TITLE INDEX TO ARTICLES

| Aya Ram Gaya Ram : The Politics of Defection : Paras Diwan | | 291 |
|---|-----|-----|
| Business Activity and Tax Exemption on Charitable Trusts in Income Tax Law: K.N. Chaturvedi | | 550 |
| Capital Punishment in India : A.R. Blackshield | ••• | 137 |
| Civil and Criminal Sanctions Under the Indian Income Tax Act : K.D. Gaur | | 464 |
| Duty to Give Reasons for Quasi-Judicial and Administrative Decisions : M.P. Singh | | 45 |
| Enforcement in India of Foreign Commercial Awards : Adi B. Shroff | | 31 |
| India's Maritime Zones and International Law : A Prelimi- nary Inquiry : V.S. Mani | | 336 |
| Meaning and Scope of Bona Fide Business Expenses: S.S. Alur | | 527 |
| Probation Officer's Investigation Report in the Realm of Criminal Judicial Administration : J.P.S. Sirohi | | 313 |
| Publish and be Damned—The Contempt Power and the Press at the Bar of the Supreme Court : Rajeev Dhavan and Balbir Singh | | 1. |
| Search and Seizure under Income-tax Law : A.M. Matta | | 575 |
| Tax Planning as to Capital Gains : Bal Krishna | ••• | 536 |
| Taxation of Foreign Income and Foreign Investments: Indrapal S. Sidhu | | 559 |
| Taxation of Multinational Corporations : P.S. Sangal | | 512 |
| The Federal Structure of the Indian Republic—Its Nature and Extent : J.L. Kapoor | | 227 |
| Treatment of Perquisites : V.S. Gaitonde | | 456 |
| Voluntary Disclosure : Mahesh C. Bijawat | ••• | 443 |

AUTHOR INDEX TO ARTICLES

| Alur, S.S.: Meaning and Scope of Bona fide Business Expenses | ••• | 527 |
|--|-------|-----|
| Bal Krishna : Tax Planning as to Capital Gains | | 536 |
| Bijawat, Mahesh C.: Voluntary Disclosure | · • • | 443 |
| Blackshield, A.R.: Capital Punishment in India | | 137 |
| Chaturvedi, K.N.: Business Activity and Tax Exemption on Charitable Trust in Income Tax Law | | 550 |
| Dhavan, Rajeev and Singh, Balbir: Publish and be Damned The Contempt Power and the Press at the Bar of the Supreme Court | | 1 |
| Diwan, Paras: Aya Ram: Gaya Ram: The Politics of Defection | | 291 |
| Gaitonde, V.S.: Treatment of Perquisites | | 456 |
| Gaur, K.D.: Civil and Criminal Sanctions Under the Indian Income Tax Act | | 464 |
| Kapur, J.L.: The Federal Structure of the Indian Republic— Its Nature and Extent | | 227 |
| Mani, V.S.: India's Maritime Zones and International Law: A Preliminary Inquiry | | 336 |
| Matta, A.M.: Search and Seizure Under Income Tax Law | | 575 |
| Sangal, P.S.: Taxation of Multinational Corporations | | 512 |
| Shroff, Adi B. : Enforcement in India of Foreign Commercial Awards | | 31 |
| Sidhu, Indrapal S.: Taxation of Foreign Income and Foreign Investments | | 559 |
| Singh, M.P.: Duty to Give Reasons for Quasi-Judicial and Administrative Decisions | | 45 |
| Sirohi, J.P.S. : Probation Officer's Investigation Report in the Realm of Criminal Administration | | 313 |

INDEX TO NOTES AND COMMENTS

| Administrative Law Aspects of Maneka Gandhi: S.N. Jain | | 382 |
|--|-----|-----|
| Disobedience to Unlawful Superior Orders : R.C. Nagpal | ••• | 397 |
| Heritability of Statutory Tenancy and Tender of Rent by Cheque: A Note on the Applicability of Damadilal's case to Delhi Rent Control Act: Narender Kumar Rohatgi | | 91 |
| Law, Justice and Affirmative Court Action : S.N. Jain | | 262 |
| Minorities Commission : Constitutional Metamorphosis ? V.P. Bharatiya | | 268 |
| Regulation of Resale Price Maintenance : D.P.S. Verma | | 74 |

BOOK REVIEWS

| A.E. Karmali and N.R. Kantawala, International Contract: The Law and Practice of International Contracts: K.L. | | |
|---|------|-------------|
| Bhatia | | 285 |
| A.K. Koul, The Legal Framework of UNCTAD in World Trade : D.N. Saraf | | 427 |
| A.N. Saha, The Code of Civil Procedure, 1908 : V.G. Rama- chandran | | 600 |
| Alf Ross, On Guilt, Responsibility and Punishment : Upendra Baxi | | 407 |
| M. Hidayatullah, A Judge's Miscellany : Joseph Minattur | | 124 |
| M.L. Batla and Sakuntla Batla, Maintenance-Marriage- Divorce : Law and Women : B.N. Sampath | | 608 |
| M.P. Jain, Indian Constitutional Law : S. Dayal | | 592 |
| N.K. Sengupta: The Monopolies and Restrictive Trade Practices Act, 1969 : S.N. Singh | | 429 |
| N.N. Chatterjee, Management of Personnel in Indian Enter- prises: Concepts, Practices and Emerging Trends: Anand | | |
| Prakash | | 59 8 |
| N.V. Paranjape, Criminology and Administration of Criminal Justice: Kusum | | 61 0 |
| P. Rajaram, Legal Theory-1: B. B. Pandey | | 126 |
| Pal Csillag, The Augustan Laws on Family Relations : R. Jaganmohan Rao | | 130 |
| R.C. Hingorani, Modern International Law : Surya P. Sharma | | 596 |
| Rajeev Dhavan, The Supreme Court of India: A Socio-Legal | | 270 |
| Critique of Its Juristic Techniques : Udai Raj Rai Rene David and John E.C. Brierley, Major Legal Systems in | | 103 |
| the World Today : Joseph Minattur | | 419 |
| S.C. Manchanda : The Law and Practice of Divorce : Kusum Sweet and Maxwell's Legal Editorial Staff with Jennifer Terry | | 407 |
| (ed.), Family Law Statutes : Joseph Minattur | ••• | 277 |
| V.N. Dewan, Security Guide for Police and Public : R. Deb | | 121 |
| V.V. Raghavan, P.L. Paruck's The Indian Succession Act, 1925 : Tahir Mahmood | | 280 |
| Books Received for Review | 135, | 440 |
| | | 614 |

ADMINISTRATIVE LAW

Adequacy of reasons, 70 administrative law aspects of Meneka Gandhı case, 382 affirmative court action, 262 affirmative role of the court, 264 arbitrariness in state action, control over, 50 audi alteram partem, principle of, 59 decisions of the first instance must state reasons. 52 decision of the appellate or revisional authority, 55 decisions in disciplinary proceedings, 63 discretionary power, adminsitrative discretionary power, ubiquity of, ın welfare state, 262 duty to give reasons, basis of, 65 giving of reasons, statutory requirement, 391 failure to observe natural justice, effect of 392 'fairness', concept of 390 'fair play in action' idea of natural justice, 388 natural justice, applicability of, 388, 391 principles of natural justice, observance of, 51 post-decisional administrative hearing. 383 negative aspect of, 386 power of the court to command administration, 262 prior hearing, 384 reasoned decisions, 70 requirement of, 44 statutory requirement of, 45 decision of the appellate or revisonal authority whether to give reasons, 55 quasi-judicial and administrative functions, labelling of, 388 quasi-judicial and administrative action, distiction between, 49 safeguard against abuse of power by the administrations, 383 summary action, 383 task of indentifying governmental functions, 390

CIVIL PROCEDURE

Code of Civil Procedure (book review), 600 administration of civil justice, 600 res judicata, principle of, 604 trial procedures, 603 CIVIL SERVICE

Discipline in government services, 397 disobedience to unlawful supernior orders, 397

government servant, whether bound to comply unlawful superior order. 397

CRIMINAL LAW

Administration of criminal Justice, 408

Banthamite codification, 137.

capital punishment, in India, 137 abolition of, 138

in US, 140

capital pullishment, abolition of, attempt of Hindu humanitarian, 138

capital punishment, vis-a vis right of life and personal liberty, 141

capital punishment, as a deterrent. failure of, 143

causal relation between crime and economic conditions, 611

causation of crime, 610

choice of punishment, 148

Criminology and Administration of Criminal Justice (book review), 610

criminal judicial administration, requirement of, 313

determinism and indeterminism, 416

discretion in the matter of awarding punishment, 141

'extenuating circumstances' approach, 169

hearing system, limitations of, 310

'justifications' for determination of guilt and punishment, 407

justification of punishment, 410

mens rea, abolition of, 407

imputation of, 410

mitigation of sentence, 402, 407

modus operandi adopted by criminals, 121

On Guilt, Responsibility and Punishment (book review), 407 probation guidelines for the courts to exercise discretion under s. 361, 323 Probation and sentencing system, 315 probation officer's investigation report, 324 probation officer's investigation report in the realm of criminal judicial administration, 313 probation officer's report under Children Act, 331 problems of criminal law, 416 purpose of hearing, 315 question of sentence, 142 reasons for imposing sentence, requirement of, 318 reasons for confirmation or commutation of sentence, 162 reformation and rehabilitation of offenders, emphasis on, 313 retribution, 411, stages in criminal trial, 315 western criminological studies on capital punishment, 144 COMMERCIAL LAW Arbitration agreement, between foreign and domestic party, 36 Convention of the Recognition and Enforcement of Foreign Arbitration awards, 39 enforcement of commercial award under common law, 31 New York Convention, 31 enforcement of foreign commercial awards in India, 31 enforcement of foreign commercial awards

under Arbitration Act, 1940, 35 binding effect of, 42, finality of foreign awards, 34 Foreign Awards (Recognition and Enforce-

ment) Act, 1961, 31 reservations under, 39, Geneva, Protocol of 1923, 38

The Legal Framework of Unctad in World Trade (Book review), 427

COMPARATIVE LAW

(See also Commercial Law) 11 Major Legal Systems in the World Today (book review), 419 a family of laws, 420 international unification of law, 419 study of comparative law, general basis for, 419,

> CONFLICT OF LAW (See Contract)

CONSTITUTIONAL LAW

acquisitioning or requisitioning of property, 110 allegations of corruption against chief ministers, 228 'basic structure' of the Constitution, 259 Civil Right Commission, proposal for appointment, 271 collective responsibility, 254. question of, 255 Commission of Inquiry, appointment of, 227 nature of, 245 power of the central govt. to appoint, 244 purpose of, 247 utility of, 248 Commission for Backward Classes, appointment of, 270 compensation, payment of, 111 constitutional history of India, 230 discrimination against citizins, 273 distribution of powers, under devolution rules, 231 dissolution of state assemblies, 227-228 "due" procedure of law, 382 federal structure of Indian Republic, nature and extent, 227, 233 federalism in India, nature and extent, 233 introduction in Indian polity, 231 Indian Constitution, nature of, 232 Indian Constitutional Law (book review), 592 Indian republic, federal structure of, 227 nature and structure of, 229 job reservation, 272 minorities, representation of in govt. jobs, 268 Minorities Commission, objects and the work of, 268 minority status, concept of, 271 recognition of, 275

nature of Indian Constitution, 232 official discrimination against citizen, 273 parliamentary election, 227 personal liberty, right of, courts view on, 113 presidential proclamation, judicial review of, 243 preventive detention, 113 immunities, of state, and privileges legislatures, interference with, 257 procedural technicalities of writ jurisdiction. 89 centre and states, relation between administrative relations, 235 division of powers, 235 distribution of powers, 229 duty of the centre to protect the states, 238 reservation of jobs, community wise, 273 suit, by and against, the government, 227 assumption by sovereignty of India, British Crown, 230 ultra vires, doctrine of, 112

CONTEMPT

contempt power and the press, 1 contempt of court as judicial extension of British Imperialism, 7 controversy over appointment of judges of the Supreme Court, 1 freedom of speech and contempt of court, 4 impartiality of judges, 16 law of contempt of court in India, 8 limits of comments, regarding working of the court, 25 nature of contempt proceedings, 23 power of the court to deal contempt, 5

CONTRAC1

International Contracts. Law and Practice (book review) 285 commercial contracts in international community, 285 international contracts, dearth of literature

in the pedagogy of, 285

international contracts, nature of, 286

international contracts, role of foreign corporation in, 287

FAMILY LAW

Adultery, 133

decree of divorce, refusal to grant, 278

derecognition of marriage in Roman law, 132

Law and Practice of Divorce (book review), 407

lex Lulia et popia-poppea, 131

lex lulia de adultriis, 131,

Family Law Statute's (book review), 227

Indian Succession Act (book review), 280

Maintenance-Marriage Divorce: Laws and Woman (book review), 608

Marriage,

concept of, 131

concept for romans, 131

marriage and divorce, laws pertaining to, 438

Roman divorce law to, 132

The Angusten Laws of Family Relation (book review), 130

uniform law of succession, need for, 283

shares of components of Indian citizenry, 280

INCOME-TAX

Black money, causes of, 443 growth of, 575 method to unerarth, 444 bona fide business expenses, meaning and scope of, 527 business connection, definition of, 561 capital gains, 536 cost of acquisition of capital assets, 543 enhancing the cost of acquisition, 544 goodwill, 544 substitution of fair market value, 545 charitable trust, 550 business activity and tax exemption on charitable trusts, 550 charitable purpose, not involving the carrying on an activity for profit, 553 general public utility, object of, 554 existence of religious and charitable trusts, 550 tax exemption to religious and charitable trusts, 551 civil and criminal sanctions under the Income-tax Act, 464

civil penalties, nature of, 488

civil sanctions, significance of in tax crimes control, 465 coercive measures, necessity of, to prevent tax crimes, 464 concealment of income judicial approach, 473 statutory provisions, 467 contribution to political party, 531 criminal sanctions, 481 'deemed', income and 'business connection', concept of, 560 expenditure on travelling, 533 foreign investments investment by corporate entity, 565 by non-corporate entities, 564 taxation of foreign income and foreign investment, 559 furnishing of inaccurate particular, 479 international behaviouralism, 571 mens rea, under the income tax offences, 484 multinational. importance of, for developing countries, 512 international regulation of, 514 malpractices by, 513 taxation of, 512, 516 territoriality and global income of, 517 nature of penalities, an appraisal, 508 penality proceedings civil in nature, 491 criminal in nature, 488 quasi criminal in nature, 496 penal provisions, nature of, in other countries, 499 perquisites, meaning of, 456 treatment of, 456 valuation of, 458 personal expenses, 529 unremmunerative expenditure, 530 'profits' and gains of business or profession, 527 residuary expenditure, 527 royalty, payment of, 569 search and seizure under income-tax law, 575 admissibility of evidence collected

- through illegal searches, 585 law of search and seizures, historical perspective, 570
- law relating to search and seizure constitutional validity, 577
- judicial approach, 577
- power of search and seizure, a serious

invasion on the right to privacy and freedom of tax payer, 582 remedies available to the assessee, 586 safeguards against arbitray action, 581 secret process of design, owners of, 567

INTERNATIONAL LAW

Chank fisheries cases, 351 contiguous zone, 363 continental shelf, 364 third world developmental needs of countries, 427 evolution of international customary law, role of unilateral acts of the states, 387 exclusive economic zones, 370 fisheries jurisdiction, 342 historic waters, 373 India's coastal interests, 337 India's coastal jurisdiction, 338 India's continental-shelf, 337 India's maritime boundaries, 375 India's martime zones, legal regime of, 336, 357 islands formed at river-mouths, 341 law on coastal jurisdiction, 378, Legal framework of Uncted in World Trade (book review,) 427 legal regime of India's maritime zone, 357 maritime zones, offences with respect of. 337 Modern Internation Law (book review), 596 natural prolongation, principle of, 367 succession of states, 596 territorial sea, 339, 358 right relating to, beyond the, 344 Unctad, institutional frame work of, 427 unilateral acts of the states, role of, 336

INTERPRETATION

creative interpretation, task of, 119 constitutional interpretation, task of, 118 techniques of statutory interpretation, 117 JUDICIARY A Judge s Miscellany (book review), 124 affirmative court action, 262

judicial creativity, 150 judicial review of legislation, 118

judicial techniques used by the Supreme Court, 103 performance of the Supreme Court, in solving India's problem, 104 role of the lawyer, 103 socio-economic justice, area of, 107

- Supreme Court's affirmative role, 264
- Supreme Court's attitude, towards property legislation, 108
- Supreme Court and Pailiament, conflict between, 110

towards the problem of preservation of democratic value, 112

Supreme Court of India, Socio-Legal Critique of the Junistic Technique, (book review), 103

Supreme Court assumption of leadership and reformist role, 116

validation of social control legislation by the S C, 109

JURISPRUDENCE

Ancient law, 126

Legal Theory (book review), 126 Maine's contribution, 127 man's relationship with society in ancient set-ups, 127

natural law, emergence of, 127

LEG 4L EDUCATION

state of legal education, 103

MONOPOLIES

Anti-monopoly law, a world perspective, 429 concentration of economic power, 432 control of prices by the supplier, 74 inter-connected undertaking, 430 minimum resale prices, prohibition of, 85 monopolistic trade practices, 434 resale price agreement regarding, 75 in foreign countries, 76 in India, 83 maintenance, of, 74 resale price maintenace, as a restrictive trade practice, 83 restrictive business practice, 75 restrictive trade practices, definition of, 431 The Monopolies and Restrictive Trade Practice Act (book review), 429

undertakings, expansion of, 432

POLICE

- Security Guide for Police and Public, (book review), 121
 - modus operandi, adopted by criminals, 121

POLITICAL SCIENCE

Aya Ram Gaya Ram, the politics of defection, 291 Chavan Committee on Defections, recommendation of, 311 defections, int he working of Indian democracy, 291 magnitude of, 304 proposal for banning, 309 remedies of, 307 ideology of the Congress, 294 Indian democracy, growth of, 295 multiple floor crossing by the members of the legislature, 291 mid-term poll, 300 modern democracies, nature of, 292 party-wise composition of Lok Sabha, 295 political parties, importance of in democracy 292 politics of defection, problem of, 293

RENT LAWS

Heritability of statutory tenancy, 91 statutory tenancy, concept of, 93 tenant, definition of, 97 tenders of rent by cheque, 91, 94

SERVICE LAW

Call of Jaya Prakash Narain, 397 carrying out the unlawful order, 399 contradiction between civil & military law, 401 disobedience to unlawful superior orders, 397 mitigation of sentence, 402 obedience to officers in military, 400 public servants, question of elemental importance for, 397 duty of govt servant to inform and guide his superior, 404 efficiency in service, argument of, 405