

THE INSTITUTION OF PROPERTY. By R.S. BHALLA. [Lucknow: Eastern Book Company. 1984. 204 pp. Hardcover: Rs. 80.00]

THIS book is a philosophical study of the right to property. It essentially falls into three parts. The first part contains an analysis of the legal concept of property. Here, the author deals competently with the traditional Western literature on property, though there is an occasional effort to refer to oriental systems and try to project the view that analysis of the concept of property somehow has universal validity. For example, the Hindu coparcenary system is brought in aid of a view stated by Honore. This thirst to project Asian law into Western

moulds is a phase of scholarship that is fortunately decaying but this book does little to accelerate that process. In the second part of the book the historical evolution of the institution of property is traced. Anthropological views predominate, Malinowski, Gluckman, Maine et al. are dutifully noted. The Hindu and Islamic notions of property are given a couple of paragraphs. The final part deals with the emergence of a socialist view on property and its critique. Duguit, Renner and the work of Berle and Means are restated competently. The book is a good statement of the discussion that has gone on before in the area selected for study.

But the book, originating as it does in India, smacks of research done at a British university for a higher degree. While it demonstrates a high standard of scholarship, it makes little effort to grapple with the philosophical problems relating to the right to property in a Third World context. One searches in vain for a comprehensive statement of the attitude to property in the Hindu and Islamic traditions and how they compare with the Western views. Both in international law as well as in constitutional law, the right to property plays a negative role in the process of economic development. In international law, the state's right to restructure its economy by ending foreign control is often denied on the basis of the existence of a right to property. In constitutional law, internal redistribution of wealth is hindered by similar claims. Though Bhalla has a good discussion of the socialisation of property, the discussion is so confined to the views of Renner and Berle and Means, as to have little relevance to these problems. The book is a good introduction to the subject it covers.

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