



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2024 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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Book Review: Neither Roses nor Thorns - Justice H. R. Khanna

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Received 03 February 2024; *Accepted* 04 March 2024; *Published* 07 March 2024

INTRODUCTION

There are only a handful of hobbies in the world that present the one undertaking them with as much knowledge and insight as reading does. It is through books that a person can gain insights regarding people who have lived extravagant lives, in some scenarios, centuries ago. Books like *Art of War* by Sun Tzu and *Meditations* by Marcus Aurelius have been written in approximately 5th Century BC and 2nd Century AD respectively. Reading a book, especially one written in the past, no matter how long ago it may be, gives us a glimpse into the people, practices and pictures of what life would have been like back then. It gives us a chance to feel like we are, in some way, talking to their authors and looking at their thought processes as we move on from word to word. *Neither Roses nor Thorns*¹ is an autobiography of a great man who once lived in and elevated India. Justice Khanna was a poet at heart, a literary master, a judge and above all, a great human being. This is the autobiography of Justice Hans Raj Khanna who started as an assistant advocate under his father and ended up being one of the most powerful dissenters of

¹ H. R. Khanna, *Neither Roses Nor Thorns* (Eastern Book Co 2010)

the Indira Gandhi Emergency fiasco². He was a man of great stature and was moralistically unbending with iron-will integrity.

STYLE OF THE BOOK

Neither *Roses* nor *Thorns* identifies why many people do not have the habit of reading and fix it rather immaculately. The style of writing is such that the life of Justice Khanna is divided into short chapters that deal with instances he lived through in about 2-4 pages. The chapters make for a quick read and take barely about 10 - 12 minutes to go through so it fits perfectly to be the type of on-the-go read. The book is divided into 2 parts; the first part chronicles the life of Justice Khanna in the legal profession and the other part deals with recollections and reflections. The Book consists of 33 Chapters and 18 Recollections and reflections.

OVERVIEW OF THE BOOK

“Here is the story of one who thinks that he has a tale to tell of some of his events in which he was a participant as also his recollections and reflections, in the expectation that they may, perhaps, be of some interest to others. Whether this assumption is correct or not is left entirely to the reader to judge.”

- Justice H. R. Khanna

Right off the bat, readers witness the powerful hold Justice Khanna had on literature. There is a saying that in any type of media, written or audio-visual, the first few seconds/ words are of heavy importance. If they are successful at intriguing the reader, only then will the majority of readers move forward.

One of the interesting aspects of the book is that it deals with situations pre-, during and post-partition. Justice Khanna through his narration amply describes the dynamics that people witnessed during the said partition era across many of the initial chapters.

² Himanshu Jha, 'India's Authoritarian Turn: Understanding the Emergency (1975-1977) and Its Afterlife' (2023) 96(1) Pacific Affairs <<https://pacificaffairs.ubc.ca/review-essays/indias-authoritarian-turn-understanding-the-emergency-1975-1977-and-its-afterlife/>> accessed 25 January 2024

Throughout the Book, Justice Khanna has recounted some of his most important stages of life. In the earlier Chapters, the author presents his thoughts about the early loss of his mother that he faced. He tells stories regarding his initial days in the field, and how he started off under his father's wing who was a prominent lawyer in Amritsar. A specific Chapter titled - Communal Riots of 1947 presents a harrowing look at the divide faced by the citizens of the-then India when Partition finally took place and the utter chaos and violence that ensued.

The middle portion of the Book is filled with experiences of the author as a judge and his elevation from one posting to another, subsequently becoming a judge of the Supreme Court of India. The chapter 'Supreme Court to Resignation' from the Court gives an account of the start to end of the Emergency through the author's eyes. 'Habeas Corpus Case' deals with possibly, one of the most famous, widely known dissents³ in the history of legal profession and judges in India. Justice Khanna has, through the Chapter 'Resignation from the Courts', given the audience at large, his perspective and how his feelings were when he was wrongfully deprived of the Chief Justiceship due to the singular voice of dissent that was pronounced by him. Finally, every Chapter after this one deals with specific activities, and guest visits that were undertaken by the author post his resignation as a judge.

PENDENCY

It is not a surprise that one of the most lacking aspects of the Indian judiciary in today's world is the encumbering pendency of cases and the fact that almost every fix that is being applied or tried is ending in failure. The number of pending cases has risen to approximately 68, 000 in the Apex Court which is a grain of sand example of the real-collapsing system. However, Justice Khanna, in this book, tackled the 'why' behind such pendency. In the Chapter, 'District and Sessions Judge, Delhi' Justice Khanna mentions the problem of pendency prevalent even during those days. It deals with the time when he was faced with about 2000 pending cases in the District Court of Delhi that had been due to the influx of refugees from Pakistan and the

³ *ADM Jabalpur v Shivkant Shukla* AIR 1976 SC 1207

subsequent increase in population. Following, he mentions how he managed to deal with them by having meetings and discussing with the Sub- Judges regarding the key – weak points.

RECOLLECTIONS AND REFLECTIONS

This section of the book deals with the author's views on some events from a third-person perspective and some that he lived through. It covers a vast spectrum of topics, some ranging from the author's memories of people, to some being his memories of an event that happened at the time. This section does not necessarily contain a legal point at its core but is nonetheless an insight into the affable nature of Mr. Khanna.

VARIOUS PERSONALITIES

The best part about reading old books, particularly autobiographies like the current one is that they really give a different and in-depth outlook on other famous people with whom the author had crossed paths. This book is no different in terms of that. Throughout the book, various other personalities that existed and were on their own course to greatness are mentioned such as the eminent jurist Mr. Nani Palkhivala,⁴ Justice Krishna Iyer⁵ who was a pioneer of the Indian Legal Aid Movement and many others.

CONCLUDING OPINION

In my opinion, the best part about this book is that it is stuffed with a serene feeling. It is a comfortable, warm read that will make the reader feel at ease and utterly relaxed. My favorite Chapters from the book are, 'Father', 'Grandmother', 'Communal Riots of 1947', 'Habeas Corpus Case', 'Resignation from the Court' and '1984-postscript'. Another commendable aspect of this book is, as earlier mentioned, the short, staggered way of storytelling. Instead of having stories/chapters spanning 50 pages which becomes too lengthy and strenuous for the reader, this book deals with chapters in short lengths of 4- 5 pages. Lastly, in times when the increasing

⁴ Shikha Rohra, 'Nani Palkhivala: The Legendary Lawyer' (*Finology Blog*, 08 May 2021) <<https://blog.finology.in/Legal-news/nani-palkhivala-lawyer>> accessed 25 January 2024

⁵ VIKRAM RAGHAVAN, 'V R Krishna Iyer: A Long Life in Law and Politics' (2015) 50(3) *Economic and Political Weekly* <<https://www.jstor.org/stable/24481118>> accessed 25 January 2024

number of judges is not enough to cope with the backlog of cases, especially when new ones are being filed at a rate faster than that of disposal, perhaps this book should be one of the must-reads as it gives insights to what made a great man, a great judge. Perhaps by adopting the humane and practical nature that was approached by Justice Khanna, we may be able to solve the problem of an ever-increasing backlog.