

LAW OF CRIMES IN INDIA, VOL. I Principles of Criminal Law. By R. C. Nigam. [London: Asia Publishing House. 1965. xii + 538 pp. (incl. index). 80s.].

There have been in recent times a large number of books on the Indian Penal Code, but scholastic works on the general principles of the criminal law of India, which is also today the law of many parts of the former British Empire, have been few and far between. It is over 60 years since Syed Shamshul Huda delivered his Tagore Law Lectures on the Principles of Criminal Law in British India and Dr. Nigam's book which thus fills a long felt need is to be welcomed.

Dr. Nigam's work is planned in two volumes. This, which is concerned with general principles, is divided into two parts. Part I deals with the History and Principles of Criminal Law. In this section the general conditions of liability including those of group and vicarious liability are discussed. Part II is devoted to a continuation of the general defences and the protections accorded to the accused under the Indian Law and in particular the Constitution.

This is a text book. The views of the great commentators on the English Criminal Law are often referred to in setting out the principles that govern. The author himself hardly takes sides and there is, consequently, insufficient critical analysis. But as a text book and as a competent and comprehensive introduction for the student this book more than fulfills the purpose.

The author has had long experience as a teacher of the criminal law and the contents of this book owe their origin to the careful studies made by Dr. Nigam as a teacher. While the book is primarily concerned with the exposition of basic principles, the author has indicated his interest in comparative criminal law by referring to the criminal law of England and the United States. While his intention is no doubt admirable, this method has not been employed adequately and the case-law of the Commonwealth countries, which have developed their criminal law within the framework of the Indian Penal Code, have in the most part been ignored.

For instance in the account of provocation as a defence he does not refer to the well known case of *A.-G. of Ceylon v. Kumarasinghe Don John Pereira* (1935) A.C. 200, although it is a decision of the Privy Council.

The Indian Penal Code, which owes much to the genius and learning of Lord Macauley, is over 100 years old. It has taken root in many countries. What is needed is a clear examination of the history of the criminal law in these countries. Now that the Indian Penal Code has come of age, so to speak, there is no longer the need to look upon it solely as a special appendage of Anglo-American jurisprudence. Unfortunately, Dr. Nigam displays this tendency much too often.

There are interesting passages on Hindu and Mohammedan Criminal Law. As these topics usually find their place in other legal works, most lawyers are unaware of the now out of date indigenous criminal law.

Dr. Nigam complains that in the Indian Law schools, students consider criminal law as 'dry as dust'. One of his purposes in writing this book was to impress upon the students that, in the proper hands, criminal law can be made to come 'alive' and absorb the enthusiasm of the students. There is no doubt that the author has more than achieved this purpose in the book. His companion volume to this book, when ready, will no doubt be long awaited by students and teachers alike.