



Book Review

India's Constitution - Origins and Evolution

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Samaraditya Pal, *India's Constitution - Origins and Evolution*, Vol. 1, Lexis Nexis (A division of Reid Elsevier India Pvt. Ltd), 2014; Pp. cxii+1023; ISBN: 9789351432005 (Hardcover).

India's Constitution - Origins and Evolution (Constituent Assembly Debates, Lok Sabha Debates on Constitutional Amendments and Supreme Court Judgments) as the title suggests, gives a complete picture of the Constitution, right from its inception to the present day. Available in 5 volumes, the book comprehensively covers every aspect of the Constitution. A new addition to the genre of academic literature, this book would certainly prove a value addition to the library of a student of Constitutional Law.

The book has earned commendation for its methodical organization. Volume 1 covers Preamble to Article 18, Volume 2 covers Articles 19 to 28, Volume 3 deals with Articles 29 to 51A, Volume 4 deals with Articles 52 to 78 & Articles 153 to 167 (Union and State Executive) and Volume 5 covers Articles 79 to 122 & Articles 168 to 212 (Parliament and State Legislature) and Articles 123 & 213 (Legislative Powers of the President and Governor).

The book commences with an introductory chapter that is divided into parts. Part I gives the historical background of the Constitution. It takes the reader through the various milestones in the journey India witnessed, from the advent of East India Company in 1600 to the culmination of the British rule with the Indian Independence Act, 1947. It is interesting to skim through the Indian Independence Act passed by the British Parliament setting

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up the independent domain of India and attributing sovereignty to it.

Part II deals with the interpretation of the Constitution. The clarity of thought, the intent with which it is written and the skill with which the author has handled the requirements of the reader, deserve appreciation. The major charm of this book is that it addresses the need of the textually oriented reader, the original intent category of readers and the reader who chooses to read this book to understand the 'living law' of the country.

The most significant feature of written constitutions is that they do not work on their own; meaning thereby that the Constitution has to be driven by the present society. The author adeptly explains this by the phrase -'not a self propelling Constitution' and substantiates it with a well known quote of Dr. B.R. Ambedkar:

However good a Constitution may be it is sure to turn out bad because those who are called upon to work it happen to be a bad lot. However bad a Constitution may be, it may turn out to be good, if those who are called to work it happen to be a good lot. The working of the Constitution does not depend wholly upon the nature of the Constitution.

Most interestingly the book also gives a list of the Constituent Assembly members and the states they hail from. Readers find it fascinating to know the names of the leaders who represented their respective states. The book also provides a list of Constituent Assembly members whose speeches have been referred to, in that particular volume.

Given those preliminaries mentioned above, before delving into the book, it would be useful if the reader is familiarized with the arrangement of the contents. This book scores plaudits with its scrupulous arrangement. The subject is primarily addressed Article wise (except in a few cases like Part II dealing with citizenship which required a different approach). Initially, it provides an overview that briefly covers the author's comment on the evolution of a particular provision and the progression it experienced later. For this the Constituent Assembly Debates, the Lok Sabha Debates and the Supreme Court judgments are referred. This gives a

complete picture of the provision to the reader. The provision as it stands presently in the Constitution of India follows this. The corresponding provision in the Draft Constitution that was presented by the Drafting Committee for deliberation by the Constituent Assembly on November 4, 1948, comes next. Relevant extracts from the Constituent Assembly Debates are given, where the members discussed and debated over the proposed Articles in the Draft Constitution. It should be noted that the focus here is on the debates that were presented between November 4, 1948 and October 17, 1949, as this was the period during which the Assembly finalized the provisions. It is through these debates that the philosophy and the intent behind each Article in the Constitution can be comprehended. The book also provides extracts from the Constitutional Amendment Bill, in case the provision has undergone any amendments. Relevant extracts from the Lok Sabha Debates on the different Constitution Amendment Acts are also provided. Keeping the 'original intent' reader in mind the author has additionally provided the speech of the member introducing the provision to the House. This is followed by the development of law for which relevant extracts from the Supreme Court judgments are provided. The author has taken pains to address the need of the reader to know the facts wherever they are relevant and has provided the same. Predominantly, the judgments have been arranged in a chronological order except in cases where the thematic sequence better explains the development of the Article.

The introductory chapter also comprises the different stages in the functioning of the Assembly, the Drafting Committee and the list of Constituent Assembly Members from whose speeches relevant extracts have been reproduced in the relevant volume.

The author's triumph *inter alia* lies in the meticulous planning with an eye for detail and the concern which he evinces to satisfy the readers requirements that has resulted in the remarkable structuring of the book. It acts, as a ready reference to the student of constitutional law, whether he is a researcher, judge or an academician. It can also serve the non legal world with equal ease. The endeavour to produce a ready reference with respect to Indian constitutional law has been fully successful.

As a subject scholar, with a quest to know more on the origin and evolution of Indian constitutional law, I must say that this book serves its purpose. However, for a reader in search of the considered opinion of the author, there is some regret in store, as the author's opinion is confined to the 'overview' of each chapter. The author has also failed to provide clarity in distinguishing the *obiter dictum*, *ratio decidendi*, and the dissenting opinion in the different cases mentioned. The dearth of analysis in this regard could leave one asking for more.

To conclude, the book is a stupendous work of scholarship depicting the legal acumen of the author. This book through all its volumes would generate a steady quest amid constitutional law scholars to appreciate the probing questions pertaining to the Constitution in the light of its historical travails.