

## **BOOK REVIEW**

THE CONSTITUTION CORRUPTION PATHOLOGICAL CASUALTIES AND RADICAL REMEDIES REFORMATORIES (2014). By Justice V.R.Krishna Iyer. Universal Law Publishing Co. Delhi- 110033.Pp. viii + 193. Price Rs.395/-.

THE BOOK<sup>1</sup> provides an alternative legal and political philosophy. Rejecting the modern liberal discourse, which prefers minimum of government, equality among those who are essentially unequal and equal distribution of liberty with unequal capacity to exercise it, Iyer J says that equal liberty without capacity to exercise it has no meaning and in this milieu equality will remain merely a legal slogan, unless it is able to brighten the life of the wretched of this country. Remove poverty, illiteracy and want and not the poor, the illiterate and the deprived. His ideas, though unfashionable in a so called liberal society, are more relevant than ever in an underdeveloped society. Iyer J is deeply committed to the ideals of secularism, socialism, democracy and human rights.

The book is a collection of 37 essays, speeches and lectures, some short others not so short and a number of letters of wisdom written by him to different personalities. Like all the socialists, he seems to believe in a holistic view of the society. Society, law, environment, economics and politics cannot be compartmentalised in a vibrant and living society. His writings take a holistic view of law, and other social factors. His essays relate to constitutional law, social justice, corruption, religious fanaticism, public health, foreign policy, natural resources and judiciary.

The author, thankfully, is neither a so called value neutral legal philosopher nor does he claim to be a thinker, who believes in autonomy of law. He is a committed socialist. He is influenced by Marxism, but equally by Gandhi and to an extent by Nehru as well. It appears that at academic level he is most influenced by Harold Laski's socialism. There is, however, no mention of M. N. Roy in the book. His socialism is a mix of distributive justice, social justice and liberty for all with a human touch. His commitment to secularism and democracy is as deep as his commitment to socialism is. His commitment to equal substantive liberty is equally strong. He at a mature age of 99 has become deeply religious yet his religiosity is all embracing, it is far removed from narrow bigotry. He makes a special mention of God Ayyappa, especially because He is revered and worshipped by all, the Hindus, the Muslims and the Christians.<sup>2</sup> It will not be out of place to mention the Dargah of Gharib Nawaz Khwaja Muinuddin

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1 Justice V.R. Krishna Iyer, *The Constitution Corruption Pathological Casualties and Radical Remedies Reformatories* (2014).

2 *Id.* at 185.

Chishti at Ajmer, where also people belonging to all the religions come to pay homage. Along with the cult of bigotry at the lunatic fringe, there is also a strong cult of mutual respect for all religions in India.

In the preface the author clearly states that he stands for 'socialist, secular and democratic republic'. What fascinates him most in the Constitution and rightly so, is its Preamble. The Preamble is the statement of the objectives and expectations, which the people of India expect the constitutional organs to achieve. It would not be wrong to say that the provisions of the Constitution should be interpreted subject to the objectives and expectations of the people which they want to achieve and are stated in the Preamble. He rightly insists that the primary aim of the constitutional functionaries must be to achieve justice, constitutional and human rights and freedoms for the poorest of the poor. The basic difference between him and others is that unlike many other champions of a night watchman state, concern for the poor is not merely a slogan and formality for him but he even spells out the way for translating the concern into action.

In the beginning he elaborates as to what are the fundamentals of the Indian Constitution and constitutionalism. He locates them in the Preamble rather than in the articles of the Constitution. Preamble actually is the very soul of the Constitution. For him the Constitution is not merely a legal document. It lays down the way of life for the Indians. For him the law of Constitution is as important as its morality, societal values and politics is. Democratic federalism is not merely a legal concept but is a way of life to realise diverse expectations of culturally different people of pluralistic Indian society. Human rights and freedoms should not extend only to the sphere of the political and the legal but also encompass the social and the economic. This could be possible only in a socialist economy, which, unlike a free market economy, structurally promotes only inclusive growth.

Iyer J after elaborately analysing the legal and political values set by, as great ideals, leaders such as Nehru and Subhash Bose to be pursued by the independent India, laments the loss of vision in post independent India. 'Neither Nehru's India nor the Indian Republic revised by a successor Government make the great Indian Republic fulfilled the grand picture decided by Nehru, Bose and company.'<sup>3</sup> 'Since Delhi politics and judicial structure and performance of the Supreme Court of India and the disorderly chaos and illiterate commons of Parliament's two Houses teach us how even a great country like India could not produce the politics and rule of law which would make it worthy of an independent republic.'<sup>4</sup> He was aware that political freedom

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3 *Id.* at 5.

4 *Ibid.*

will remain incomplete without economic freedom. ‘We may be proud of India’s achievements but we must be ashamed how this great country remains dismally indigent backward in industry and agriculturally primitive’<sup>5</sup> Slow industrial growth and reoccurring incidents of suicides by agriculturists is a sad commentary on the industrial and agrarian policies. The falling rate of industrial growth in the recent past is a depressing story of India’s growth, especially if one compares this with Chinese growth. He is equally worried about the growing menace of religious fundamentalism. “When are ‘We, the people of India’, going to make its great Preamble a happy reality? Gandhi, the Mahatma was shot and killed by communalists. Indiraji the glory of power was shot by her own security men. Her son was killed by treachery. What is Bharat’s future? On paper it is, a socialist, secular, democratic Republic.”<sup>6</sup> He is equally concerned with our weak foreign policy. “China is an unpredictable menace to the integrity of the nation.” “Our Prime Minister refuses to react appropriately and strongly”. He echoes the general criticism leveled by almost all foreign policy experts that even our small neighbours do not take us seriously. “Even Sri Lanka a little power by comparison made itself a tough neighbour.” He is equally alive to the problem of religious fundamentalism. There is a very important aspect of Iyer J.

He does not separate normative aspects of legal system from its functional aspects. He does not keep them in different water tight compartments. He is rightly proud of incorporation of high moral values in the Preamble but at the same time equally ashamed of non implementation of them. He is unsparing in criticising administration of justice in India. Inherited judicial process is ‘time barred and perverse’<sup>7</sup> specially the adversarial litigation. He approvingly quotes Anatole France for whom ‘justice is the means by which established injustices are sanctioned’. The objective of adversarial system is to win and not to reveal the truth.<sup>8</sup> ‘Adversarial process is gladiatorial justice, the strong win the bout and the weak lose with a punched nose, bleeding face and broken head. The (robed) umpire is uninterested in the justice of the cause, but forbids violation of the boxing rules (called law) and there ends his duty.’<sup>9</sup> He vehemently criticises *laissez faire* common law justice which is opposed to fair norms of justice for all. Consequently a number of marginalised people such as the bonded labour, the poor, the tribal and the *dalit* are unable to access the administration of justice. He prefers courts to issue general, instead of case specific ad hoc orders. He rightly says that a large number of appeals, references, reviews and revisions, instead of meeting

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5 *Id.* at 6.

6 *Id.* at 6-7.

7 *Id.* at 25.

8 *Id.* at 46.

9 *Id.* at 41-42.

the ends of justice frustrate it. This web of appeals, reviews, revisions and references is a paradise of lawyers without conferring any benefit to the litigants. He suggests simplifications of appellate and supervisory jurisdiction and conferring capacity on the marginalised to facilitate exercise of rights. For him justice is not merely legal and political but substantive social and economic as well. He is also one of the biggest critics of the collegium system of judicial appointments. The system, according to him, is undemocratic and opaque. He laments that the system came in force only by a majority of one vote without any public or parliamentary debates.

No one possibly can disagree with Iyer J that judicial system, in order to be meaningful, must reach to everyone, specially the poorest of the poor, and freedoms must not be the privilege of a selected few, but everyone must have a capacity to exercise them. The important question is if this dream of Iyer J can be realised in a society, increasingly accepting neo-individualistic liberalism, intense privatization of social resources, and non-inclusive growth. With market in the driving seat, will it be possible for the legal system and freedoms not to display a marked class bias?

In a convocational address delivered at the University of Burdwan he takes up the issue of North-South divide and the damage that neo liberal ideology does to the South and specially the poor of the South. North-South divide also has adverse implications for indigenou enterprises and industries of the South. North-South divide also means economic colonization of the South by the North.

Iyer J also writes on many contemporary social and economic problems ranging from corruption, gender inequality to unemployment and relates them to social injustice and lack of morality. Award of capital punishment has always been a controversial subject. A large number of philosophers have defended or opposed the award of capital punishment on various grounds including religious moral social and economic. He is ideologically opposed to the award of capital punishment. He passionately defends freedoms for Indian citizens. But the basic difference between him and so-called liberal philosophers is that whereas the liberals defend liberties at a formal level, he defends them on substantive level as well. There is also an essay on Indo-China relations in this book. The book also records a number of letters he wrote on various occasions to national and international personalities on issues ranging from human rights to liberties and foreign policy.

The book also contains a number of letters written by him to several of renowned national and international personalities on various occasions. A letter written to Rajiv Gandhi at the time of the assassination of Indira Gandhi reveals his respect for her though he concedes that he was critical of some of her policies. "She stood for great human values, basic national unity, and a just World Order".<sup>10</sup> But at the same time he

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10 *Id.* at 163.

was sad at the “unhappy happenings in the wake of the dastardly and deadly attack’ on her.<sup>11</sup> In another letter in the same context written to Buta Singh he urges the national leadership to pay greater attention to the Punjab problem and control the menace of extremism. Being crusader of socialism he insisted that sops being given to the *Dalit* communities are insufficient and more needs to be done.<sup>12</sup>

The difference between law at normative level and law at behavioural and cultural levels becomes apparent when Iyer J discusses women and their status. “Several legislations...several executive projects and administrative measures geared to the deliverance of womankind in India have been placed on the statute book or in the administrative files of the Governments. Nevertheless, at the level of execution of these laws and schemes there has been a woeful failure, whether it is inside the police lock up or the prison, whether it is at the work place where bonded labour prevails, whether it is the destitute women’s conjugal home where she is neglected and tormented, whether it is in the public offices or the professions where formal equality but de facto inequality prevails, the reality, the social reality has been against women.”<sup>13</sup>

Iyer J is equally concerned about the problems of the agriculturists. He wrote to Nehru drawing his attention to the imminent danger of sea, at Kerala coast line, making a breach into a below sea level tract, the rice bowl of Kerala.

This book is especially useful in a competitive society where people are encouraged to believe that development in itself, independent of its impact on people, is ultimate goal. How it is achieved and at what cost are irrelevant factors. In the modern race for development human beings are increasingly being sidestepped, not to speak of ecology and resources, and the interests of present and future generations. The book reminds us the centrality of humanity and their future. He keeps on reminding us that a democratic polity which does not feel concerned about the weak and the powerless, regardless of his station, her gender, his caste, race and religion, is not worthy of our respect irrespective of its economic achievements.

As is usual with many judges, Iyer J also does not give citation of authors and books he cites in support of what he writes. Adversarial praxis is one of the exceptions where he gives some citations. It is difficult to understand why some of the Indian judges find it difficult to be meticulous with citations.

The book contains a number of his enlightened and dynamic ideas not only on law and judicial process but on many contemporary social and economic problems. The book is not only useful to lawyers but equally to lay readers. Even the legal aspects

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11 *Ibid.*

12 *Id.* at 165.

13 *Id.* at 176.

are so simply treated that a lay reader is capable of understanding them with ease. This provides a refreshing alternative world view of many contemporary problems in a society which is fast becoming a market oriented political economy.

The last chapter which he titled 'The End' is a sad part of the book. "I am therefore inclined to make the present chapter, the last of my writings." He quotes from *Gitanjali*, "DEATH, THY servant, is at my door. He has crossed the unknown sea and brought thy call to my home". We wish him a long and meaningful life and expect to read more of his writings.

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SUPREME COURT ASSERTS AS CONSCIENCE KEEPER OF THE CONSTITUTION OF INDIA (2014). By Justice S.N. Aggarwal, Universal Law Publishing Co.,C-FF-1A, Dilkhush Industrial Estate, G.T. Karnal Road, Delhi-110033.Pp lv + 490. Price Rs.695/-.

THE BOOK<sup>1</sup> under review is a compilation of twenty landmark judgments of the Supreme Court of India carefully assorted by the author. As per confession of the author this book is the fruit of blessings of his spiritual preceptor Sudhanshu Ji Maharaj. However, after wading through the bulky compendium the reviewer feels that there has been a deeper motivation for him to undertake this labour of love, though it might have been induced by his Guru. In the very beginning the author introduces the reader to Gopinath Bardoloi, the then Chief Minister of Assam, who died in harness on 6.8.1950, almost penniless and without providing for his widow and school/college going children. At the instance of Jairamdas Doulatram, the then Governor of Assam, Jawahar Lal Nehru, Prime Minister of India, made a contribution of Rs.5,000/- to the bereaved family. Some scholarships were given to the children and a small pension for the family was arranged. It is the steep fall in the moral values among the politicians from Bardoloi to the present crop of politicians which motivated the author for the present venture. Another value dear to the heart of the author appears to be the independence of judiciary. This he has demonstrated by reproducing correspondence between Sardar Patel, Jawahar Lal Nehru and Harilal J. Kania J, first Chief Justice of India. In a report prepared during the inquiry against Shiva Prasad Sinha J of Allahabad High Court, some comments about the conduct of Nehru were made by the then Federal Court of India. A born democrat and holding independence of judiciary in high esteem, Nehru was piqued over these comments, which he wanted to explain to Kania J as undeserved. Though the correspondence remained inconclusive yet it shows in ample measure how sacrosanct the independence of judiciary was to Nehru.

Analysis of all these twenty judgments would require a full-sized book. Therefore, for paucity of space it would be possible to make only a passing reference to them.

The anthology begins with *Bihar Assembly Dissolution* case.<sup>2</sup> Some of the judgments deal with the vengeful attitude of the then health minister to oust P. Venugopal<sup>3</sup> from

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1 Justice S.N. Aggarwal, *Supreme Court Asserts As Conscience Keeper of The Constitution of India* (2014).

2 *Rameshwar Prasad v. Union of India*, AIR 2006 SC 980.

3 *P. Venugopal v. Union of India*, AIR 2008 SC (Supp.) 969.

the office of the Director of All India Institute of Medical Sciences, New Delhi, the illegal manner in which P.J. Thomas was appointed as Chief Vigilance Commissioner of Government of India,<sup>4</sup> and the infamous *Black Money* case.<sup>5</sup> In this judgment, the Supreme Court in addition to issuing some directions and orders also constituted a Special Investigation Team (SIT) headed by two former judges of Supreme Court and including top bureaucrats. As usual the Union of India filed an application under article 141 of the Constitution read with order XLVII rule 6 of the Supreme Court Rules, 1966 seeking modification of the aforesaid order dated 4.7.2011 of the Supreme Court. Though the Government of India fought tooth and nail against the constitution of SIT, yet it is heartening to note that with the regime change, it has finally decided to constitute the SIT (as reported in the Times of India issue dated May 28, 2014). Stormy petrel of Indian politics, Subramanian Swamy filed an application to the Prime Minister for giving permission to prosecute Minister C&IT, for causing loss to the nation worth thousands of crores of rupees. This application remained pending in the PMO for more than 16 months. Thereafter a reply was received by him from the Department of Personnel that CBI had already registered the case. Swamy filed writ petition in the Delhi High Court, which was dismissed. Hence he filed an appeal in the Supreme Court of India, which was allowed. In the judgment<sup>6</sup> in this case the Supreme Court has issued detailed guidelines for sanction to be granted within three months for prosecution of public servants under the Prevention of Corruption Act. Credit for bringing to light the humongous 2G scam also goes to Subramanian Swamy. His writ petition relating to 2G scam was allowed by a single judge of Delhi High Court. The appeal filed against it by Union of India was dismissed by division bench. Therefore, the Union of India came to Supreme Court with an SLP. Almost simultaneously two writ petitions were filed in the Supreme Court by some good intentioned citizens by challenging the whole process adopted by the Ministry of Telecommunication in the allocation of spectrums. The writ petitions filed in the Supreme Court were accepted and the appeal filed by Union of India was dismissed. The spectrums illegally granted were cancelled and the beneficiaries of these licenses at the cost of nation were burdened with costs.<sup>7</sup>

Since the case relating to 2G scam was of great public importance in which one of the ministers of Government of India was involved and the national loss was in lakhs of crores of rupees and since the proper presentation of the case before the special court set up for this purpose was required, therefore, an application was filed before

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4 *Centre for PIL v Union of India*, AIR 2011 SC 1267.

5 *Ram Jethmalani v. Union of India* (2011) 8 SCC 1.

6 *Dr. Subramanian Swamy v. Dr. Manmohan Singh* (2012) 3 SCC 64.

7 *Centre for Public Interest Litigation v. Union of India*, AIR 2012 SC 3725.



the Supreme Court of India for appointment of special public prosecutor in this case. Judgment in this case is included in the anthology. Vide this judgment<sup>8</sup> in this case, Supreme Court appointed U.U. Lalit, senior advocate as special public prosecutor (in exercise of its powers under article 136 and article 142) in the special court trying 2G scam case. This direction is perhaps unprecedented. The court further held and directed that no other court would stay or impede trial of the 2G scam case. Piqued at these orders Shahid Balwa, one of the accused being prosecuted in the 2G scam case, filed writ petition before the Supreme Court, *inter-alia*, challenging the legality and constitutionality of the orders dated 11.4.2011 and 4.11.2011 in Civil Appeal No.10660 of 2010 passed by the Supreme Court appointing U.U. Lalit as special public prosecutor in the trial of 2G scam case and restraining all other courts from granting stay or impeding the progress in the trial of the 2G scam case. Attack by Shahid Balwa on these orders of Supreme Court was rebuffed<sup>9</sup> and it was held that the order for trial of the case on day to day basis, or its conclusion by a specific date is not interference in trial.

Pride of place in this anthology goes to the judgment in *Re: Special Reference No.1 of 2012*<sup>10</sup> This special reference under article 143 (1) of the Constitution arose from the judgment of the Supreme Court in *Centre for PIL v. Union of India*,<sup>11</sup> by which the spectrum licences illegally granted were cancelled and among others a direction was issued that the fresh licences for 2G spectrum be granted by auction. In *special reference No.1 of 2012* the President of India referred in all 8 questions to the Supreme Court for consideration and report thereon. Most important question among them is question No.1, which reads as under:-

Q. No.1: Whether the only permissible method for disposal of all natural resources across all sectors and in all circumstances is by the conduct of auctions?

The judgment in the 2G scam case left an impression that auction was the only permissible mode of allocation of natural resources of the nation. However after exhaustive study of the case law and the constitutional provisions, especially of articles 14 and 39(b), the Supreme Court ruled that the disposal of natural resources of the nation by methods other than auction was also permissible. However common good as used in article 39(b) was to be ensured. Taking a realistic view of the matter, the Supreme Court ruled that mandatory auction may be contrary to the economic logic

8 *Centre for PIL v. Union of India* (2012) 3 SCC 117.

9 Writ Petition (C) No.548 of 2012 with Writ Petitions (C) No.550, 551, 552 of 2012; 17 of 2013 *et al.*

10 (2012) 10 SCC 1.

11 AIR 2012 SC 3725.

as well. But it stressed that means adopted for the disposal of the natural resources must not be arbitrary or unfair. In conclusion in para No.150 of the report the Supreme Court answered the reference by stating that “our answer to the first set of five questions is that auctions are not the only permissible method for disposal of all natural resources across all sectors and in all circumstances”.

As observed by the Supreme Court, the answers to the question No.2 to 8 would have a direct bearing on the mode of alienation of spectrum and since the Union of India was not questioning the correctness of the judgment in 2G case, so the Supreme Court declined to answer these questions. The presidential reference was answered accordingly.

Verily this judgment can be termed as land mark and path breaking and it lays clear guidelines for the Government of India to be followed in future for disposal of nation’s natural resources.

In *Lilly Thomas*,<sup>12</sup> the Supreme Court declared sub-section 4 of section 8 of the Representation of the People Act, 1951 as *ultra vires* the Constitution. The result was that on the very conviction and sentence to imprisonment for the offences enumerated in section 8 sub-sections (1), (2) and (3) the incumbent Member of Parliament or the state legislature, would immediately lose his membership of the House. Of course this ruling has been made prospective insofar as the legislatures or the parliamentarians who had already filed appeals against their conviction and sentence are not covered by this ruling. Thankfully, this ruling goes a long way in trying to break nexus between the criminals and politicians. Abortive attempt of the Union of India to get *Lilly Thomas* reviewed, has been noted by the author<sup>13</sup> in the book.

*Chief Election Commissioner v. Jan Chaudhary (Peoples Watch)*,<sup>14</sup> gave to the nation a short-lived rule that a person in jail or police custody could not contest election to the Parliament or State Assembly. The author has appended a note thus:<sup>15</sup>

It was reported in almost all the newspapers dated 20-11-2013 (Wednesday) that the review petition (against Jan Chaudhary) was dismissed by the Supreme Court as infructuous in the light of the amendment brought about in Parliament in the Representation of the People Act, 1951 after the passing of the judgment by the Supreme Court on 10-7-2013. It was also ordered that liberty was granted to challenge the amendment by separate legal proceedings.

12 *Lilly Thomas v. Union of India* (2013) 7 SCC 653.

13 *Supra* note 1 at 391.

14 (2013) 7 SCC 507.

15 *Supra* note 1 at 395.

In *Resurgence India v. Election Commission of India*,<sup>16</sup> *People's Union for Civil Liberties v. Union of India*<sup>17</sup> and *Dr. Subramanian Swamy v. Election Commission of India*,<sup>18</sup> the Supreme Court has given a number of directions for ensuring transparency and confidentiality in the election process. Last two judgments in the anthology are the *Union of India v. National Federation of the Blind*<sup>19</sup> and *T.S.R. Subramanian v. Union of India*.<sup>20</sup> In the former, court came to the help of the disabled and so it found it necessary to issue a number of directions to the Union of India, states and their instrumentalities to ensure that their rights are duly protected. In *T.S.R. Subramanian* the Supreme Court, *inter-alia*, ruled that civil servants must work transparently in public interest befitting their constitutional oath. It also directed centre/states to constitute Civil Services Boards (CSB) consisting of high rank serving officers and that Parliament must enact law for setting up CSBs. It also directed that the orders from the superiors should be in writing and that the civil servants must work only on written orders, and that the oral orders given by superiors must be recorded.

These twenty judgments and others of their ilk put in bold relief the process of judicialization which is fast taking place in our constitutional system. From the "Author's Note(s)" scattered throughout the book and general tenor of his comments, the author appears to believe that all ills of the society can be addressed by the Supreme Court. However, some jurists are of the view that it may not always be possible. One eminent jurist<sup>21</sup> is of the view that "the society adapts very quickly to new turns of legal evolution: it puts pressure on the courts to reveal the exact scope of their latest decisions. To that extent case law has a kind of self-propelling effect. One decision can provoke a series of decisions of similar or nearly similar cases; and the consequences of the series of decisions may have an impact that can in no way be compared to that of the initial decision. At a certain point, however, the court may put a stop to such a seemingly continuous expansion of their area of interference. There is a stage where they become aware that political institutions may be better equipped to solve certain social (and also economic) problems, and that a way should be found to lead such problems to those very institutions." Can India be an exception?

Title of the book tends to take an idealistic view of the Supreme Court, which brings to mind another brilliant anthology with sub-title *Essays in Honour of the Supreme Court of India*, edited by B.N. Kirpal, Ashok H. Desi *et al.* Perceptively the title of the

16 JT 2013 (12) SCC 462.

17 JT 2013 (13) SCC 133.

18 JT 2013 (13) SC 312.

19 (Civil Appeal No.9096 of 2013 arising out of SLP(C) No.7541 of 2009.

20 JT 2013 (14) SC 124.

21 Tim Koopmans, *Courts and Political Interests* 272 (Cambridge University Press, 2003).

book is *Supreme But Not Infallible*. Perhaps a more realistic assessment. This said, one respectfully agrees with Lord Templeman that “The work of Supreme Court of India in protecting the people of India from oppression and in upholding the rule of law demands respect and admiration”.<sup>22</sup>

The merit of the book under review is that the learned author has taken great pains to add meticulous annotations to the text of the judgments. Before introducing the readers to a judgment in the anthology, the author appends “Author’s Note” at its beginning. As the judgment unfolds its facts, the arguments advanced by the counsel for the parties and the reasoning adopted by the court, the author at every turn adds annotation with a view to help the reader to find the direction in which judgment is proceeding. This enhances the value and utility of the book especially for layman, who may not be initiated into the intricacies of the lawyers’ law and the lawyers’ reasoning. At places the author enlivens the text with witty remarks, for example,<sup>23</sup> while commenting on NOTA, he gives a hypothetical example of a case where a candidate gets only 1000 votes while other voters (obviously more than 1000) have exercised NOTA. On the sly the author puts a query whether the candidate securing 1000 votes would be declared elected? This begs clarification from the apex court. The book, though an anthology, in itself is well planned and well executed. Get up is excellent and price reasonable. Copious annotations supplied by author enhance the lucidity of this book which shall be found useful equally by the law practitioners, law researchers, law students and lay readers alike.

*Beant Singh Bedi*

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22 “Supreme Court and the Constitution” in B.N. Kirpal, Ashok H. Desai *et al* (ed.), *Essays in Honour of the Supreme Court of India* (Oxford India Paper Backs – sixth impression 2013).

23 *Supra* note 1 at 428.

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PRINCIPLES OF INTELLECTUAL PROPERTY (2014).By N.S. Gopalakrishnan and T.G. Agitha. Eastern Book Company, 34 Lallbagh, Lucknow. Pp. XLVIII+619. Price Rs. 535/-.

THE BOOK<sup>1</sup> under review is unique in the sense that the authors have successfully covered important topics on the basic principles of intellectual property through a case study method. The book does exceedingly well in explaining the situation in India through a comparative approach. The “Introduction” gives an insight into the reasons for the sudden importance of intellectual property in different countries and the difference in incorporation of the laws among the developed and developing nations. The authors go on to emphasize the role played by the TRIPS Agreement in the introduction of an IP standard across the globe. There has been an obvious conflict between the intellectual property legislations that have focused on rewarding creators and inventors and the objective of providing access to science, technology and culture.<sup>2</sup> It has been asserted that the post TRIPS scenario resulted in the domination of the commercial businesses over the owners’ rights. Therefore, a balance must be struck between the rights of the owners and the interest of the business sector, and the public at large. The present day IP norms are more favourable towards the international traders and thus, there is a rising concern that developing countries would focus more on economic development and international trade than on providing the basic needs of the citizens.<sup>3</sup> As a continuation of this trend, strict IP laws have been enacted that has restricted dissemination of information. This situation has in turn resulted in an enormous growth on the availability of open source software on the internet. The IP ecosystem especially the one in India has been subjected to a lot of debates and deliberations. So far the judicial decisions in India have mostly followed English cases as precedent. Critics feel that the courts should decide a case after looking into its wider implications on the Indian society and not simply based on English laws.<sup>4</sup> The implications of IP legislations and its effects have thus assumed a very important role over the past decade.

The book begins with the “Conceptual Basis for Intellectual Property Protection” through an assessment of the minimum standards required under copyright, patents, designs and trademarks. Copyright and the concept of originality have been discussed with reference to literary works with a special reference to databases, case reports and computer programs in the framework of the idea-expression dichotomy. Although

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1 N.S. Gopalakrishnan & T.G. Agitha, *Principles Of Intellectual Property* (2d ed., 2014).

2 *Id.* at XLII.

3 *Id.* at XLIV

4 *Id.* at XLVII

there are sufficient cases covering the aforementioned literary works, the concept of originality in computer programs in India is a fairly new topic with no reported cases so far. Therefore, looking beyond the Indian jurisdiction the book has referred to the jurisprudence that has developed in the US case, *Computer Associates International Inc. v. Altai Inc.*<sup>5</sup> It laid down three tests in evaluating the originality of a computer program – abstraction, filtration and comparison. The concept of novelty, inventive step and utility has been discussed with regard to patents. It has been said that an invention has to be “new enough so that it has not been anticipated by the public and is not obvious to a person of ordinary skill”.<sup>6</sup> Especially in the area of pharmaceuticals, the test of inventive step has undergone a lot of advancements. This is reflected in the recent case *Novartis AG v. Union of India*.<sup>7</sup> The Supreme Court of India held that the 2005 amendment to the Patents Act has brought in a higher standard of inventive step for grant of a patent. The first chapter in the book has discussed the tests of originality and novelty in case of a design. It stated that the originality of a design is linked to its application and the purpose.<sup>8</sup> Novelty on the other hand should ensure that a design is different and the test of novelty must be perceived through the eyes of a consumer. The task of identifying novelty should not be a difficult task.<sup>9</sup> The authors referred to *Bharat Glass Tube Ltd. v. Gopal Glass Works Ltd.*<sup>10</sup> where three important questions on the originality of a design prior to its registration have been considered. The cases of *Hello Mineral Water (P) Ltd v. Thermoking California Pure*<sup>11</sup> and *Glaxo Smithkline Consumer Healthcare GMBH & Co. v. Anchor Health & Beautycare (P) Ltd.*<sup>12</sup> discussed in this chapter covered the aspect of novelty in a design.<sup>13</sup> The last segment is on trademarks. For trademarks, distinctiveness is a requirement and a trademark can either be inherently descriptive or can acquire distinctiveness with extensive use.<sup>14</sup> The test of deception and confusion in relation to trademarks has been nicely covered in the book. If a mark causes confusion with respect to its origin from the point of an average man, it shall cease to be registrable.<sup>15</sup> The concluding section of this chapter covers the test

5 982 F 2d 693 (3rd Cir 1992).

6 *Lallubhai Chakubhai Jarivala v. Shamaldas Sankalchand Shab*, AIR 1934 Bom 407. (2013) 6 SCC 1.

8 *Gammeter v. Controller of Patents and Design*, AIR 1919 Cal 887.

9 *Glaxo Smithkline Consumer Healthcare GMBH & Co. v. Anchor Health & Beautycare (P) Ltd.*, (2004) 29 PTC 72 (Del).

10 (2008) 10 SCC 657.

11 2000 Arb LR 491 (Del).

12 2004 (29) PTC 72 (Del).

13 *Ibid.*

14 *National Bell Co. v. Metal Goods Mfg. Co. (P) Ltd.*, (1970) 3 SCC 665.

15 *Amritdhara Pharmacy v. Satya Deo Gupta*, AIR 1963 SC 449.

of acquired distinctiveness for trademarks and its distinction from “adapted to distinguish”.

Chapter 2 of the book discusses the subject matter of intellectual property protection under copyright, patents, and trademarks. Under literary works, the authors have examined the status of question papers.<sup>16</sup> Further, the authors have suggested that a typeface does not fall within the definition of artistic work due to restrictions of *ejusdem generis*,<sup>17</sup> thereby reaffirming that copyright exists in the entire work and not on a single alphabet. In the comparison to the situation in India, the British copyright Law has however been amended to include typefaces within the purview of artistic work.<sup>18</sup> The realm of dramatic work has been covered in *Fortune Films International v. Dev Anand*.<sup>19</sup> The case considered whether a performance by an actor is covered within the definition of artistic or dramatic work. Further, there is mention of musical work and computer program. If the aforementioned issues relate to copyright, this chapter considers the niche area of pharmaceuticals under patents. The book goes on to talk about the test of inventive step in pharmaceuticals. In *Novartis AG v. Union of India*,<sup>20</sup> the Supreme Court of India looked into the issue of inventiveness in a pharmaceutical patent. The Supreme Court has also stated that biotechnological inventions can be interpreted as a subject matter under patents.<sup>21</sup> This change in law was brought about by the 2002 amendment to the Patents Act. The concept of patent protection of computer programs has been debated in India. Till the 2002 amendment to the Patents Act, it was believed that computer programs cannot be protected. The chapter suggests that the introduction of section 2(k) left an uncertainty as to what types of computer programs are patentable. The third part of this chapter considered the fate of registrable marks. Under this category, the authors have tried to see whether a geographical name is capable of creating distinctiveness in a good and thus becomes entitled to registration under the Trademarks Act.<sup>22</sup> The present law in India is that “if the geographical name propounded for registration is that of a country or a district of commercial importance, the mark cannot be registered.”<sup>23</sup> This chapter has also dealt with well-known marks and their use in India. Chapter 3 talks about the rights of owners of intellectual property. In this chapter, the authors have considered the rights under

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16 *Agarwala Publishing House v. Board of High School & Intermediate Education*, AIR 1967 All 91.

17 *Ananda Expanded Italics (reg)*, RE (2002) 24 PTC 427

18 *Ibid.*

19 AIR 1979 Bom 17; (1978) 80 Bom LR 263.

20 *Supra* note 7.

21 *Dimminaco A.G v. Controller of Patents & Designs*, 2002 IPLR 255 (Cal).

22 *ITC Ltd. v. Registrar of Trademarks*, (1950-2000) 23 Supp (2) PTC 533 (Cal).

23 N.S. Gopalakrishnan & T.G. Agitha, *supra* note 1 at 188.

copyright law namely economic rights, moral rights, right of communication to the public and the co-existence of rights of different works. Economic rights include the right of reproduction, right of adaptation, communication rights, public performance rights, translation rights, *etc.* This section is followed by the rights under patent law and the exhaustion of rights under copyright and trademark. It has been asserted that the owners of copyright of a cinematograph film can claim damages for infringement only if the new film is a physical copy or actual duplication of the original film.<sup>24</sup> Even production of the same film by another person does not lead to the infringement of copyright. If an industrial production is substantially drawn from an existing drawing, it leads to the infringement of copyright.<sup>25</sup> The Copyright Amendment Act 2012 ushered in a new definition of “communication to public”. According to the authors, it is still unclear as to whether the transmission of work through computers falls within the ambit of communication to public.<sup>26</sup> In the case *Garware Plastics and Polyester Ltd. v. Telelink*,<sup>27</sup> the issue was whether the showing of a video film by a person not having the copyright to the video amount to communication of the film to the public. The court gave an affirmative response and stated that broadcasting can amount to communication keeping in view the relationship between the owner of the copyright and the audience, and also the nature of the audience who views the broadcast. The Indian courts have also expanded the scope of the right to communication to the public by recognising newer modes of broadcasting like video broadcasting and satellite broadcasting.<sup>28</sup> The book goes on to discuss about the moral rights of an owner of copyright. The Copyright (Amendment) Act 2012 inculcated moral rights under section 38 B. Section 57 of the Copyright Act has been interpreted in this chapter to include the right against destruction of a work of art as a moral right.<sup>29</sup> The book also talks about the co-existence of rights of different works, economic rights under the Copyright Act and rights under the Patent Act.<sup>30</sup> Further, the authors have discussed the related rights under copyright Act in the background of *Fortune Films International v. Dev Anand* and *ESPN Star Sports v. Global Broadcast News Ltd.*<sup>31</sup> The chapter

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24 *Star India (P) Ltd. v. Leo Burnett (India) (P) Ltd.* (2003) 27 PTC 81 (Bom).

25 *Escorts Construction Equipment Ltd. v. Action Construction Equipment (P) Ltd.* (1999) 19 PTC 36 (Del).

26 N.S. Gopalakrishnan & T.G. Agitha, *supra* note 1 at 222.

27 AIR 1989 Bom 331.

28 *Video Master v. Nisbi Productions* (1998) Arb LR 47 (Bom)

29 *Amar Nath Sehgal v. Union of India* (2005) 30 PTC 253 (Del).

30 *Indian Performing Right Society Ltd. v. Eastern India Motion Picture Assn.* (1977) 2 SCC 820.

31 AIR 1979 Bom 17; 2008 (38) PTC 447 (Del).



ends with a part on exhaustion of rights covering copyright, patents and trademark law.<sup>32</sup>

In chapter 4 the authors discuss “Ownership and Transfer of Intellectual Property Rights”. The first part of the chapter deals with authorship and ownership of copyright in the context of joint author. In this context, the authors said that the creators/ authors are the initial owners or first owners of copyright. In *Najma Heptulla v. Orient Longman Ltd.*<sup>33</sup> it was ruled that “if two persons collaborate with each other and, with a common design, produce a literary work then they have to be regarded as joint authors.” The chapter also discusses the true and first inventor and the patentee. *V.B. Mohammed Ibrahim v. Alfred Schafrank*<sup>34</sup> answers the question if a firm can be treated as an inventor. The chapter also deals with intellectual property rights during employment.<sup>35</sup> If a work is done in the course of employment and under a contract of service, the ownership vests with the employer, unless there is a contract to the contrary. According to the authors, there has not been a significant attempt by the Indian judiciary in the field of intellectual property law to distinguish cases of contracts of service from contracts for service.<sup>36</sup> The case *Indian Performing Right Society Ltd. v. Eastern India Motion Picture Association*<sup>37</sup> takes up the issue whether the producer of a cinematograph film can defeat the right of the composer of music or lyricist by engaging him. The chapter focuses on transfer of copyright as well. The Indian Copyright Act recognizes licenses and assignment as the two methods of copyright transfer. In *Raj Video Vision v. K. Mohankrishnan*<sup>38</sup> it was said that when producers are not aware of their rights accrued to them due to scientific advancements, it cannot be said they have already transferred the rights not in existence by way of assignments. The last part of this chapter considers the issue of assignment of trademark involving trafficking in trademarks. In *Vishnudas Trading v. Vazir Sultan Tobacco Co. Ltd.*<sup>39</sup> the court opined that it is just and proper to register one or more articles under a class or genus if in reality registration only in respect of such articles is intended, by specifically mentioning the names of such articles and by indicating the class under which such articles are to be comprised.

Chapter 5 gives an insight about “Public Interest and Intellectual Property Rights”. The chapter begins on a note that public interest is involved in the protection of

32 *Kapil Wadhwa v. Samsung Electronics Co. Ltd.* (2012) 53 PTC 112 (Del.); *John Wiley and Sons Inc. v. Prabhat Chander Kumar Jain* (2010) 44 PTC 675 (Del); *Penguin Books Ltd v. India Book Distributors*, AIR 1985 Del 29.

33 AIR 1969 Del 63.

34 AIR 1960 Mys 173.

35 N.S. Gopalakrishnan & T.G. Agitha, *supra* note 1 at 318.

36 *Id.* at 323.

37 AIR 1977 SC 1443.

38 AIR 1998 Mad 294.

39 AIR 1996 SC 2275.

intellectual property. While protecting copyright, the government is always concerned with the maintenance of balance between the right of the copyright holder and public interest in using the work. The authors identified promotion of growth of knowledge as the primary objective behind protection of intellectual property. This chapter referred to the freedom that a country may enjoy, while setting up the limitations and exceptions to intellectual property rights as long as there is compliance of the three-step-test developed under the TRIPS agreement.<sup>40</sup> The chapter then proceeds to discuss on the concept of fair dealing under copyright and the interplay between the concepts of public domain and fair use.<sup>41</sup> The Indian law deals with cases of fair dealing on the basis of the “principles of modicum of creativity, access and affordability with respect to social, economic, educational and industrial considerations of the society.”<sup>42</sup> There is a brief reference to the exceptions under the Patents Act before the section covering trademark and fair use. In case of trademarks, there is no explicit application of the concept of fair use. In *Tata Sons v. Greenpeace International*<sup>43</sup> it was held that the concept of fair use of trademark will be judged based on public interest. The authors next deal with the differences between statutory and compulsory licensing and the justifications behind using statutory license or compulsory licences under copyright and patents.<sup>44</sup>

Chapter 6 discusses the “Infringement of Intellectual Property Rights and Passing Off”. The chapter starts by explaining primary and secondary infringement in case of copyright with reference to *R.G. Anand v. Delux Films*, *Zee Telefilms Ltd v. Sundial Communications (P) Ltd* and *Super Cassettes Industries Ltd v. Myspace Inc.*<sup>45</sup> A copyright in a work is said to be infringed if it is used by another person without the permission of the exclusive owner of the copyright. The authors highlighted the difficulties in ascertaining the parameter for infringement in the framework of idea/expression dichotomy.<sup>46</sup> One option could be the abstraction test as formulated in *Nichols v. Universal Pictures Co.*<sup>47</sup> If after abstraction the portions are found to be substantially similar to the original work, it will be an infringement of copyright. The Supreme Court has also held that an expression of a concept can be copyrighted but a concept

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40 N.S. Gopalakrishnan & T.G. Agitha, *supra* note 1 at 369.

41 *Syndicate of Press of University of Cambridge v. B.D Bhandari* (2005) 31 PTC 58 (Del); *Academy of General Education v. B. Malini Malhya* (2009) 4 SCC 256; *Civic Chandran v. AminiAmmu* (1996) 16 PTC 670.

42 N.S. Gopalakrishnan & T.G. Agitha, *supra* note 1 at 379.

43 (2011) 178 DLT 705.

44 *Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd.*, (2008) 13 SCC 30; *Bayer Corporation v. Union of India*, OA/35/2012/PT/PTIMUM, decided on Mar. 4, 2013.

45 (1978) 4 SCC 118; (2003) 27 PTC 457 (Bom); (2011) 49 PTC 49 (Del).

46 N.S. Gopalakrishnan & T.G. Agitha, *supra* note 1 at 436.

47 45 F 2d 119 (2d Cir 1930).

*per se* is not copyrightable.<sup>48</sup> The issue of secondary infringement has been discussed in the context of the liability of internet service providers. In *Super Cassettes Industries Ltd. v. Myspace Inc.*,<sup>49</sup> the court interpreted section 51 of the Copyright Act, 1957 to include not only entertainment but also other spaces in the internet within the purview of the Act. Subsequent to the part on copyright the authors have considered the issue of infringement of pharmaceutical patents with reference to the recent decision in *F.Hoffman-LA Roche Ltd v. CIPLA Ltd.*<sup>50</sup>. Other than copyright and patents this chapter also covers trademark, passing off and several other important topics like functional designs, character merchandising, ambush marketing, domain name disputes and infringement of geographical indications.<sup>51</sup>In *Pepsi Co. Inc. v. Hindusthan Coca Cola*,<sup>52</sup> the court dealt the issue of comparative advertisement and whether the use of trademark in the course of trade constituted the infringement of an existing well known trademark. In case of a design, the infringement can be judged by matching the old design with the newly registered design and in the instance of substantial similarities.<sup>53</sup>

Chapter 7 talks about the “Enforcement of Intellectual Property Rights”. The chapter classifies the remedies under three divisions: civil, criminal and administrative duties. Civil remedies like injunction, damages, accounts of profits, *etc* are available. In *Novartis AG v. Mehar Pharma*,<sup>54</sup> the Bombay High Court stated that an “interlocutory injunction will not be granted where damages will provide an adequate remedy should the claim succeed”.<sup>55</sup> There has to be a balance of convenience to determine the civil remedy that is to be adopted by the court. The authors go on to discuss the Anton Piller Order which was first laid down by the Court of Appeal in England.<sup>56</sup> The Indian courts have interpreted order 39 rule 7 of the Code of Civil Procedure in a similar manner. Section 55 and 58 of the Copyright Act<sup>57</sup> gives a person a right to

48 *R. G. Anand v. Delux Films*, AIR 1978 SC 1613.

49 (2011) 49 PTC 49 (Del).

50 (2012) 52 PTC 1(Del).

51 *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.* (2001) 5 SCC 73; *Smithkline Beecham Plc. v. Hindustan Lever Ltd.*, (2000) PTC 83 (Del); *Star India (P) Ltd. v. Leo Burnett (India) (P) Ltd.* (2003) 27 PTC(Bom); *ICC Development (International) Ltd. v. Arvee Enterprises*, (2003) 26 PTC 245 (Del); *Yaboo Inc. v. Akash Arora* (1999) 19 PTC 201; *Scotch Whiskey Assn. v. Pravara Sabakar Shakar Karkhana Ltd.* AIR 1992 Bom 294.

52 2001 PTC 699 (Del).

53 *Britannia Industries Ltd v. Sara Lee Bakery*, AIR 2000 Mad 497.

54 (2005) 30 PTC 160 (Bom).

55 *Ibid.*

56 *Piller (Anton) KG v. Mfg. Processes Ltd* (1976) 2 WLR 162.

57 Copyright Act, 1957.

recover damages in cases of infringement and conversion of intellectual property respectively. However, a patentee is not entitled to both a right to account of profits and an inquiry into damages.<sup>58</sup> The Copyright Act and the Trademark Act provide for criminal remedies but there is no such remedy in case of infringement of a patent or a design. In order to prove *mens rea*, there is a need to prove the person knew that his act would cause infringement.<sup>59</sup> Under “Administrative Remedies”, the authors discuss the various cross border movement of goods and goods in transit that result in difficulty in dealing with the issues of infringement of intellectual property. The protection of intellectual property can also be enforced through the Drugs and Cosmetics Act. The purpose of section 156 of the Patents Act, however, is not to enable the Drugs Controller to uphold the patent but to provide for a negative obligation on the government not to infringe a patent.<sup>60</sup>

### Some reflections:

In the introductory chapter, this book has rightly pointed out the delicate balance between auguring incentive through the enactment of intellectual property legislations and the need for such legislations. Although the chapter gave a broad overview of the requirement of balance, there is no mention of the European Database Directive.<sup>61</sup> Critiques have argued that this directive is one of the glaring examples of how legislation may tilt the balance in favour of the publishers by offering limited exceptions for other use including private access.<sup>62</sup> The idea behind the passage of the directive was to create an atmosphere of confidence amongst European publishers. It was believed that with the protection in place, European publishers will invest more towards the production of databases that are non-original by copyright standard.<sup>63</sup> Even after the passage of the directive, the number of databases remained the same if one draws a comparison with the number prior to such passage.<sup>64</sup>

58 *Pillalamarri Lakshmi Kantam v. Ramakrishna Pictures*, AIR 1981 AP 224.

59 *Sheo Ratan Upadhyaya v. Gopal Chandra Nepali*, AIR 1965 All 274.

60 *Bayer Corporation v. Union of India* (2010) 43 PTC 12 (Del).

61 Council Directive of 1996/9/EC of 27 March 1996 on the legal protection of databases [1996] OJ L 77/20.

62 Mark J Davison, *The Legal Protection of Databases* (Cambridge University Press Cambridge 2003); Annemarie Beunen, *Protection for Databases: The European Database Directive and its effects in Netherlands, France and United Kingdom* (Wolf Legal Publishers Leiden, 2007).

63 ‘DG Internal market and services working paper: First Evaluation of Directive 96/9/EC on the legal protection of databases (*Commission of the European Communities*, Dec.12, 2005), available at: <[http://ec.europa.eu/dgs/internal\\_market/evaluation/evaluation\\_data\\_basesdirective.pdf](http://ec.europa.eu/dgs/internal_market/evaluation/evaluation_data_basesdirective.pdf)> last visited on Oct. 20, 2008.

64 *Ibid.*

While considering the originality in databases, there is a pre-conceived notion about the nature of databases. It has been suggested that databases are electronic compilations.<sup>65</sup> This means that databases can only be electronic in nature. In reality, compilations in paper format can still be considered as databases and it depends on how one defines a database. If one were to follow the definition of a database defined under the database directive, compilations in paper format would still be considered as databases. This is primarily due to the broad nature of the definition.<sup>66</sup> The book covers the issues surrounding the geographical indications but to a great extent remains silent on the issues of traditional knowledge and traditional cultural expressions. In the context of a developing country or country in transition, these issues are of vital importance. There is however a question included under general points for discussion in chapter 2. This question essentially asks the readers to assess the scope of treating traditional knowledge as a subject-matter for intellectual property protection.

This book provides an excellent platform providing endless opportunities to do further research in the multi-faceted discourse surrounding the application of intellectual property laws. The additional materials provided at the end of each chapter are simply outstanding and exceptional. Furthermore, the book provides a comparative perspective of the application of copyright, patents, designs and trade mark laws. The present edition has included latest case law on the topics and so is well updated. On an overall note, this book would require the readers to have a basic knowledge of intellectual property legislations before they can utilize the book to its true potential.

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65 *Supra* note 1 at 10.

66 Art. 1, Council Directive 96/9/EC.

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## BOOKS RECEIVED FOR REVIEW\*

BIMAL N. PATEL, *Food Security Law Inter Disciplinary Perspectives*. Eastern Book Company, 34 Lalbagh, Lucknow 226 001 UP. Pp. xx + 300. Price Rs. 485/-.

N.S. GOPALAKRISHNAN AND T.G. AGITHA, *Principles of Intellectual Property*. Eastern Book Company, 34 Lalbagh, Lucknow 226 001 UP. Pp. XLVII + 619. Price Rs. 535/-.

C.K. TAKWANI, *Principles of Intellectual Property*. Eastern Book Company, 34 Lalbagh, Lucknow 226 001 UP. Pp. xxxix + 334. Price Rs. 299/-.

RITU GUPTA, *Sexual Harassment at Workplace*. Lexis Nexis, 14<sup>th</sup> Floor, Building No. 10 Tower B, DLF Cyber City Phase II, Gurgaon. Pp. xxvi + 305. Price Rs. 325/-.

B.C. NIRMAL AND RAJNISH KUMAR SINGH, *Contemporary Issues in International Law Environment, International Trade, Information Technology and Legal Education*. Satyam Law International, 2/13, Ansari Road, Daryaganj, New Delhi 110 002. Pp. xvi + 672. Price Rs. 1295/-.

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S.K. SARVARIA, *Commentary on the Prevention of Money Laundering Act*. Universal Law Publishing Co. Pvt. Ltd., C-FF-1A, Dilkhush Industrial Estate, (Near Azadpur Metro Station), G.T. Karnal Road, Delhi – 110 033. Pp. liii + 531. Price Rs. 725/-.

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R.C. AGGARWAL, *40 Million Cases Pending in Indian Courts – Causes & Remedies*. Book Palace, 4598/12-B, Gola Cottage Ansari Road Daryaganj, New Delhi. Pp. 248. Price Rs. 295/-.

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HARPREET KAUR, *Business and Corporate Laws*. Lexis Nexis, 14<sup>th</sup> Floor, Building No.10, Tower B, DLF Cyber City, Phase II, Gurgaon. Pp. xxxiv + 617. Price Rs. 695/-.

ABHINAV CHANDRACHUD, *The Informal Constitution*. Oxford University Press, YMCA Library Building, Jai Singh Road, New Delhi 110 018. Pp. xii + 303. Price Rs. 895/-.