

REVIEWS

Practical Problems on Practice & Law of Banking in India. Satya Narayana Patodiya. Jaipur, Bankers' Books Pub. House, 304 p. Rs. 30.00.

In the preface the author starts by admitting that it is not a text book, but 'a reference book' to cover 'peculiar' banking problems which have not been covered by any other book.

The author during his banking career has come into contact with many practising bankers (2500 as mentioned) and discussions with them seem to have provided him with the material for this book. Thus it is a result of primary data collection and processing, although the reader could have appreciated a little more enlightenment on the methodology. The emphasis is, as the title suggests, on 'Practice' first and then on 'Law' of banking. The book therefore follows a model whereby a problem situation has been described and the solution, which the author adds in the preface is not an unique one, is mentioned; and in the context of the solution, the reference of the specific point of law has been introduced. This treatment does not let the reader get bored while discussing a fine legal point, as his curiosity has been sufficiently aroused during the problem description to urge him to know the solution.

The solutions, having come from the esteemed panel of bankers, the author must deserve credit for preparing an impressive inventory of problems from the day to day

banking activities. These problems range from Banker-customer relations, to intricate problems in various fields of banking operations such as bills, remittances, guarantee, various documentation, payment and collection of cheques, foreign exchange etc. If not for anything else, the author certainly deserve unreserved congratulation for presenting a wide range of practical banking problem in such a lucid language, which everyone can understand and comprehend. In all 314 problems have been discussed in this book, where on a particular theme the number of problems discussed is anything between say 8 to 50, depending on the complexity of the subject. The problems also set out a few basic but intriguing situations where phenomena like death, mental disorder, accident, illness etc. have complicated the situation. The author very rightly recommends to the banker a more humanitarian approach rather than the strict legal approach. It also perhaps brings into light some inadequacies of our legal system where common sense tells us to do otherwise.

Let us take the problem 21, where one of the joint account holders has become incapable of managing his affairs due to mental incapacity. The law provides that immediately, the authority to operate an account is terminated till such time a receiver is appointed by court who may be able to safeguard the incapable person's interests. The intention of the law is quite clear and laudable. But what happens when the second party is the wife of

the first party and needs money for her husband's treatment? The law is quite silent and there is no special provision. In such a case a law implemented without discretion will result in defeating the very purpose of the law i.e. to protect the interest of the incapable person. A banker therefore must be aware of his responsibilities as he is the implementation authority of many such laws and he must be aware of the spirit of the law and the consequence of his action. One would say that the objective of such a book could be to make the banker aware of his above responsibilities. Unfortunately it does not come out that clearly. It would have been better if through a thematic summary after each chapter, the salient theoretical points could have been discussed.

Another series of problems this book discusses is the relationship with a minor. A minor, by virtue of the status given to him through the Indian Legal System, can enter into a contract and bind everyone else except himself. The nuances of this peculiar status may create a few queer problems as has been aptly described. But in any such collection can only contain a limited number of such problems. The success of such a collection of problem solution will, therefore depend on whether the reader is able to grasp the subject of the problem i. e. the particular aspect of law and is able to apply the skill developed to solve them independently. Had there been any generalisation of the application through any method (such as a thematic summary suggested earlier) one could be more sure about it, but without such an integration, there is a danger that it may be used as a 'cook-book' of problem-solution, where the intention of the author seems to be far from that.

The production is good and the language is lucid. The appendices contain useful information about selected pieces of banking laws. In spite of the few weaknesses mentioned above, it is quite readable, an aspect greatly enhanced by innovative names of characters. For example, as soon as a problem starts with two partners Bholaram and Chalakram, the reader can expect Chalakram to do something which may trouble Bholaram and invariably he does so. Again when Mr. Guptavai requests for additional secrecy about his account, the reader is perhaps supposed to understand a little more than the told facts of the case.

Although the author targets this book at practising bankers, it would do no harm to bank's customers to take a look at some of the problems and try to understand the other side of the story. Limited utility it might be of, but nevertheless any improvement in banker-customer relationship would be most welcome and we feel that this book will contribute favourably towards that.

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Performance Appraisal Systems in Public Enterprises — An Evaluation. N. Chatterjee, New Delhi, Scope, 1978, 6 Rs. 10.00. **Performance Appraisal,** Malabhar, Ed. New Delhi, Vikas, 1978, 20 Rs. 45.00

The book by Prof. Chatterjee is based on a study of appraisal forms of 24 public sector enterprises, and on data from intensive interviews as well as participation in performance appraisal seminars. He strongly indicts the cult of confidentiality