

all the cases and citations relevant to the section of the Act which is discussed on that page.

The book also contains an accurate and comprehensively complete index of cases decided by the courts in England, the Privy Council and the courts in India, both before and after independence, as well as a very helpful and clearly tabulated index cross-referencing cases and topics to the correct pages on which the matter is discussed.

This is a solid and substantial work on the law of contract in India which can be recommended not only to practicing lawyers in India but also to those lawyers who are interested in comparative law and seek material on the comparative development of the law of contract in the United Kingdom and India during the twentieth century.

MEHER K. MASTER\*

## THE LAW OF ELECTIONS IN INDIA

By K. C. Ray; (Eastern Law House: Calcutta); 189 pp.

Both lawyers and statesmen interested in the current political developments of Parliamentary democracy on the Westminster model will find "The Law of Elections in India" by K. C. Ray a useful little book which collects in a short space the law governing political elections in India as well as an analysis of the current malaise of "floor-crossing" by M.P.'s both in the Central Parliament and in State Legislatures together with some thoughtful suggestions for a solution to the problem. The inclusion of a speech by that most eminent and able lawyer, Mr. C. K. Dafthary, former Attorney General of India enhances the value of the book.

The political experiment in democracy in India is one which is of great significance among the "developing" countries of Asia. Those observers in the U.S.A., Canada and Western Europe who are committed to democracy as their political credo must surely regard the success of this experiment as crucial to the survival of British parliamentarianism and the firm establishment of democracy as more than merely a political philosophy in Asia. The success of this experiment in a large, unwieldy and difficult to administer sub-continent as vast as India, with its many different races, religions, castes, communities, cultural and linguistic and ethnic groups attempting to weld together a non-Federal United Republic, a single nation state from tremendous diversity has been jeopardised

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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

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