

CASES AND MATERIALS ON THE CONSTITUTION OF INDIA
1987). By H.K. Saharay. N.M. Tripathi Pvt. Ltd., Bombay. Pp.
10]+ 742. Price Rs. 160.

THE TITLE of the book¹ under review is misleading. It is basically a digest comparable in certain respects to *AIR Manuals*. A work on cases and materials has altogether a different structure, content and analysis. Generally speaking such a work incorporates a judicious selection of cases and portions of relevant scholarly works along with statutory provisions. It is topically organised with a critical introduction of each topic, raising issues and sometimes answering them as well. The work should be stimulating and flexible so that students of law and other readers with varying approaches may have the maximum freedom to make their own generalisations.² Gerald Gunther's *Cases and Materials on Constitutional Law*³ may be cited as an example. The author explains the approach in the preface to its ninth edition thus:

The book is fairly traditional in structure—but...original and stimulating in content. My aim is to promote serious, critical study of constitutional interpretation and decisionmaking. There are at least three ways of structuring a constitutional law casebook: the traditional topic organization, emphasizing doctrinal themes, functional problems, and constitutional provisions; the historical, chronological one; and the methodological, process-oriented one, focusing on pervasive problems of modes of adjudication, allocations of decisionmaking authority, and sources of constitutional interpretation, from text and history to structural and contemporary values. I believe that all three perspectives are essential ones. My choice of the traditional, topical organization rests on the belief that it continues to be the best vehicle for the pursuit of all the major themes.⁴

Gunther's work is of course not the final but surely a good model.⁵ The present work does not, however, stand anywhere near any model. The author with his impressive qualifications could have chosen this or some other slightly different model for his work. In fact, there is a great dearth of truly good works on cases and materials in India. Funding of

1. H.K. Saharay, *Cases and Materials on the Constitution of India* (1987).

2. See Edward L. Barrett, Jr, and William Cohen, *Constitutional Law : Cases and Materials* (6th ed. 1981).

3. (10th ed. 1980).

4. *Id.* at xxii.

5. Another model may be cited, viz., D.L. Keir and F.H. Lawson, *Cases in Constitutional Law* (5th ed. 1967).

course is one of the problems. Of the published works only a few⁶ are noteworthy; the rest⁷ are just mechanical exercises.

The book under review is a digest of Indian and foreign case law and parts of some scholarly writings with references of analogous provisions of other constitutions and Indian amendments (just a mention of numbers of articles and amendments). At places the author has given his brief comments. The subject has been dealt with article and topicwise under proper headings and sub-headings. This helps in locating references of case law for detailed reading. The text of the Constitution has been included to provide a ready access to the same while going through the digest. The contents are elaborate. A subject index and a table of cases are additional advantages though the former is not comprehensive. This may be characterised as merely a sketchy work giving some idea of Indian constitutional law.

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6. E.g., Indian Law Institute, *Cases and Materials on Administrative Law in India*, vol. I (1966); Anand Prakash, Suresh C. Srivastava. and P. Kalpakam (eds.), *Labour Law and Labour Relations : Cases and Materials* (1987, ILI).

7. E.g., Durga Das Basu, *Cases on the Constitution of India* (1950-51) (1952); A.C. Kesavan, *Cases in Company Law* (1978).

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BOOKS RECEIVED FOR REVIEW

ARUN CHATURVEDI, *Contemporary International Relations* (1986). Panchsheel Prakashan, Film Colony, Jaipur-302 003. Pp. 200. Price Rs. 100.

B.M. GANDHI, *Law of Tort* (1987). Eastern Book Company, 34, Lalbagh, Lucknow-226 001. Pp. 15+xlvi+1012. Price Rs. 200.

DERYCK BEYLEVELD AND ROGER BROWNSWORD, *Law as a Moral Judgment* (1986). Sweet & Maxwell Ltd. 11, New Fetter Lane, London, U.K. Distributors: N.M. Tripathi Pvt. Ltd., 164, Samaldas Gandhi Marg, Bombay-400 002. Pp. xxix+483. Price £35.

K. Kumar, *Forensic Ballistics in Criminal Justice* (1987). Eastern Book Company, Lucknow, Pp. xx+298. Price Rs. 90.

K. PARAMESWARAN, *Power of Taxation under the Constitution* (1987). Eastern Book Company. Lucknow. Pp. xlii+367. Price Rs. 90.

MAHAVIR SINGH, *Constitution of India*, vol. II (1987). Eastern Book Company, Lucknow. Pp. cxliv+587-1258. Price Rs. 75.

MAHAVIR SINGH, *U.P. Co-operative Societies Act* (1987). Eastern Book Company, Lucknow. Pp. xii—988. Price Rs. 225.

S.K. KAPOOR, *International Law* (5th ed. 1987). Central Law Agency, 11, University Road, Allahabad-211 002. Pp. xviii+796. Price Rs. 90.

T.R. SRINIVASA IYENGAR, *The Law Relating to Private Limited Companies* (1986). The Law Book Company (P) Ltd., Sardar Patel Marg, P.B. No. 1-004, Allahabad-211 001. Pp. xcvi+1325. Price Rs. 275 : \$28.

V.R. KRISHNA IYER, *Our Courts on Trial* (1987). B.R. Publishing Corporation, 461, Vivekanand Nagar, Delhi-110 052. Pp. x+164. Price Rs. 75.

VASUDHA DHAGAMWAR, *Women and Divorce* (1987). Somaiya Publication Pvt. Ltd., 172, Mumbai Marathi Grantha Sangrahalaya Marg, Dadar, Bombay-400 014. Pp. xxiii+132. Price Rs. 60.

ZOLTAN PETERI AND VANDA LAMM (eds.), *Legal Development and Comparative Law* (1986). Akademiai Kiado, P.O.B. 24, H-1361, Budapest, Hungary. Pp. 330. Price \$29.