



Book Review

On the Front Foot: Writings of Anil Divan on Courts, Press and Personalities

Mini S*

Anil Divan, *On the Front Foot: Writings of Anil Divan on Courts, Press and Personalities*, Universal Law Publishing Co. Pvt. Ltd., 2013; ISBN 978-93-5035-268-7.

The book consists of a collection of fifty articles based on nine broad themes. All the articles showcase the in-depth knowledge of the author on varied subjects. In part one to six of the book, the reader interacts with a son of India, who is concerned about the future his country. The first theme in the book 'The Supreme Court' reveals the development of the constitutional law in India. The articles are not just comments on different judgments; rather it gives us a deeper understanding of the legal issues in a social context and the factors that have influenced the outcome of the same. This holistic analysis of each issue dealt in these articles will help the reader to understand the law in action and the law in society. The author's methodology consists of writing articles with a historical perspective, making it highly interesting. Through his analysis of the past judgments, he takes the reader to the emerging pattern of the working of the Supreme Court.

Another important aspect which is discussed in this book is the independence of the judiciary and judicial accountability. The author echoes the concern about the loss of trust of citizenry in the

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Indian judiciary. The role of the Bar is also discussed elaborately and the author considers the Bar as the best mechanism to ensure judicial accountability.

He also narrates how an independent judiciary is the corner stone of a democratic system. The author further elucidates judicial activism, while discussing the need for rules for public interest litigation and how the judiciary must affirm its power in a wider perspective with apposite examples. The serious concern about the selection and appointment of judges is discussed, while advocating for a transparent system with representation given for experts from different fields and to select a judge who is obliged to live according to law and who maintains a good character.

In the next two segments of the book, the author raises issues regarding human rights, media and the freedom of speech. The judgments are analysed in such a way that any law student or researcher would easily understand 'what it was, what it is and how it ought to be'. The Indian position is discussed and compared with international and intra national perspectives.

Corruption, which is the biggest threat to good governance in India, is also dealt with in eight articles. The undercurrents and interlinks among offenders, bureaucrats, politicians and the failure of existing institutions in combating corruption is revealed. The author calls for strengthening the investigation and prosecution by making it free from political interference.

Articles on anti defection and parliamentary privileges provide an in-depth study of the historical background and the position in other countries especially in the United Kingdom. The position of the Speaker of the legislature and the judgment on the Tenth Schedule of the Constitution is analysed in a thought provoking manner. The reader may differ from most of his opinions, but will have to concur with the author on his stance about the Speaker.

Many people in this country believe that through the Bhopal judgment, the judiciary supported the government of India, deceived the victims and hurt the dignity of the Indian citizen; yet the author has taken a different stand. He examines the standard adopted by the Indian judiciary in measuring damages by taking

into account a developmental perspective and opines that it will close the doors to foreign investment in India.

The last three segments are titled 'Personalities, Cricket and Sundry Reflections'. The author writes about some great personalities who influenced him and their contribution at various levels and their action for the common good. The author ruminates on cricket ethics regarding professionalism and sportsmanship, which he describes as very relevant in the legal profession.

The book reminds one that every legal issue is surrounded by a set of social facts and realities. The arguments for and against the same are analysed by the author for further development of the law. This book will serve as a valuable reference for law students and members of the academia.