



BOOK REVIEWS

FUNDAMENTAL CONCEPTS IN LAW OF CONTRACT (1995). By Meena Rao.
Professional Offset. Eknath Box Mfg. Co., Bombay. Pp. 6 + 252.

THIS BOOK is the outstanding text on the “Fundamental Concepts in Law of Contract”, which provides lucid exposition of the basic principles, substantiated by exhaustive discussion of leading cases. It is a product of a devoted and in-depth comparative study of English and Indian legal systems by the author, Meena Rao, on certain important aspects of the subject. It contains a brilliant compilation of the rules which govern the formation of contracts, and reflects the evolutionary as well as revolutionary movements and expansion in the basic structure of contract.

The first introductory chapter is aimed at emphasising the multi-dimensional importance of the law of contract as an outstanding branch, providing foundation of the major branches of commercial law.

The second chapter is based on the developments of the law of contract during the golden period of the 19th century and the modern period of the 20th century. The author has examined the rise and the growth of the classical theories and the principles of law of contract. Further, she has displayed an art of simplification of the juridical concept of “contract” in the light of development of the foundation theories of the whole structure of the contract law, namely,

- (i) Subjective or ‘consensus’ theory;
- (ii) Objective theory.

She has efficiently analysed the violent encroachment upon the “freedom of contract” through modern complexity of the statutory law and force of the socio-economic factors.

The third chapter provides logical insight into the network of the interlinked definitions which ultimately culminates into the composite concept of “contract” under the Indian statutory law. The essential qualifications of a legally recognised contract are also highlighted in the chapter.

For ensuring an adequate understanding and reducing an ambiguity of certain statutory terminologies, the chapter contains unique classification of contracts and agreements.

An interpretation of “phenomena of agreement” provides complete analysis of and thorough insight into the universally acknowledged basic process of the formation of contract. As the idea of “consensus” or mutuality, which is the bed-rock of the contract, is traditionally clothed in the formal language of “offer” and “acceptance”, these twin touch-stones are inevitably dealt with.

Chapter V deals with the capacity to contract.

Legal competency to enter into a contract, as an essential requisite for emergence of a contract, provoked conflicting streams of thoughts in the academic



as well as judicial brains on an unresolved dilemma created by dual statutory policy at the root of the law relating to minors:

(i) to protect the minor due to his tender age and immaturity against an improvident contract with an adult.

(ii) not to cause unnecessary hardship and injustice to an adult who deals *bona fide* with the minor.

Even the juridical basis and the nature of the liability of the minor was not finally settled.

Hence the author has amply dealt with this complex arena of the contract law in this chapter. She has endeavoured to draw the comparative portrait of law in the light of an amorphous difference between English and Indian legal systems with particular reference to the (English) Minor's Contract Act 1987.

Chapter VI — the last chapter — encompasses the significant feature of the traditional as well as the modern law of contract, "consideration", as the global pre-requisite for creation of contract, so that the work on the fundamental concepts is complete.

The author's indisputable mastery over the subject indicates undoubted utility of this book and not only for research scholars, academicians and lawyers but also for common men, whether laymen or businessmen. The book, however, needs better printing and binding. This book deserves to be warmly recommended as a unique contribution on the subject.

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