

through lack of political leadership since 1964. The reasons are many, but can be traced mainly to cracks developing within the ruling Congress party which has held political power for seventy years and the mushroom growth of smaller opposition parties each of its own too small to serve the constructive role of an opposition party under the Westminster model, and yet sufficiently strong to create a non-Congress government in power by the coalition of several parties which unite to obtain political power but have no common platform nor political philosophy to hold them together once the position of power has been obtained. A phenomenon resulting from political expediency which indicates the instability of the political situation in India and which in its turn affects the edifice of British Common Law left behind as a heritage from the days of the British Raj is "floor-crossing" by M.P.'s who get elected into office with the backing of a political party and then are lured to leave it and join a slightly more powerful party forming the "government";

The author of this useful little book analyses the malaise of floor-crossing, its legal and political repercussions in the light of the Indian Constitution and the Representation of the Peoples Act, and suggests it can be curbed effectively by introducing strict party discipline. Although the author considers floor-crossing politically undesirable in the Indian context and as a practice which undermines the establishment of parliamentary Democracy in India, it is curious to reflect that the best justification for floor-crossing is to be found in the annals of Westminster itself. No less a Prime Minister than Winston Churchill indulged in this practice on the basis that it is better for an M.P. to be in a position in which his influence will be felt for the benefit of his constituency and the people as a whole, then in a position of impotency in the opposition front bench. But perhaps the mantle of Churchill falls with less grace on those unworthy mortals, the M.P.'s in India, for whom the lure to political power lies in private patronage and black lucre and what may be justifiable at Westminster may not be in the somewhat different climate of New Delhi and the state capitols of India.

MEHER K. MASTER*

GUARDIANS AND WARDS ACT, 11th Edition

By Shambhudar Mitra; (Eastern Law House: Calcutta), 1969;
xxiv, 442 pp.

This is the latest edition of the standard work on the law of Guardians and Wards in India, edited by S. Mitra. Eleven editions and one reprint

* Assistant Professor, Faculty of Law, University of Manitoba.

within 48 years, an average of a new edition every four years, speaks for the niche this book has carved for itself among the standard legal textbooks in India. This edition is welcome and fills a sorely felt need after a gap of fifteen years since the last edition was published.

In a country as vast and varied as India with its many different races, religions, ethnic, cultural and linguistically varied communities, the promulgation of a law touching the family, the core of the social unit, which would be commonly applicable to all communities was a task of great delicacy and difficulty. The administrators of law during the British Raj took the sensible view of leaving personal matters to be governed by the personal "law" or traditions and customs of the community to which an individual belonged. Thus, Hindus, Muslims, Parsis, Jews, Sikhs and Christians were each separately governed as to personal matters affecting their family, marriage, succession, testamentary dispositions by the customs and wages of their different communities or sub-divisions, castes or group to which the individual belonged. Even in those areas where the Imperial Legislature intervened by the enactment of statutory legislation, the division of personal law according to community was maintained — thus, the Parsi Marriage and Divorce Act 1937 applying to members of the Parsi community; the Hindu Marriage and Divorce Act applying to Hindus, the Christian Marriage and Divorce Act applying to Christians and so forth.

Hence, the promulgation of the Guardian and Wards Act in 1890 which cut across communal bounds and consolidated the law as applicable to members of all communities was a daring step at the time. Even so, the Act recognized the differences between communities and made provisions taking their differences into consideration. Thus section 5 dealt with powers of parents in the case of European British subjects, and section 6 expressly reserved the rights conferred by the law to which the minor was subject by virtue of his belonging to a particular community. The Act has been subsequently much amended with new High Court Rules and new forms and precedents coming into effect in the Courts in various states in India. Besides, interpretation of the Act by the High Courts of different states has been far from uniform and there are contradictory decisions in different jurisdictions. The 11th edition of this book is a thorough revision of the previous edition and contains very useful and up to date references to all the important cases decided under the Act, especially since 1954. The book consists of a section by section analysis of the Act. Each section is followed by a commentary giving information regarding amendments, scope and applicability of the section, the corresponding law of each community, Hindu, Muslim, etc. as relating to the area covered by the section, decided cases, controversial issues, and various interpretations of the clauses and words of the section.

The layout is clear and easy to follow which makes the book of great

value to busy practitioners. Thus, under Section 6 of this Act, the author of this edition has paragraphs dealing with Mohammedan law on the same point as is covered by this section of the statute, cases decided according to Mohammedan law, Hindu law and relevant cases, the sub-divisions of Hindu communities and customs such as those governing one undivided Mitakshara family, etc. Under Section 7 he includes paragraphs dealing with guardians of a Mohammedan Mutwali, and the ambit of the section, the interpretation of different words and clauses in this section in various cases, matters of procedure and jurisdiction, etc.

The same high standard of thoroughness and accuracy is maintained throughout the book, and the vast number of cases cited under each section makes this a most valuable work which is sure to be sold out even more rapidly than did the 9th and 10th editions. The usefulness of this book is further enhanced by the inclusion of the High Court Rules of all the different states in India, Maharashtra, Madras, Mysore, etc., and both old and new or revised rules have been included so that the busy lawyer can see at a glance the changes in procedure and practice as at present prevailing.

The value of the book is further enhanced by the inclusion of The Indian Majority Act and the Hindu Minority and Guardianship Act, both with commentaries and by the inclusion of Specimen Forms for practitioners in the appendix.

Mr. Shambhudar Mitra deserves the congratulations of all practicing lawyers in India who at sometime or other during their practice have had to deal with cases under this Act for fulfilling a sorely felt need since the last edition of this book went out of print by the publication of the present edition and for the high standard of thoroughness of research, comprehensive coverage and accuracy which he has maintained throughout the present edition.

MEHER K. MASTER*

CONDOMINIUM IN CANADA

By Alvin B. Rosenberg, Q.C.; (Canada Law Book Toronto), 1969; XXI, 197, 55 (Appendices) and 13 (Index) pp.

Condominium ownership of real property is very new in Canada, and like most new concepts is given a mixed reception. Mr. Rosenberg is in the rare category of those thoroughly familiar with the subject and thus able

* Assistant Professor, Faculty of Law, University of Manitoba.