



V.D. KULSHRESHTHA'S LANDMARKS IN INDIAN LEGAL AND CONSTITUTIONAL HISTORY (7th ed. 1995). By B.M. Gandhi. Eastern Book Co., Lucknow. Pp. xxxi + 525. Price Rs. 185.

THE BOOK under review<sup>1</sup> is an exhaustive documentation of legal schemes, regulations, legislations, customary practices and judicial decisions in this branch of legal and constitutional history of India. After being first published in 1959, its successful run into the seventh edition testifies to its usefulness for both legal practitioners and legal academicians.

Constitutional history is otherwise a dry subject, but the scholarly work of an erudite just, digesting a large number of decisions of the apex court of the India, Reports of Law Commission, constituted from time to time, legal analysis given by various legal *pundits* on legal and constitutional matters in different periods right from ancient Hindu Regimes, Moghul Administration, Regulations issued by British Authorities and improvements as made in Independent India, provides light on various points left obscure by the legislatures. The seventh edition of the book updated and thoroughly revised by B.M. Gandhi substantially meets the challenges by bringing out an excellent commentary on the subject.

Gandhi while revising the book, has revitalised the discussion of constitutional developments in India. The current events in this field have been incorporated in this edition with great care, while giving a succinct analysis of judicial systems in ancient, medieval periods, British Regime and in our present independent legal and constitutional set-up.

According to the great ancient thinker, Aristotle, "To Live by the Rule of the Constitution, ought not to be regarded as slavery, but rather as salvation".

The current events such as public interest litigation, also popularly known as social action litigation, *etc.* have also been highlighted, so as to make the readers aware of the situation and ponder over the legal implications.

Chapter 1 of the book discusses the judicial systems in India during ancient and medieval periods.

Chapter 2 deals with early Administration of Justice in Metropolitan Towns of Calcutta, Bombay, and Madras.

Some topics, which are otherwise little known to general readers, e.g., Maysor's Courts in Presidency Towns, inauguration of the Adalat system, Regulating Acts, Judicial Reforms have been discussed in chapters 3 to 7 of the book.

The landmarks relating to the establishment of High Courts, Privy Council, The Federal Court of India and the Constitution of Supreme Court of India have been succinctly discussed in chapters 8 to 11. Development of Criminal law, and civil justice system has been ably discussed in chapters 12 and 13, indicating

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<sup>1</sup> B.M. Gandhi, *V.D. Kulshreshtha's Landmarks in Indian Legal and Constitutional History* (7th ed. 1995).



interesting landmarks. Codification of law, Regulations, necessity of setting up of Commission, have been lucidly explained in chapters 14, 15.

Origin of the writ system, enactment and codification of various statutes for setting up of High Courts, setting up of Constituent Assembly, and important points in respect of Debates in Constituent Assembly particularly relating to Fundamental Rights and Importance of basic features of the Constitution have been discussed in a very lucid manner in chapters 16 to 18.

Chapter 19 of the book deals very ably in the matter of sources of law and types of legislation including delegated legislation. The concept, that the Constitution is the mother law and that other laws enacted by the Union and state legislatures derive legislative competence from provisions of the Constitution of India, have been very lucidly explained in the book in a precise manner.

Chapter 20 of the book is in fact an Encyclopaedic Compendium in respect of latest developments as also decisions of the apex court on all the neo-branches of law including state liability for payment of compensation in matters of breaches of fundamental rights, legality in respect of extent of reservation quota, directions for determining creamy layer of the society to be excluded from reservation quota, sanctity of basic features of the Constitution and similar other nascent concepts *etc.*

Chapter 21 deals with the concept about legal education and profession, as also in respect of honourable conduct of legal profession.

The five appendices in the book are also very informative particularly for younger members of the Bar and Bench of the lower judiciary.

The importance of this book is in giving the landmarks of constitutional history, the emphasis to the debates of The Constituent Assembly, highlighting basic features of the Constitution; the importance of judicial review of administrative actions was also highlighted from time to time. These aspects of judicial review and basic features of the Constitution have also been stressed by the Supreme Court in its several decisions, some important decisions being those of *Kesavanand Bharati's case*,<sup>2</sup> *Minerva Mills case*<sup>3</sup> and *Sampat Kumar's case*.<sup>4</sup> The knowledge about the Debates of Constituent Assembly is highlighted in the book so as to give a clear concept to the reader about basic features of the Constitution which should not be deviated in any case as restressed in *Minerva Mills case*.<sup>5</sup>

This book is very useful not only to the academicians but also to practising lawyers, younger officers of judiciary, and more particularly for the legislators. The copy of this book would be an asset for each new member of the Lok Sabha and state legislatures as it gives all requisite information in respect of legislative proposals and the legislative competence. The publisher too has maintained the quality of paper, flawless printing and impressive get-up.

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2. *Kesavanand Bharati v. State of Kerala*, A.I.R. 1980 S.C. 1461.

3. *Minerva Mills v. Union of India*, A.I.R. 1973 S.C. 1789.

4. *Sampat Kumar v. U.O.J.* A.I.R. 1987 S.C. 386.

5. *Supra* note 3.

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