Mark Tushnet & Madhav Khosla (eds.), **Unstable Constitutionalism: Law and Politics in South Asia**, Cambridge University Press, New York, 2015, 414 pages, ISBN 9781107068957, £79.99

The book under review is one of the Comparative Constitutional Law and Policy series of the Cambridge University Press edited by Tom Ginsburg, Zachary Elkins, and Ran Hirschl. As is evident from the sub-title of the book, it covers the constitutions of the countries in South Asia but not all of them. It covers Nepal, Pakistan, Bangladesh, India, and Sri Lanka but not Afghanistan, Bhutan, Maldives, and Myanmar. The reason for not including the latter could be either their on-going engagement with the constitution-making process or too short experience of the working of the constitution since its adoption. In view of the unbroken life of India's Constitution since its commencement in January 1950, its inclusion among the unstable constitutions is somewhat enigmatic. "The term *unstable constitutionalism"*, according to the editors "aims to capture the difficulties that the law faces in mediating between legal norms and sociopolitical facts, as well as the pressing challenges involved in giving constitutionalism a character that can move a nation from civil disorder to stability, thereby importantly transforming persistent features of the nation's experience."[1]Even though this phenomenon may not be unique to the constitutions covered in the book, the editors are justified in giving it the title and the contents that differentiate it from any other book dealing with constitutionalism in South Asia.[2]The subtitle of the book as well as the title of the series in which it is included well capture such a justification.

The contributors to the book are not exclusively lawyers dealing only with the provisions of the respective constitutions and their interpretation and application by the courts, legislature, and the executive. Almost from each of the countries covered in the book while one of the authors is a lawyer the other is a political scientist or political analyst. Studying the working of a constitution in this way is extremely useful, because courts and lawyers in the process of interpretation and application of the abstract and high principles of law often tend to ignore the realities of life in which that law operates. Consequently, the law and its practice do not match and often the gap is huge. One may say that this happens in all constitutions and societies, but definitely it happens much more frequently and openly in some societies than in the others. Generally, the societies that became nation states in the last two centuries and escaped colonisation demonstrate a closer relationship between "legal norms and sociopolitical facts" than the countries which instead of becoming nation states became colonies of the former. With the exception of Nepal, all the countries covered in the book were colonies of the United Kingdom until the middle of the last century and none of them, including Nepal, is or has been a nation state. The colonisers introduced in these countries,

1 M. Tushnet & M. Khosla (eds.), Unstable Constitutionalism, Cambridge 2015, p. 5. Hereafter cited as: The Book.

2 See, e.g., S. Khilnani, V. Raghavan & A.K. Thiruvengadam (eds.), Comparative Constitutionalism in South Asia, New Delhi 2013.

with the exception of Nepal, the common law of England, irrespective of their immense diversity. As colonisers, they could of course create a smoke screen of the rule of law through legal norms and their enforcement machinery. How far these laws and their enforcement machinery was internalised by the people of these colonies needs to be investigated. Having been cut off from their traditional norms and systems, at the end of colonisation these countries had little option but to continue with the colonial legal system. They also established or tried to establish their constitutions on the Western liberal ideology, notwithstanding their weak and diverse economic, political, and social base for the effective working of such a constitution. Having won their independence, besides claiming liberal rights and freedoms, which could not easily and instantly be realised for all, diverse interests and groups in these societies also started making diverse claims based on their religion, traditions, language, or customary practices etc. As all these claims and interests could not be accommodated within and realised through the constitution, gaps in the law and politics of the constitution continue to exist more or less in all the countries covered in the book, which the different contributors have demonstrated with remarkable competence.

The book is divided into three parts: introduction, forms and sources of instability, and reactions and responses to instability. The introduction consists of two chapters. The first one by the editors explains the theme of the book and introduces different contributions to it. The second chapter by Sujit Choudhry deals with constitutional law and politics in South Asia with reference to the issues of basic structure and reservations in India. He considers that a close reading of court cases and the politics behind them gives a good understanding of law and politics in South Asian countries. Through the basic structure doctrine as initially established in *Kesavananda Bharati case*[3] and subsequently applied in *Indira Gandhi's election case*[4], to which I also add *S.R. Bommai case*[5], the Supreme Court controlled the constitutional politics in order to protect and preserve the basic values of the Constitution such as democracy and federalism. Similarly, discussing generally the provision for reservation in state employment, and particularly with reference to the approval of the reservation of 27.5% for backward classes besides 22% for Scheduled Castes and Scheduled Tribes in central government jobs in *Indra Sahini's case*[6]with a rider of regular exclusion of the creamy layer from such classes, some of the judges later discussed the need of applying the creamy layer concept for reservation to Scheduled Castes and Scheduled Tribes and even expressed doubts on constitutional amendment providing for reservation in educational institutions unsupported by state grants in Article 15 (5).[7] The doubt was removed later by upholding the amendment.[8] Choudhry invokes these provisions and judicial decisions

3 Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1469.

4 Indira Nehru Gandhi v. Raj Narain, 1975 SUPP SCC 1.

5 S.R. Bommai v. Union of India, (1994) 3 SCC 1.

6 Indra Sawhney v. Union of India, AIR 1993 SC 477.

7 Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1.

8 Pramati Educational & Cultural Trust v. Union of India, (2014) 8 SCC 1.

for supporting the inclusion of excluded sections of the society in other South Asian countries such as Sri Lanka or Nepal facing constitutional instability because of such exclusion.

In the next part titled "Forms and Sources of Instability", the Book includes two chapters each on Nepal and Pakistan and one on Bangladesh. Going by the sequence of the chapters, Mara Malgodi describes the constitutional journey in Nepal through the architecture of the buildings that were the centre of different powers of the state. Obviously, in this arrangement the palace which housed the head of the state representing the chief executive in the person of the king was always the most magnificent building while the buildings for the legislature and the courts have been comparatively insignificant establishing a visual status of different branches of the state. Even though the revolution in 2007 abolished monarchy and the palace has been converted into a museum, the other two organs of the state, particularly the parliament, have yet to be housed corresponding to their status as the symbol of democracy and representatives of the people. "This discrepancy between 'the nation' and 'the people' within both the constitution and the capitol constitutes a deep constitutional instability in Nepal."[9]

In the following chapter, pursuing closely the issue of constitutional instability in Nepal, Mahendra Lawoti attributes multiple reasons for it, such as ignoring the facts that Nepal has 123 different language speaking groups and 125 ethnic and caste groups following about a dozen religions. The two elite caste groups consisting of hill Brahmins and Kshatriyas, which constitute only 31 per cent of the total population of Nepal, have been traditionally ruling the state and owning or controlling its resources. The Nepali language, being spoken primarily by these people has been the national language, and the Hindu religion has been the dominant religion and was also declared state religion in the 1990 constitution. Several regional minorities, such as Madhesis, living in the southern part of the country adjoining India have been traditionally discriminated and suppressed. The position of many other ethnic minority groups is much worse in terms of ownership of property, education, and employment opportunities. Some of these factors led the Maoists, who were a small minority and insignificant group in state politics, to storm the state and capture power. Even though, soon after this development an interim constitution was adopted in 2007, and finally in 2008 the process of making a new constitution through a democratically elected constituent body was started, which was still in process when the chapter for the book was written but which concluded in giving a federal constitution in 2015. Even this constitution could not satisfy all the groups in the country and particularly Madhesis, being dissatisfied with the arrangements for them, started violent agitation soon after the adoption of the constitution. Though some of their concerns have been attended by an amendment but besides any other group they are not yet fully satisfied even with the amended constitutional arrangements. The author, however, says that "[t]he process of extending equality, justice, and rights to more citizens and groups due to the pressure generated by the struggle

9 The Book, p. 83.

of marginalised groups has resulted in a deepening of democracy in Nepal as well." [10] In conclusion, the author makes three predictions. "First, the political leadership may realize that without granting recognition and autonomy, Nepal may not attain political stability. … Second, autonomy may be attained through a sustained street movement against a new constitution that does not grant it."[11] And finally, "if a movement does not emerge or is unable to force the state to award autonomy, and administrative federalism with five to seven provinces likely would be adopted and operative for the time being."[12] In the final line, the author predicts that Nepal "can attain constitutional stability only if recognition and autonomy are provided to multiple identity groups."[13]In my view too, these must be learnt not only by Nepal but also by every multinational state for its constitutional stability.

Pakistan, carved out of India in 1947, which was well conversant with the common law system and its operations as part of British India, did not have the same demography and background as of Nepal, yet its constitutional system has faced no less acute difficulties and consequent instability because different groups or ideologies have been trying to shape and reshape the constitution in their ideological image. Mohammad Waseem, the author, points out three main reasons for it: One, struggle for sovereignty of parliament, undermined initially by bureaucracy and later by the army; two, the demand for distribution of state power between the dominant Punjabis and the other multiple ethnic and linguistic groups; and three, the politics of Islam according to which no constitutional arrangement could contravene Koranic law. It is because of the first reason that the army took the reins of the country in its hands in the late 1950s which it continued to hold until the mid-nineteen-seventies and even after that either directly or indirectly until the present. For the second reason, East Pakistan turned into Bagladesh in 1971 and a federal structure was introduced in the remaining Pakistan. And for the third reason, the country was made an Islamic state supported by a Sharia court having the power to declare any parliamentary law un-Islamic. From time to time the courts have also assisted the violation of parliamentary supremacy and democracy by resorting to the doctrine of state necessity to uphold executive or military take over.[14]The Constitution of 1973 has solved the federalism issue which has been further strengthened in 2010 by specifying the legislative subjects assigned to the national government in one list and by leaving all other subjects of legislation for the states. However, no arrangement has been made for devolution of powers to the levels of districts or municipalities or villages. But in spite of these formal changes in the constitution "the powerful centralist framework of bureaucracy, along with the army that traditionally has operated as a

10 Id, p. 116

11 Ibid.

12 Id., p. 119.

13 Ibid.

14 For an incisive discussion on the use and abuse of the doctrine of necessity also in association with the doctrine of implied mandate, see *Dieter Conrad*, Zwischen den Tradotionen. Probleme des Verfasungsrechts und der Rechtskultur in Indien and Pakistan, Gesamte Aufsätze aus den Jahren 1970 – 1990, eds.: Juergen Luett, Mahendra P. Singh, Stuttgart 1999, pp. 251 et seq.

centralist, antipolitical, and antidemocratic force"[15]may not let the situation change. The spread of federalism is also held up "by the need of mainstream and leading ethnic parties to maintain the status quo on this issue for different purposes."[16] The European secular juridical principles which had developed in India during British rule got a set back after the creation of Pakistan because of the introduction of Islamic principles, according to which God Almighty alone is the sovereign of the universe, which creates tension between democracy and constitutionalism and leads to the exclusion of the people from politics.[17]The establishment of the Council of Islamic Ideology in the 1962 Constitution and its retention in the 1973 Constitution as well as the establishment of the Federal Sharia Court in 1985 and its training format in the Judicial Academy have severed the connection between legality and legitimacy and led to the absence of a continuing tradition of legal socialization of the rulers and the ruled. The creation of rival patterns of socialisation, one based on liberal principles of law and the other based on religion, "have contributed to the erosion of crucial space for discourse on constitutionalism" in Pakistan.[18]

The next chapter on Pakistan, titled "The Judicialization of Politics in Pakistan", analyses the engagement of judges in mega-politics and its implications for democracy and balance of powers resulting in unstable constitutionalism. Tracing the involvement of judges in politics since 1950s upholding the unconstitutional actions of the army rulers in the name of state necessity, the author finds their connivance in the erosion of constitutionalism in Pakistan. The author has primarily supported his point with reference to Chief Justice Chaudhry's episode and tenure who openly played politics by first invoking the support of the bar in his favour and later not letting continue some of the very competent judges and even a duly elected Prime Minister enjoying the confidence of Parliament.[19] Even the PIL jurisdiction, which he frequently invoked, "increasingly blurred the lines between law and politics at several levels"[20]such as frequently questioning the laws of Parliament, misusing the newly acquired power of appointing judges through the judicial commission, publicising court decisions, and creating a precedent for the bar to disrupt the working of the courts at different levels. His "court-centric and personalised administrative initiatives" failed to bring any reforms in the justice delivery system, have fragmented the "judiciary-lawyer alliance", "brought the judiciary to the heart of several divisive national discourses and contestations", and involved it in the inextricable "political life of Pakistan" and thus "further constitutional instability is likely in the foreseeable future."[21]

15 Id., p. 146.
16 Id., p. 147.
17 Id., p. 152.
18 Id., pp. 156 - 158.
19 Id., pp. 175 - 76.
20 Id., p. 177.
21 Id., pp. 188 - 191.

The book places the two chapters on Bangladesh in two different parts. The one in Part II deals with the elections in Bagladesh, which the author tries to establish as the major, if not the only, cause of instability. The Constitution of Bangladesh 1972, which provided for the parliamentary form of government, was amended in 1975 to provide for a presidential form of government, leading soon after to a military coup, eliminating the then President and founder of Banglades Sheikh Mujibur Rahman and his family and leading to successive military rule until in 1990, the Constitution restored the parliamentary system of government. But the constitution does not provide for any institutional structure that may ensure free and fair elections. Consequently, the first parliamentary election was held under an ad-hoc arrangement asking the then Chief Justice and designated President. This is considered to be the fairest election ever held in Bangladesh. Later elections conducted even by the judges have not been so fair. Consequently, the constitution continues to suffer from instability because the one or the other of the two major political parties refuses to participate in the elections raising a doubt on the legitimacy of the government in office. The author believes and tries to establish that a stable and fool-proof election arrangement could lead to the establishment and continuity of constitutionalism in Bangladesh.

The last part of the book, titled "Reactions and Responses to Instability", also consists of five chapters. In the first one, Pratap Bhanu Mehta analyses the Indian Supreme Court's role with reference to the democratic aspirations of people in India, which are better represented in the other two branches of the government. In this situation, the "Court's role is more as conflict manager", which he examines through two major themes of legitimacy of judicial power and the experience with a set of "accountability" cases. Relying upon Tripathi and several western scholars, he thinks that the Court has blurred the difference between interpretation and amendment of the Constitution and "little constrains the judges other than their own judgments."[22]Examining the theoretical context of the role of the judges and the claims of some of the judges and their supporters that the judges have recognised or created constitutional rights and protections for the poor and the week, the author expresses his doubts whether in doing so, the courts "unwittingly serve the interest of the powerful" because they "have never been instruments of producing deep structural transformation in societies."[23]In his view, "[j]udicial intervention is legitimate to the extent that it does not provoke, formally or informally, a democratic backlash"[24]and this could be attained by following the Habermaisan idea of public reason, which also is quite dicey but the judges must "intuit what they think social acceptability might be."[25]

Pursuing the same argument for accountability, Mehta peruses the Court's role since the commencement of the Constitution protecting the rights of well-offs and ultimately lim-

22 Id., p. 237.

23 Id., p. 239.

24 Id., p. 240.

25 Id., p. 242. The argument of public reason has also been taken by Amartya Sen in *The India of Justice* (Allen Lane, 2009) pp. 321 et seq.

itations on constitutional amendments, retreat during emergency and post emergency developments of recognition of social and economic rights, creation of PILs and supremacy over judicial appointments, and later government accountability issues, such as appointment of members of independent investigation authorities, permission to prosecute public servants, allocation of public resources, strengthening of electoral democracy by compelling the legislature to make appropriate changes for ensuring the entry, and continuity in electoral positions only of blameless persons. Surveying all these issues, the author arrives at the conclusion that "[t]he Supreme Court is an actor in a democratic negotiation; it is not a purveyor of the simple idea of the rule of law."[26]Admitting the difficulties in the Court's task in the interpretation of the Constitution and the laws as well as executive powers and such important principles as judicial independence, basic structure, separation of powers, and public interest, which may be dicey, the Court is yet expected to search for manageable standards, which may be found not in traditional legal arguments but in democratic conversation.

Dealing with the judicialization of politics in Bagladesh in the next chapter, Ridwanul Hoque explains that the "phenomenon of judicial adjudicative engagement with political or politically loaded constitutional issues has become known as *judicialization of politics*."[27]According to him, the Supreme Court of Bangladesh from the beginning of its history has "expressed policy preferences or exercised political power when adjudicating constitutional petitions."[28]Starting with the exercise of judicial power in political matters since 1955 when Bangladesh territory was part of Pakistan,[29]he says that except in 1989 when the Supreme Court laid down the basic structure doctrine, judicialization of politics has been a post-1990 development in Bangladesh. It happened because of politicians and victims of politics and through public interest litigation (PIL). Among others, cases between politicians primarily related to fairness in electoral process, of which the author discusses various instances. Besides that, several constitutional amendments to protect politicians were also declared invalid by the Court because of their conflict with the basic structure of the Constitution. Quite a few of these cases were filed as PIL petitions. After stating all these cases and admitting that they have led to judicialization of politics in Bangladesh, he summarises his core argument "that judges must avoid political issues not on the grounds that the judiciary is incompetent but rather on the ground of allowing institutional freedom for other political institutions" and also because "judicial intervention in politics is likely to be futile in an environment of constitutional instability or when the political culture is antagonistic." [30] Moreover "theories of constitutional supremacy and popular sovereignty require the Court to cautiously apply the judicial-review tool."[31]

26 Id., p. 258.
27 Id., p. 265.
28 Id., p. 268.
29 See, Federation of Pakistan v. Maulvi Tamizuddin Khan, 1955 PLD FC 240.
30 The Book, p. 287.
31 Id., p. 287.

In the remaining three chapters, which primarily deal with the issue of federal arrangements, Rohan Edrisinha discusses federalism in Sri Lanka and Nepal. Since time immemorial, Tamils in the north and Tamils and Muslim in the north-east of Sri Lanka have been the dominant population while in the rest of Sri Lanka is predominantly inhabited by Singhalese speaking Buddhists. During the British period, they were all governed by one law administered by the British. After independence in 1948, the situation changed with the power coming into the hands of the Sinhalese majority, which the 1972 Constitution further escalated by making Singhalese the sole official language and Buddhism the main religion of Sri Lanka. Tamil demand for any kind of autonomy was never conceded, which led to terrorism and violence by Tamils and culminated in military defeat and wide ranging killing and destruction of Tamils in the north in 2009, resulting in continued militarisation. "Today", according to the author, "in Sri Lanka there is no discussion about federalism."[32] Much of Nepal has already been discussed and the solution has been found in the Constitution of 2015, though in some respects it still remains contested. The author's justifications for discussing the two together are that in both countries there was widespread opposition to federalism and that existence of minorities within minorities won many sympathisers but also led to a fear of demographic shifts that would lead to ethnic polarisation. Further, in both countries violence started when all non-violent efforts had failed and it happened because of identity politics based on ethnicity for which no amicable solution was undertaken. "Because", according to the author "federalism is about shared rule as much as it is about self-rule, federalists must simultaneously affirm or recognise ethnicity or identity and transcend."[33]Further, "[t]he federal debates in Sri Lanka and Nepal also remind us of the interrelationships among federalism, constitutionalism, and democracy"[34] which I have also discussed in one of my writings.[35]"For federalism to be accepted and implemented in South Asia," the author concludes: "its interrelationship with constitutionalism, pluralism, and liberal democracy must be recognised" and along with recognition of "diversity, autonomy, and self-determination … a counter-secessionist mechanism must be highlighted."[36]

In the penultimate chapter, Asanga Welikala, dealing with the existing discourse on constitutional form and reforms in the post-war Sri Lanka, focuses on plurinational forms of constitutional arrangements as an additional argument in the current debate, which primarily has concentrated on the unitary or federal state. Referring to the difficulties of creating nation states in post-colonial South Asia and specifically of Sri Lanka, he suggests that while in Sri Lanka the idea of nation and state must be encouraged, it must be complemented with "the more pressing requirement of the pluralisation of the constitutional order rather

32 Id., p. 307.

33 Id., p. 313.

34 Id., p. 315.

35 *M.P. Singh*, Federalism, Democracy and Human rights: Some reflections, Journal of Indian Law Institute, 47 (2005), p. 429.

36 The Book, p. 319.

than a condition precedent to the latter imperative."[37]Explaining the concept of plurinational state as different from other models of pluralism, the author says "the plurinational state is a model of constitutional accommodation in contexts in which there is more than one claim to nationhood and more than one conception of nationality – that is, 'national pluralism' – within the territorial and historical space of an existing state."[38]Enumerating the guiding principles in a plurinational constitution as the principle of self-determination or autonomy, the principle of representation, the principle of recognition, the principle of reciprocity, and the principle of democracy, the author concludes:

"In any case, a liberal democratic constitutional settlement to the issue of national pluralism is not a choice but rather an imperative necessity – if Sri Lanka is to realise its considerable potential as South Asia's oldest democracy rather than languish as a hostage to its conflict-ridden and violent past."[39]

In the last chapter on constitutional federalism in the Indian Supreme Court, Sudhir Krishnaswamy, perceiving the absence of a model of federalism, tries to fit the decisions of the Supreme Court into a theoretical framework through the notions of "state-nation federalism and partisan federalism."[40] Acknowledging that the courts have not used these categories and federalism is also determined otherwise than by court decisions, he discusses these two issues respectively with reference to the Court's decisions on States' representation in the upper house of Parliament, redrawing of State boundaries, and asymmetric federalism on the first aspect and proclamation of regional emergencies, appointment and role of Governors, and creation of new states on the second. Analysing the unanimous decision of the Constitution Bench upholding the law that enabled a non-resident of a State to be elected to the upper house of Parliament on the ground that the non-territorial federal principle was a basic feature of Indian federalism,[41]the author says that "state-nation federalism better justifies the conclusion … than the account of nonterritorial federalism offered by the Court."[42] I am not sure whether for the determination of the issue in the Court, it was necessary to assign the Constitution any category which could or could not match the federal arrangements in the Constitution. Again in the matter of making or unmaking of states or the alteration of their boundaries, he categorises the constitutional arrangements as "holding-together federalism as a part of a state-nation political arrangement" while in the very first case on the nature of the federal arrangements in the Constitution, the Court had said that the Constitution "was not true to any traditional pattern of federation".[43]Nor does the Constitution use the word federal or federalism. Discussing the asymmetrical nature of Indian

37 Id., p 338.
38 Id., p. 340.
39 Id., p. 354.
40 Id., p. 357.
41 Kuldeep Nayar v. Union of India, (2006) 7 SCC 1.
42 The Book, p. 363.
43 State of West Bengal v. Union of India, (1964) 1 SCR 371, paragraph 25.

federalism with reference to two different sets of constitutional provisions interpreted and applied by the Court, the author again states that "the courts have failed to identify, recognize, and develop a constitutional jurisprudence that comprehends state-nation federalism."[44]In the face of Court's above statement and the non-use of the word federal anywhere in the Constitution, one faces difficulty in fixing the constitutional arrangements in any particular category even though such categorisation may have some theoretical relevance. Similarly, his concerns on partisan federalism with reference to the use of the federal power to impose its own rule in the States, appointment and removal of State Governors, and creation of new states have been attended in terms of constitutional provisions even though some of the irritants continue. On the first issue, the position has almost been settled and its use has become infrequent if not rare, on the second, disputes are rare even though the situation may not be fully satisfactory while as regards the third, one may agree with the perception of the author that "States invariably emerged from legitimate demands for political autonomy anchored by political parties that either motivated or benefitted from the creation of new States."[45]In justification of his approach Krishnaswamy suggests that if the courts follow some conceptual understanding of federal arrangement in political science literature, a better working of the federal arrangements could be ensured. He may be right but so far besides the occasional issues, the Centre-State relations, as they are known in official language, have worked well within the existing arrangement. At the same time, it is also true that states' rights or autonomy consciousness has successively increased since the making of the Constitution even though the Center's powers have also increased through amendments in the Constitution.[46] Perhaps the author would have added value to his chapter by paying some attention to the third level of devolution of powers, i.e. the level of municipalities and village Panchayats, which he has left unnoticed.

Going through the book has been an enriching experience in multiple ways. In spite of any critical remarks which may have appeared in the foregoing comments on it, as a student of comparative law I have found it an immensely useful addition to the existing literature on comparative constitutionalism. For me, it is of special interest because in my current position at the National Law University of Delhi I have been concentrating on the teaching of constitutions of South Asian countries. South Asia has not been so prominently discussed in the area of public law as have many other regions of the world. It is only now that the scholars have started paying attention to it. Some exercises on South Asian legal systems or on some specific aspects of those systems have been done in the past, but a full length study of broad principles and practices of constitutional law in these countries seems to have started only with *Comparative Constitutionalism in South Asia,* edited by Khilnani, Raghavan, and Thiruvegadam.[47] The book under review is not simply another book on the

44 The Book, p. 368.

45 Id.,p. 378.

46 On this also see, Dieter Conrad, note 14, pp. 113 et seq.

47 For details see note 2.

same subject, but rather, it takes a new and very specific dimension around the causes for instability of the constitutions in that region. Therefore, there is no overlapping between the two books. To that extent, the book under review is much more focused on a specific issue and could be an eye opener for the public figures, politicians, judges, lawyers, law professors and students, political scientists, and policy makers, as well as common citizens. It will help them in understanding the factors that lead to the failure of constitutions in their own setting and how that could be minimised if not prevented. Let people in South Asia and everywhere else understand the value of constitutional governance and the ways and means of ensuring and preserving it. I hope this book will certainly help in advancing those values.

M.P. Singh, Delhi