual life with a deep historical insight, and with the winds of the past as well as of the future entering mildly to create a refreshing atmosphere.

The book divides itself into four parts, titled "Legal",² "Topical",³ "Biographical and Memorial"⁴ and "Art and Literature".⁵ But these are not to be treated as separate compartments. The divisions were obviously necessary for convenience. But, whether the author writes about the Constitution—a legal topic—or about the Indian Author Guild, or about Martin Luther King, Jr.—a biographical essay—or about Shakespeare, the Man and the Legend, it reveals a mind with vigour, learning and originality, that paints sometimes with a wide brush, sometimes with a fine brush, but each time creating a picture that leaves its impact on the reader.

This reviewer found the piece on Parliamentary Privilege⁶ to be the richest essay in the "Legal" part of the book. It brings together a considerable

1. M. Hidayatullah, *Miscellanea* (1988).

2. *Id.*, pt. I, ch. I-XII.

3. *Id.*, pt. II, ch. XIII-XXI.

4. *Id.*, pt. III, ch. XXII-XXVIII.

5. *Id.*, pt. IV, ch. XXIX-XXXI.

6. *Id.*, ch. IV, pp. 29-67.



amount of historical learning about the subject, and contains an analysis of the historical developments topic wise, thereby offering a concise but very helpful survey. Incidentally, the author hopes that there would be mutual trust and respect between Parliament and courts, so that there is hardly any need to codify the law on the subject of privileges. One wishes that the benign attitude, expected by the author, of legislatures would be shown by legislatures all over the world. There is also an essay on capital punishment, though a brief one, ending with two poems written by the author in a light vein. In the second poem, a sessions judge trying a murder case and struggling to apply the test of "only the rarest of rare cases" (while considering the award of the death penalty), ultimately finds the task beyond his ability. The inevitable happens; the judge commits suicide.

The "Topical" part of the book is somewhat heterogeneous. But the third part containing biographical material presents us with several highly readable essays, of which, that dealing with Justice Syed Mahmood⁷ is, by far, the best. Of course, those who have had occasion to read the judgments of Justice Mahmood in the Allahabad High Court cannot help admiring his clarity, scholarship and diction. But the author has here tried to unfold so many facets of the personality of the judge, that one must agree that Mahmood J. treated law "with the hand and mind of an artist". The last part of the book, dealing with art and literature, contains three essays on Shakespeare, the Philadelphia Art Museum and the Scottish Caucerians, respectively. Strictly speaking, the Sarojini Naidu Memorial Lecture, included in the earlier part as a "biography", also belongs to the literary part. On reading it, one feels as if one is suddenly transported to a *Sabha* of *Pandits* or to a gathering of poets of the first order.

All in all, this is a book rich in substance, graceful in style and pleasant in form.

P. M. Bakshi*

7. *Id.*, ch. XXIV, pp. 269-79.

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