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INDIA'S CONSTITUTION

M V PYLEE

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PREFACE TO THE FIRST EDITION

The first major achievement of Independent India was the framing of a new Constitution based on the ideals of justice, liberty, equality and fraternity. But the Constitution has been criticised for being unusually long and complex. In one or two respects there is some justification in this criticism. But by and large, the alleged over-elaboration and complexity are more apparent than real.

No other Constitution-making body had ever faced a task so difficult as the Constituent Assembly of India. Any Constitution that is designed to provide for the governmental machinery of a vast country like India with 360 million people was bound to be complicated. But with India it was not merely a matter of number or size. There was a perplexing diversity-- of language, race, religion and culture.

Prior to 1947, there were two Indias politically, British India and Indian India. The former was under the direct rule of Britain for two centuries. The latter was a political medley, composed of hundreds of heterogeneous Princely States, some big but most of them small, some modern but most of them feudal, some liberal but most of them autocratic, and all equally under the paramountcy of the British Crown.

Economically, although impoverished in general as a result of colonial exploitation, India nevertheless provided a paradox-- certain areas were comparatively advanced and prosperous while others were unbelievably backward; certain classes fabulously rich, others living in abject poverty. Socially, the evils of a degenerated caste-system, the curse of untouchability and the canker of communalism, based upon religious differences, were destroying the very vitals of the once dynamic Indian society.

Despite all the artificial barriers, political, economic and social, there had still been a cultural unity pervading the entire country. But that too was fast disappearing under the influence of fissiparous forces. On top of it all, there came the partition of the country into India and Pakistan, with all the pangs of that painful process.

It was difficult to find a more baffling political entity with such complex social and economic problems, than the India of 1947. To evolve out of the weltering chaos a compact, well-knit nation was the task that confronted the Constitution-makers.

The Constitution of India attempts to tackle this by laying down the fundamental law of the new nation. It is not merely a document dealing with the governmental machinery for running the administration of the country, but is in fact, an embodiment of the ideals and aspirations of the people of India. At the same time, it is also the product of the pattern of social forces that obtained in India in the wake of her winning political independence.

Naturally, such a document is bound to be long, complicated and, at least in parts, beyond the comprehension of the layman. But such complexity was not the result of deliberate intent, nor the product of loose thinking and poor drafting. Every part of it has a history behind it; every part of it has a definite purpose to serve; every part of it is the result of a sustained effort by the best intellects in India that got together in the Constituent Assembly. It has, nevertheless, some imperfections, like all things human.

Almost every modern Constitution is a complicated document. This is mainly because of the complications involved in the mechanism of modern government, which is no longer the simple thing that it was in the past. It is no longer an embodiment of the traditional concept of "a hindrance to

hindrances to the good life". Today it has to play a positive role. It has to lead and guide human beings in many of their activities.

The layman is comparatively ignorant of the working of the complicated mechanism of modern government just as he is incapable of understanding the complicated mechanism of a technological device. It is a field for the expert and even experts do not know all about it. Yet, the ordinary man is capable of judging whether that mechanism works well or ill on the basis of the benefits that he enjoys through it.

It is not the simplicity or the complexity of the Constitution that matters. What matters is how it works ; whether or not its objectives are being realised in practice. The text may be long or short, simple or obscure. But if it works well and produces good results, it is a good Constitution. This is the test that we should apply to the Constitution of India.

A little over a decade is too short a period for this purpose. Yet, during the last eleven years, the Constitution has more or less been meeting the requirements of a country that has embarked upon a programme of revolutionary but peaceful change. How it has actually been working in the circumstances is a matter that calls for careful study.

This book attempts to make such a study, not in a very detailed way, yet, in a fairly comprehensive manner. It seeks to focus the attention of those interested in the subject on the way the different aspects of the Constitution have been in operation, on their proved merits and drawbacks. The impact of a reasonably successful system of Constitutional government in India will not be confined to the four hundred million people of India; it will in fact affect the destiny of many nations of Asia and Africa who have recently achieved or are in the process of achieving their political independence.

I wish to express my sincere gratitude to all those from many parts of the country who have encouraged me in writing this book ever since the publication of my earlier work *Constitutional Government in India* (1960). I would like to recommend that work to those who wish to have more detailed comments on the different aspects covered by this book.

M. V. PYLEE

PREFACE TO THE SIXTEENTH EDITION

I am proud to publish the sixteenth edition of the book - **India's Constitution**. This edition builds on the success of its previous editions in providing a comprehensive understanding of the constitutional principles. It takes into account constitutional developments over the period and also throws light on the important issues.

During the brief period that has elapsed since the publication of the 15th edition, momentous changes have taken place in the country. The 16th General Elections have completely changed the political scenario with a total failure of the Congress Party which was ruling the country for ten years, and the coming into power of the BJP with amazingly large majority. Another major event that needs mention here is the new legislation changing the regulating procedure for recommending new appointments to the Supreme Court of India and High Courts.

I am grateful to S. Chand & Company Pvt. Ltd., for bringing out the new edition. I am sure that the new edition would be eagerly awaited by students and teachers of Constitutional Law and Politics and general readers.

Emeritus Professor Dr. M.V. Pylee
Former Vice Chancellor
Cochin University of Science & Technology

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Excerpts from Reviews

Written in easy style with brevity but without sacrificing the essentials, the book is a work of deep scholarship and vast learning. The author has extensively researched the various topics of the Constitution and put them in right perspective. It is a signal contribution. The fact that the book is the fifth edition exemplifies its popularity and usefulness.

University News, Delhi

This book is an adaptation by the author of a much larger work of his own Constitutional Government in India and is sure to be of great help to persons trying to master the intricacies of the Indian Constitution. It is a clear, critical and interesting presentation of the complicated provisions of the Indian Constitution.

The Hindu, Madras

This introduction to the Constitution, like the author's larger and more comprehensive "Constitutional Government in India" has been widely used all over the country and its popularity is evidenced by the fact that it has already been translated into several Indian languages..... The combination of much descriptive material with judicious comments, wherever appropriate, makes Dr. Pylee's book an admirable introduction to the Constitution of India.

The Indian Express, Bombay

India's Constitution is an excellent book. It will be read with profit by students, lawyers and politicals alike.

The National Herald, Lucknow

Dr. Pylee has in this abridged edition of his previous magnum opus, *Constitutional Government in India*, a publication that could be bought and used by students of constitutional law. It is a useful introduction to the study of the subject.

The Weekly Mail, Madras

Text books should be sound and lucid. Dr. Pylee's book adapted from his much larger work *Constitutional Government in India* admirably fulfils this test.

The Sunday Standard, Calcutta

India's Constitution is a shorter version of Pylee's earlier work, *Constitutional Government in India* and is as clear and comprehensive as the older book.

Hindustan Standard, Calcutta

Written in an untraditional form Dr. Pylee's work is marked by clarity of exposition, profound comprehension, balanced judgement and lucid expression. The selected bibliography has enhanced the value of the work.

The Sunday Tribune, Chandigarh

Dr. Pylee's book is a useful guide to all those who are interested in understanding the different aspects of the Constitution of India and its working.

New Outlook, England

Though an adaptation of the author's larger work, this book is an up-to-date and thorough delineation of an intricate subject. The treatment of the subject is authentic and answers some of the questions that have agitated many. The author cuts across many legal quibbles with grace. His arguments are convincing and one feels their full force all along.

Sainik Samachar

This is an exceedingly worthwhile treatise on the Indian Constitution.

The Lawyer

This book is designed to suit the requirements of students studying this subject for various University and Competitive examinations. Written in a clear and easy style the book presents a systematic study of our Constitution.

Bharat Jyoti

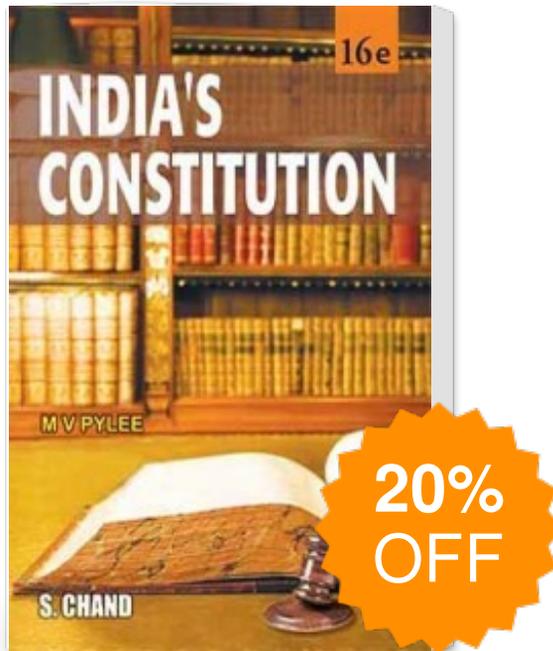
This book has discussed constitutional issues in such a clear, comprehensive and systematic manner that it would be found very helpful. To the undergraduate students of Political Science in Indian Universities the book is indispensable.

The Hitavada, Nagpur

This is the revised edition of Dr. Pylee's book which is well-known. Its exposition of the Constitution of India is lucid and straightforward.

The Searchlight, Patna

India's Constitution



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