

Revised Edition

CONSTITUTIONAL GOVERNMENT IN INDIA



Prof. M.V. PYLEE

S. CHAND

CONSTITUTIONAL GOVERNMENT IN INDIA

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To
My Parents

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This clearly written and comprehensive book is the best that so far has been published on the structure and working of the Indian Constitution.....

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London

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U.S.A.

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London

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—*The New Administrator*
Madras

This is certainly a well documented book..... It is bound to be of help both to the informed citizen and the enquiring student..... The author's style is simple and lucid, without ceasing to be scholarly. It is a notable contribution to the literature on the subject.

—*The Sunday Tribune*
Chandigarh

PREFACE TO THE EIGHTH REVISED EDITION

I am happy that the Seventh Edition has been sold out nearly a year ago.

The distinguishing feature of this Edition is that it contains details about the fifteenth Lok Sabha Elections that took place during 2009. It was a massive, gigantic exercise the world has never seen before. India can feel proud that such an exercise was held peacefully and in an orderly manner. The results of that election reaffirmed India's determination to uphold stability and orderly progress. The Government headed by Dr. Manmohan Singh continues to hold office for a second term.

I want to express my deep sense of gratitude to all those readers who encouraged me by sending to me their comments, criticisms and also appreciation.

I want also to thank the publishers, S. Chand and Company, to produce the book in a most attractive manner.

KOCHI
May 2011

Emeritus Professor Dr. 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 government 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 all, there came the partition of the country into India and Pakistan, and all pangs of that painful process.

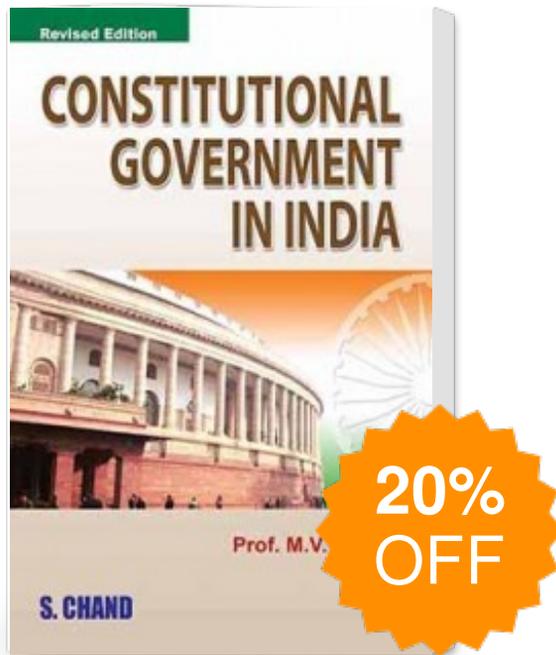
It was difficult to find a more baffling political entity with such complex social and economic problems, than the India of 1947. To evolve out of the weltering chaos a compact, well-knit nation was the task that confronted the constitution-makers.

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 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 prevailed 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 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

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