

MAINTENANCE - MARRIAGE - DIVORCE : LAWS AND WOMEN.

By M.L. Batla and Sakuntla Batla. 1978. Universal Book Traders, Delhi. Pp. xxi+184+166 (annexure) Price : Rs. 35.

MATRIMONIAL LAW, an important branch of personal laws, is assuming considerable significance since the last quarter of the twentieth century. With the gradual amelioration in the socio-economic conditions of Indian women and the radical legal reforms effectuated in the matrimonial law of Hindus, litigation in this area is on the increase. The hesitancy of the parties for resolving matrimonial disputes in civil courts¹ is disappearing and more and more spouses are availing of the pragmatic solutions provided by the modern statutes. However, the modern matrimonial regimes have not been able to solve all the conundrums arising in this area. Legislature, which is quite aware of the need for changes in statutory provisions, has discharged its responsibility by enacting drastic changes in 1976² and 1978³. It is now the turn of the judiciary to provide satisfactory solutions within the new legal framework and the legal academics to foresee the problems which may arise.

With an ambitious title and a formidable twin-foreword, one by a Supreme Court judge and another by a High Court judge, Batlas, a husband and wife team of lawyers have produced this book in the field of matrimonial law. The book, it must be observed, is unorthodox in contents and style and the various topics dealt with have not been organized properly nor have they been examined at sufficient length. Undoubtedly, a writer has the freedom to organize the topics in any way he thinks suitable; however it should conform to a logical pattern if it has to serve the legal fraternity usefully. A book meant for lawyers should, while presenting an analysis of the statutory provisions, give adequate importance to the case law. Apart from the inadequacy of the case law in this book, the authors have not cited the cases systematically. Whereas, on some pages the cases have been referred by the names of the parties along with the citations in the text itself, on other pages only citations have been given. Footnotes and index of cases are conspicuously absent in the book. In view of the fact that the authors have given all the relevant

1. Traditional societies have looked askance at the usurpation of their authority by civil courts. Even today there are some people who consider it to be ignominious to settle their disputes in civil courts and this is more so in the field of matrimonial relations. When an unwilling party is taken per force to the court, he may consider it to be an affront as if he has been "dragged" to the court and he will try his best to frustrate the efforts of the court in adjudicating the matter.

2. The Marriage Laws (Amendment) Act, 1976.

3. The Child Marriage Restraint (Amendment) Act, 1978.

enactments in the end (114 pages) it was not necessary to refer to various sections in *extenso* in the text. The authors have, however, provided a useful set of specimen forms for filing various petitions and a beginner will find them quite useful.

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