

COMPARATIVE CONSTITUTIONAL LAW. By DURGA DAS BASU. [New Delhi: Prentice-Hall of India. 1984. xxx + 528 pp. Hardcover: Rs. 150.00)

HAVING frequently consulted Dr Basu's classic, *Commentary on the Indian Constitution*, I looked forward eagerly to reviewing what must surely be his most ambitious work to date. Alas, this volume, on comparative constitutional law proved to be most disappointing. In his forward, the author sets out the aims of the book in stratospheric terms by declaring that the work:

“... is unique and unprecedented inasmuch as though there are classical treatises on the constitutional law of different countries,... there is hardly any treatise (apart from casebooks) which discusses the principles of Constitutional law on a comparative and global level.”

To achieve these aims, the author has planned a 10-volume series which will cover such constitutional concepts, institutions and practices such as Federalism, Human Rights, Judicial Review, Constitutional Amendments, the Executive, the Legislature and the Judiciary. This is the first volume of that series. It is given the name of the series because “it is designed as an introduction to as well as an epitome of the message of the entire series.”

The organisation of the book is curious: there are only two chapters covering 500-odd pages of materials. The first chapter is entitled "Scope of Comparative Constitutional Law" whilst the second and last chapter is called "A Written Constitution as Law". In between these chapters, the sub-headings are few and not in the least useful and this must surely be the book's biggest flaw. The author prefers not to use too many sub-headings but utilises the marginal note-style notation often found in statutes. This is most distracting and does not serve the purpose of guiding the reader through the material being discussed. Often, such notation consists of words like "India" or "Australia" or "Canada" which must surely suggest to the reader that the writer is discussing the law in one of these countries. However, Basu makes a habit of jumping aimlessly, from one country to the next and then back to the first country and the result is bewildering and confusing. Coupled with the lack of suitable sub-headings, the reader cannot afford to lose concentration for one moment or he might have to start reading the chapter all over again — not a very attractive proposition, considering that the second chapter is almost 400 pages long — or simply abandon the book altogether.

Besides the organisation and layout of this work, Basu tends to be verbose, padding his propositions with too many examples and quotations. It would have been much more pleasurable to read a shorter work containing the most succinct or profound enunciations rather than a plethora of materials which adds nothing to the substance. There is also a lack of consistency in that sometimes the author refers to himself in the first person and at others, in the third person. Further the style is not as lucid as in his earlier works.

The first chapter is an attempt by the author to state his case. In my opinion, he overstates it, taking over 103 pages to tell the reader why a comparative approach to constitutional law is necessary. Ploughing through the mass of materials (not just once, but several times), one just about appreciates the expansiveness of Basu's scope and one cannot help but marvel at his research and compilation abilities. There is much material that is useful in this chapter, such as his discussions on the interpretation of constitutional documents as well as the difficulties of constitutional conventions in former colonies. To say that Basu is eclectic would be an understatement. He has certainly combed the literature and case-law well but if only he were more discerning in using them as examples!

Chapter Two is slightly more organised and discusses the difficulty in interpreting written constitutions and how various countries have tried to incorporate various aspects of government and private rights and obligations into their constitutions. However, the lack of adequate sub-headings makes for heavy reading and the rambling and aimless citing of examples which characterised the first chapter pervades this chapter too. It is not uncommon to find Basu going into 30 to 40 page diversions before returning to his main subject matter. There are other minor faults in this book, the footnotes being inconsistent and very often being numbered wrongly. The index is also inadequate and cannot be relied upon to locate any particular subject precisely.

Notwithstanding its numerous shortcomings, Basu's book contains much material that is useful but much patience and concentration is demanded of the reader. It is certainly not one of those books that can be picked up and browsed through easily, neither can it be called a reference book since its accessibility is much undermined by poor indexing. Alas, the book fails miserably in its aims and if the reader wishes to gain a comparative perspective of constitutional law, he should revert to Basu's *Commentary on the Indian Constitution*, which remains a classic in its field.

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