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'A splendid contribution showing that not just the constitutional elites, but the ordinary people are co-equal authors of the constitution. Brimming with comparative law and jurisprudence insights.'

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'A formidable provocation to the scholarship on India's constitutional history. This stirring book opens up an altogether different world of constitution-making, as De and Shani uncover an astonishing archive, showing how diverse publics – marginalised by geography and identity – made claims upon the constitution-making process, through collective deliberation and public engagement.'

**Niraja Jayal, Avantha Chair and Professor of Politics,
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'*Assembling India's Constitution* would leave a reader in no doubt that India's constitution is a product of an iterative, dialogic, even agonistic engagement with, by, and between many Indian publics. Challenging simplistic and uninformed characterisations of the constitution as elitist and colonial, De and Shani demonstrate—with characteristic rigour and an astonishing body of evidence—that the continuous making and remaking of India's constitution has been far more autochthonous and substantively democratic than many others which only formally satisfy the democratic checklist of enactment by directly elected assemblies or endorsement in popular referendums. Their attention to the engagement of pluralistic and collectivised 'publics' rather than a supposedly monolithic 'people' in the constitution-making process demands a serious rethink of the traditional constituent power theory. It demands a serious rethink of the traditional constituent power theory and is a must-read for anyone interested in democratic constitutionalism.'

**Tarun Khaitan, Professor (Chair) of Public Law,
London School of Economics and Political Science**

'Rohit De and Ornit Shani's *Assembling India's Constitution: A New Democratic History* is a must-read for those interested in India's constitutional project. Its core argument is that to understand the genesis of the Indian Constitution it is important to move beyond the debates of the Constituent Assembly and to pay close attention to how communities and ordinary people across India engaged with the drafting of the constitution. The book presents a rich tapestry of these interactions, describing how many of the 500 princely states adopted constitutional documents establishing forms of representative government; discussing the contributions received by the Constituent Assembly from associations of women, Dalits, upper and lower castes, and religious groups of every faith and denomination; outlining the contributions from provincial legislatures,

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the judiciary and the civil service, and finally reviewing the important demands made by some tribal communities. It is an engaging read that casts a valuable new light on the making of India's constitution.'

Kate O'Regan, Professor of Human Rights Law, Director, Bonavero Institute of Human Rights, University of Oxford. Judge of the South African Constitutional Court (1994 – 2009).

ASSEMBLING INDIA'S CONSTITUTION

In this paradigm-shifting history, two leading historians of India re-examine the making of the Indian constitution from the perspective of the country's people. In a departure from dominant approaches that foreground the framing of the text within the Constituent Assembly, Ornit Shani and Rohit De instead demonstrate how it was shaped by diverse publics across India and beyond. They reveal multiple, parallel constitution-making processes underway across the subcontinent, highlighting how individuals and groups transformed constitutionalism into a medium of struggle and a tool for transformation. De and Shani argue that the deep sense of ownership the public assumed over the constitution became pivotal to the formation, legitimacy, and endurance of India's democracy against arduous challenges and many odds. In highlighting the Indian case as a model for thinking through constitution making in plural societies, this is a vital contribution to constitutional and democratic history.

ROHIT DE is Associate Professor of History at Yale University. He is the author of *A People's Constitution: The Everyday Life of Law in the Indian Republic*, which won the Willard J. Hurst Prize (2019).

ORNIT SHANI is Associate Professor of Asian Studies at University of Haifa. She is the author of *How India Became Democratic: Citizenship and the Making of the Universal Franchise*, which won the Kamaladevi Chattopadhyay New India Foundation Prize (2019).

ASSEMBLING INDIA'S CONSTITUTION

A New Democratic History

ROHIT DE

Yale University

ORNIT SHANI

University of Haifa



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Ornit dedicates this book to Rom.

*We both dedicate the book to the thousands of people we
encountered during our research, who fought for a vibrant
democracy.*

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We each found hundreds of documents evidencing, against the commonly held wisdom, that Indian publics across the subcontinent, including people from the margins of the society and remote territories of the country, engaged intensely with the making of the constitution. While there were overlaps between our findings, there were also key documents that only one of us had, and in some cases we each had one or the other part of the same file. Sharing the excitement of discovering these new materials, or rather new history, we did what is not a common practice among historians: we merged our individual archival collations and started to expand our 'Ornit-Rohit Constitutional Archive' while continuing the research jointly. Even at that point, a co-authored book was not something we imagined. However, the novel experience of reading and discussing the archival materials together over long hours translated into the adventure of a jointly written book.

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NOTE ON TERMS

Names, terms, and categories have been sites of contestation in India.

Since independence, names of places have changed several times. We use the names of places as they appear in the primary sources. For example, Cawnpore instead of Kanpur.

For social groups, when quoting primary sources, we used the names the groups have used to identify themselves. Otherwise, we used '*dalits*' for groups that are described as scheduled castes, Harijan, the former 'untouchables', or depressed castes. For Indian tribes we have used the term Adibasi, meaning original inhabitant, for groups that are described as *Adibasi*, scheduled tribes, backward tribes, aboriginal, and indigenous people.

We use the term 'Backward Caste/Classes' to refer to groups of castes who saw themselves as socially, economically, and politically backward. This is a legal and procedural category. Article 340 of the Indian constitution requires the government to identify socially and educationally backward classes to make recommendations to improve their conditions.

When citing to the Constituent Assembly debates (CAD), we refer to the speaker and date of the debate. While the debates have been digitised by the Indian Parliament, the hyperlinks changed multiple times while writing this book.