

INTERPRETATION OF STATUTES. By V.P. SARATHI, (3rd Edition). [Lucknow: Eastern Book Company. 1986. Ixiv + 640 pp. Hardcover: Rs. 18.00]

THIS is a work of prodigious industry. It seeks to bring together the views on statutory interpretation adopted by the Indian courts. What is fascinating about the work is that there are no slavish references to English texts or attempts to follow the structure of the treatment of this area of the law by English writers. This is as it should be. India is engaged in the achievement of certain objectives and law is an instrument which facilitates the achievement of these objectives. Following trends in statutory interpretation in other common law jurisdictions will only hinder the achievement of these goals.

Sarathi's book states the principles of interpretation used by the Indian courts in a readable manner. The chapters give an adequate glimpse of the extensive case law that Indian Courts have built up in this area. The sections on tax statutes and delegated legislation have great relevance and demonstrate the novel methods Indian Courts have developed here. The extent to which the policy and object of the statute can be taken into account is described competently.

After having praised it in good measure — and the book deserves praise — one may make certain criticisms. Indian text-books are largely aimed at practitioners and it would appear that law students are required to use these practitioners' texts as well. The book under review is very much a practitioner's work in that whereas it covers the field adequately, it contains hardly any analysis of the law. An example may be given. At pages 188-194 the author deals with the presumption that *mens rea* forms a part of any crime created by a statute. The rule is set out and explained in a brief passage after which there follows a series of cases in chronological order in which the Supreme Court has considered the rule. This may be an adequate treatment from a practitioner's point of view. It saves him the bother of searching for the law in the Supreme Court Digest. But, as a teaching device, a work of this sort is a disaster.

This point perhaps is harsh, because Mr. Sarathi was a distinguished practitioner and is now an editor of law reports. He obviously wrote the book with practitioners in mind. Nevertheless the point is worth making that the bane of legal scholarship in Asia has been to make up the lack of analytical and sociological treatment of legal issues by a display of massive accumulation of material about a point. Asian legal scholarship must move out of this phase. It is a left over of the Sanskrit influence that massive accumulation of knowledge passes off as scholarship. Such attitudes hinder the growth of dynamic scholarship in the law. A study on statutory interpretation lends itself to dynamic treatment. As Mr. Justice Reddy points out in his foreword, the Indian courts, (and the reviewer believes, Indian courts more than any other courts in the Commonwealth) have adopted a purposive interpretation of statutes. It is to be hoped that when the next edition of this work comes out, it would contain more analysis and become a work which could be kept alongside those of Maxwell, Craies and Bennion.