

BOOK REVIEWS

GENERAL PRINCIPLES OF LAW (3rd ed. 1983). By Clive R. Newton. Sweet and Maxwell, 11 New Fetter Lane, London, U.K. Pp. xix+313. Price £ 7.95. Distributors: N.M. Tripathi Pvt. Ltd., 164, Samaldas Gandhi Marg, Bombay-400 002.

THE PRESENT edition of Clive R. Newton's book¹ has been published as one in the series of "Concise College Texts". The title of the book as well as that of the series thus indicate and delimit the scope and contents of the subject matter covered by it. The work is not a scholastic tome nor does the author apparently seem to claim that. He merely aims at acquainting the reader with the core content of the general principles of most, not all, of the major fields of law prescribed for the first degree in law. In doing so the author covers not only the statute law but also incorporates important principles of law as laid down in leading judicial decisions. He admirably succeeds in this task.

The book is of immense value as a foundation course for students joining the law studies since it would equip them with the knowledge of the broad and general principles of most of the prescribed courses of law which they would study in greater detail later during the course of their study for such a degree. It is also of immense value for the lay reader or for one not acquainted with the legal system prevailing in the United Kingdom.

The author does not aim at presenting a critical evaluation of the principles incorporated in the book. This fact limits the task of the reviewer to its descriptive account.

As the author points out in the preface,² chapters 1, 2 and 4 cover the general and historical introduction and the sources of law. In chapter 1 the author points out that "rights and duties are correlative ideas: if one person has a right, it necessarily follows that some other person owes him a duty, and vice versa."³ This is not always and necessarily so. However, it is not the object of the book to go into jurisprudential details or into a critical evaluation, as pointed out earlier, of the cross-section of juristic views on the point. In chapter 2 the author succinctly covers the historical development of the English law from Anglo-Saxon times till the nineteenth century and summarises in the end the major changes brought about in the court structure since 1875. In chapter 4 apart from dealing with the traditional sources of law he does not ignore one of the most

1. *General Principles of Law* (3rd ed. 1983).

2. *Id.* at v.

3. *Id.* at 2.

important contemporary sources, *viz.*, administrative law, its nature, scope and factors responsible for its development.

In chapter 3 the author outlines the court system prior to the Courts Act 1971 and explains the system as it now exists after the Supreme Court Act 1981. In doing so he covers the mode of trial, jurisdiction, procedure, enforcement of judgments, courts with special jurisdiction, *e.g.*, the restrictive practices court, employment appeal tribunal, the court martial appeal court. Nor does he ignore administrative and domestic tribunals, ombudsman, writs, juries, the legal profession, the bar council, legal aid and advice, the law officers of the Crown etc. He explains the main features of the Companies Act in chapter 6. Nationality, domicile, legitimacy, marriage, divorce, minority and guardianship, adoption, and legal position of persons suffering from minor disorders are discussed in chapter 7. General principles of criminal law and criminal liability have been explained in just eight pages in chapter 8. The law of torts has been dealt with in more detail with reference to major judicial pronouncements in chapter 9. Similarly the law of contract (chapter 10) and that of property (chapter 11) have been explained in a little more detail.

In chapter 5 the author explains the major institutions of the European community, their composition and function, and the community law as also the impact of the European Community Act 1972 enacted by British Parliament and concludes that though the Act does not take away the sovereignty of Parliament since it retains the power to repeal the Act yet it does affect the country's power to manage its own affairs since certain body of the European community law is automatically enforceable in domestic courts.

A book on the same pattern outlining the general principles of the Indian legal system would be of immense use and the reviewer entertains the hope that some academician or an institute like the Indian Law Institute would initiate such a project which will meet one of the pressing needs of students taking up legal studies.

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