redrafting is required to adapt the language to conform with local legislation, and secondly, there can be no certainty that a court will give full effect to all the provisions.

Finally, the law is stated as at 20 December 1989, and examples of recent cases analysed are *Re a Company (No. 00370 of 1987) ex parte Glossop* (1988) 4 B.C.C. 507 and *Smith and Others* v. *Croft and Others (No. 2)* [1988] Ch. 114. The former case was recently referred to by Justice Chao Hick Tin in the local case of *Re Gee Hoe Chan Trading Co. Pte. Ltd.* [1991] 3 M.L.J. 137.

This book will be valuable to practitioners seeking practical insights into the law on minority shareholders' rights in the United Kingdom.

ANGELINE LEE

PRECEDENT IN THE INDIAN LEGAL SYSTEM. By LAKSHMI NATH. [Lucknow: Eastern Book Company. 1990. xvi + 214 pp. Hardcover: Rs 125]

IN Chapter 1, Dr. Nath says that this work is a critique of the doctrine of *stare decisis* as it operates in the Supreme Court and the relationship of that doctrine to the constitutional authority of the Supreme Court to make binding declarations of law under Article 141 of the Indian Constitution. Thus despite the generality of treatment suggested by the title of the book, the focus is almost exclusively on the Supreme Court. With a few exceptions, all the Indian precedents cited involve constitutional law.

This book may be divided into two parts. The first part introduces topics necessary to understand how precedent works in India. Chapter 2 deals with the "Institutional Aspect"; chapter 3, the sociological perspective; and chapter 4, the concept of *ratio decidendi.* The second half of the book deals with issues specially arising in the Indian context: the lack of regard for precedents (chapter 5), prospective overruling (chapter 6) and Article 141 of the Indian Constitution (chapter 7).

In his discourse, Dr. Nath tends to go into rather involved discussions on issues of substantive law. One example is his argument that the Supreme Court lacks "precedent-consciousness". The cases run for some thirty pages (p.90-119)! While some discussion on points of substantive law may undoubtedly be necessary for illustrative purposes, they should also be succinct. Alas, brevity is not Dr. Nath's strength. Neither is lucidity his forte. Often the amount of space devoted to substantive issues clouds the point that is being made.

Apparently, the author expects his readers to have a good understanding of Indian constitutional law for he often does not lay out the basic principles

before embarking upon his comments and criticisms. The basic features doctrine was featured widely throughout this book - but the concept was never really explained. The law student reading this book without a knowledge of constitutional law may find himself somewhat mystified and lost.

The readers are probably also expected to have by their side a copy of the Indian Constitution because the author does not lay out the relevant statutory provisions even in his discussion on the technicalities of the sections. It is amazing how an entire chapter can be written on the all-important Article 141 without even once setting out the provisions.

The organization of the subdivisions within the chapters can be somewhat misleading. The final heading in chapter 2 is *"Stare Decisis* in India - Pre-Bengal Immunity Phase". Presumably either the author or the publisher has forgotten a subsequent heading because the discussion on the post-Bengal Immunity Phase follows without warning.

Reading this book demands patience and good concentration. This is an example of the style used:

> This high water mark of judicial law making perilously threatening to amend the statute under the guise of interpreting it raises both ideological and institutional challenges of the highest gravity which cannot but effect [sic] the credibility of the judicial organ if it extends unilaterally, without the benefit of the considered opinions of law officers of the State, of officials concerned with commerce and industry, and of other connected pressure groups, the thrust of the incidental jurisdiction that the court may have to legislate in the interstices to secure efficacy of the judicial function (p. 117).

A warning here is necessary. The work can also get quite reader-unfriendly. I have in mind the series of unexplained charts at the end of chapter 3. (What is the "statistical role" of a judge?)

It is customary to end with a few encouraging remarks. First, the law student could conceivably learn something about precedent in the Supreme Court. He would also learn to string together ordinary words in the most impressive manner. Secondly, the comparative lawyer who perseveres through this book would derive a fringe benefit; he would acquire a fair amount of knowledge in constitutional law - if only because he has to cross-reference to texts on this subject in order to understand this book.

ALEXANDER LOKE