



CIVIL READY REFERENCER. By A.K. Nandi. 1976. Eastern Law House, Calcutta. Pp. 42+681. Price Rs. 60.

A. K. NANDI has rendered signal service to the Bar and the Bench of India by his very commendable effort of a *Civil Ready Referencer*. It is in effect a diary of his discerning notes of cases and precedents, which was ever so useful to him in his judicial career as a district judge. He records with pride in the preface to the book :

I started keeping brief notes of notable decisions. Soon I got an active interest in such collections. Within a few years the notes took an enormous shape necessitating rearrangement under suitable heads for ready reference. It took my toils indeed but was very much useful in my day-to-day judicial work. Precedents are in spate and it is difficult to keep pace with them. Life and living have become complex. Finding time to hunt up a decision is a problem.

It is so refreshing that a judge should keep a regular diary of precedents he would like to rely upon. This is a sphere worthy of emulation by all members of the Bar and the Bench. Each one of them can maintain such a diary of precedents they have discovered (in their day to day career) for each head of subject, to be relied upon by them in their future career as a lawyer or judge. Junior members of the Bar and of the Bench will find in that effort, a self educator in their field of law. Much of the deterioration in legal learning in modern days is due to the lack of systematised hard work on the part of the lawyers or the judges.

The value of precedents has been highlighted in the *Fourteenth Report* of the Law Commission of India where it was postulated:

Notwithstanding their codes, the countries on the Continent (Europe) have found it necessary and useful to compile digest of decided cases. The hope entertained by the first Law Commission that the use of precedents may be unnecessary in India has not been fulfilled. For over a century Indian courts have functioned like the British and the American courts relying on precedents and treating them as authoritative.²

The Law Commission, therefore, made the recommendation that “the present system of treating judicial precedents as binding and citing them in Court serves a very valuable purpose and should be continued.”³

So precedents have come to stay in India. But the eternal problem has

1. A. K. Nandi, *Civil Ready Referencer* [7] (1976).

2. Law Commission of India, *Fourteenth Report, Reform of Judicial Administration*, vol. I, p. 628 (1958)

3. *Id.* at 646, para 44 (1).



been the plethora of increasing law reports of the multitudinous diverse decisions of the very many Courts of Record in India. There has been no systematised attempt to restrict this deluge of law reports. The *Indian Law Institute* did carry out a research project on revised law reports in 1962. Its memorable recommendatory report lies in cold storage in the shelves of the Ministry of Law. The then Chinese invasion and the later Pakistan and Bangla Desh wars, not to speak of the recurrent financial disabilities of India till date have greatly contributed to the lack of interest by the Government of India in giving effect to the scheme of the revised law reports which aimed at reducing the mammoth five thousand and odd reports into five hundred handy volumes of authoritative precedents for the whole of India. A huge team of legal experts is needed to carry out this much needed reform—of deleting all the dead wood from the growing baby mith of outmoded or needless case law. It is to be hoped that the newly elected government at the centre would take up the laudable work of revision of all the law reports so as to afford the public a concise set of volumes of authoritative precedents.

It is in this perspective one has to view the humble and ardent effort of A.K. Nandi in producing the *Civil Court Referencer*. True, it is at best only the judge's own notes of precedents that he had studied during his career as a judge. May be this referencer is not all comprehensive as a full referencer ought to be. Nevertheless this valient effort of a judicial officer has to be welcomed in so far as it is helpful (though in a limited way) to the aspiring young lawyers or judges.

It would have been better still if Nandi had used his notes as the basis for a full fledged comprehensive referencer. That task, however, demands much time, study and hard labour. Possibly he may yet accomplish this when he embarks on a second edition of the book under review. The present referencer has thirty-seven subjects heading the chapters 1 to 37 alphabetically seriatim from accident claims to will probate and letters of administration. The author has made a concise analysis of the *ratio decidendi* of the cases he has noted down for inclusion in the referencer. The general arrangement is no doubt good and each proposition of law is buttressed by all the leading cases relied upon. The citations of the reports are in the body of the text itself without putting them all in as foot notes. To regulate the space, the names of cases are not given.

One, however, wishes that at least some of the modern important subject heads had been included, e.g., administrative law, Stamp Act, Court Fees Act, the trade mark and patents law, matrimonial causes, land and tenancy laws, law of torts, etc. Though Indian Contract Act comes in for some study the fascinating facet of 'conflict of laws' in contract could have been included. Under the Railways Act one misses the leading cases on the various risk notes. Under limitation law, clearer attention could have been devoted to the sub-heads of adverse possession with case law under articles 64 and 65 of the 1963 Act. Possibly because the author has not had enough experience as a Judge of the High Court, the law of writs



and the several aspects of constitutional law are not included in the referencer. Interpretation of statutes is another alluring subject head.

An index of cases with names of cases with cross references may be a helpful feature as an addition. The case law under law acquisition-compensation is rather meagre.

This compact book under review of nearly 685 pages is well edited and published; the price could have been more moderate so as to attract purchases by the young practitioners at law. It is to be hoped that some of the suggestions made above may be acted upon in the next edition of this very useful book to the legal profession.

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