

JURISPRUDENCE OF HINDU ADOPTIONS (1987). By N.A.Mandgi. Published by the author, Bangalore. Pp. iv + 113. Price Rs. 40.

THE VERY title of the book¹ under review suggests a field of Indian law meant for around eighty-five percent of total Indian population where very few legal thinkers dare venture into. Perhaps, the reason is that many of our legal thinkers find eliticism in exploring laws associated with foreign lands, ignoring our personal Hindu law, as a result of lingering colonial legacy. Or perhaps, out of complex they feel shy to devote their time to unearth any materials with any native tinge. It is ludicrous to think that Indian lawyers seem to be more familiar with Dias, Friedmann and Stone than with Sen, Kane and Derrett. The time is ripe to make our future lawyers apprised of their own heritage and to let them feel proud of anything of Indian origin.

Here is a treatise, a work of serious research, which deserves attention of all legally trained persons. The unimpressive get up of the book should not detract the attention of the readers from finding its contents with pregnant thought; it is not the container but the contents that should be taken into serious consideration. The writer's exposition of the philosophy of re-birth of a male Hindu in chapter II and that of the reversion back of Hindu adoption and continuation of wedlock in the Hindu widow under *sastric* law in chapter IV along with his critiques of the Supreme Court decisions on the subject are commendable.

Though the author used the latest Supreme Court cases on Hindu adoption, he should have also referred to the valuable works on the subject. In any treatise on Hindu adoption, the use of or at least reference to the works of Derrett,^{1a} Sen² and Gupte³ seems to be indispensable.

The two institutions of marriage and adoption of Hindu law are oldest and regarded as sacred, based on religious considerations. But the Hindu law of adoption, the adoption of *shastric* law, stands by itself from the rest of the legal institutions because of its basis of distinctive jurisprudence. The object of a Hindu adoption is neither mixed with religious and secular motives as observed by Mulla⁴ and Gupte⁵ nor secular as held by Mayne.⁶ The object is not twofold, spiritual and secular, but the *shastric* ordinances enjoining it is a *vidhi* and there is no room for an option.⁷ The duty for sonless man to adopt is obligatory. The object of Hindu adoption is religious, and the modern Hindu law has not deviated from this line when the Supreme Court held that "the substitution of a son... for

1. N.A.Mandgi, *Jurisprudence of Hindu Adoptions* (1987).

1a. J.D.M. Derrett, *Essays in classical and Modern Hindu Law* in 4 vols., (vol. 3, 1977). See, eleven articles on Hindu adoption covering pages 25-168.

2. P.N.Sen, *General Principles of Hindu Jurisprudence* (reprint 1987).

3. S.N.Gupte, *Hindu Law of Adoption, Maintenance and Guardianship* (1970).

4. Mulla, *Principles of Hindu Law* 589 (15th ed. 1982).

5. *Supra* note 3 at 5.

6. J.D.Mayne, *Treatise on Hindu Law and Usage* 195 (10th ed. 1938).

7. G.Sarkar Sastri, *A Treatise on Hindu Law* 200 (7th ed. 1936).

spiritual reasons is the essence of adoption....''⁸

The book is divided into nine chapters not eight as misprinted in the table of contents. Chapter I deals with the rules of interpretation, and the author points out that the application of the theories of the *shastric* laws cannot be applied in the interpretation of the wording of the Hindu Adoption and Maintenance Act 1956 and the courts should give plain meaning to the statutory expressions of the Act. The expositions of and comments on the theory of rebirth of male Hindu have been made in chapter II. Chapter III deals with the *shastric* laws concerning the spiritual relationship between the adopter and the line of his dead ancestors. Chapters IV and V respectively deal with the theory of reversion back of adoption and continuation of wedlock in the Hindu widow, and succession under *shastric* law. Two important legal concepts of defeasance and inheritance in abeyance have been discussed in chapter VI. Here, the author rightly points out that these concepts do not have any recognition in *shastric* law. Chapters VII, VIII and IX involve the critical analysis of the provisions of the present law of adoption as revealed in different sections of the Hindu Adoption and Maintenance Act.

By any standard the present work is a major contribution to Hindu law. The treatise is very informative. No scholar, judge, teacher of law or practising lawyer should miss the reading of this book if he is to know really about the back-ground of Hindu adoption.

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8. See, *Chandrasekhare v. Kulandavelu*, A.I.R., 1963 S.C. 185 at 193, (per Subba Rao, J.); J.D.M.Derrett, "The Contribution of Mr. Justice Subba Rao to Hindu Law" 9 *J.I.L.I.* 547 at 549-54 (1967).

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BOOKS RECEIVED FOR REVIEW

AKHILESHWAR DAYAL, *Electricity Laws of India* (1993). The Law Book Co. P. Ltd. Sardar Patel Marg, Post Box No. 1-004, Allahabad-1. Pp. xxxvi+1188. Price Rs. 500.

KALMAN KULCSAR, *Modernization and Law* (1992). Akademiai Kiado Prielle Kornelia, U.19-35, H-117, Budapest. Pp. 282. Price \$ 34.00.

L. VENKATACHALAM, *Golden Gate to Social Security* (1992). Parimal Publisheers, C-007 Yamuna Apartments, Alaknanda, New Delhi-19. Pp. 258. Price Rs. 150.

P. CHANDRASEKHARA RAO, *The Indian Constitution and International Law* (1993). Taxmann Publications Pvt. Ltd. 1871 Kucha Chelan Khari Baoli, Delhi-6. Pp. ix+248. Price Rs. 400.

PANNALAL DHAR, *Indian Judiciary* (1993). The Law Book Co. P. Ltd. Allahabad. Pp. xx+336. Price Rs. 260.

ROGER BIRD, *Osborn's Concise Law Dictionary* (7th ed. 1983). Universal Book Traders. Pp. vii+390.

SANJIV SACHDEVA, *The Primary Purpose Role in British Immigration Law* (1993). Trentham Books Ltd. Westview House, 734 London Road, Oakhill Stoke on Trent Stafferdshire ST4 5 Np England, U.K. Pp. vii+183. Price £ 9.95.

SUBHASH C. KASHYAP, *Anti-Defection Law and Parliamentary Privileges* (1993). N.M.Tripathi P. Ltd. Bombay. Pp. xvi+422. Price Rs. 250.

SURENDRA MALIK, *Supreme Court Decennial Digest 1981-1990*. (in five volumes): A to : Constitution (1993). Eastern Book Co. 34 Lalbagh, Lucknow-1. Pp. xx+989. Price Rs. 360.

THRITY PATEL, *Personal Liberty under the Constitution of India* (1993). Jain Publishers P. Ltd. 1921, Chuna Mandi, St. 10th, Paharganj, New Delhi-55. Pp. vi + 307. Price Rs. 250.