BOOK REVIEWS

CONSTITUTIONAL AMENDMENTS IN INDIA (3rd Ed. 2010). By M.V. Pylee. Universal Law Publishing Co. Pvt. Ltd., Dilkhush Industrial Estate, G.T. Karnal Road, Delhi-33. Pp. xlvi+106. Price Rs. 995/-.

THE BOOK under review is divided into eleven parts. Part I is an introduction of the book. The author counters the often-leveled charges against the Indian Constitution that it is bulky or it is a paradise for lawyers. He opines that it would be denigrating the Constitution if it were taken as a lawyer's paradise.[1] Rather, the Constitution has so far not yielded abundant opportunities for legal wrangles only on account of its length.[2] During the making of the Constitution, some of the members of the Constituent Assembly advocated India to be raised and built upon the village republics in order to represent the ancient polity of India. Ambedkar responded by stating, "what is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism?"[3] As of now, the village *panchayats* instead of becoming the backbone of the Indian republic have become proverbial Achilles' heel of the Indian democracy. The author praises the wisdom of the framers for not establishing village republics in mid-twentieth century otherwise the unity of the infant republic could have been shredded into pieces in the initial stages itself.[4] The original scheme of the separation of non-justiciable rights (i.e. directive principles) and justiciable rights (i.e. fundamental rights) in the Constitution has been commended by the author as it "avoids the necessity of bringing under the same category, rights of varying value."[5]

The basic principles of the Constitution have also been briefly discussed in the first part of the book.[6] Fundamental rights, being one of the sacred basic principles, establish the framework of the "democratic legitimacy" for the rule of majority.[7] The fundamental rights, viewed from this angle, set the conditions or limitations under which the will of the majority is to

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1. M.V. Pylee, *Constitutional Amendments in India* (3rd ed., 2010).
2. *Id.* at 10
3. 8 *CAD* at 38.
4. *Supra* note 1 at 11.
5. *Id.* at 13.
6. *Id.* at 23-40
7. *Id.* at 25.

be formed and exercised. The author justifies the placing of the directive principles of state policy in the Constitution by stating that concentration of private power mainly in the form of economic controls in the hands of a few individuals is equally destructive of the dynamic qualities of a democratic society as dictatorial government could be.[8] But, in the era of globalisation, liberalisation and privatization fuelled by the aggressive market economy, the shine of the directive principles has been made to fade away in the legal discourses and state policies. On the brand of secularism as adopted in the Indian republic, the author notes, "it is clear that the Constitution of India does not build a wall of separation between the state and religion."[9]

The author dwells on the philosophy of the Indian Constitution so that a reader may probably comprehend and capture the purpose of the constitutional amendments in the light of its basic ideals. Therefore, a brief mention of the impact of the national movement and the Gandhian ideals on the making of the Constitution is also made.[10] As the preamble of the Constitution embodies its basic philosophy, a brief analysis of the terms used in the preamble is presented by the author. Justice, a term used in the preamble, implies a harmonious reconcilement of individual conduct with the general welfare of society. In this sense, justice is not static but it is a dynamic and continuous process of the balancing of the competing interests. Elaborating on the central idea of liberty, the author opines that it signifies the creation of conditions which provide the essential ingredients necessary for the fullest development of the individuals as the social progress depends upon the progress of each individual.[11] In the same vein, the author appreciates the significance of the term 'fraternity' in the preamble by observing that in a country like India with many disruptive social forces, communal and caste, sectional and denominational, local and regional, linguistic and cultural, the unity of the nation can be preserved only through a spirit of brotherhood that pervades the entire country, among all its citizens irrespective of their differences.[12] The reference to the fundamental duties is, however, not made by the author. Basic philosophy of the Indian Constitution is reflected in the preamble

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8. *Id.* at 26.
9. *Id.* at 29.
10. *Id.* at 33.
11. *Id.* at 37.
12. *Id.* at 38.

about which the author, though sounding euphoric, says, "A glance over the preambles of the Constitutions all over the world, will show both in ideas and in expression, ours is unrivalled."[13]

In part II of the book, ninety-four amendments of the Constitution are catalogued with their statements of objects and reasons and also with their respective legislative history. The allied Acts amending the Constitution of India are listed in part III. These Acts mainly relate to reorganisation of the states, abolition of legislative councils and alteration in the names of the states. The bare Act of the Constitution of India is annexed to as part IV of the book. A part of the report of the national commission to review the working of the Constitution focusing on the summary recommendations behind the constitutional amendments is appended to in part VI of the book. The provisions of the Constitution of Jammu & Kashmir along with the amendments therein are also listed in the book.

The book will be useful for the lawyers, researches and students who are seeking to find the bare provisions of the constitutional amendments, allied Acts, Constitutions of India and Jammu & Kashmir, *etc.* at one place.

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13. *Ibid.*

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