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India's Constitution by M.V. Pylee

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Dr. M.V. Pylee needs little introduction in the realm of Indian Constitutional Law. An authority on the interpretation and application of the premier legal text, he has to his credit several books on the Constitution as well as works comprehensively covering the complex fields of management and industrial policy. The present work is an abridged version of Dr. Pylee's Constitutional Government in India and is a seventh reworking of the same. The popularity of the author’s work is seen from the fact that the previous edition of the same book was sold out within a year. The fact that has probably most provoked Dr. Pylee to put pen to paper again is the drama of successive governments at the Centre forcing the Twelfth General Elections in early 1998. The author’s experience is reflected in an almost clairvoyant manner in which he suggests another imminent round of elections. This publication in process, India is again going to the polls in autumn 1999.

This book is one of the few that make a detailed analysis of the referred ambit with little reliance on judicial precedent except where necessary. The textbook is a storehouse of experienced understanding of the very working of the Constitution in light of its history and evolution. Updated to include recent legal phenomena, a side-by-side discussion of facts and illustrations make for interesting reading. Politico-legal in nature, this interpretation that is historical and at the same time contemporary in nature is precise, critical and comprehensive.

The book is divided into seven parts, which exhaustively cover the Constitutional realm. These parts are - Introduction; Preamble, Territory and Citizenship; Fundamental Rights and Directive Principles; The Machinery of the Union Government; Government Machinery in the States; The Federal System and Miscellaneous Provisions. The book is not divided as is the Constitution, but it does make logical stratification closely following the form of the text.

Referring to the recent political developments, the author introduces Part I welcoming the ascendancy of regional parties in the Indian system. Laying down the history behind the Constitution, he relies on Dr. Ambedkar and the Constituent Assembly Debates to rebut the arguments against the Constitution, primarily regarding it being a lawyer’s paradise. Discussing the Panchayat system in India, he lauds the federal system as being superior to that in the United States, but draws a parallel with the Irish resistance regarding amity between communities. Referring to it as a ‘working Constitution’, the author deals with the basic principles

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inherent therein, including independence of the judiciary, regulated exercise of fundamental rights and sovereignty as reflected in the directive principles of state policy. The history of the Constitution is exhaustively analyzed, referring to the evolution of the state from the dawn of the British era, through English legislations to the several plans suggested for a peaceful transfer of powers in 1947.

Disseminating the terminology of the Preamble in Part II, the author quotes Mahatma Gandhi’s comment as he embarked to represent his country at the Second Round Table Conference in London to understand the kind of Constitution that was intended for the nation. While relying on the Citizenship Act, 1955 to understand the modes of citizenship and nationality, an introduction to the States is provided by way of Tables denoting their respective areas and relative populations.

Coincidentally, Part III of the book deals with fundamental rights and duties as well as the directive principles. Making comparisons with the British and American positions on the point, this part is one of the few that relies extensively on judicial precedent, which is largely responsible for the moulding of the provisions as they are today. Emphasis is placed on freedom of the press and child labour regulations through separate sections under those heads, highlighting their relevance in the present context. References are made to social statutes and the various five-year plans in studying the effects of the directive principles of state policy. The author enlightens us as to the interesting fact that the first chapter of the third five-year plan was written by Jawaharlal Nehru, thereby reflective of the Prime Minister’s opinion.

In the next part, the author lays emphasis on the Cabinet system of government, the election, office and powers of the President as well as the Collective Responsibility of Ministers. Dr. Pylee takes the reader through a chapterised understanding of the various government functionaries including the Officers of Parliament. Of note is the section on relations between the Houses of Parliament. Descriptions of the various Parliamentary Committees are a welcome addition to any book on the Constitution, as are the various discussions under the heads of ‘Why a Supreme Court’, ‘Court’s Judicial Supremacy and ‘Judicial Activism’.

Part V deals with the Constitutional machinery in the States, in which the author involves himself in an interesting debate as to why a Governor is appointed and not elected. With an accurate analysis of the Keshava Singh case, the part goes on to describe the functioning of the legislature and the judiciary in the States.

The part on the federal system in India discusses the scheme of the division of powers from both an administrative and financial point of view. In the latter, excerpts from the Lists of the Seventh Schedule are referred to for a more lucid understanding. The emergency provisions are construed in the light of a multitude
of instances where they have been invoked and applied. This is followed by a study of inter-state trade, an area which has seen considerable litigation as regards Centre-State relations.

The final part on the ‘Miscellaneous Provisions’ of the Constitution understands the working of the Comptroller and Auditor general, the Public Service Commissions, the Administrative tribunals, languages and election procedures and controls. A detailed analysis of the Eleventh General Elections is made and certain electoral reforms have been suggested. The chapter on reservations makes provision based on religion, race and caste. Further the contents of the first 78 Constitutional Amendments until 1995 have been provided in brief.

In conclusion, certain important criticisms of the Constitutional scheme are made:

(a) The democratic system suffers due to bad social conditions, resulting from the low electoral turnout due to illiteracy and poverty.
(b) There are blatant inequalities in the social life between rich and poor people.
(c) The number of Amendments to the Constitution have been alleged to be excessive, but the author defends that by referring to foreign statutes on the point as well as the unique and bulky state of the written Constitution.

The most consistent feature of this work is the continuous reference to the Constitutional Assembly Debates, with particular emphasis on the words of it’s Chairman, Dr. Ambedkar. Using this as a basis, Dr.Pylee interprets each part in the evolving socio-political context. The detailed tables and latest statistics add to the guiding nature of the text. Particularly appealing is the quantum of information usually lacking in other works on the topic. Generous use of illustrations, especially one regarding the complex procedure of electing the President make this book more amenable to a common man’s understanding.

However, as no work on such a vast topic can be perfect, this one has its drawbacks. As regards the chapterisation, it would have been well advised for the section on ‘Historical Background’ to precede that on ‘General Principles’, as a look back would surely clear the way for a detailed understanding. Though the scope may have been a debilitating factor, the sparing use of judicial precedent is few and far between, and gives the reader the suspicion of being outdated to an extent. The criticisms are obviously limited, when reference is made to the Appendices and the Selected Bibliography, which are of unparalleled value to any student of the subject.

In sum, *India’s Constitution* is an essential preliminary addition to any library of law. Extensively researched and logically presented, it compiles several hitherto undiscovered facets making its absence in the history of our Constitution a gaping void.