

REVIEW OF THE BOOK "PREGNANT WITH JUSTICE"

Written by **Rakesh Chandra**

Research Scholar

Name of the book: Pregnant with Justice - Part 1

Author: Dr. D.N.N.S. Yadav (LL.D)

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The dictionary meaning of Professor is "A teacher of highest rank in a university or college" and one who professes skill and offer instructions in some sport or art. At the same time, profess means "to declare openly; avow; affirm. This implies that a professor declares and affirm what is written in the textbooks. Teaching is a skill which is not the hallmark of every teacher. However, in this case the author of this book is gifted with oratory and teaching skills abundantly. He is a master of extricating the gossamer-like web of legal principles in the facile manner.

In the present context, the author is a thinker also who thinks beyond what is written in textbooks. It is indeed astounding and praiseworthy in the current perspective. The present book authored by Prof. D.N.N.S. Yadav bears testimony to his deep-thinking brain and his ability to analyze things in the proper perspective. He has evolved his own prescriptions for the travails of mankind which owe their origin to his unique thought process. He also raises questions on many issues encompassing the national and often international issues. In a democracy every citizen is deemed to be aware and also it is expected of him to raise questions regarding the decisions of the government and other statutory bodies. Undoubtedly, the author of this book is not only aware but an intellectual par excellence and the present book is the fruition of his thought process in a miniscule form.

Interestingly, he has dedicated his book "For the cause of justice Social, Educational and Economical to the people at large all across the globe who are denied of it." This shows author's deep intent culminating from the heart directed towards the betterment of downtrodden people across the globe. The crux of his book has been enumerated in the first few lines of the Preface where he rightly asserts that "Pregnancy is good news but no delivery is bad news." He further clarifies that the system being 'pregnant' with 'justice', but if it fails to 'deliver' even after completion of period of 'gestation', then it would prove to be 'abortive'. He has further opined that 'Delivery of judgment' and 'delivery of justice' are the two very distinct dimensions of the justice delivery system in any country on the map of the world. This is very pertinent point in the present scenario. People are getting only typed copy of judgment and not the justice. As a natural corollary, the loser opts for higher courts in appeals and revisions enhancing the burden on the judiciary. Many times, a person is rather enmeshed in the veritable web of legal processes. The overall emphasis of the author is that the pregnant justice delivery system should deliver justice, and not merely the formal judgments. If this is not done, the anarchy will prevail in future.

The author starts his discussion with a very important topic that is female feticide which has assumed horrendous proportions. Every child in the womb is God's creation who has every right to survive in this world. But human beings have no qualms in butchering them in the embryo itself mercilessly. This is especially so in the case of girl child which is considered anathema in many parts of our country. This abominable act is being implemented through abortion clinics which have come up in mushroom growth. Such clinics justify their job by saying that there was a risk to the life of the mother and that was done 'legally'. The author observes that we should save the girl child and female feticide should be condemned to its core. He also implores the law-making authorities to do their work honestly and should not make mockery of the law.

The relation between children and crimes seems incongruous. Yet the phenomenon of children committing crimes is now a global issue. There is age difference country wise which is the cutting edge of distinction between a child and a juvenile. In every jurisprudence, crime committed by a child is not a crime. But the same is not true about juveniles. It is an established view of the legal experts that juveniles committing crime should be given reformatory treatment so that they turn out to be good citizens in the future. The author categorically admits that "It is the statutory obligation of the State to meet out the objectives of juvenile justice so that no such

children are left uncared and unprotected". He further questions about the State's obligation to provide minimum standards which are essential for juvenile justice. Factually, they are lagging behind in this respect.

Poverty line is an absolutely contentious issue in the Indian context. There are several views defining poverty line which are not in consonance with government's view. Also, there is another category of Below Poverty Line or BPL. The author has tried to define poverty as "In simply layman's language where people in society are economically so weak that they are absolutely incapable to sustain their basic day to day requirements of food, clothing and shelter". This theory echoes the much talked about jargon of "Roti, Kapda aur Makan" in Hindi. Here the author has questioned that why people are poor in India when the Constitution enshrines the principles of socio-economic justice. Author has attributed this situation as "acute failure of socio-economic policy initiatives and its implementation" which is the duty of lawmakers and policy experts. This whole chapter throws light on the author's bleeding heart which is not ready to admit failure on this front.

Author is highly sensitive towards the gender justice. First of all, he touches the problem of dowry which is a pestering wound on the body politic of our country. Countless ladies have been burnt alive or had to suffer physical and mental torture. The problem is unabated. Author has aptly observed that "Intentionally burning women for not bringing sufficient dowry and inhumanly torturing her to death in a cold-blooded murder". He further observes that "I fail to understand as to why the penal laws define it as "dowry death" only, which is a lesser offence than murder?" A very relevant point, indeed. This is the time lawmakers attended the problem afresh and brought changes in the law accordingly.

Similarly, domestic violence has spread its wings in so many households in our country. Slapping, manhandling or brutal attacks on the legally wedded wife, are the order of the day. The author stresses the need for a law to protect women from the domestic violence. But he has raised another very relevant issue by asking us whether this problem can be dealt with only by law. Should we not look at our inner self for the eradication of this menace? Truly, the author has raised a very valid point which is concerned with the people. This spirit has found further fillip in author's words as such: "If we wish to reduce offences against women, then as a civilized society, we would have to change our mindset towards the women".

Thus "Gender based discrimination and crimes relating to women are very common in our society. Women are put to such discrimination by virtue of their birth as woman." This hard-hitting assertion of the author in respect of the plight of women are, indeed eye-opener for all the men living in India.

Sadly, offences against women are still unabated. Author describes this phenomenon as "patriarchal psychology". Whatever be the civilization, women remain to be half of the population. But situation never changes. Women are treated as commodities. Again the author stresses that we would have to change our mindset and further, we should take a pledge to honour our women.

Over the last decade, women's empowerment has become a buzzword amongst the intelligentsia. As a consequence, they have been accorded several political and economic rights. But the journey is a long one. According to author, unless and until the womenfolk of the villages are not educated properly, women's empowerment is incomplete. Even today rural women and girls are either illiterate or partly educated. Hence, the need of the hour is to open new schools and colleges to fulfil the need of girls' education.

As regard to death sentence, a vibrant debate has been raging amongst the legal scholars, members of judiciary and the civil society. Even the Supreme Court of India has expressed varied views on this subject. The concept evolved by the Apex Court "rarest of the rare" points at the fact that the death penalty should be given in rarest of the cases.

However, the matter is still unsettled. The author's take in this regard is "The debate must go on". He further says that "we cannot visualize a society which is absolutely free from crimes". Merciless and brutal killings are taking place almost daily. Hence, this fact must be given thought while deciding finally on the efficacy of death sentence.

Here, it is noteworthy that after the death sentence is accorded to any person and the accused finds no relief from the Supreme Court, he rushes to file a mercy petition before the Governor or the President as per Constitutional provisions. However, there is no time limit prescribed in the law which mandates a specific time frame for deciding the petition. Thus, the condemned petitioner enjoys the time taken by the said authorities and in some cases their sentence is reduced to life sentence on account of inordinate delays or the illness or old age. Therefore, the author has aptly opined that " But the system needs to come out of this dilemma, particularly

while deciding mercy petitions and take a prompt decision into these petitions which appears to be worth considering on the grounds of mercy."

During the last few years, a new concept has arisen on the surface of criminal justice system which is termed as Compensatory Jurisprudence or Compensatory Justice. This envisages compensation to victims in certain cases. Rape is such a crime which is not only heinous but which ruptures the women's psyche to the core. Though such compensation can never fulfil the impact of wounds which she had to suffer.

The author has rightly questioned the efficacy of this concept when he observes that "The burning question to the administrators of criminal justice is that whether we are pricing the honour of women? Whether we are compensating the dignity of the women?" He further questions that "Why are we so weak and helpless after all?" Very relevant questions, indeed! For this, only we are responsible. We have police and relevant laws, but we are lacking in the mindset which is still archetype and colonial. We need to change it without any further delay.

Corruption is the bane of Indian society. It has made such inroads into the fabric of societal norms that it almost seems impossible to get rid of this evil. Corruption has entered into our blood. Author has aptly described the situation as "Our conduct has become corrupted not only to the extent of committing crimes but thereafter too, we ensure that all the evidence is completely destroyed. Our corrupt conduct makes the entire legal system completely impotent". He further reminds us rather bluntly that "Remember!!! Impotency of the system could never give birth to justice". Bold and bitter, these words may look like but each and every word is true in the current scenario. Should not the civil society and the administrative authorities sit together and try to find a solution to this ominous problem forever.

In regard to corruption problem, appointment of Lokpals and Lokayuktas was considered as a landmark step by all. Today Lokayukta institution is working in many States. Lokpal has been appointed last year by the Central Government, but no work has been assigned to them. Besides that, there are certain shortcomings in the Lokpal and Lokayukta Act. Moreover, in the States, Lokayukta institution has made little impact on the corrupt system. The author has opined that "Here the Lokpal or Lokayuktas i.e. Indian Ombudsmen are already in action. But we do not come across any such notable illustration that they have left any impact to deal tough with corruption". Undoubtedly, this is sorry state of affairs prevailing in India.

The book has got 99 chapters and writing about important chapters even would take number of pages. Each chapter is worth reading and thought provoking. Or in the author's words, each chapter is pregnant with ideas, pragmatic and new. The span of his writings is very wide ranging from social justice to women empowerment to criminal justice system and agricultural economy. He also talks of distributive justice and fundamental right to good governance. The whole range reflects author's deep knowledge and rare insight into almost all the issues which our country is facing in the present times.

This book is a must read for all students of law, legal scholars and for general readers also. The relevance of the book lies in the fact that it has not tried to propose soft answers. Instead, it has raised questions for everybody to think and make efforts as per his capacity. Especially, the civil society, Judiciary and intelligentsia must analyze the problems raised by the author and try to find appropriate answers in order to benefit the society at large. Changing the mindset of Indian menfolk, in particular, is a big challenge which the civil society has to negotiate. This is high time to change the prevailing system where there is a need. No single person can change the system.

Kudos to the author for raising relevant questions which will certainly act as food for thought for the reader. His analysis of different issues is simply praiseworthy. This book must reach to every section of the society and not only to intellectual class. This book is a classic for those who think about the betterment of society and the country.