

FOREWORD

The idea of *academé* is not merely one of settlement of contentions; it is in fact and more importantly, to describe the truthfulness of what exists. The challenge of “what should happen and how” hides in it, a deeper challenge about our understanding of “what is happening around us”. Each one of us may have interesting recipes for the future of Indian polity, but a sensible measure of their strength lies only in their interconnectedness with the truths of our present political existence and in their capability to respond to the misjudgments of past. The present is born out of the past in the same manner as the future would be born through the present. Answers to questions therefore, we think, concerning the past, present and future of constitutional essentialism in India and the promise which it holds for sustainable political development cannot be explored in an empty space ambivalent to the burdens of history. They have to be located instead in a broad framework of political organisation which is accommodative of their interaction with each other. This research may be understood as a statement of a collective effort in this direction to reassess the place of ‘basic structure doctrine’ in the landscape of Indian polity.

It is probably why our efforts were never driven with the thought of being on the right side of this *fêted* doctrine; rather, they grew as a desire to be on the right side of a sound philosophical framework of debate, one which could explain both the need for constitutional adaptability as well as the logic of limitations. In the process, one may say, we have come to hit spots where we falter, where our explanations do not offer sustainable answers and where we seem to confuse the questions; we then arrive at situations where the best solutions are nothing but revised and more appropriate questions. In this fluidity of our thoughts, there exists an unapologetic acceptance of our inabilities, and a commitment to a sincere, renewed and more genuine effort. It was with this realization that when the idea of ‘Basic Structure Research’ was first mooted amongst the students of NUJS, the volunteers were those who were mindful of their inabilities more than their abilities. The mindfulness of one’s inability here played an important role, for it guided a sense of originality.

As an aspect fundamental to our existence, the appreciation of a constitutional scheme was deemed sacrosanct not only from the perspectives of its socio-political significance, but also for its moral authority. The ‘basic structure’ was seen as the spirit that helps the Constitution deliver itself to the people of the society, and perhaps more importantly, help the society deliver itself. Despite its many imperfections, some of which form the subject of our study, ‘basic structure doctrine’ respects our standing as beings with voice who gave to ourselves the Constitution of India. Our ideas and analyses over the pages that follow are a verification of our collective belief in this moral authority to find answers to the

problems posed by constitutional development. This in great part, has been done by studying constitutional development as a subset of political progress that is fed by key assumptions about constitutive sovereignty and democratic authority. The pressing motivation behind this work, then, is to revise these assumptions in an inclusive framework of constitutional democracy, study each one of them in relation to the other and to understand what are the right questions to be asked about political progress. In reading this bunch of essays therefore, one is expected to be on the lookout more for the questions that have been raised, rather than jumping onto any quick conclusions that may be thrown around since these pieces grope more for directions than ends. The vindication of this attempt thus lies in the reader's ease to contextualize the idea of research with the idea of social progress of law, knowledge and its discourse as media of improvement and empowerment. It was with this vision that Professor M.P. Singh mooted the idea to us in the March of 2007, we have worked over the last year and a half with deep consciousness of his vision and it is with the same hope of 'social commitment in scholarship' that we call you to participate. Our sincerest gratitude flows to all who have been a part of this exercise, and to those who try to understand the responsibility of legal education.

The Basic Structure Research Group