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**BOOK REVIEW: DISCORDANT NOTES: THE VOICE OF
DISSENT IN THE LAST COURT OF RESORT VOLUME 1
BY ROHINTON F. NARIMAN, PENGUIN BOOKS (2021),
PAGES 1-496, ISBN: 9780670094394**

AUTHORED BY - SHIBAM TALUKDAR

Introduction and Structure

Rohinton F. Nariman's *Discordant Notes: The Voice of Dissent in the Last Court of Resort, Volume 1* is a compelling exploration of dissenting judgments within the Supreme Court of India. As a former judge of the Supreme Court himself, Justice Nariman brings a wealth of experience and legal scholarship to this examination of dissent as a critical element of judicial reasoning. The book delves into how dissenting opinions shape legal discourse and often pave the way for future jurisprudential developments.

The book is structured around the idea that dissent is not merely a disagreement with the majority but a force that challenges, refines, and sometimes reshapes legal doctrine. Nariman categorises dissenting judgments based on their quality, ideological leanings, and their role in either stabilising or transforming the law. The key themes discussed in the book include the necessity of dissent in preventing judicial stagnation, the role of dissent in times of crisis, and how certain dissents reaffirm legal principles while others act as catalysts for change. He also highlights significant dissenting judgments in India and abroad, demonstrating their enduring influence on legal landscapes.

Key Arguments and Analysis

Nariman provides a detailed study of dissenting judgments from the Indian Supreme Court, placing them in the broader context of global jurisprudence. He draws parallels with significant dissents from the United States and the United Kingdom, arguing that dissent plays a crucial role in preventing judicial majoritarianism from overshadowing fundamental rights and principles. The book is filled with examples of landmark cases where dissenting opinions, initially disregarded, eventually became the law. Notable among these is Justice H.R. Khanna's dissent in *ADM Jabalpur v. Shivkant Shukla* (1976), which was later vindicated when the Supreme Court acknowledged the primacy of fundamental rights over executive orders during

an emergency. Nariman also explores how dissenting opinions in commercial and constitutional law have led to meaningful legal reforms.

Appraisal of the Contents

One of the greatest strengths of *Discordant Notes* is its depth of legal scholarship. Nariman's extensive knowledge of constitutional and comparative law is evident throughout the book, and his ability to weave historical, philosophical, and legal narratives makes for an enriching read. His comparative approach, examining dissenting judgments from multiple jurisdictions, provides a comprehensive view of the importance of dissent in shaping legal traditions. Although the subject matter is deeply legal, Nariman's writing is lucid, making complex legal theories accessible to a broader audience. Additionally, the book effectively contextualises dissenting opinions within the socio-political landscapes of their times, showing how legal judgments respond to contemporary challenges.

Despite its strengths, the book has some areas that could have been developed further. While Nariman strongly advocates for the value of dissent, a more detailed discussion on the drawbacks of frequent judicial dissents, such as undermining judicial certainty and collegiality, would have added balance. Given that this is the first volume, it remains to be seen how subsequent volumes will expand on the themes introduced here, and a clearer roadmap for future discussions would have been helpful. Additionally, the book could have engaged more deeply with the debate on whether certain dissenting judgments cross into judicial activism, potentially blurring the separation of powers.

Conclusion

Discordant Notes is an essential read for legal scholars, practitioners, and anyone interested in the role of the judiciary in shaping democratic governance. Rohinton F. Nariman makes a compelling case for the significance of dissenting judgments in refining legal principles and safeguarding constitutional values. By chronicling the voices of dissent that have shaped Indian and global jurisprudence, the book not only honours the judges who stood against the tide but also inspires future legal minds to appreciate the power of principled disagreement. For those interested in the intersection of law, history, and philosophy, this book offers profound insights into the evolution of judicial thought and the enduring impact of dissent in the highest courts of law.