

PARSILAW IN INDIA (5th ed. 1991). By Mohammad Shabir and S.C. Manchanda.  
Law Book Company (P) Ltd., Allahabad. Pp. xxvi+153. Price Rs. 100.

AT THE outset it must be pointed out that the title of the book<sup>1</sup> under review is somewhat misleading. The book deals only with the law of marriage and divorce applicable to Parsis and does not deal with other aspects of law relating to Parsis e.g., the law of testamentary and intestate succession.

The present work has been culled out from the well-known work of S.C. Manchanda, *Law and Practice of Divorce*. Part VII of that work dealt with the Parsi Marriage and Divorce Act 1936. In view of the amendments to the enactment carried out in 1988, the law relating to Parsis needed updating which Shabir undertook.

It may be recalled that Chinnappa Reddy, J. in *Jorden Diengdeh v. S.S. Chopra*<sup>2</sup> observed:

It is thus seen that the law relating to judicial separation, divorce and nullity of marriage is far, far from uniform. Surely time has now come for a complete reform of the law of marriage and make it a uniform law applicable to all people irrespective of religion or caste.<sup>2a</sup>

As is its wont, the legislature initiated half-hearted, if not reluctant, measures bordering on tokenism to amend the Parsi Marriage and Divorce Act 1936, in 1988. In other words, no structural changes were made to give effect to the spirit behind Justice Chinnappa Reddy's observations and to remove the divergences between the Hindu Marriage Act 1955 (HMA) and the Parsi Marriage and Divorce Act 1936 (PMDA). For e.g., the provision that the adulterer should be made a co-respondent unless otherwise ordered by the court, has been retained, pregnancy *per alieum* at the time of marriage is a ground for divorce under PMDA unlike HMA where it is a ground of nullity. All these divergences no doubt necessitate a separate treatment of PMDA which the present work seeks to fulfil.

Owing to paucity of cases under PMDA, Shabir relied on the decisions rendered under HMA as being in *pari materia*. Given the narrow field available to him, the writer made a good attempt to produce a useful work.

However, some omissions may be pointed out. Irani's valuable article<sup>3</sup> has not been noticed. When dealing with condonation<sup>3a</sup> the decision of the Supreme Court in *Dastane v. Dastane*<sup>4</sup> is not mentioned. The Family Courts Act 1984 and its

---

1. Mohammad Shabir and S.C. Manchanda. *Parsi Law in India* (5th ed. 1991).

2. A.I.R. 1986 S.C. 935.

2a. *Id.* at 940.

3. "The Personal Laws of Parsis in India", in J.N.D. Anderson (ed.), *Family Law in Asia and Africa* 297 (1968).

3a. *Supra* note 1 at 80-2.

4. A.I.R. 1975 S.C. 1534.

inter-relationship with PMDA, if any, has been completely ignored. It may be recalled that the Family Courts Act in section 20 lays down :

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Proof reading leaves much scope for improvement. For *e.g.*, *Kanti Balavendra v. Harry* appears as *A.V. Harry*<sup>5</sup> and in a foot-note "*Tahir Mahmood*" has been printed as "Their Mahmood."

All in all the book is a useful guide to students and lawyers interested in the Parsi Law of Marriage and Divorce.

B. Sivaramayya\*

---

5 *Supra* note 1 at 31.

6 *Id.* at 93.

\* Former Professor of Law, Delhi University.