

WHO MADE DR. B.R. AMBEDKAR DRAFTING COMMITTEE CHAIRMAN?

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The Constitution of India, as settled by Constituent Assembly (hereafter CA) and moved by Chairman of Drafting Committee, Dr. B.R.Ambedkar, was adopted by CA on 26-11-1949, which came into force w.e.f. 26-11-1950, in pursuance of which, every year, 26th November is being observed or celebrated as 'Constitution Day'. So also this year. However, one cannot but help witnessing these days, which was not same during last six decades after Indian independence, a conspicuous difference of almost all political parties-regional and national-appropriating for themselves Dr.Ambedkar in their own way. The incumbent government of newly formed State of Telangana has gone a step ahead, in approaching China, experts in manufacturing tall bronze statues, for making 125-feet Dr.Ambedkar's statue for installation in prominent place in Hyderabad.¹ Political analysts see these developments as vote-bank politics to capture *dalit* votes constituting above twenty crores, viewing elections in some states shortly, and 2019 general elections.

What is most intriguing is, Congress, which vehemently criticized and deeply humiliated Dr.Ambedkar throughout-even blocking his entry to CA by causing obstructions and subsequently getting him defeated by its party men, twice, in elections, that too, after utilizing him for drafting Constitution for new independent India-taking pride to have made Dr.Ambedkar write Constitution. So also RSS and BJP, erstwhile Jan Sangh, who strongly supported Caste system and opposed Hindu Code Bill: Dr.Ambedkar diametrically opposed RSS/BJP philosophy and treated caste as anti-social and

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1 Deccan Chronicle, 26-11-2016.

fought for annihilation of caste system and introduced HCB in CA for women empowerment and unification of India.

Briefly, First Law Commission (1835) appointed by British India expressed desire for preparing code of personal laws of Hindus and Muslims, but Second Law Commission (1853) repudiated such idea. Hence, British, due to 'natural sensitiveness', hesitated to interfere with these systems. Considering existing circumstances, Fourth Commission (1879) proposed deferment of general code preparation, and piecemeal legislation meanwhile. Draft Hindu Code of Hindu Law Committee/Rau Committee (1944) as aroused great public interest also exhibited enormous orthodox hostility. Ambedkar Committee Report publication in 1948 and HCB introduction in CA on Draft Constitution's third reading provoked widespread antagonism and defeated HCB.²

Nehru, '*keen modernist reformer*', forcibly retreated from original position of passing bill,³ '*sided with Gandhi's tradition-focused approach rather than with Ambedkar's radical modernism*'.⁴ President Dr.Rajendra Prasad too opposed HCB.⁵ So also RSS.

However, HCB received large support from men and women within and outside Parliament belonging to various political parties, Congress Women's Wing-All India Women's Conference-and several other women organizations, but they could not convince public.⁶

Consequently, '*Dr.Ambedkar ultimately resigned in despair and disgust when his radically modernist project was not approved by a majority big enough to carry the policies of the day*'.⁷ Derrett writes:

2 Werner F.Menski, *Hindu Law: Beyond Tradition and Modernity* 214-5 (OUP, New Delhi, Oxford India Paperbacks 2008). Also available at <https://en.wikipedia/wiki/Hindu-code-bills>. (Visited on 8.12.2016).

3 <https://en.wikipedia/wiki/Hindu-code-bills>.

4 *Supra* note 2 at 62.

5 *Id.* at 215.

6 <https://en.wikipedia/wiki/Hindu-code-bills>

7 *Supra* note 2 at 55.

“Dr.Ambedkar, who chaired the Select Committee which received the Rau Committee Report, saw himself as a second Manu, but with the additional title, ‘breaker of the pride of the twice-born classes’. It is no surprise, therefore, that his ideas for Hindu law reform were not carried, and he ultimately resigned in disgust.”⁸

Dr.Ambedkar termed HCB’s defeat *as murder*. In letter released to Press, he held that *his decision was largely based on treatment that had been accorded to HCB as well as administration’s inability to get it passed*.⁹

Strategically, in 1951-52 general elections, Nehru made ‘HCB his top campaign initiative’. After winning elections and becoming PM, Nehru split HCB into four separate bills to facilitate their passage, which significantly met with less opposition.¹⁰ Many criticized *inter alia* that piecemeal reforms ‘do not imply a total break with the past, nor a total embracing of modernity’.¹¹

Not surprisingly, it is still fresh in memory, prolific writer and author, Arun Shourie, who in his book *Worshipping False Gods* (1997/2012) projected Dr.Ambedkar as stooge of British Government, was appointed as Minister under Bajpai’s Prime Ministership.

On 13.4.2015 in Debate on ‘Ambedkar Legacy’ in English national channel ‘Times-Now’, answering anchor’s question, Congress representative boastfully argued that *had not Congress Party recognized Ambedkar’s intelligence and luminary power and entrusted him with constitution-writing, world would not have seen the indomitable Dr.Ambedkar*, which Dr.Ambedkar’s grandson, on panel, promptly countered that *it was because Congress had no alternative but to approach Dr.Ambedkar, after everyone, including internationally acclaimed jurists, refused to shoulder constitution-writing responsibility*.

In interesting article by Mr.K.N.Bhat¹², “*It’s Constitution of India, not Indira*”¹³ on Mrs.Sonia Gandhi taking credit that it was Congress Party which was responsible for *smooth sailing of Draft Constitution in Assembly*, he

8 *Id.* at 206.

9 <https://en.wikipedia/wiki/Hindu-code-bills>

10 *Id.*

11 *Supra* note 2 at 217.

12 Sr. Advocate, Supreme Court of India & Former Addl. Solicitor-General of India.

13 Deccan Chronicle, 1.12.2015.

quotes her, and observes, with which present writer agrees, that ‘*Her speechwriter had done a clumsy cut-paste job as can be seen from the text of Dr.Ambedkar’s speech at the Constituent Assembly delivered on November 25, 1949*’ and reproduces verbatim middle part of relevant para of Dr.Ambedkar’s speech.¹⁴

Mrs.Gandhi was upbeat that *it was Congress’ discipline that enabled drafting committee to give full information about every act in Constitution* with obvious reference to Dr.Ambedkar himself giving credit to Congress Party’s discipline for Draft Constitution’s smooth sailing. In CA, Dr.Ambedkar said:

“The task of the Drafting Committee would have been a very difficult one if this Constituent Assembly has been merely a motely crowd, a tasseleted pavement without cement, a black stone here and a white stone there in which each member or each group was a law unto itself. There would have been nothing but chaos. *This possibility of chaos was reduced to nil by the existence of the Congress Party inside the Assembly which brought into its proceedings a sense of order and discipline. It is because of the discipline of the Congress Party that the Drafting Committee was able to pilot the Constitution in the Assembly with the sure knowledge as to the fate of each article and each amendment. The Congress Party is, therefore, entitled to all the credit for the smooth sailing of the Draft Constitution in the Assembly*”.¹⁵
(emphasis added)

Therefore, while stating “*Dr.Ambedkar paid compliments to the Congress, the only sizeable party then in existence, for facilitating smooth passage of the Constitution as a part of ‘vote of thanks’*”, Mr.Bhat rightly preferred to quote immediate next para wherein Dr.Ambedkar emphasizes presence of rebels¹⁶ not becoming ‘yes’ men to rule of party discipline, which, otherwise, *in all its rigidity*, would have made proceedings *very dull*.

CA Debates reveal that by resolution introduced by Shri Satyanarayan Sinha (not to confuse with Dr.Sachhidananda Sinha, CA’s temporary Chairman), seven eminent members of CA, whose names Mr.Bhat

14 *Constituent Assembly Debates*, Book 5/Vol.XI/pp.973-4 (Official Report, Lok Sabha Secretariat/Universal Law Publishing, Delhi, 2003).

15 *Id.* at 974.

16 *Id.* The rebels are: Mr.Kamath, Dr. P.S.Deshmukh, Mr.Sidhva, Prof.Saxena, Pandit Thakur Das Bhargava, Prof. K.T.Shah and Pandit Hirday Nath Kunzru.

mentioned,¹⁷ were appointed to constitute Drafting Committee *to scrutinize and suggest necessary amendment to draft Constitution of India presented in Assembly Office on the basis of decisions taken in Assembly*. This Committee unanimously selected Dr.Ambedkar as Drafting Committee's Chairman. Thus, as Mr.Bhat stated, *Ambedkar was chosen as chairman not by mercy of any politician, but by committee of eminent men who were aware of his ability not only as legal scholar, but also as economist and reformer*. However, according to Dr.Sheshrao Chavan, Dr.Rajendra Prasad and Sardar Vallabhbhai Patel using their good offices brought Ambedkar *back to CA and later got him elected as Drafting Committee's Chairman*.¹⁸

But fact is, dire necessity of Dr.Ambedkar's 'scholarly ability' which was recognized by Mahatma Gandhi himself despite the former, whom Dhananjay Keer described as "*avowed enemy of the Congress*" and "*reviler of the Mahatma*"¹⁹ being critical of policies of Gandhiji and Congress Party, in Mr.Bhat's words, '*only sizeable party then in existence*'. B.J.Bhandutia writes: "*Dr.Ambedkar criticized the congress party and Gandhi as well. He did advise his followers not to accept the instrument of Satyagrah given by Gandhiji to achieve the goal of getting independence. He said going to jail is meaningless. In this we remain in jail doing nothing. Dr.Ambedkar did not accept Gandhiji's concepts of civil disobedience, non-cooperation and satyagrah. It is because of this that some thinkers make a mistake of believing that Dr.Ambedkar was opposed to the freedom movement.*"²⁰ Tanguturi Prakasam, erstwhile freedom fighter and former CM of undivided Andhra Pradesh, also said in CA on 6-11-1949: "*He (Dr.Ambedkar) had been attacking the whole system of the programme of Gandhi and the Congress all*

17 CAD, Bk.1/Vol.V/p.293

18 *The Makers of Indian Constitution: Myth and Reality* xxxvi (Bharatiya Vidya Bhavan, Bombay, 2001).

19 Dhananjay Keer, *Dr.Babasaheb Ambedkar* 397 (Popular Prakashan, Mumbai, 4th edn., 2009).

20 *Champion of Human Rights: Dr.B.R. Ambedkar in 21st Century (Making India Indivisible)* 40 (Oxford Book Co., Jaipur, 2007).

his life time”.²¹ For his views against ‘Quit India’ movement, Congress leaders criticizing Dr.Ambedkar said that he was *speaking so because he was under the obligation of the Britishers for his inclusion in Viceroy’s executive council.*²² Dr.Ambedkar *had vehemently criticized both Gandhi and Jinnah* and states “*However strong and however filthy be the abuses which the congress press chooses to shower on me, I must do my duty. ...I insist that if I hate Gandhi and Jinnah—I dislike them, I do not hate them—it is because I love India more.*”²³

In this backdrop, Dr.Ambedkar’s entry into CA is interesting. During elections for Provinces, Legislative Assemblies and subsequently to CA, Congress adopted *every trick and tactics* and *determined not to allow Dr.Ambedkar* into CA. On Congress’ behalf, Sardar Patel even challenged Dr.Ambedkar’s entry to CA, declaring: “*apart from the doors, even the windows of the Constituent Assembly are closed for Dr.Ambedkar. Let us see how he enters into the Constituent Assembly.*”²⁴ Yet, Dr.Ambedkar made his entry into CA. He had no men in Bombay Assembly to support his candidature.²⁵ Therefore, he was elected from Bengal Province with ‘prolific, heroic, daring support of Mr.Jogendranath Mandal, colleague of Dr.Ambedkar and leader of his party (ASCF) of Bengal, and particularly other Scheduled Castes leaders, Scheduled Castes of Punjab and Bengal’²⁶ and *with backing of Muslim League.*²⁷ Dr.Mane describes Dr.Ambedkar’s election to CA as *most astounding and amazing event in modern political history as well as constitutional history of India.* But, upon India’s partition, for reasons best known to Congress, Dr.Ambedkar’s representative constituency of *Khulna* and

21 CAD, Bk 2/Vol.VII/p.259.

22 *Supra* note 20 at 51.

23 D.R.Jatava, *Dr.Ambedkar: The Prime Mover* 46 (ABD Publishers, Jaipur, 2004).

24 Dr. Suresh Mane, *Indian Constitutional Law: Dynamics And Challenges* 31-2 (Aarati & Co., Mumbai, 2012).

25 *Supra* note 19 at 382.

26 *Supra* note 24 at 31.

27 *Supra* note 19 at 382.

Jaisore Districts of undivided Bengal having vast majority of SCs, were ceded to Pakistan and Dr. Ambedkar lost his seat to independent India's CA.²⁸

Meanwhile, favourable winds started blowing towards Dr. Ambedkar. V. Chandra Mowli writes: *"It is said that when drafting of the Constitution of India was embarked upon, Pandit Jawaharlal Nehru and Sardar Patel thought of inviting and consulting Sir Ivor Jennings, an internationally known constitutional expert of those times. When approached for advice in the matter, Gandhi is reported to have told them why they should be looking for foreign experts when they had right within India an outstanding legal and Constitutional expert in Ambedkar, who ought to be entrusted with the role which they badly needed and he so richly and rightly deserved."*²⁹ Therefore, Congress, which hitherto bitterly criticized Dr. Ambedkar, got Jayakar vacate Bombay Province Assembly seat and ensured his unopposed reelection, by Dr. Rajendra Prasad and Patel writing to Congress leadership there. Dr. Mane writes: *"Dr. Ambedkar's scholastic learning, deep insights and deliberations made none less than (a) President of the Constituent Assembly, Dr. Rajendra Prasad [who] wrote to Mr. B.G. Kher, the then Premier of Bombay to re-elect Dr. Ambedkar on the vacant seat of Mr. M.R. Jayakar unopposed. Yet, more surprising is the fact that Sardar Patel who had strong control over the Congress party during that period [and] had gone on record to make it impossible for Dr. Ambedkar to enter into the Constituent Assembly, (yet) the same Sardar wrote to Mr. Mavlankar and Mr. S.K. Patil the then leaders of the Congress Party from Bombay province that under any circumstances Dr. Ambedkar should be elected to the Constituent Assembly."*³⁰

Dr. Seshrao Chavan quotes letters of both Congress stalwarts, which are of much interest. In his letter dated 30th June 1947, Dr. Rajendra Prasad requested Mr. B.G. Kher to elect Dr. Ambedkar immediately. He wrote: *"Apart from any other consideration we have found Dr. Ambedkar's work both in the*

²⁸ *Supra* note 24 at 31-2.

²⁹ B.R. Ambedkar: *Man and His Vision* 33 (Sterling Publishers, New Delhi, 1990).

³⁰ *Supra* note 24 at 32-3.

Constituent Assembly and the various committees to which he was appointed to be of such an order as to require that we should not be deprived of his services...I am anxious that he should attend the next session of the Constituent Assembly commencing from the 14th July and it is therefore necessary that he should be elected immediately.” Sardar Patel’s letter dated 1st July, 1947 to B.G.Kher reads: “*Confirming my conversation with you last night, you have to make arrangement for Dr.Ambedkar’s election, if possible before the 14th...but if the nomination date is changed to the 11th, then the only way to finish the work before the 14th is to persuade other candidates to withdraw. Anyway, you will do your best.*”³¹ Interestingly, later, Dr.Ambedkar himself was defeated by the B.G.Kher Government, then in power.³²

In Dr.Ambedkar’s words, he came to CA “*with no greater aspiration than to safeguard Scheduled Castes’ interest;*” he had not remotest idea of being called “*to undertake more responsible functions*”. Therefore, he was “*surprised*” on being invited to speak 20 or 22 people ahead of him;³³ “*greatly surprised*” on election to Drafting Committee; “*more than surprised*” on election as its Chairman against *men bigger, better and more competent than himself*.³⁴

Soon after his re-election from Bombay province, PM, Nehru, invited Dr.Ambedkar to join Cabinet he formed on 15th August 1947 on eve of independence, *much against his wish on the insistence of Mahatma Gandhi*. Dr.Ambedkar accepted invitation and became India’s first Law Minister.³⁵ According to Dr.Ambedkar, as quoted by Dr.Seshrao, “*The offer came as a great surprise to me. I was in the opposite camp and had already been condemned as unworthy of association when the interim Government was*

31 *Supra* note 18 at 33.

32 *Id.* at 10.

33 CAD, Bk.1/Vol.I/p.99

34 CAD, Bk.5/Vol.XI/pp.973-4

35 *Supra* note 18 at 34.

formed in August 1946. I was left to speculate as to what could have happened to bring about this change in the attitude of the Prime Minister.”³⁶

About Dr.Ambedkar becoming first Law Minister of independent India and Drafting Committee Chairman, Dhananjay writes:

“An Untouchable who was kicked out from carts and segregated in schools in his boyhood, who was insulted as a professor, and ousted from hotels, hostels, saloons and temples in his youth as a despicable Mahar, and who was cursed as a British stooge, despised as a heartless politician and devil, hated as a reviler of the Mahatma and decried as an Executive Councillor, became now the first Law Minister of a free nation and the chief architect of the Constitution to define the will, aim and vision of India! It was a great achievement and a wonder in the history of India. India chose, in amends for her age-long sin of Untouchability, her Law-giver, new Manu, and new *Smritikar* from among a caste which had been dehumanized, demoralized and devitalized for ages. New India entrusted the work of framing her new laws to a man who had a few years before burnt the *Manusmriti* the Code of the Hindus! Was it the goddess of Nemesis that played the trick? Or was it a whirligig of time?”³⁷

It is commonly heard some people taking objection to referring Dr.Ambedkar as ‘chief architect’ of Constitution, which does not appear to be a sound argument for simple reason that Members of CA themselves variously treated him signifying same. For example, Shri Syamanandan Sahaya considered Dr.Ambedkar as “*great architect of our great Constitution*”:

“...the achievement of independence would go to the credit of Mahatmaji, and its codification to one of Mahatmaji’s worst critics, viz., *the great architect of our great Constitution Dr.Ambedkar*. Dr.Ambedkar, Sir, *deserves the gratitude not only of this Assembly but of this Nation*. He and his colleagues on the committee have labored to find out the best things almost all over the world and to suit them to the needs of this country. The masterly way in which they prepared the draft and the masterly ways in which Dr. Ambedkar piloted it will ever be remembered not only by us but by the posterity with gratitude.”³⁸ (emphasis added)

In Pylee’s words, ““*Ambedkar’s contribution to the Constitution is undoubtedly of the highest order. Indeed, he was a modern Manu and deserves to be called the father or the chief architect of the Constitution*’.”³⁹

Great Judge of Supreme Court of India, Justice V.R.Krishna Iyer also termed Dr.Ambedkar as “*founding father of Indian Constitution*”.⁴⁰

36 *Id.* at xxxvi.

37 *Supra* note 19 at 397.

38 *CAD*, Bk.5/Vol.XI/p.788

39 *Supra* note 2 at 57.

40 *Dr.Ambedkar and The Dalit Future* 4 (B.R.Publishing Corporation, Delhi, 2010)

Accomplishment of task of Constitution-making met with both cheers and jeers. Some members of CA described Dr.Ambedkar as '*the Manu of the present age*'. Dr.Pattabhi Sitaramayya while appreciating each member of Drafting Committee by name of the role they played, said of Dr.Ambedkar: "... *what a steam-roller intellect he brought to bear upon this magnificent and tremendous task: irresistible, indomitable, unconquerable levelling down tall palms and short popies: whatever he felt to be right he stood by, regardless of consequences.*"⁴¹ T.T.Krishnamachari explained burden shouldered by Dr.Ambedkar despite non-availability of some members of Drafting Committee:

"Sir, I am one of those in the House who have listened to Dr.Ambedkar very carefully. I am aware of the amount of work and enthusiasm that he has brought to bear on the work of drafting this Constitution. At the same time, I do realize that that amount of attention that was necessary for the purpose of drafting a constitution so important to us at this moment has not been given to it by the Drafting Committee. The House is perhaps aware that *of the seven members nominated by you, one had resigned from the House and was replaced. One died and was not replaced. One was away in America and his place was not filled up and another person was engaged in state affairs and there was a void to that extent. One or two people were far away from Delhi and perhaps reasons of health did not permit them to attend.* So it happened ultimately that the burden of drafting the Constitution fell on Dr.Ambedkar and I have no doubt that we are grateful to him for having achieved this task in a manner which is undoubtedly commendable."⁴² (emphasis added)

Nehru, said in Parliament, "*There is no doubt that no one took greater care and trouble over Constitution making than Dr.Ambedkar.*"⁴³ Justice V.R.Krishna Iyer quotes Dr.Ambedkar:

"The Hindus wanted the Vedas, and they sent for Veda Vyasa who was not a caste Hindu. The Hindus wanted an epic, and they sent for Valmiki who was an untouchable. The Hindus wanted a Constitution and they sent for me".⁴⁴

Rest is history as to how subsequently Dr.Ambedkar was humiliated by Congress (which earlier strove its every nerve to ensure his re-election to CA from Bombay by getting Jayakar vacate it), successfully defeating him in two consecutive elections in independent India, which Mr.Bhat aptly

41 CAD, Bk 5/Vol.XI/p.946.

42 CAD, Bk 2/Vol.VII/p.231.

43 *Supra* note 18 at xxxix.

44 *Supra* note 40 at 9.

reminded: *“Ambedkar, soon after resignation as law minister in 1951, contested the 1952 general elections as an independent from Bombay North. A Congress candidate defeated him. Again in 1954, he contested a by-election to the Lok Sabha. This time too a Congress candidate defeated him. He died in 1956 as a nominated member of the Rajya Sabha.”*

Lastly, a brief mention of words “*socialist*” and “*secular*” introduced in Preamble by 42nd Amendment, of which Mr.Bhat says, *This is the only legacy that Congress Party can boast of.* In phrase “Independent Sovereign Republic”, absence of word “democratic” is conspicuous in very first of eight-objects presented by Nehru to CA on 13-12-1946. When Members pointed out, Nehru said that if India is to be independent and sovereign State, ‘it must inevitably be a republic’. To question raised as to why word “democratic” was not put in, his answer was that ‘a republic may not be democratic’ and ‘we stand for democracy’. He further said that word ‘republic’ contains word ‘democratic’, as such, latter was not used in Resolution to avoid unnecessary and redundant words, yet, given in it the content of democracy as well as economic democracy. For not using words “Socialist State” in Resolution, Nehru was emphatic that he stands for Socialism but not mentioned it in Resolution in order to avoid any controversy.⁴⁵ However, by Constitution (Forty Second Amendment) Act, 1976, adjectives “*Socialist*”, “*Secular*” were added to Preamble during internal Emergency period proclaimed under Government headed by Mrs.Indira Gandhi. Terming these words as “*pregnant values*”, Justice Iyer said, *The idea of socialism and need for secularism were part of ideology of Founding Fathers but did not find specific expression in Constitution. Later, during Emergency by amendment these pregnant values were added and even after remained integral aspects of Republic. The beauty and truth of our constitutional vision is briefly inscribed in Preamble but explicitly amplified in Parts III and IV of Constitution.*⁴⁶ However, for Nani

45 CAD, Bk.1/Vol.I/p.62

46 *The Majesty of the Judiciary* 124 (Universal Law Publishing, Delhi, 2007).

Palkhivala, constitutional expert and ‘A Courtroom Genius’, word “socialist” is an “empty label”. He says: *‘The Preamble to our Constitution does not use the empty label “Socialist” at all, but uses the meaningful words, “Justice, social, economic and political” and “Equality of status and of opportunity”.* At footnote (3) on page-59 of his book *“We, The People”*, he says word “Socialist”, is unconstitutional. Palkhivala further says that proposed suggestion of Swaran Singh Committee to substitute “Sovereign Democratic Republic with “Sovereign Democratic Secular Socialist Republic” and to insert words “and integrity” after “unity” is *singularly ill-conceived*. He was vehement that “...word “Socialist” would, instead of clarifying the basic structure of the Constitution, merely make it dangerously ambiguous” and, in fact, CA, *after the fullest consideration*, had *rejected* suggestion of some members to put word “Socialist” in Preamble. Eminent constitutional scholar, H.M.Seervai, after elaborately discussing aspects of “socialist” and “Secular” in his classic commentary, Constitutional Law of India, said:

“...as originally enacted the Preamble did not contain the words “Socialist” and “Secular”; further the word “Secular” was nowhere to be found in any of the provisions of the Constitution. The word “Secular” is a word of many meanings, and if it is used in the Constitution it would require that a precise meaning should be given to it, and the same is true of the meaning to be given to the word “Socialist”...Good drafting would require that ambiguous words should not be put into a Preamble without a reason and, as far as one can see, there is no reason for putting in the word “Socialist” and the word “Secular”, for the contents of those concepts would have to be found in the enacting parts of the Constitution, and by themselves the two words suggest certain associations which are inconsistent with the enacting provisions of our Constitution...In the result, the amended Preamble could throw no light on the intention of the framers of the Constitution in enacting Art. 356.”⁴⁷

47 Volume 3 at 3098-9 (Universal Law, Delhi, 4th edn., (Silver Jubilee Edn.), 1996 (Reprinted 2006).