

AMBEDKAR'S PREAMBLE: A SECRET HISTORY OF THE CONSTITUTION OF INDIA (2020). By Aakash Singh Rathore. Penguin Books, India. Pp. 256, Price INR 599.

Ambedkar's Preamble is a collection of anecdotes from the Constitutional History of India which reflects the deliberations made to conceptualize the great values of Preamble. The book as the cornerstone of the vision and philosophy laid down by Dr. Ambedkar has successfully reproduced the preamble of the Indian Constitution. The novelty of this book lies in its relation to highlight the secret incidents in the formation of the Preamble to the Constitution. Preamble is like the Soul of the Constitution¹. Every reader from the academia, student's fraternity, lawyers and judges might find this book as an interesting collection which decodes the "secret" narratives behind the drafting of the Indian Constitution. According to Upendra Baxi, this book contains the point of departure and point of arrival from the constitutional history and it reflects the moral values and core philosophy of justice.²

This book is divided into six Chapters. Firstly, in the chapter one, titled "Justice: The Story of B.R Ambedkar" divides its narrative into five sub-headings. The chapter begins by explaining the constituent assembly debates around the "justice clause." The first part explains the changes recommended in light of the 42nd amendment. The second part deals with the claim that Dr. Ambedkar enjoyed full authority to alter the 'justice' clause. The third part focusses on Dr. Ambedkar and his take on justice and its meaning. It continues to explain under its narrative the meaning and Dr. Ambedkar's perception and work on political, social and economic justice. Further, in the fourth part, it sheds light on how Dr. Ambedkar was an embodiment of living justice himself and he added unique vantage points for sustained reflection on the concerns of justice and its connection to other human values. The last part of the first chapter addresses how Dr. Ambedkar, due to his strong ideologies clashed with other prominent leaders of that time with special insight on his clash with Mahatma Gandhi.³ Though, author is making his arguments in the light of contribution of Dr. Ambedkar. However, major role of Jawaharlal Nehru can't be denied

¹ Nagale Prema Narsingrao, "The Preamble to the Constitution of India" 11 *PIJR* 2 (2013).

² Gail Omvedt, *Ambedkar: Towards an Enlightened India* (Penguin India, 1st edn., 2017).

³ Narendra Chapalgaonkar, *Mahatma Gandhi and the Indian Constitution* (Routledge, 1st edn, 2016).

with the drafting of the Preamble of the Indian Constitution.⁴ When we critically examine this work it looks like a portrayal of single philosophy of Ambedkar throughout this book.

The constituent assembly debates had a fair share of discussion on the principle of “justice” as mentioned in the Preamble of our Constitution. While amending the first draft of the constitution, the phrase of ‘justice, social, economic and political’ did not receive any amendments. However, in the coming years, scholars and other drafters of the constitution attempted to rephrase the justice clause in varied manner. What is noteworthy is that the Chairman of the drafting committee, Dr. B.R Ambedkar did not accept any of these prospective changes and did not pay much attention to the justice clause. Distinguished members of the drafting committee like Alladi Krishnaswamy Ayyar also defended the clause robustly. The 42nd amendment to the constitution in 1976 suggested a change in the justice clause. However, while the amendment added three words namely ‘secular’, ‘socialist’ and ‘integrity’ to the preamble, the justice clause remained the same.⁵

Dr. Ambedkar seemed to have no problem with the ‘justice’ clause *per se* which was a catchphrase from the Russian Revolution of 1917. It was inspired from the revolution and was aiming to incorporate the socialist principle in Indian Context.⁶ Despite having the authority to make any changes, it is affirmed that Dr. Ambedkar left the clause untouched because this was close to Ambedkar’s vision of justice. Across the various literary works of Ambedkar, it can be noticed that he did not address the definite meaning of ‘justice’ rigidly ever. He was seen using the phrase metaphorically or as a ‘term of art.’ It seems as if justice was not by any means merely affective for Dr. Ambedkar because the specifications and determinations of the meaning, and the urgent necessity of social justice, economic justice and political justice have been spelt out in numerous places throughout Dr Ambedkar’s works and in the preamble, categorically⁷. What Dr. Ambedkar’s writings and their numerous expositions in the secondary literature shows that for him the demand of justice dictate proactive and long-arm policies of the State and its implementation by several institutions acting in coordination.⁸

⁴Amrit Varsha, “NEHRU AND THE ‘COMMUNISTS: TOWARDS THE CONSTITUTION- MAKING.’” (*Proceedings of the Indian History Congress* vol.72, Pg 740–52, 2011).

⁵Nanak Chand Rattu, *Last few Years of Dr. Ambedkar* (Amrit Publishing House, 1st edn. 1997).

⁶Narendra Chapalgaonker, *Mahatma Gandhi and the Indian Constitution* (Routledge, 1st edn. 2016).

⁷Aakash Singh Rathore, *A Philosophy of Autobiography: Body & Text* (Routledge, 1st edn. 2019).

⁸Aakash Singh Rathore, *B.R Ambedkar: The Quest for Justice* (Oxford University Press, 1st edn. 2020).

Also, his expertise in economics and law, has paid much heed to the idea of economic and political justice. From, Political justice he wanted to evoke some basic concerns like what are the basic political rights of individual or communities or what are the basic principles of democracy? Dr. Ambedkar addressed questions relating to it in his works like ‘Evidence before the Southborough Committee’ (1919); Annihilation of caste (1936); and the lecture titled Buddha & Karl Marx (1956), *etc.*⁹ He was committed to democracy and its political association. Dr. Ambedkar worked around social justice extensively. Social justice was his concern all along however, owing to his academic qualifications in economics, he proactively made contributions to economic justice. It is rightly analyzed that the world was not ready for a figure like Dr. Ambedkar back then, and perhaps it isn’t ready today as well.¹⁰

The two approaches developed to understand the life of the Constitution’s chief architect include, the reverential approach if not hagiographic and the other, quite opposite to the first is callous character assassination. However, a person who has read thoroughly about his life would not give in to the latter approach.¹¹ Dr. Ambedkar had witnessed several struggles during his life and he worked in the later part of his life for the same. He worked extensively for the untouchables and the depressed classes. Owing to his strong policies and vision he had controversial relationships with many leaders of that time, the most important one being Mahatma Gandhi. Which remained in street-corner debates, newspaper columns, documentaries, books, *etc.*¹² Despite all of this, Dr. Ambedkar did justice as a leader of the country and to the entire process of drafting of the Indian Constitution.¹³

In chapter-two, titled “Swaraj is whose Birthright?” discusses in-depth about what Swaraj meant to different people and how more often than not the definition was construed to fulfil people’s own personal and political agendas. The Author has failed to appreciate and acknowledge the leading

⁹ Dr. Babasaheb Ambedkar Writings and Speeches (7th Volume, Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Govt. of India, 2019).

¹⁰ Elanor Zelliott, *Ambedkar’s World* (Navayana, 1st edn. 2013).

¹¹ Nanak Chand Rattu, *Last few Years of Dr. Ambedkar* (Amrit Publishing House, 1st edn. 1997).

¹² Ramchandra Guha, ‘Gandhi’s Ambedkar’, in Akash Singh and Silika Mohapatra eds., *Indian Political Thought: A Reader* (Routledge, 2010).

¹³ Bidyut Chakrabarty, *Confluence of Thought: Mahatma Gandhi and Martin Luther King Jr.* (Oxford University Press, New York, 1st edn. 2006).

viewpoint on swaraj given by B.G Tilak¹⁴ and other social philosopher. Discussing the journey from freedom to liberty in our Preamble, the author tries to answer these fundamental questions which are extremely relevant in modern times to understand what our Preamble seeks to provide to the Indian citizens and what it stands for.

The author starts with making a distinction between freedom and liberty with the help of Constituent Assembly Debates and the Preamble of the Indian Constitution. Both, freedom, and liberty often used interchangeably is in reality quite distinct, originating from different traditions and history. The objective resolution and the 'Proposed Preamble' both contained several freedoms out of which only five made it to the Indian Constitution, making a distinction between social freedoms (red rights) and political freedoms (blue rights). Essentially, what remained in the Preamble and eventually became a part of Fundamental Rights were the civil and political rights and the remaining became a part of DPSPs which were social and economic rights and therefore non-justiciable.¹⁵

Apart from surface explanations in employing liberty instead of freedom, there were other deeper reasons. The concept of freedom by way of its association to Hindu majoritarianism of the national movement led to its spiritualization and since freedom and Swaraj was associated with one another, Dr Ambedkar questioned the very nature of freedom and Swaraj sought to be achieved. According to Ambedkar, 'Dalit swaraj' was not only a precondition for Swaraj but at the same time, it showed the quality and a way to measure Swaraj. Gandhi on numerous occasions spoke for the Dalits and the horrors of the untouchability but words were not enough. Ambedkar gave three instances where Mr. Gandhi could have but did not go through the required action which was necessary for the upliftment of the depressed classes. The same was said for Chittaranjan Das, whose definition of Swaraj is said to be very close to what Ambedkar advocated for.¹⁶

Dr Ambedkar found himself in a double bind situation where the Dalits needed Swaraj to empower themselves but to empower themselves was to achieve Swaraj. Both Swaraj and not Swaraj was

¹⁴ S. P. Singh, Tilak's Concept of Nationalism, 75(2) *The Indian Journal of Political Science* 255–264 (2014).

¹⁵ Aakash Singh Rathore, *A Philosophy of Autobiography: Body & Text* (Routledge, 1st edn. 2019).

¹⁶ Harold G. Coward, *Indian Critiques of Gandhi, SUNY series in Religious studies* (State University of New York Press, 1st edn. 2003).

rightful for them and hence the dilemma. But he believed Nationalism to be a means to an end and not end in itself. Gandhian Swaraj for Ambedkar was a ‘paradox’, which talks of destroying political order while maintaining the social order where one class of people are oppressing the other, on a hereditary basis further making it permanent domination.¹⁷

Ambedkar always questioned the difference of British rule and what it would be like when India would achieve ‘Swaraj’ because if it is meant to be governed by the caste conscious Hindu majority then would we have achieved ‘Swaraj’? From the author’s perspective this book narrowly interprets the meaning of swaraj. He confuses Swaraj with Hindu Raj and therefore he contends that Ambedkar wanted to protect Dalit rights and freedom of the people. For this statement author doesn’t cite any valid sources. However, Bal Gangadhar Tilak who originally made the swaraj as popular in India’s freedom struggle by saying that “*Swaraj is my birthright and I shall have it*” actually wanted the freedom from British rule and his idea was based on self-government by Indians.¹⁸ Freedom Fighters wanted a share in the political sovereignty, that was the government needed to be of the people and by the people. Rules and laws are to be made by them and not for them.¹⁹

In the chapter-three, titled “Equality: The Constitution as Revolution” discussed that Equality has been a complex and contentious part of the Indian Constitutional jurisprudence. Though the equality clause which was enshrined in the Constitution of India since its inception remains unaltered, it is different from its predecessor clauses. The ‘equality’ clause of the Nehru’s Objectives Resolution was much lengthier whereas Ambedkar’s ‘Proposed Preamble’ didn’t have an equality clause and contained an obligation of status and opportunity instead. As the constitutions framed by Ambedkar in 1950 had detailed provisions, the Preamble used a very succinct ‘equality’ clause. Though this prevented the debate on the Preamble, the debate on the articles of the constitution got fueled up. There have been controversies around the issue of equality since the very first amendment of the Indian Constitution which goes on *ad infinitum*. However, for Ambedkar, the struggle for equality can be found dated back to the twelfth century. In his book,

¹⁷ Elanor Zelliott, *Ambedkar’s World* (Navayana, 1st edn. 2013).

¹⁸ Vishwanath Prasad Varma, Political Philosophy of Lokamanya Tilak, 19 (1) *The Indian Journal of Political Science* (1958).

¹⁹ Gail Omvedt, *Ambedkar: Towards an Enlightened India* (Penguin India, 1st edn., 2017).

Revolution and Counter Revolution in Ancient India, he identified Buddhism as a revolution for equality against the set notion of Brahminism.²⁰ He further states that due to the counter-revolution against the Buddhism, the impacts can be understood in three ways namely - political, legal and ideological²¹ which author of this book calls it to establish Mimamsa and Vedanta and which according to Ambedkar lasted till the Constitution of India came into existence. Ambedkar incorporated a double-edged criticism in his philosophy. On one hand, he opposed the Hindu orthodoxy while on the other hand, he was a critic of the Indian Marxists. Ambedkar was not agreed with Marx's idea of class rather he was concerned about caste. From caste he wanted to highlight the caste system in India which was obstacle at the centre of Ambedkar's idea of equality.

Unlike simple inequality, the graded inequality is likely to sustain itself for a longer period of time. This is because it paves way for a system where inequalities get compensated by the hierarchical exploitation of the subordinates. Ambedkar identified patriarchy as a true sister of Brahmanism in this system and therefore, he spearheaded the Hindu Code Bill which eventually led to vilification and personal attack on Ambedkar. Even Ambedkar was one among those proponents in the constituent assembly debates who spoke in the favour of Uniform Civil Code. Recently, Supreme Code in *Shayra Bano case* advocated the need for ensuring gender equality for Muslim women and declared Tripple Talaq as illegal.²² In *Shah Bano case*²³ the court emphasized on the need of Uniform Civil Code to ensure justice for Muslim Women in India. He wanted women to have inheritance rights and even argued for gender equality. Nehru himself withdrew the support from the Bill due to political expediency, as a consequence Ambedkar resigned from the cabinet.²⁴

It was after his resignation that Dr. Ambedkar began to draft specific chapter plans for his book. Unfortunately, due to his death in 1956, a major chunk of the book remained unfinished. In the schemes of book found in his library after death, a structure for seven books with different themes and sub themes was discovered. However, the total content that we have today is around one third of this plan. The driving thesis of the book was his idea of revolution of equality in Buddhism and

²⁰ Sir Monier -Williams, *Brahmanism and Hinduism* (Macmillan and Co., 4th edn.,1891).

²¹ B.R. Ambedkar, *Buddhist Revolution and Counter Revolution in Ancient India*, (Buddhist World Press, 1996)

²² (2017) 9 SCC 1.

²³ AIR 1985 SC 945.

²⁴ Aakash Singh Rathore, *Ambedkar's preamble: A secret History of the Constitution of India* (Penguin Books, 1st edn., 2020).

its counter-revolution by Brahmanical Hinduism and Brahmanical Patriarchy as used by the author in this book. Ambedkar's historiography methodology included the analysis of the literature of Hinduism and Buddhism. He tried to dwell into the theory of Aryans vs Non-Aryans/ Dravidians/ Nagas, *etc.* After describing diverse Buddhist literature, he focuses upon the Brahmanical literature which acted as a counter revolution. The main protagonist for counter revolution was Pushyamitra Shunga whose coup was followed by institutionalization of political counter revolution by the *Manusmriti* and flourishing of Brahmanical literature.²⁵

In the chapter-four, titled "Fraternity: Affection for Everyone, Hatred for None" discussed that the only clause of the Preamble that was not criticized for deviating from the Objective Resolution rather was lauded, was the fraternity clause since it was based on Gandhian Principles. Thakur Das Bhargava who was a "contrarian rebel" and J.B. Kriplani appreciated the clause along with the clause for justice and equality for providing a good guiding moral principle for the Constitution.²⁶ Under the sub-heading 'Ambedkar's Pragmatism', it is argued that fraternity was personally introduced into the Constitution by Dr. Ambedkar without any precedent. The final definition of fraternity was concessional to both the left who valued annihilation of class as well as the right who valued national integrity. It read: "Fraternity, assuring the dignity of every individual and the unity of the nation."

Under the sub-title, 'Need Never Greater than Now', it has been said that while sending the final draft of the Constitution, Ambedkar attached a note to it, confessing and justifying the fraternity clause and how it was a departure from the objective resolution. He emphasized on the need for fraternal concord and goodwill in view of the tragedy of the partition. This emphasis subliminally also referred to the need of fraternity in the ubiquitous caste struggle which had led to and would lead to bloodshed in the future.²⁷

Further, the author explains that Ambedkar's view of fraternity, liberty and equality (Trio of Principles) went through a metamorphosis through the course of his life. He initially viewed them

²⁵ Ananya Vajpeyi, *India: Political ideas and the Making of a Democratic Discourse* (Harvard University Press, 2013).

²⁶ Bidyut Chakrabarty, *Confluence of Thought: Mahatma Gandhi and Martin Luther king Jr.* (Oxford University Press, New York, 1st edn. 2006).

²⁷ H.V Hande, *Ambedkar and the making of the Indian constitution* (MacMillan Publishers India Ltd., 2009).

as political concepts derived from the French Revolution. However, later he understood them as Ethico-Spiritual Buddhist concepts. He viewed Metta or the Buddhist concept of fraternity as more superior and spiritual than its French Revolution counterpart. Further, author has substantiated his argument by connecting fraternity as a goodwill and how Ambedkar considered liberty, equality and fraternity to be another name of democracy.²⁸ Further, the author compares Ambedkar's idea of fraternity with John Rawls viewpoint who proposed to fuse cognitive with affective to gain a balance between equality and freedom whereas in case of Ambedkar fraternity was introduced to commensurate liberty and equality.²⁹

In Ambedkar's idea of fraternity constitutional morality also holds an important place and it is essential for public conscience. To elaborate on this, the author relates fraternity with social democracy. Then he says, the roots of fraternity are in religion. Christianity says all are equal before God. So, the author contends that fraternity must be theologically backed to remain in personal practice of the people.³⁰ So, finally the author relates fraternity by saying that it is akin to Buddhist concept of *Maitree* or fellow feeling. *Maitree* does what fraternity can do and it also does what fraternity cannot do. It is necessary and sufficient for a democracy.

No doubt that the author elaborated the terms fraternity on the ideals that was laid down by Ambedkar like he went to connect with the teaching of Buddha. However, he fails to incorporate the other perspectives like that was given in French revolution or Gandhian model of fraternity which is very important when we talk with respect to Indian model of fraternity.³¹ The author relates with Buddhism and other ideals which was foundation in Ambedkar's philosophy.

In the chapter- five, titled "Dignity: Not Bread but Honour" discusses that no past civilizational glories, no future super power status of nation matters more than the dignity of every individual. Again, the logic and argument of the author is biased and prejudiced in this chapter. It seems that author is writing this book keeping one viewpoint in mind and he is not ready to even acknowledge

²⁸ Anthony J. Parel, *Gandhi: 'Hind Swaraj' and Other Writings* (Cambridge University Press, 2009).

²⁹ H.V Hande, *Ambedkar and the making of the Indian constitution* (MacMillan Publishers India Ltd., 2009).

³⁰ D.C Ahir (ed.), *Buddhist Revolution and Counter Revolution in Ancient India* (BR Publishing Corporation, 2011).

³¹ Akeel Bilgrami, *Gandhian fraternity*, available at: <https://tif.ssrc.org/2012/09/13/gandhian-fraternity/> (last visited on Nov. 5, 2021).

others contribution is the major drawback of this book. He contends that Ambedkar's determination led to the insertion of word dignity in the preamble where the author's viewpoint is similar to Ambedkar. Actually, it seems that the author is somehow trying to prove his opinion by quoting Ambedkar. However, it can be safely construed that the term "Dignity" was so well etched that the same was invisible either on the official and non-official documents as well as having no presence in either the CWC (Congress Working Committee) recommendations and the Objective resolution as well.³² The first impression that the readers get with regards to the chapter title itself that the origins of his usage of the term are to be traced and the same happened here as well where the roots have been traced to his youth and this may be the plausible reason why he used the same in his speeches more than 150 times. The harmful interplay of caste and dignity was the major reason behind the addition of the term "*Dignity*" in the "*Fraternity Clause*".³³

The term and its various other precepts have been brought forth and can be visible from "*Dignity as Distinction*" which talks of by tracing the links with the Indian historical perspective as well. In addition to the same, its various versions and how they were taken into account have been verily discussed in the CAD and have been brought forth. Delving deeper, the transcendence from philosophy into law have been also taken heed of and its materialization in the form of Bill of Rights, 1791, American Declaration of Independence, 1776.³⁴ So, the author is just proving each concept on the line of arguments and philosophy practiced by Ambedkar.

In the chapter- six, titled "Nation: The Future of a Delusion" attention is verily drawn towards the Constituent Assembly Debates with reference to constituting either a state or a nation and the relevant opinion of various political parties were debated. In addition to the same, the notions pertaining to the basic elements of what constitute a nation have been taken place between the members of the committee comparing various aspects. The author also discusses about the origin of two nation theory and its consequences. Though, the author tried to prove the authority of

³² Dr. Bhimrao Ambedkar, *States And Minorities: What are Their Rights and How to Secure them in the Constitution of Free India*, (Charlies Inc., 1st edn., 2015).

³³ *Ibid.*

³⁴ Oscar Schachter, Human Dignity as a Normative Concept, 77(4) *The American Journal of International Law* (1983).

Ambedkar as a superior throughout this chapter which doesn't fall in line with Gandhian Hind Swaraj.³⁵

To conclude from this book, "*Ambedkar's Preamble: A Secret History of The Constitution of India*" is a radical shift from general discourse of history and attempts to establish the narrative that Ambedkar is the chief architect of the preamble. Though, this viewpoint can be contradicted by many scholars as Nehru's objective resolution was the foundation document. However, the author claims that Dr. B.R. Ambedkar's irrefutable authorship of the preamble has led to the insertion of six most central concepts that is justice, liberty, equality, fraternity, dignity, and nation. The author deals each of these six concepts into six chapters and substantiate his arguments philosophically based on the reading and writings of Ambedkar. All this chapters categorically with a single outlook establishes how and why the Preamble to the Constitution of India is essentially an Ambedkar's preamble. From the first chapter to the end chapter of this book author is claiming that it is mistakenly attributed to B N Rau or any other person as an architect of the preamble. It is Ambedkar who had single-handedly led to the authorship of the Constitution's Preamble. Though, ignoring several fundamental facts related to the constitutional history of India, from Buddhist philosophy to Ambedkar's own vision is reflected in each chapter of this book. Having said that, this book is an insightful analysis of the origin of the preamble and demystifying the secret history of the central ideas of the preamble to the Indian Constitution.

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³⁵ Vaibhav Purandare, *Savarkar: The True Story of the Father of Hindutva* (Juggernaut Publishers, Delhi, 2019).

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