

HINDU LAW. By B.M. Gandhi. Lucknow : Eastern Book Company, First Edition, 1999. Pp XLVIII + 406, Rs. 160/-.

During 1955-1956, some areas of Hindu law were codified in the four Acts, viz., Hindu Marriage Act, 1955, Hindu Adoption and Maintenance Act, 1956, Hindu Minority and Guardianship Act, 1956 and Hindu Succession Act, 1956. Other areas of Hindu law like joint Hindu family, law of partition, impartible estates, religious and charitable endowments, etc., are still uncodified. The book under review presents both the codified and the uncodified Hindu law in a simple and lucid language. The book has twenty one chapters, of which the first fifteen chapters relate to uncodified law and chapter sixteen to twenty relate to the codified law. Last chapter, twenty first, is an epilogue or an addenda to the book giving vent to the conflict of opinions about constitutionality of the enacted laws. In this chapter the author has said that owing to a great deal of discrimination based on sex and religion, scattered in various provisions of the four Acts of Hindu law, there are two groups of jurists, one arguing that these provisions are not in breach of the Constitution, while the other stressing that they are in open breach of the Constitution, leaving aside the ideal of secularism.

The author has listed out certain baffling questions to which systematic scientific, logical and uniform answers are hard to find¹. He has also traced the religion based discrimination under the modern Hindu law; sex-based discrimination under Hindu law and the religion based discrimination under the secular laws on marriage and succession and has ultimately led the readers to the need of enacting the Uniform Civil Code.

The joint Hindu family is one of the important areas of Hindu law. In chapter III the expressions "Joint Hindu Family" and "Joint Family Property" are loosely dealt with. The author has used the expression "joint property" to describe the "joint family property" or the coparcenary property.² It may be noted that the two expressions i.e. the joint property and the joint family property are not exactly synonymous. In the joint family property the coparceners acquire an interest by birth, whereas no such right can be claimed with respect to the joint property of the

1. The book under review at 386-87.

2. *Id.* at 46, 47, 49, 51.

coparceners which some of them might have acquired jointly without the aid of the nucleus of the joint family property. At some places the expression “grandfather” instead of “father’s father” is used.³

Some of the printing mistakes may be noted— names for manes⁴ S.M. Bhattacharjee for A.M. Bhattacharjee⁵, Redasubhaya for Pedasubhaya⁶, however. Act for However act⁷ on page 56, in foot note 36 after sections 4 and 5 the expression ‘Indian Partnership Act, 1932’ is missing. The rule of *Dampudat* is a branch of the Hindu law of debts, according to which the amount of interest recoverable at any one time cannot exceed the principal amount. While explaining this rule of Hindu law, the author has given two illustrations. In the first illustration,⁸ there is discrepancy with respect to the amount and the name of the parties.

The following details may be added in the next edition of the book (1) important case law on (a) section 9 of Hindu Marriage Act, 1955 relating to the restitution of conjugal rights involving working women; (b) section 14 of the Hindu Succession Act, 1956 relating to women’s property; (2) State Amendments with respect to Section 6 of Hindu Succession Act, 1956 making daughters coparceners, viz, Hindu Succession (Andhra Pradesh Amendment) Act (Act No 13 of 1986); Hindu Succession (Tamil Nadu Amendment) Act (Act No. 1 of 1990); Hindu Succession (Maharashtra Amendment) Act (Act No. 11 of 1994); Hindu Succession (Karnataka Amendment) Act (Act No. 23 of 1994).

A detailed subject index has been provided to facilitate the readers in locating the points of his interest. Important case-law upto 1997 has been incorporated. All in all, it is a book that will prove to be a valuable addition to the literature on the subject.

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3. *Id.* at 53.

4. *Id.* at 24.

5. *Id.* at 29.

6. *Id.* at 113.

7. *Id.* at 46, second last line.

8. *Id.* at 143.

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