



**MARCHING TO GLORY: INDIA, THE FRACTURED SOLDIER WE THE NATION - THE LOST DECADES: A REVIEW**

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**Abstract:**

This book published in 1994 is a compilation of lectures given by Mr. Nani A. Palkhivala (Mr. Nani) on varied issues ranging from the condition of the Indian economy, law, constitutionality, human rights and responsibilities, philosophy and more. It seems today as though he had predicted the fractured development and thorny future of the Republic of India. In 1994, he argued that socialism must equate to social justice just as a ritual is to religion, just as dogma is to truth. What may have seemed obvious outcomes then, is exactly what is in question today. In 2020, equality, constitutionality, liberty and life are in question. The Indian health care system battling the Novel Coronavirus outbreak<sup>1</sup>, the sword of the Citizenship Amendment Act<sup>2</sup> looming on the Indian populace, the Indian economic growth rate declining<sup>3</sup>, are all indications stating that India needs to rethink her strategy. In such times, poignant questions raised by Mr. Nani in his book become relevant for discussion.

<sup>1</sup> Coronavirus, World Health Organisation. [https://www.who.int/health-topics/coronavirus#tab=tab\\_1](https://www.who.int/health-topics/coronavirus#tab=tab_1). (Accessed on June 1, 2020).

<sup>2</sup> *Citizenship Amendment Act: Court Refuses To Put Controversial Law On Hold*, BBC News (Jan 22, 2020). <https://www.bbc.com/news/world-asia-india-51203104>. (Accessed on June 1, 2020).

<sup>3</sup> *GDP Growth In 2020-21 Likely To Go Negative, Says RBI Governor*, The Hindu (May 22, 2020).

Without exaggeration, every page of this book has a new lesson. The complex issues explained in a lucid manner make this book an excellent resource for academicians, activists, economists, politicians, lawyers and every person striving for a better India.

**Introduction:**

The great, Indian jurist and economist, Mr. Nani, delivered a multitude of lectures on subjects ranging from legal philosophy, economics to international relations. This book is a compilation of the lectures delivered by him on national and international forums.

**About the Author:**

Mr. Nani was born in Mumbai, on 16<sup>th</sup> January, 1920. Although from a middle-class household, he was a dedicated scholar who always strived for excellence. Since childhood, he suffered from a bad stammer but that never deterred him. After initially struggling in his career, he pursued legal education. Although he never imagined, he became one of India's greatest legal minds. He had a passion for resolving the complexities of jurisprudence and law. He joined the Bombay Bar in 1944 and he quickly gained repute as an eloquent and articulate barrister and was often the centre of attention in court. Mr. Nani, is remembered as a lawyer with excellent court craft and an exceptional memory.<sup>4</sup>

<https://www.thehindu.com/business/Economy/gdp-growth-in-2020-21-likely-to-go-negative-says-rbi-governor/article31647785.ece>. (Accessed on June 1, 2020).

<sup>4</sup> Legends of the Bar, Bar Council of India, <http://www.barcouncilofindia.org/about/legends-of-the-bar/nani-palkhivala/>. (Accessed- on June 1, 2020).



His forte was commercial, specifically tax law. Together with Sir Jamshedji Kanga<sup>5</sup>, he authored what was then and still is, an authoritative work: *The Law and Practice of Income Tax*<sup>6</sup>. From 1958 to 2002, he authored a number of good reads, this being one of them.

#### Purpose and Contents of the Book:

The genre of the book is non-fiction with a key focus on Jurisprudence, Law, Economics and Politics. The book highlights pertinent issues such as India's international relations, pre and post-independence; the conflict in Ayodhya; socialism and egalitarianism; and more. It also discusses his influences and inspirations. Since the subject matter is so wide-ranging, the reviewer has specially focused on the three abovementioned topics, which are relevant issues even today. The chapters highlighting these issues have been analysed in subsequent paragraphs.

#### A Reflection on His Thoughts:

The introduction of the book itself is striking. To see a pragmatist as himself, discuss the concept of 'fate', leaves the reader puzzled. He believed, that the basic pattern of an individual's or nation's life is predetermined. Very few individuals have the gift to foresee what is pre-determined. Guidance is pitifully granted to humans by means without scientific knowledge. He submitted that free will can be exercised but within the preordained parameters. He also narrated a personal incident of a plane crash he missed by sheer providence.

The book includes addresses delivered at foreign universities. Through one of his lectures, he evaluated India, post-independence. So vividly, he pointed out that the greatest achievement of the Indian democracy is that it has survived unfractured for so long, despite the diversity. He said, *"Never before in history, and nowhere else in the world today, has one-sixth of the human race existed as a single free nation."* He credits the British for welding India into one country, one nation under one head of State. Criticising doctrinaire socialism, he stated that socialism must equate to social justice just as a ritual is to religion, just as dogma is to truth. It is puzzling how he predicted the apathy of the Indian economic and legal systems. Today, India is still plagued by the three basic problems of poverty, unemployment and trade deficit. What is saddening is that despite indications and forewarnings, nothing was done to change the course of the country. It may have pained him today to see that India is now fragmented, divided on the lines of economic development, religion, caste and social progress.

He rightly stated that, *"Freedom is fragile and evanescent... Human rights form an essential part of democracy. No virtue is absolute. Hence, one man's freedom fighter is another man's terrorist."* This notion of human rights becomes extremely relevant today amidst the refugee crisis, killings of intellectuals, national and international protests.

<sup>5</sup> Sir Jamshedji Kanga, the most respected lawyer at the Bombay High Court. His Chamber was the temple where Mr. H.M. Seervai, Mr. Nani Palkhivala were trained. T. R. Andhyarujina, *The Premier High Court at 150*, The Hindu. (Aug 24, 2011). <https://www.thehindu.com/opinion/op-ed/premier->

[high-court-at-150/article2393377.ece](https://www.thehindu.com/opinion/op-ed/premier-high-court-at-150/article2393377.ece). (Accessed on June 1, 2020).

<sup>6</sup> KANGA, JAMSHEDJI BEHRAMJI, AND N. A. PALKHIVALA. *THE LAW AND PRACTICE OF INCOME TAX*. (Bombay: N.M. Tripathi) (1958).



Back in 1994, he identified the horizontal conflict, between the North and South marked by affluence and poverty. Having explained the North South Dialogue and the formation of the New Internationale Economic Order (NIEO), he interestingly criticised the South's constant demand for aid from the developed North using techniques of self-criticism. According to him, the South wrongly charges the North with criminal irresponsibility, arrogance and insensitivity. In a quest for achieving global power, India began to export medicines and medical equipment across the globe.<sup>7</sup> While it has fulfilled its responsibility to aid the international community, it is failing to protect its own people from the deadly virus. What prevails, foreign policy or national protection?

Speaking on the Ayodhya issue, he said that most questions raised before the Court are in a sense political or policy based, hence not within the Court's jurisdiction. He fervently opposed dragging the Supreme Court into the political arena. He said that it is not for the Court to decide questions such as whether the mosque existed earlier, whether the Hindus should be allowed to visit the place, whether Ram was a mythological entity or the ideal man? Courts are meant to deal with cases of fact and law and not those of archaeology and history. He gave the analogy of diamonds and carbon. He said, "*Diamonds are nothing but carbon, but on that account, those who deal*

*in diamonds are not called carbon merchants.*" The recent judgement passed in this case has received equal cheer and jeer,<sup>8</sup> hinting back to his foretelling.

In conclusion, it's a pleasure to read such a plenitude of subjects in one book itself. It is bewildering, how the problems of today, resemble those from the 1980s. The core issues have stayed unchanged. The dangers of a narrow-minded legislative branch, questionable acts of the executive and judiciary, the lack of education, poverty, communalism creating chasms still hound the Indian minds. The issues persisted despite outstanding individuals as Mr. Nani fervently debating them. It is only now, and that too hesitantly, that India is moving to take its rightful place in the world. This book is the source and Mr. Nani is the guiding light which if followed, will lead India on the path of glory.

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<sup>7</sup> Nayanima Basu, *India To Export Critical Drugs Like Hydroxychloroquine To More Than 20 Countries For Covid-19*, The Print (Apr 11, 2020). <https://theprint.in/diplomacy/india-to-export-critical-drugs-like-hydroxychloroquine-to-more-than-20-countries-for-covid-19/399919/>. (Accessed on June 2, 2020).

<sup>8</sup> *Peace And Justice: On Ayodhya Verdict*, The Hindu (Nov 11, 2019). <https://www.thehindu.com/opinion/editorial/peace-and-justice/article29938535.ece>. (Accessed on June 2, 2020)