

COMPARATIVE CONSTITUTIONAL LAW - FESTSCHRIFT IN HONOUR OF PROFESSOR P.K. TRIPATHI. BY MAHENDRA P. SINGH (Ed.) [Lucknow: Eastern Book Company. 1989. xvi + 526 pp. (including index). Hardcover: INR 250.00.]

ACADEMICS in France and Germany have a good tradition. Homage is paid to a distinguished academician, at the time of his retirement from active service, by the publication of a book in his honour. Writings are invited from his colleagues, well-wishers, and others who have known him or worked with him. Each author is entirely at liberty to choose the specific subject of his contribution within a general framework so that similar or identical matters may be discussed. The French call such a publication *melanges* and the Germans, *Festschrift*. The editor of the book under review, Professor Mahendra P. Singh, was a Humboldt Research Fellow at the Max-Planck Institute of Comparative Public Law and International Law at Heidelberg. It augurs well for Indian academicians that he has followed the German tradition in publishing a *Festschrift* in honour of Professor P.K. Tripathi on the occasion of his 65th birthday.

Professor Tripathi has been a distinguished teacher of constitutional law in India. He was for many years Dean of the Law Faculty, Delhi University, and was at one time Visiting Professor in the Faculty of Law, National University of Singapore.

Comparative Law is not a body of rules and principles. It is a method of looking at legal problems. The Comparative Method aims at the collection, examination and collation of notions, doctrines and institutions which are found in various legal systems. This process of comparison is better described in the German term *Rechtsvergleichung* and the French *droit compare* (comparative law). In comparative constitutional law, the comparative jurist is concerned with the composition and functions of different organs and institutions as interpreted in judicial decisions under different constitutions.

The book under review is divided into seven parts. Part I deals with "Constitutional Philosophy, Constitution, and Judicial Review"; II - "Constitutional Transitions and Turmoils"; III - Civil and Political Rights"; IV - "Economic and Social Rights"; V - Constitutional Foundations of Administrative Law and Relationship between the Executive and the Administration"; VI - Constitution and Civil Servants"; and VII - "Epilogue" giving an account of Professor Tripathi's contributions to constitutional law.

This is a good matrix for a comparative study of different constitutions. But that is not the theme of the book. Contributions are on various constitutional systems. There are articles relating to America, Britain, Germany, Hong Kong, Malaysia, Japan, Poland, Sweden, and Yugoslavia on entirely different aspects. For example, in "Civil and Political Rights", Professor Greenwalt of the Columbia Law School (USA) in his contribution "Free Speech Justification" deals with the philosophical rationalisation of free speech; Professor Starck of Gottingen University (Germany) with "Freedom of Expression and Academic Freedom" in Germany; others who contributed are Professor Mansfield of Harvard Law School on "Religious

Speech under Indian Law”; Professor Stein of the University of Heidelberg (Germany) on “Free Speech in Germany”; Professor Chouse of S.K. University (India) on “State Lawlessness and the Constitution: A Study of Lockup Deaths” in India; Dr. Kedzia of Polish Academy of Sciences on “New Institutional Guarantees of the Rule of Law and Individual Rights and Freedoms in Poland”; and Professor Errabi on the “Right to personal liberty in India”. The contribution of Dr. Wieruszewski of the Polish Academy is entitled “Constitutional Form of the Principles of Equality and Nondiscrimination in the Polish People’s Republic against a Comparative Background”. The comparison spoken of is between provisions of the Polish constitution and the UN Declaration and Covenants on Human Rights. As these articles are not of a comparative nature, an appropriate title for the book should have been *Essays on Constitutional Law: Festschrift in Honour of Professor P.K. Tripathi*.

The contributions that may be of specific interest to readers in this part of the world are by Ms. Cottrell, formerly from Ahmadu Bello and Ife Universities (Nigeria) on “One Country, Two Systems: the Constitutional Future of Hong Kong” and Professor Ghai of Warwick Law School (England) and a Former Visiting Professor of Law at the National University of Singapore on “Politics of the Constitution: Another Look at the Ningkan Litigation”.

The editor has taken great efforts in collecting essays from different distinguished scholars from various parts of the world. Collecting contributions, is a formidable task and the editor has successfully done so. For this he deserves to be congratulated. A case list would have been quite handy. The index could have been more detailed. For instance, one can see that there are essays on Germany but no listing of Germany in the Index. Brief bio-data of the contributors is given at the end of the book. A reader would have found it more convenient if the list was given in alphabetical order.

As the book under review is not addressed to any specific area of research in constitutional law or to any specific constitutional system it may be of general interest to someone who may have diversified interests in varied constitutional systems.