

COMMENTARY ON THE CONSTITUTION OF INDIA. (6th ed. 1991). By Durga Das Basu. [In 18 Vols. A-R published progressively from Vol. A in November 1973 to Vol. R in April 1991 including supplement to Vol. A in 1982]. R.N. Sarkar, Calcutta-6. Pp. separate in each vol. Price: Each vol. Rs. 50 or above.

THIS WORK is a culmination of Basu's continuous study of the Constitution which started with the publication of the first edition of the book in November, 1950. The Constitution of India is the supreme law of the country. It has grown by judicial interpretation, notably by the Supreme Court, over the years. Basu's book is not an ordinary commentary on a statute. On the contrary, in the shape of a commentary on the different articles of the Constitution, the work gives us the basic principles underlying the articles particularly of the fundamental rights and the directive principles in parts III and IV of the Constitution. This is why Volume A deals with only articles 1 to 13, Volume B with articles 14 to 19, Volume C with a part of Article 19, Volume D with articles 20 to 31 and Volume E with articles 32 to 75 and so on. The discussion of basic principles has involved delving into constitutional history, political science, principles of statutory interpretation and critical analysis of judicial decisions. In addition to this philosophy of the Indian Constitution Basu has always given us the relevant provisions of the US Constitution and of other constitutions like the basic features of the British Constitution, *etc.*, and made this work not only a thesis on the Indian Constitution but also a work on comparative constitutional law. The Supreme Court has found it necessary to discuss aspects of comparative constitutional law in some of the more important decisions from time to time to assure itself that its interpretation of the Constitution is in keeping with the trend of the growth of the modern constitutional law in the democratic countries of the world which enshrine fundamental rights and their enforcement. The learning displayed by the author is deep and comprehensive because it is the result of a dedicated and deep study of the Constitution and its development by the author from the year 1950 onwards till now. The author is unique in this respect and his contribution is, therefore, unrivalled.

Just to illustrate how Basu deals with basic principles and comparative constitutional law, one may turn to Volume A which is available with a 1982 supplement in one volume of lvii+554 pages at the unbelievable price of Rs. 50 only. In each volume there is an introduction which is the general survey of the basic principles.

For instance, in the introduction to Volume A are dealt such topics as, (1) making of the Constitution with historical retrospect followed by the salient features of the Constitution such as, (2) its length, (3) it is partly rigid and partly flexible, (4) a federal structure with unitary features, (5) a compromise between judicial supremacy and parliamentary sovereignty,

(6) combination of the presidential and parliamentary systems of government, (7) the role of conventions under the constitutions, (8) guarantee of social and political equality and the rules of interpretation and construction with the following sub-heads such as, (i) express intention, (ii) reading the Constitution as a whole, (iii) maxims, (iv) presumptions followed by special rules of constitutional interpretation. These are sub-divided into, (a) doctrine of liberal interpretation, (b) doctrine of progressive interpretation, (c) harmonious construction, (d) it is better for a thing to have effect than to be made void, (e) mandatory and directory provisions (f) relevancy of the Directive Principles in interpreting justiciable provisions of the Constitution, etc.

With the commentary of the Constitution enshrining such deep study of the principles, comparative constitutional law and critical analysis of judicial decisions, the work may be summed up as being a veritable *Mahabharata* of the Constitution. It is said that all wisdom is contained in the *Mahabharat*. It may be said of Basu's book that all the constitutional law of India is contained in this *Mahabharat* of the Constitution.

There is so much analytical thinking on different topics in each volume that the table of contents at the beginning of each volume is totally inadequate and an analytical table of contents would be very useful, particularly because each volume does not have a subject index. A cumulative subject index, however, occupies volume R completely. One has, therefore, to possess the whole set of 18 volumes to be able to use Basu's thoughts effectively.

Another instance of comparative constitutional law given by Basu is his treatment of citizenship in Volume A. Here we find sufficient material from comparative constitutions of the world to show how dual citizenship (which is the presently a hot subject of discussion in India) is to be found in the other progressive constitutions of the world. This will have a definite bearing on the interpretation of our Constitution and the Citizenship Act, 1955 pointing the way to make dual citizenship available to the non-resident Indians. It is such study as Basu's which enables a serious student of constitutional law to equip himself with deep constitutional learning which would be a great weapon in his hands to enlighten others in India and abroad. To argue in the courts and win constitutional cases would be only a part of this comprehensive study.

This study must not be judged by the dates which the different volumes of this work bear. The nature of the study is such that it cannot be dated. The constitutional learning is basic and it cannot change much by addition of new decisions. No book of a recent date can possibly comprise all the learning comprised in this work. Therefore, this work is a necessary equipment for every constitutional lawyer irrespective of the fact that it has been published over a number of years.

The reviewer is sure that every serious scholar of the Constitution will read this book and the modest prices of these volumes will place them in his hands.

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BOOKS RECEIVED FOR REVIEW

BRYAN A. GARNER, *The Elements of Legal Style* (1991). Oxford University Press, New York. Pp. xvii+236.

GARETH JONES, *Restitution in Public and Private Law* (1991). Sweet and Maxwell P. Ltd., 183 Marsh Wall, London E 14. Pp. xi+172. Price Rs. 80.

GEZA KILENYI AND VANDA LAMM, *New Tendencies in the Hungarian Economy* (1990). Akademiai Kiado, Budapest. Pp. 179. Price \$24.00.

J.L. APARAJIT, *Equality and Compensatory Discrimination under the Indian Constitution* (1992). Datt Sons, 1 Nehru Marg, Nagpur. Pp. vi+336. Price Rs. 350.

MANIK KHER, *From Shadows to Light : A Socio-Legal Approach to Work Atmosphere* (1991). The Times Research Foundation, 13 Vasant Vihar Society, Kothrud, Pune. Pp. 142. Price Rs. 130.

N.G. NAIR, *Interpretation of Documents* (1991). C.L.A. Publications, 35/603 Dwans Rd, Ernakulam, Kochi. Pp. vii+311. Price Rs. 100.

S.T. DESAI, *Equity, Trusts and Specific Relief* (1991). Sweet and Maxwell P. Ltd., London. Pp. xii+268. Price Rs. 125.

SATYADEVA BEDI, *Extradition in International Law and Practice*, Vol. I, II (1991). Discovery Publishing House, 4594/9, Daryaganj, New Delhi-2. Pp. xxiv+343. Price Rs. 750.

SURENDRA MALIK, *Supreme Court Labour and Services Digest* (1987-1990), Eastern Book Company, 34 Lalbagh, Lucknow. Pp. cxi+579. Price Rs. 200.

U.M. PANDIT AND S.M. AMIN, *Principles and Precedents of Pleadings and Conveyancing* (1991), N.M. Tripathi (P) Ltd., 164, Samaldas Gandhi Marg, Bombay - 400 002. Pp. xiii+299. Price Rs. 150.

V.B. CONTINHO, *Strikes in Industrial Conflict : A Critical and Comparative Study* (1992). Vidyanidhi Prakashana, Gadag. Pp. 10 + 260. Price Rs. 90.

YASH H. GHAI (ed.), *Law Politics and Government in the Pacific Island States* (1988). Institute of Pacific Studies, University of the South Pacific. Pp. x+393.