

CONSTITUTIONAL PROTECTION. By L. A. Sheridan. [Singapore: The Malayan Law Journal. 1963. lii + 272 pp. incl. index. M. \$25.00.]

Perhaps the first reaction of most readers of this book will be to the cryptic title. The questions "of what?" and "where?" are inevitable. In fact, the book is concerned largely with constitutional protection of property in India, as is pointed out in his preface by the author. He also there says, "Cases on the Government of India Act, 1935, section 299, decided in India and Pakistan (and in the Privy Council) have been included to assist the interpretation of the modern constitutional provisions. Cases arising out of the defunct Constitution of the Islamic Republic of Pakistan are used to the same end." Two other countries figure in the work: The Federation of Malaya and Northern Ireland. The reason for the inclusion of the former is clear. The work was published in Malaya, and will probably have its greatest sales here; and because of the dearth of case law interpreting the constitution of this country and because of the regard the courts here have for Indian decisions, references to the Malayan Constitution, however speculative and hypothetical the remarks, may have some utility for students and practitioners. The purpose of including Northern Ireland is more obscure. The previous work of the author on that constitution, to which he makes reference in the preface, seems a scarcely adequate reason. One can agree with the author that, "Although the general restriction on taking property without compensation has been removed from the Parliament of Northern Ireland, material of permanent value is to be found in some of the Northern Ireland cases." But there is "material of permanent value" in the property law of other countries. Indeed, the American cases are more relevant to the developing

Indian case law on the protection of property, and more attention to them might have prevented the author's confusion of the Indian use of the term "police power," directly adopted from the United States, with the author's phrase "powers of policing India," a confusion which appears on pages 106 and 107 of the text. The few Northern Ireland cases and even Chapter 8 — "Nationalisation by Prohibition of Competition," which is almost entirely devoted to the law of that country, really do not make this work comparative in nature; and the structure of the book might have been improved by including that material as footnote references in such instances as it could have been thought of as useful.

But these comments are not meant to detract from the essential worth of the book. Professor Sheridan's scholarship here was designed to be exhaustive of the Indian High Court and Supreme Court cases interpreting the relevant constitutional provisions. His method is to collect all the cases, organize them, restate some of them, and comment upon many of them directly and all of them at least indirectly. Scholars, law students and practitioners to whom Indian law is relevant will find the work of value, especially in its accumulation and organization of the cases, made most useful through a complete table of cases and a good index. Some may see a slight imbalance in the author's often lengthy concern with an eccentric and obscure opinion, which he informs us is opposed by the weight of better authority (pp. 85 or 106) or by the pedagogue's interest in exploring unlikely interpretation of language, as appears in the opening pages of chapter 3. And the author would doubtlessly be the first to advise those for whom his book is primarily directed to come to their own conclusions as to those cases which he categorically describes as wrongly decided (p. 112) or to decide for themselves whether, unlike him, they can see reasons, for example, as to why the furnishing by the government of houses to public servants could be regarded as a public purpose (p. 157).