

EQUAL JUSTICE AND FORENSIC PROCESS. By V. R. KRISHNA IYER.
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THIS book is based on a series of memorial lectures delivered by one of India's better known judges - better known, amongst other things for the persuasive zeal with which he has advocated "equal justice" - as measured by its easy accessibility to the "common man or woman". This book is one of several dealing with this theme written by Justice Krishna Iyer within the last decade.

In essence, this is an impassioned advocacy aimed at both the Bar and the Bench in India, that they become fully aware of the constitutional, social and economic dimensions of Indian democracy and the extent to which they have fundamentally altered the legal values and processes inherited from the British. On this general point, every "third world" country has its own reasons for not fully conforming to the "ethos" of the legal system inherited from the colonial power. Although, on occasion one may suspect that some of these justifications are not free from political expediency, at a deeper level one may see that in any event, "social engineering, including legal engineering, must be organised on the fact-milieu of a given society." Building on this basic point, Justice Iyer tells his audience at pages 63-64:

So we must remind ourselves constantly of the human categories whom Equal Justice will embrace and uplift. Our Republic, with its vast geography and demography, covers flood-prone plains where people are marooned, especially when they live in poor shanties and huddled hovels. Likewise, there are distant islands where life is difficult and law rarely helps, with populations at once backward and wholly inaccessible. The rule of law and the right to justice are under perpetual eclipse for them, not only because of tribal remoteness, poor communications and high literacy, but also because lawyers and judges are *rare avis*.

The high ranges, particularly the snow-bound Himalayas, have human settlements and law's harrassing police presence. However, the people there, be they rich or poor, are handicapped in securing legal remedies, civil and criminal. Indeed, the inhabitants in these intractable and inhospitable areas are victims of the law, not the beneficiaries of justice.

The implication that law and judicial remedies are predominantly urban features is a telling one which can be confirmed easily enough in India's case.

Access to justice for the vast majority is possible, the author asserts, through an intense awareness of the values of justice to be realised under Indian conditions and through simplification of legal process. The broad blue print of these changes is discussed by the author at pages 59 and 60.

Justice Krishna Iyer's untiring efforts, perhaps, inaugurate something of a legal crusade - so enormous are the tasks in changing Anglo-Indian court-ways which date back to the Bengal Regulations of 1774 at least. Within the last decade or so there have been some signs of changes in the approach of India's Supreme Court, presiding over, as it does, the country's complex legal and social systems. "Public interest actions" or "class actions" as some of them may be called in the U. S. A., have become more frequent thus lending credence to the search for social and legal justice.

This book deals mainly with conceptual and other generalities as most pioneering works tend to do. I hope, however, that we will soon see detailed discussions of and proposals for reforms.