Critical Journal of Social Sciences (CJSS)
Volume 2, No. 2 | 2026
pp. 412 – 416

Assembling India's Constitution: A New Democratic History

Rohit De & Ornit Shani

Cambridge University Press, Cambridge, 2025
ISBN: 978-1-009-33005-3; E-Book ISBN: 978-1-009-33004-6

Prashant Pippal

Centre for Political Studies, Jawaharlal Nehru University, India

prashantpippal2002@gmail.com

Critical Journal of Social Sciences (CJSS)

ISSN: 3101-0415

Volume 2, No. 2 | 2026
pp. 412 - 416

Received: July 29 / Accepted: August 5

Rohit De and Ornit Shani's *Assembling India's Constitution: A New Democratic History* intervenes decisively in the historiography of Indian constitution-making. Granville Austin's classic account (1966) treated the Constitution as the product of elite deliberation within the Constituent Assembly, and even critical responses have tended to oscillate between reading it as a top-down nationalist project or a continuation of colonial institutional frameworks. Building on their own earlier essay (De and Shani 2023), the authors mobilise a dense archive of petitions, memoranda, and civic campaigns to relocate constitution-making within a wider political society, presenting the Indian state as assembled through negotiation between institutional actors and "diverse publics" (De and Shani 2025, Introduction). The book thereby unsettles the canonical narrative of a lawyerly founding and reframes the Constitution as the outcome of sustained democratic engagement, a project that extends, to the level of the state as a whole, the individual contributions each author has already made through De's *A People's Constitution* (2018) and Shani's *How India Became Democratic* (2018).

The book unfolds across five chapters and an introduction. Chapter 1, "Our Constitution," recovers alternative constitutional visions produced outside the Assembly: the Balkan-ji-Bari's Charter of Indian Children's Rights, the Deaf and Dumb Society's disability-rights proposals, and the All-India Dharma Sangh's theocratic counter-vision grounded in religious rather than popular authority. Chapter 2, "Making the Constitution a Public Affair," follows the Constituent Assembly Secretariat as it catalogued, translated, and circulated public petitions, and recounts how the February 1948 draft Constitution became, strikingly, a "surprise bestseller." Chapter 3, "Competing Constitutionalism," turns to the princely states, Rewa, Ratlam, Mysore, where pressure from Praja Mandals tied integration into the Union to

democratic aspiration rather than coercion alone. Chapter 4, "The Emerging State and the Constitution," examines intra-institutional contests, from High Court judges lobbying for judicial autonomy to provincial legislatures protesting their reduction to administrative "dummies." The final chapters extend the story outward, from the Chittagong Hill Tracts to diasporic communities in Stockton, California, tracing constitution-making as a process that unfolded well beyond Delhi. Throughout, the method is archival rather than doctrinal: petitions, correspondence, and organisational memoranda are read alongside, rather than subordinated to, the published Assembly Debates.

This review argues that the book's central achievement is this methodological reorientation, even as its theoretical restraint leaves open harder questions about constituent power, sovereignty, and the limits of democratic incorporation. The discussion below considers, first, how the book reconceives the state as a negotiated formation rather than a pre-constituted sovereign authority; second, what the archival method gains and forecloses; and third, the conceptual tension between participation and authorship that the book documents but does not resolve.

The State as an Assembled Political Formation

One of the book's most important moves is to displace the idea of the Indian state as a pre-constituted sovereign authority, presenting it instead as assembled through layered negotiations between institutional actors and politically mobilised constituencies (De and Shani 2025, chap. 1). Rather than treating the Constituent Assembly as the exclusive site of state formation, the book situates it within a wider field of claims-making: the Assembly appears, in the authors' words, "not as an isolated chamber of elite design but as a nodal institution within a broader ecology of claims-making." The Secretariat functioned as a permeable membrane between elite drafters and public actors, petitions were catalogued, translated, and circulated across committees, revealing a state already capable of rendering dispersed claims legible in constitutional language.

Yet the book also complicates any singular idea of "the state" by showing it internally fragmented, High Court judges wrote their own institutional autonomy into the text even as provincial legislatures protested their marginalisation, so that state formation appears as much a settlement among competing organs of governance as a response to public pressure. The state that emerges is simultaneously responsive and sovereign, participatory in its openness to consultation, yet authoritative in fixing the boundaries of inclusion. The dismissal of Delhi's demand for popular rule as a "dangerous innovation," and the confinement of tribal aspirations within administratively controlled schedules inherited from colonial premises, both suggest a sovereign anxiety about devolved authority that consultation alone does not dissolve.

This raises an analytical question the book does not fully resolve: is the state here primarily a mechanism that absorbs social pressure, or does it remain a sovereign

consolidator that determines the limits of permissible incorporation? The evidence supports both readings, but the structural asymmetry between petitioners and decision-makers is less interrogated than the fact of engagement itself.

Archival Transformation and the Rewriting of Constitutional History

Methodologically, the book's most transformative contribution lies in its archival expansion. Rather than confining constitutional history to published Assembly Debates, De and Shani mobilise petitions, correspondence, civic resolutions, and organisational memoranda (De and Shani 2025, Introduction). This shift fundamentally alters the terrain of analysis.

The historiographical implications are significant. First, it displaces the "founding fathers" narrative by redistributing agency across a wider political field. Figures such as B.N. Rau are reinterpreted not as detached technocrats but as practitioners of "technocratic cosmopolitanism," engaged in translation rather than mimicry (chap. 5). Second, constitutional provisions on minority safeguards, representation, and federal balance appear less as purely intellectual constructs and more as responses to sustained political pressures.

The book is equally attentive to the strategic uses of constitutional language. Upper-caste groups appropriated minority discourse to defend privilege, while backward classes campaigned for recognition as political minorities. Constitution-making thus appears as a competitive field in which categories were actively contested.

Importantly, the book does not romanticise participation. Chapter 4 ("The Emerging State and the Constitution") reveals that state-building involved institutional turf wars. High Court judges lobbied to insulate the judiciary from executive control, effectively writing their own autonomy into the constitutional text. Provincial legislatures complained of being reduced to "dummies", exposing centralising tendencies within the Union framework.

However, while the archival evidence persuasively demonstrates engagement, the analytical question of translation remains underdeveloped. Through what mechanisms did petitions become provisions? When did consultation become authorship, and when did it remain symbolic inclusion? Radical proposals such as the right to recall or explicit disability protections were sidelined. The unanimous recommendation for popular rule in Delhi was dismissed as a "dangerous innovation". Tribal aspirations were ultimately embedded within schedules shaped by colonial assumptions of backwardness. These outcomes suggest that democratic participation did not necessarily displace elite sovereignty.

If participation does not relocate constituent authority, then what the book documents may be democratic consultation rather than co-equal authorship. The distinction is theoretically subtle but decisive.

Political Concerns, Democratic Assumptions, and Conceptual Limits

Normatively, the book is animated by a clear political concern, that is, the democratic legitimacy of India's founding. In a contemporary moment in which constitutional meaning is fiercely contested, whether in debates over citizenship or electoral mobilisation, the reconstruction of participatory founding acquires renewed relevance.

De and Shani implicitly argue that legitimacy derives not only from nationalist leadership or institutional design but from dispersed processes of claim-making. The Constitution becomes, in their account, an "open site of struggle". Its subsequent amendments are presented as evidence of continuing public ownership.

Yet this move raises conceptual questions. If the archive of dissent is "at best partial", and if many foundational demands were diluted or deferred, can one speak of co-equal authorship at the founding moment? Or does sovereignty remain concentrated within the Assembly, with public engagement functioning as structured consultation within boundaries determined by elite mediation?

The book deliberately privileges historical recovery over abstract theorisation. This restraint avoids imposing rigid conceptual schemas on complex postcolonial processes. At the same time, it leaves open a foundational question, how does democratic participation intersect with constituent power? Participation may generate legitimacy, but it does not automatically redistribute sovereignty.

Conclusion

Assembling India's Constitution transforms the historiography of Indian constitution-making by expanding its archive and decentring its authorship. De and Shani demonstrate, with rich empirical detail, that constitution-making unfolded as a socially embedded and nationally dispersed process, and that the Indian state emerged not as a monolithic imposition but as a formation assembled through negotiation. At the same time, the book reveals, perhaps inadvertently, the structural limits of democratic incorporation in postcolonial state-building: participation was extensive, but authority remained asymmetrical; the Assembly was permeable, but it stayed sovereign. The book does not resolve this tension so much as render it historically visible — and in doing so, it leaves any future theory of Indian constitutionalism to confront the question it poses but does not answer: whether democratic engagement at the founding amounted to shared authorship, or operated within the bounded horizon of institutional sovereignty.

References

Austin, Granville. 1966. The Indian Constitution: Cornerstone of a Nation. Oxford: Oxford University Press.

De, Rohit. 2018. A People's Constitution: The Everyday Life of Law in the Indian Republic. Princeton: Princeton University Press.

De, Rohit, and Ornit Shani. 2023. "Assembling India's Constitution: Towards a New History." Past & Present 263 (1): 205–48. https://doi.org/10.1093/pastj/gtad009

———. 2025. Assembling India's Constitution: A New Democratic History. Cambridge: Cambridge University Press.

Shani, Ornit. 2018. How India Became Democratic: Citizenship and the Making of the Universal Franchise. Cambridge: Cambridge University Press.