

BOOK REVIEW

CONSTITUTIONAL & ADMINISTRATIVE LAW OF SRI LANKA

BY JOSEPH A.L. COOREY, LL.B(London)

[Enlarged and updated edition, 1996]

BY A.C. ALLES*

Chief Justice John Marshall of the United States Supreme Court stated in a celebrated case (*Mc Culloch v. Maryland*) that “we must never forget that it is a Constitution that we are expounding”. He thereby gave expression to the importance of the interpretation of, and commentary on, the Constitution which regulates the lives and liberties of all persons in the community. In view of its importance, Dr. Cooray’s enlarged and updated edition of his standard treatise replete with case law and other constitutional developments will be welcomed not only by lawyers and law students but also by a wider public interested in the government and politics of Sri Lanka.

The commencing Chapter of the book is entitled “The Historical Introduction to the Constitution” and it traces the constitutional development of the Island from the early period upto the making of the present Constitution. The author states that for a proper understanding and assessment of the present Constitution and a comparative study, it is necessary to have some knowledge of the country’s constitutional and political background. In his Chapter on “The Nature of the Constitution and of Constitutional Law” the author goes on to discuss a matter of topical interest, namely the nature of the unitary State as contrasted with the federal State, referring also to the well known Supreme Court case relating to the Thirteenth Amendment to the Constitution and the Provincial Councils Bill. The author appears to favour the use of the term “Unitary Constitution”, as some modern constitutional jurists such as Wheare, Kahlo and Ellison Kahn have done, to include not only those Constitutions in which supreme power is concentrated wholly in the central government, but also where the unitary principle is predominant, as in South Africa. The position is similar with regard to the use of the term “federal”.

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