



A TEST BOOK ON THE INDIAN TRUSTS ACT (11 OF 1882). By  
B. S. Mongia, M.A., LL.B. 1967. Pp. xiii+251. Rs. 10.

THE LAW OF TRUST is a very fascinating legal topic on which many learned treatises have been written. In India they are generally in the nature of reference books for the busy practitioner. The law student has not been furnished so far with a good reliable and informative text book which is not of the bulky or scrappy type. Mr. Mongia has commendably satisfied this want. Having been both a practitioner as well as a lecturer, he has sought to harmonise the two approaches using the easy analytical method of presentation of the law to the student world and nevertheless pinpointing on leading decisions. The comparative presentation of the law in England and America adds to the richness of the book.

The book is divided into nine chapters under captions, the Creation of Trusts, Duties and Liabilities of Trust, Rights and Powers of Trustees, Disabilities of Trustees, Rights and Liabilities of the Beneficiary, Of Vacating the Office of the Trustee, Extinction of Trusts and Obligations in the Nature of Trusts. There is an useful table of cases and an index. The latter could have been more informative and exhaustive. Thus, for example under partnership, 'wrongful employment of trust funds in partnership' could have found a place in the index. 'Property' and 'doctrine of following property' are omissions in the index.

The learned author has elucidated well the basic principles of trust law by referring to important decisions on the subject.<sup>1</sup> Citations from the *American Restatement on Trusts*<sup>2</sup> are indeed helpful particularly as to resulting trusts, constructive trust etc. Many leading Indian decisions of the various High Courts, the Privy Council and the Supreme Court are aptly cited and discussed pointing out the distinctions if any in English and American law. *Satyadeo Prasad*<sup>3</sup> is an instance where the English doctrine by way of advancement in favour of wife or child does not apply to India vis-a-vis *benami* transactions. One wishes that the learned author while discussing the cypres doctrine<sup>4</sup> had noticed the important pronouncement in *Walton Re Raine (Deceased) v. Attorney-General*<sup>5</sup>. In the area of public charitable trusts, the Bombay High

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1. *In re Hallet's Estate*, (1879) 13 Ch. D. 696; *Clayton's case*, 1 Mer. 572; *Smith v. Hurst*, (1845) 1 Coll. 705; *Saunders v. Vautier* (1841) 4 Beav 115; *Speight v. Gaunt* (1883) 9 A.C. 1; etc.

2. The American Law Institute, *American Restatement of Law (Second) Trusts* (1959).

3. *Satyadeo Prasad v. Smt. Chander Joti Debi*, A.I.R. 1966 Pat. 110. Cf. Mongia, *A Text Book on The Indian Trust Act* 223 (1967).

4. Mongio, *op. cit. supra* note 3 at 35-37.

5. 1 All E.R. 355 (1956).



Courts's decision in *Padmavathy v. Dr. Narsilal*<sup>6</sup> deserves mention. The omission of the Supreme Court decision<sup>7</sup> appears glaring as it deals with liability of cotrustee's breach of trust and gross negligence. *Govinda Raju Chetty*<sup>8</sup> case may not also have been missed in the commentary under sections 88, 90 of the Act.

It is not suggested that the book should contain all the case law but decisions of importance particularly of the highest court of the land require consideration.

On the whole, the book under review is a very commendable contribution to the law of trusts particularly catering to the needs of the student community. It will also serve as an useful handbook to the busy practitioner.

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6. A.I.R. 1956 Bom. 81.

7. *Ranganath Chettiar v. Periakaruppan Chettiar*, [1958] S.C.R. 214.

8. *Chennuru Gayaraju Chetty v. Chennuru Sitaramamurty Chetty and Others*, [1959] Supp. 1 S.C.R. 73.

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