

V.G. RAMACHANDRAN'S LAW OF WRITS (5th ed. 1993). By C.K. Thakker. Eastern Book Co., Lucknow. Pp. xii+1201. Price Rs. 360.

WRITS ARE usually understood as formal orders, in the name of the sovereign, government, court or other authority, directing any officer or other person to whom it is issued to do or refrain from doing some act specified therein. "Prerogative writs" have been in vogue in UK since long. The "prerogative writs" are distinguished from "writs of rights" or "judicial writs" in as much as while a writ of right could be obtained by a suiter as a matter of right, prerogative writ was issued only on some probable cause being shown to the satisfaction of the court "why the extraordinary power of the Crown is called into the party's assistance"¹. Prerogative writs have been considered as the "bulwork of English liberty" as thereby individual rights are safeguarded even without the declaration that they are fundamental. The story of writs in India starts with the advent of East India Company till under article 226 of the Constitution, any High Court and under article 32 the Supreme Court were empowered to issue directions or orders or writs including *habeas corpus*, *mandamus*, *prohibition*, *quo warranto* and *certiorari* or any of them for the enforcement of the fundamental rights stipulated in the Constitution^{1a}. It may be noted that the jurisdiction of the High Courts is more extensive than that of the Supreme Court by having the words for "any other purpose" incorporated in article 226.

The book² under review is "an excellent piece of work, both in analysis and research" about law of writs and "rivals that of Sir William Wade". This, has been vouched for by no less than Lord Denning himself. He further claims that the book has a "foremost place" in his library. This one gets just from the blurb of the book. And herein also lies the ordeal for the reviewer as to how to write a review for a classic work on *Law of Writs*. Justice Thakkar's contribution in not only updating the subject-matter of the book but also revising it thoroughly, is writ large from the first to the last page.

Chapter 2 of Part II of the book which deals with the law of standing has been completely updated and thoroughly revised. And close to this chapter is chapter 13 of the same part that looks into the whole gamut of public interest litigation (PIL), its scope and dimension. Current trends as to the jurisprudential development, show that PIL has revolutionised the whole process of judicial attitudes *vis-*

1. Blackstone, *Commentaries on the Laws of England*, vol. III, pp. 131-32 (1770).

1a. Pt. III.

2. C.K. Thakker, *V.G. Ramachandran's Law of Writs* (5th ed.1993).

a-vis administration of justice. These days when individual rights are giving way to collective/diffuse rights, the public interest jurisprudence in relation to access of courts has got an added and immense meaning. The reason for the development of PIL and factors responsible for its rapid growth and development have been meticulously put forth. Apart from this the author has not lost sight of the ‘‘pitfalls’’ in PIL which the court has to be careful to avoid. The list of so called pitfalls in PIL has been exhaustively and brilliantly written and researched. The overall spirit that has goaded the author to take up this subject and all other related discussion in the book may be put in these lines that he quotes:

A society so riven that the spirit of moderation is gone, no Constitution can save a society where that spirit flourishes; no Constitution needs save a society which evades its responsibility by thrusting upon the Courts the nurture of that spirit, in the end will perish.³

Chapter 8 of Part II of the book is its highlight that concerns all shades of natural justice. It is well researched and presented with much clarity.

Chapter 9 of the same part deals with administrative tribunals and chapter 11 again deals with judicial review of administrative discretion. These have made this book more exhaustive and valuable to both researchers and lawyers.

The book that is divided into 5 parts traverses the whole landscape on the law of writs. This book is a must for lawyers, judges and students of law.

The print and get up of the book are excellent and so is the author’s refreshing scholarship that he has put in every page.

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3. *Id.* at 577.

* Addl. District and Session Judge, District Courts, Kurukshetra.