

Talking of Justice, Read Backwards:

Leila Seth's Talking of Justice: People's Rights in Modern India as a Decade-Long Wager on Law Reform

A Book Review

by

Diya Dange

Reviewed work: Leila Seth, *Talking of Justice: People's Rights in Modern India* (Aleph Book Company 2014), ISBN 978-93-82277-96-5

ABSTRACT

This review of Leila Seth's *Talking of Justice: People's Rights in Modern India* (Aleph Book Company, 2014) departs from the biographical and descriptive register of already existing commentary by reading the volume as a retrospective instrument rather than a static text. Eleven years after publication, and nearly a decade after the author's death, most of the reforms Seth gestured towards from the bench-turned-desk have either matured into law, stalled in political ambivalence, or been overtaken by developments she did not live to see. I want to look at the book differently: not as legal commentary but as a judicial memoir doing public jurisprudence and then tracking its main proposals against what actually happened in law afterward, from the decriminalization of section 377 to the piecemeal, contested arrival of a Uniform Civil Code. It argues that the book's enduring value lies less in its legal precision than in its demonstration of a retired judge's authority operating outside adjudication and asks what that model of extra-judicial persuasion can still do in India's present legal climate.

Keywords: Leila Seth; judicial memoir; law reform; Uniform Civil Code; section 377; access to justice; India

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I. A Judge Who Kept Writing

By the time Leila Seth published *Talking of Justice: People's Rights in Modern India* in 2014, she was no longer required to persuade anyone.¹ She had been the first woman judge of the Delhi High Court and the first woman to head a state High Court, as Chief Justice of Himachal Pradesh. She had already helped amend the Hindu Succession Act as a member of the Fifteenth Law Commission and already sat on the three-member Justice Verma Committee convened after the December 2012 Delhi gang rape.² None of this needed arguing into existence, by the time she came to write about it, the arguments already carried the force of law or the weight of an official recommendation. What she chose to do instead was rewrite them for ordinary readers, in plain language, in the absence of citations. This choice, writing for the public rather than for lawyers is, to me, the more interesting story here, and it is one that earlier reviews, did not really follow through on. That's the angle this review takes instead.

Reviews to date read *Talking of Justice* essentially synchronically: as a snapshot of one jurist's views in 2014, organized around chapters on violence against women, the girl child, prisoners' rights, judicial gender sensitization, and, in its widely noted closing essay, the criminalization of homosexuality under section 377 of the Indian Penal Code.³ What that reading cannot do, because it was written too soon to do it, is actually ask what happened next. Eleven years on, with Seth herself having died in 2017, the book can be read diachronically: as a set of essays that amount to wagers about the direction of Indian law, several of which have since been settled by courts and legislatures. That is the perspective this review adopts.

II. The Architecture of an Argument

The book's structure is deceptively casual. Each essay is short enough to be read in one sitting, addressed less to fellow lawyers than to the informed citizen, and organized around a single recurring claim: that India's problem is rarely the absence of law but the failure to make existing law work for the people it is meant to protect.⁴ The opening essay on the Verma Committee sets the pattern, Seth does not simply describe the Committee's recommendations on speedier trials and stronger sexual-assault law; she frames them as a test of whether legislative reform, achieved at unusual speed after the 2012 case, could survive the slower and more resistant machinery of enforcement.⁵ The essays that follow, on the girl child, on prisoners, on a uniform civil code, on gender sensitization of the judiciary, repeat the same diagnostic move: identify a right that formally exists, then show the administrative or social gap through which it disappears.

¹ Leila Seth, *Talking of Justice: People's Rights in Modern India* (Aleph Book Company 2014).

² Aleph Book Company, 'Talking of Justice: People's Rights in Modern India' (Aleph Book Company) <<https://www.alephbookcompany.com/book/talking-of-justice-peoples-rights-in-modern-india/>> accessed 16 August 2026.

³ Vedams eBooks (P) Ltd, publisher synopsis of *Talking of Justice* <<https://www.vedamsbooks.com>> (chapter themes as listed by the publisher); Goodreads reader reviews (n 3) (identifying the closing essay as concerning gay rights).

⁴ Aleph Book Company (n 2).

⁵ Ministry of Home Affairs, Government of India, *Report of the Committee on Amendments to Criminal Law* (2013); Criminal Law (Amendment) Act 2013.

III. Where the Book Ends and the Record Begins

The most productive way to read the book today is against that record. Three threads illustrate what a decade of subsequent law does to a text written in the middle of an unfinished argument.

A. Section 377 and a vindication Seth did not see

Seth's closing essay, written as a mother and a lawyer, argued against the criminalization of consensual homosexual conduct under section 377, a provision the Supreme Court had briefly read down in 2009 before reinstating it in 2013.⁶ Seth died in 2017, a year before the Supreme Court, in *Navtej Singh Johar v Union of India*, unanimously read down section 377 to decriminalize consensual same-sex relations between adults, finding it inconsistent with the constitutional guarantees of dignity, privacy and equality.⁷ The essay's argument was, in this narrow sense, vindicated by the very institution the author had served, but only after her death, which lends the chapter a retrospective poignancy that the original reviews, written in 2014–15, could not have registered.

B. Personal law and the unfinished Uniform Civil Code

The authors essay on a uniform civil code sits inside a debate that has moved, but not resolved, since 2014. The Supreme Court's 2017 judgment in *Shayara Bano v Union of India* held instant triple talaq unconstitutional, and Parliament subsequently criminalized the practice through the Muslim Women (Protection of Rights on Marriage) Act 2019.⁸ More recently, Uttarakhand became the first Indian state to bring a Uniform Civil Code into force, from 27 January 2025, covering marriage, divorce, succession and live-in relationships.⁹ Neither development delivers the pan-Indian, comprehensively consultative reform that essays of this kind typically gesture towards, both illustrate instead how personal-law reform in India tends to arrive piecemeal, through criminal amendment or state legislation, rather than through the single civil code long debated in principle. Read against this record, Seth's essay looks less like a dated policy prescription and more like an early diagnosis of the fragmented route reform would in fact take.

C. Slower reforms: children and prisoners

Other essays age less dramatically. The chapter on child rights anticipates, without predicting in detail, the 2019 amendment to the Protection of Children from Sexual Offences Act, which introduced the death penalty for aggravated sexual assault on children, a change consistent with the book's underlying claim that stronger deterrent law is not, by itself, protection.¹⁰ The essay on prisoners' rights, by contrast, reads today much as it did in 2014: successive prison manual

⁶Suresh Kumar Koushal v Naz Foundation (2014) 1 SCC 1, reinstating the criminalization of consensual same-sex conduct after it had been read down in Naz Foundation v Government of NCT of Delhi (2009) 160 DLT 277 (Del HC).

⁷Navtej Singh Johar v Union of India (2018) 10 SCC 1.

⁸Shayara Bano v Union of India (2017) 9 SCC 1; Muslim Women (Protection of Rights on Marriage) Act 2019.

⁹Uniform Civil Code of Uttarakhand Act 2024; DD News, 'Uttarakhand Becomes First State to Implement Uniform Civil Code' (DD News, 27 January 2025) <<https://ddnews.gov.in/en/uttarakhand-becomes-first-state-to-implement-uniform-civil-code/>> accessed 16 August 2026.

¹⁰Protection of Children from Sexual Offences (Amendment) Act 2019.

revisions have not resolved the overcrowding and undertrial backlog Seth described, which suggests that her diagnosis, that implementation, not legislation, is the binding constraint, remains the more durable of her two claims.¹¹

IV. Form as Argument

It is worth pausing on why Seth wrote this way at all. A retired judge commenting on live legal questions occupies an unusual position: no longer bound by judicial restraint, not yet a legislator, but carrying an authority that neither ordinary commentators nor sitting judges possess. Some readers have found the resulting essays too brief, too accessible, insufficiently doctrinal to satisfy as legal writing, the criticism the book's more casual reviewers register when they note that it covers many topics but not in detail.¹² That criticism mistakes the genre. *Talking of Justice* is not a treatise; it is closer to a judge's closing argument delivered to the public rather than to a bench, its persuasive register, and its refusal of technicality, are the argument's method, not its shortcoming.

V. Conclusion: The Book as a Barometer, not a Blueprint

Talking of Justice is not a legal classic in the doctrinal sense, and it was never trying to be one. Its value, read now, is as a barometer rather than a blueprint: a document that lets us measure, essay by essay, how far Indian law has travelled, and how far it still has not, from the positions a senior jurist thought worth restating for a general readership in 2014. That a working audit of the book's claims is now possible at all is itself evidence of the genre's peculiar power: a judicial memoir, written in retirement, can outlast its author's institutional authority and continue to be tested against the very law it once tried to shape.

Indian Journal of Contemporary
Legal and Social Issues

¹¹Bureau of Police Research and Development, *Model Prison Manual for the Superintendence and Management of Prisons in India* (2016, revised 2023).

¹²Customer review, *Talking of Justice: People's Rights in Modern India* (Amazon.in) <<https://www.amazon.in/Talking-Justice-Peoples-Rights-Modern/dp/938227796X>> accessed 16 August 2026.