

BOOK REVIEW

A PEOPLE'S CONSTITUTION- The Everyday Life of Law in the Indian Republic (2018) by Rohit De, Princeton University Press 41 William Street, Princeton, New Jersey 08540, pp.5 +296, Price ₹.699

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That in times where there is much consternation among legal scholars, lawyers, jurist, social commenter's, journalist, thinkers about working of the Indian Constitution, some even arguing to the extent that the major political document of our country have survived in serendipity, some even having the hubris to call the document a mere platitude, Dr Rohit De's book A PEOPLE'S CONSTITUTION- The Everyday Life of Law in the Indian Republic, in this background offers a fascinating read. Dr De, a legal scholar and an Assistant Professor of history at Yale University put into the argument and asserts by primarily focusing on four major Supreme Court cases entertained upon the writ jurisdiction of the Apex court as to how ordinary people interpreted and shaped the Constitution from below. He tries to manifest the fact that how ordinary citizens came to experience and internalize a new constitutional remedies in the courts for asserting and claiming their citizenship rights. That he further asserts the fact that constitutional culture of the 1950s was shaped predominantly by the interventions of certain marginal group's .He claims the process to be fascinating, though not unusual in other democracies, but complicated in India, for the fact that in India because electoral minorities are not just members of a socio-economic class or followers of a certain ideology but are inextricably linked to ascriptive identities.

That the book is primarily delineated into four chapters placed between the Introduction and an epilogue, with a common thread running amongst the chapters and that even of the introduction and epilogue. In the Introduction the author divides the part into seven sub- suitable chapters and looks the Indian Constitution through the prism of triumphalism, illusion, the contours of the writ jurisdiction employed by the Constitutional Courts in India, he also gives a brief overview of the scheme of the book , a brief history of the Supreme Court of

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India and the most important of how people engaged themselves with the Indian Constitution particularly the voiceless, under representative, and the subalterns of the Indian body polity. That he establishes the fact that contrary to the popular belief, the Indian Constitution which is the longest surviving Constitution in the post- colonial world still continues to dominate the public life in India surreptitiously. Chapter 1 of the book furnishes around the liquor trade of the state of Bombay (now present day Mumbai), the trade particularly controlled and under the aegis of the Parsi community of the area and how the state by bringing into employ Article 47 of Indian Constitution tried to regulate the liquor trade. The chapter being further divided into eight sub chapters examines that how the draconian prohibition law of the state was challenged and in the word of the author “highlights how constitutional cases came to affect everyday legality”. The prohibition law was imposed under the garb of stating to the fact that temperance was the prevailing morality of the time and this idea was thoroughly contested and an early idea of public interest litigation as well as the relationship between liberty, property, and community was explored. Chapter 2 of the book examines the fact as how the plethora of administrative laws in the new republic was challenged, as well as the validity of the Essential Commodities Act was questioned before the writ courts. The discretionary administrative powers of the colonial state was kept alive now as in lieu of running the welfare schemes of the new state promising a welfare polity. That, the author gives an honest inside into the corruption of the then trading community of India, dividing the chapter into twelve sub heads (chapter) and makes the interesting claim of how illegality and culture of economic corruption augmented the process of judicial review of administrative action, the benchmark for operating rule of law in any nation state.

The book meanders into more enchanting territory in Chapter 3, this chapter being sub divided into ten distinct sub-chapters and here the history of cow vigilantism prevailing from the 19th century India can be traced upon and the author also lucidly mentions about the socio-economic realities circumscribing the politics around cow and that of beef ban and consumption. Here too we come to know an interesting fact that almost 3000(three thousand) butchers, all Muslim by faith with all gusto agitated against the beef ban in newly independent India probably according to the author the first, class action suit, where argument to assert their business claims revolved mostly around their

economic rights and realities without that of religious freedom again challenging the popular notion and narrative of the common folk and elite alike. The chapter also documents the fact as to how religious freedom, minority rights and political mobilization manoeuvres in creating a new constitutional language and morality and our country India breaking away from its feudal shackles. That the last chapter i.e. chapter 4 which is sub chaptered into ten parts is the most engrossing and riveting part of the book. That it reaffirms the fact that economic necessity propels almost every action in our life. That when great votaries of women rights and activist and nationalist of new nation with a honest intention harping on Article 23 of Indian Constitution supported the new laws made by the Parliament, banning trafficking of women, it was the action and claim of the sex-workers which took the politicians, bureaucrats, and middle-class women's activist abruptly by surprise and they were almost perplexed when the prostitutes asserted their Constitutional right to a trade or a profession and to freedom of movement around the country. That though their litigation achieved very little success but they opened a new scope for their organisational politics and brought some sought of systematic conventions into the daily life of the sex workers. The epilogue divided into four chapters stitches the thread that connects the prominent theme that binds each cases/topic discussed in the book as to how dynamic the Indian constitution became, and political aspiration and socio-economic changes that were brought about by thorough and engaging working of the Constitution, the threat which the new Indian state felt when people went to Constitutional courts to assert their rights and mostly the development of constitutional morality and consciousness of the citizenry of the new Republic and how people from political , social and economic minority depended on the world's most lengthiest Constitution to shape their future endeavours.

To conclude one must say it is almost a revisionist take as to the working of the Indian Constitution and the book all through challenges the popular narrative and dismiss any conjecture which raises an iota of doubt as to the Indian Constitution effectiveness and its engagement with its citizenry particularly, the low born and the economic and political minorities. The book other than being refreshing in its content is also unequivocal, explicit in the idea it wants to convey to its readers and the language used in the book is plain and simple, and the entire scheme of the book being precise and concise and making it a must

read not only for legal scholars, lawyers or jurist but also to any person interested in India's Constitutional history. The book is a stellar work and by the passing of time can be heralded as a classic.