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Book Review: Ambedkar's Preamble

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INTRODUCTION

The Dr. Bhimrao Ramji Ambedkar was a social reformer and a politician. He was also an important figure in the Dalit Buddhist movement. He had faced a lot of atrocities due to his social status, as he was a Mahar (Dalit). Since he was considered an untouchable, his name was changed to Ambedkar in school records.

He campaigned for the members of his community to be allowed to enter the temples and draw the water from the town's main water tank. On December 25, he and his followers burnt the copies of the ancient Hindu text which he condemned as untouchability and caste discrimination. In his 1936 book, "Annihilation of Caste," he criticized Hindu orthodox religious leaders, and he also rebuked Gandhi for criticizing the caste system. He also tried to explain the formation of the Ati and Shudras as lower castes.

He was the founder of the International Labour Party, which contested the election for the Central Legislative Assembly in 1936. He became a Member of the Rajya Sabha in 1952. After becoming the Minister of Law in 1947, he was asked by the Congress-led government to serve

as the Chairman of the Committee for the Constitution. He was also appointed as the chairperson of the committee on August 29, 1947.

DRAFTING THE INDIAN CONSTITUTION

After the independence, he became the Minister of Law. On August 29, 1947, he was appointed as the chairman of the committee tasked with preparing the Constitution of India. The Assembly asked him to draft the document. The Drafting Committee was formed which comprised of K.M. Munshi, Mohammad Saadulla, Alladi Krishnaswamy Iyer, N. Gopaldaswami Ayyangar, B.L. Mitter, and D.P. Khaitan while Dr. BR Ambedkar chaired the drafting committee of the Constitution of India on August 30, 1947. The draft was then scrutinized by Mr. B.N. Rath, who was the Constitutional Advisor of India. After a revision was made on November 4, 1947, the document was adopted on November 26, 1949.

PREAMBLE: THE HEART & SOUL OF THE CONSTITUTION

The ideology and authority of the Constitution were also incorporated in the Preamble. On October 17, 1949, the debate over the Preamble was held. Among the issues that were raised were the inclusion of terms like Gandhi and God. Despite this, the document was still taken into consideration.

The Preamble can be divided into the following parts: The Declaratory Part which included the opening statement (WE, THE PEOPLE OF INDIA....) and the Objective Part which read: having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC. The Descriptive Part had the objectives of the Constitution through these principles: JUSTICE, LIBERTY, EQUALITY, FRATERNITY. It did not include the Invocative part. The Preamble is defined through four components:

- 1. The source of authority lies with the people of India*
- 2. Defines India as a socialist, secular, secular, democratic, and republic nation.*

3. *Defines the objectives to secure justice, liberty, equality to all citizens and promote fraternity to maintain unity and integrity of the nation*
4. *Specifies the date of enactment (26th November 1949)*

The significance of article 370¹ is that it refers to the basic structure of the country's constitution (Berubari Case). Since it is a part of the document, amendments can be made without affecting its original form. The same was highlighted during the controversial 42nd Amendment of 1976. It was just about reducing the powers of the courts but also laying down the Fundamental Duties of the citizens. The definition of the Preamble was changed with the description of India becoming a "sovereign, socialist secular democratic republic" as well as adding the term 'integrity in the phrase "unity of the nation".

The proposal to make India as "Secular, Federal, Socialist" was picked up by Mr. K.T. Shah in 1946. Dr. Ambedkar overwhelmingly opposed the proposal, labeling it as "purely superfluous" and "unnecessary". He made a statement while opposing the same, "*If these directive principles to which I have drawn attention are not socialistic in their direction and their content, I fail to understand what more socialism can be*". Thus, the Preamble remained unaltered before the 42nd Amendment.

Naziruddin Ahmed, who had initially objected to the drafting of the Constitution with Dr Ambedkar as the chairperson of the Committee, later came for support stating that it was a sole redeeming feature after working hard for 2 years. Dr. Ambedkar who thanked everyone in opposition while making his closing speech after completing the drafting did not include Ahmed's name. In one of the landmark cases of India, *Indira Gandhi v Raj Narain*² (also known as State of Uttar Pradesh v Raj Narain) in which Article 329A was in question, it was noted by the Supreme Court that Rule of law, Democracy, and Judicial Review are part of the basic structure and no amendment can be done to them. Similarly, in *Minerva Mills v. Union*

¹ Constitution of India, art 360

² *State of Uttar Pradesh v Raj Narain* 1975 AIR 865, 1975 SCR (3) 333

*of India*³, while the same was noted, the Court pointed out the relationship between Fundamental Rights and Directive Principles of State Policy.

HIGHLIGHTS OF THE BOOK

Mr. Rathore's style of writing is so good that the book gives the readers an insight into not just the struggle of Dr. Ambedkar since his childhood but also the struggle he had to face along with the other members of the Drafting Committee while preparing the Constitution. His ideology behind the Preamble was appreciative despite objecting to the idea of socialism, although his ideology and definition were later changed. Another highlight of this book is that it focuses on fundamental facts about modern Indian history, as well as Ambedkar's revolutionary political thoughts.

CONCLUSION

The facts present in the book are very well-researched. The book not only portrays the Preamble to be an 'Ambedkarite' preamble but also the 'the heart and soul of the Indian Constitution. While bringing out the secret history, the true meaning of the Preamble gets revealed. This book is highly recommended even for ordinary readers as well.

³ *Minerva Mills Ltd v Union of India* AIR 1980 SC 1789