



OUR CONSTITUTION, GOVERNMENT AND POLITICS (2000)

By M.V. Pylee. Universal Law Publishing Co. Pvt Ltd., Delhi.

Pp ix + 198. Price Rs. 185.

THE BOOK under review contains scholastic write-ups by an Emeritus Professor M.V. Pylee, a celebrity authority on constitutional government and politics, and management education in India, on a varied and wide ranging national issues concerning the Constitution of India, constitutional government and politics. Professor Pylee's purpose seems to present the views, which he does conscientiously, to improving the constitutional system so that constitutional morality which is "(a) paramount reverence for the forms of the Constitution, enforcing obedience to authority acting under and within these forms yet combined with the habit of open speech, of action, subject only to definite legal control, and restrained censure of those very authorities as to all their public acts combined too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of the Constitution will not be less sacred in the eyes of his opponents than in his own".¹

Twenty six essays², presented by the author in the book under review throw light on the working of our Constitution, government and politics and examines a big question to what extent have we achieved the objectives so eloquently proclaimed by the Constitution – justice, liberty equality, fraternity, federal polity, etc.³ In a sense, it is a revisit to one

1 Vide, Greek historian Grote as quoted in *CAD*, Vol 1, VII at 31-34

2 The Golden Jubilee of Independence, Ambedkar's Contribution to Making of the Constitution, Nehru's Role in Designing the Constitution, Right to Work as a Fundamental Right, Nehru and Secularism in India, Secularism in India What it Means, Discrimination in Higher Educational Institutions A Constitutional and Administrative Problem, Electoral Reforms Urgent Need, If Another Hung Parliament, What Next?, Was the Presidential Action Appropriate?, Prime Minister's Resignation and the President's Response, Where the President Went Wrong?, Devaluation of the Governor's Office, The Supreme Court Decision A Utopian Exercise, The Indian Supreme Court and Politics, An Irony of History, Undignified, Unparliamentary Behaviour of the Opposition in Parliament, The Interstate Council – An Urgent Need, Caretaker Government What and Why?, Party Manifestoes and Populist Promises, Indian Elections and the Menace of Independent Candidates, Tricky Business of Constitutional Amendment, Constitutional and Administrative Measures for the Protection and Promotion of the Ethnic and Linguistic Minorities in India

3 M V Pylee. *Our Constitution. Government and Politics* V (2000)



of the most conceived essential feature of the Constitution of India, namely, federalism, illuminated by the competing traditions, devised by the founding fathers, developed by the growth of constitutional politics, compared with the developments aftermath the World War II as well as decolonisation giving rise to a new constitutional culture, viz., constitutional democracy impregnated with federalism, enriched by the judicial decision and analysing the new ideas as well as paradigms, conceivable new challenges to the working of our Constitution, government and politics in quest of future directions.⁴

From the classification of twenty six essays it appears that there seem to be areas of tensions/conflicts/irritants/frictions in centre-state relations, and from the study of these essays it discerns that federal disputes alike constitutional disputes are always political disputes, and therein lies the problematic nature of conflicts/irritants/ tensions/frictions in the whole of the working of our Constitution.

In the view of the reviewer, it seems that the author of the book under review is conscientious that no constitution order avoids the challenges presented by the social, economic and political consequences of modernisation. History affords testimony to it. The progressive movements of the societies have hitherto brought formidable changes in the societies, and the modernisation is successful if the societies are adaptive to challenges presented by modernisation. The societies which have inhibitions to flexibility as well as adaptability to the challenges of modernisation shall lag behind in dealing at global level. New challenges pose new thinking processes to excel to overcome the tensions presented by the new challenges rather than allowing the weaknesses to overpower the system. Though the founding fathers could not foresee the presentation of new challenges as well as novel tensions over five decades ago, however, they were intelligent enough to keep enough scope of elasticity as well as flexibility in our Constitution to have adaptability to new perceptions presented by new challenges at the close of one millennium and the beginning of another millennium.

In reviewing the working of our Constitution one may have to examine these questions: Who has failed whom? Whether politicians have failed the Constitution to function as avowed by the Constitution makers, or the Constitution has failed the wielders of power to allow the Constitution to function as avowed by the people of India? Is it that much difficult riddle wrapped in mystery inside an enigma? This reminds the reviewer the words of Mathew Arnold:⁵

4. See, in particular K.L. Bhatia, *Federalism and Frictions in Centre-State Relations* (2001).

5. Mathew Arnold, *Essays in Criticism*, 2nd Series, Shelly as reproduced in *Collins Gem Dictionary of Quotation* 28 (1979).



A beautiful and ineffective angel, beating in the void his
luminous wings in vain

The review of our Constitution is to revisit the grey areas which have developed frictions to weaken the basic structure, and as such it is an endeavour to plug loopholes to suggest measures to strengthen or ruminate the basic structure. It should be conceded that the Constitution of India is the common heritage of the nation. Working the Constitution is not the sole prerogative of political parties, the right vests with the people of India.⁶ This in reviewer's opinion seems to be the perception of the author of the book under review in his essays particularly "The Golden Jubilee of India's Independence",⁷ "Ambedkar's contribution to the making of the Constitution",⁸ "Nehru's role in designing the Constitution"⁹

Good governance depends on the variable of good government and good politics be that a single-party government or coalition government. Stability and acceptability of coalition governments may avoid too frequent elections if such governments may aim at the creation of a national government as a realm of reality.¹⁰

Is secularism a vibrant principle of the state in India today is the thematic thrust of "Nehru and Secularism in India"¹¹ and "Secularism in India What it means",¹² in essays penned down by the author. Debate on secularism raises many a searching questions to find out lasting solutions to such inquisitives, viz drama, religion, minorities, religious tolerance, religious intolerance, minority institutions, fundamentalism, etc. The founding fathers were careful in not using the word "secular" explicitly in the Constitution, because the preambulatory expressions "liberty of thought, expression, conscience, faith, belief and worship", explicitly and implicitly permeate secularism. It is entrenched on the deep faith in the secularism embedded in "*vasudeva kutumbkam*". The inclusion of the term secularism in the text of the Constitution by 42nd amendment is as much a matter of modern contrived history as the statement "India has had no secular tradition"¹³. The spirit of secularism is on the decline and bringing disrepute to the system, because the contrived movement looks at secularism as a clever device to woo the minority vote banks by the ruling party. According to them what passes

6 K L Bhatia op cit at 293

7 *Supra* note 3 at 1-5

8 *Id* at 6-11

9 *Id* at 12-31

10 *Id* at 64-80 81-92, 93-96, 97-102, 103 107, 108-119

11 *Id* at 839-51

12 *Id* at 11, 52-56

13 *Id* at 39



as secularism today is only a euphemism for the policy of appeasing the Muslims.¹⁴ The fundamentalist posture finds no beneficial use of secularism except to provide him with a protected domain to do whatever he likes,¹⁵ and this warning bell given vent to by the author of the book under review must be conceded as a singular threat to the unity and integrity of India.

The book, *Our Constitution, Government and Politics* deals at length with tricky, ticklish and diverse aspects of the working of the Constitution of India and such a fresh look in precepts and practice is imperative, more so in the face of the growing requirements of constitutional culture as well as constitutional morality and the rapidly changing socio-economic-political scenario. And for this reason alone the present valuable monograph receives full attention of the policy conceivers, policy makers, policy enforcers, researchers, and inquisitive students of Constitution, government and politics. The lucid and succulent treatment of the subject is an added attraction of this book.

*K L Bhatia**

14 *Id* at 50

15 *Id* at 51

* B A (Hons), LL M , Ph D (Poona), Head of the Department of Law, University of Jammu, Jammu (J&K)