

INTERPRETATION OF DOCUMENTS (1991). By N.G. Nair. C.L.A. Publications, Ernakulam. Pp. 311. Price Rs. 100.

INTERPRETATION OF documents is a thought provoking area for theoretical and practical discussion. It provides for diversity in approach and variety in perception. In this field the document may be the same but interpretation by different persons may be different. It is an intellectually stimulating subject. As an author of precision Nair ranks as one of the foremost writers in the field of interpretation of documents. His main merit lies in clearly grasping the subject, clarifying and analysing the topics. The book contains many implicit and explicit messages.

In the book under review¹ the author has explained different types of documents and their interpretation along with citation of the case law. He has chosen important judicial decisions and quoted from the core of them. Each topic contains decisions of the High Courts and the Supreme Court. The author has discussed landmark decisions of these courts in the book, which have given a new dimension to the interpretation jurisprudence. In the foreword Justice U.L. Bhat observes:

A cursory glance through the pages of the book shows that rules of interpretation of the documents have been indicated precisely and succinctly with reference to judicial precedents. I have no doubt the book will be useful to the members of legal profession and students of Law.²

The author has divided the book into five chapters. The first chapter deals with deeds in general, second chapter covers rules of interpretation, while the third chapter takes care of evidence in relation to interpretation. Chapters four and five deal with definition, nature, form of the will and the principles of interpretation. Appendix I analyses in detail different documents basing on case law.

Before analysing the contents of the five chapters it will be appropriate to list a few disappointments experienced by the reviewer while reading the book. It excludes the analysis of the documents which may be interpreted in criminal courts. The reviewer is of the opinion that a historical introduction of the documents and their interpretation would have enriched the book. It may be noted that although it reached the reader in 1991, the important cases of 1989-1990 are missing. Hence, an improvement in the next edition is hoped for by incorporation of the latest classic cases. Again, one cannot fail to notice the near total omission of procedural laws except the law of evidence in the book touching upon rules and procedures for admissibility and non-admissibility of different documents. The book could have been enriched if the views expressed by the Law Commission of

1. N.G. Nair, *Interpretation of Documents* (1991).

2. *Id.* at v.

India in its 94th Report regarding evidence obtained illegally or improperly had found a place in the discussion. There is also an omission of reference to the 69th Report of the Law Commission³ which exhaustively deals with the rule of estoppel by deed related documents among other things.

These comments are not intended to be taken as criticisms. They are submitted to evoke the interest of the teachers and students who can gather wisdom from the book.

It is interesting to note that the author has made this research work almost in virgin field which he says is 'unoccupied field'.⁴ The attempt in this important area is praiseworthy. It demands a professional touch which the author has aptly given. The field of interpretation jurisprudence is highly technical. It is beset with difficulties because of the use of inaccurate language leading to ambiguities and other pitfalls. A student of law, therefore, must know what is the correct interpretation of a particular document. For that this handy book will be of great help of him. In chapter I the author has dealt with different kinds of deeds and their parts, voidability, nomenclature and recitals.⁵ He has exhaustively analysed operative words, attestation and execution of deeds.⁶ For quick reference to the source the footnoting has been done scientifically. Chapter II analyses different general rules of interpretation. They are the basics of the subject. The rules of literal interpretation, patent and latent ambiguity not only vex the students of law but also the masters of law. The rules find a proper place in this chapter.⁷ The most important doctrines, e.g., *persona designata* and *cy press* are well discussed by the author⁸ in chapter IV. In chapter V the author has touched upon residuary gifts, doctrine of lapse, etc.⁹ In appendix I there is a detailed analysis of partition, partnership, power of attorney, promissory note and pre-emption among other things.¹⁰ Appendix II shortlists different maxims of interpretation.¹¹ The table of cases¹² and index¹³ are very helpful to readers. They save a lot of time to locate a case law or a particular topic in the book. The author has done justice to the subject of religious endowment.¹⁴

The schematic presentation of different topics has helped to concretise the abstract areas. Therefore, the author has succeeded in transmitting necessary information and communicated well the intricate and problematic areas. His

3. Govt. of India, *The 69th Report of the Law Commission of India on the Indian Evidence Act, 1872*, p. 15 (May 1977).

4. *Supra* note 1 at vii.

5. *Id.* at 2-7.

6. *Id.* at 10-9.

7. *Id.* at 66-70.

8. *Id.* at 90-2, 96-7.

9. *Id.* at 115-8.

10. *Id.* at 230-42.

11. *Id.* at 286-7.

12. *Id.* at 289-306.

13. *Id.* at 307-11.

14. *Id.* at 246-69.

approach is pragmatic. He writes in a lucid expository and persuasive style which maintains the readers' interest and secures attention. The book would not only help the students and teachers of law but also the judges and lawyers. It is certainly a valuable contribution to the legal world and will no doubt occupy a distinctive place in legal literature.

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