Zeitschrift des Max-Planck-Instituts für Rechtsgeschichte und Rechtstheorie
Journal of the Max Planck Institute for Legal History and Legal Theory

Rechts Rg geschichte

Rechtsgeschichte
Legal History

www.lhlt.mpg.de

http://www.rg-rechtsgeschichte.de/rg34
Zitiervorschlag: Rechtsgeschichte – Legal History Rg 34 (2026)
http://dx.doi.org/10.12946/rg34/184-185

Rg 34 2026 184 – 185

Srijan Sandip Mandal*

The Creativity of Indian Constitutional History

* NALSAR University of Law, Hyderabad, srijan.sandip.mandal@nalsar.ac.in

Dieser Beitrag steht unter einer Creative Commons Attribution 4.0 International License

Srijan Sandip Mandal

The Creativity of Indian Constitutional History

Introduction

All historical scholarship, if not all scholarship itself, requires a set of sources to be brought into existence and an audience to render that existence meaningful. Legal historical scholarship is no different. And these are the requirements, of both sources and an audience, that creative methodologies can, and do already, meet.

Creative methodologies include arts-based research, embodied research, research using technology, multi-modal research, and transformative research frameworks,[1] but in this essay, I shall focus on arts-based research like television[2] and participation-based research like oral history[3] to demonstrate that creative methodologies are, and have been, allies in the production and dissemination of legal history scholarship. And I shall take up the field of Indian constitutional history to illustrate this alliance – because of the quality and sheer quantity of the scholarship produced on the subject,[4] and because I consider it my core area of research.

Creative Methodologies: Producing Constitutional History

Long before the term ›creative methodologies‹ was in circulation,[5] oral history, which can be described as a method used to collect »memories and personal commentaries of historical significance through recorded interviews«,[6] was already being used, and extensively so, in the scholarship on Indian constitutional history. And nowhere is its critical role clearer than in Granville Austin's seminal *The Indian Constitution: Cornerstone of a Nation*,[7] a book that is so influential that the Supreme Court of India has drawn on it in some of its landmark judgements.[8] Austin characterises the »several dozen« oral history interviews he did for the book as »a further source of original material«, though he lists »only the most important« of them in its bibliography. Those alone add up to thirty-two and include consequential members of the Constituent Assembly such as its President, Rajendra Prasad, and the Chair of its Drafting Committee, B. R. Ambedkar, among others.[9] And these interviews are cited on twenty-three separate occasions throughout the book.

Austin has not been the only one to draw on oral history interviews in his scholarship; in the most recent book published on Indian constitutional history, the paradigm-shifting *Assembling India's Constitution: A New Democratic History*,[10] Rohit De and Ornit Shani cite oral history interviews as well, albeit only three. Two of those are from the Oral History Division of the Prime Ministers Museum and Library,[11] formerly Nehru Memorial Museum and Library, in New Delhi, which has conducted 1372 oral history interviews since 1966 and »transcribed, edited, and published in book form« 988 of them for consultation.[12] It can thus be said that the importance of oral history in constructing the colonial and postcolonial past, both constitutional and otherwise, has long been

1 Helen Kara, Creative Research Methods. A Practical Guide, 2nd ed., Bristol 2020, 5.
2 Gary Edgerton, Television as Historian. An Introduction, in: Film & History. An Interdisciplinary Journal of Film and Television Studies 30,1 (2000) 7–12, https://dx.doi.org/10.1353/flm.2000.a400195.
3 Donald A. Ritchie, Doing Oral History, 3rd ed., Oxford 2015, 14.
4 Rohit De, Ornit Shani, Assembling India's Constitution. A New Democratic History, Cambridge 2025, 2–4.
5 Helen Kara, Introduction, in: eadem (ed.), The Bloomsbury Handbook of Creative Research Methods, London 2024, 1–5, here 1.
6 Ritchie, Doing Oral History (fn. 3), 1.
7 Granville Austin, The Indian Constitution: Cornerstone of a Nation, Oxford 1966.
8 Vikram Raghavan, The Biographer of the Indian Constitution, in: Seminar (2010) 615, https://www.india-seminar.com/2010/615/615_comment.htm.
9 Austin, The Indian Constitution (fn. 7), 359–360.
10 De / Shani, Assembling India's Constitution (fn. 4). The book was published in September 2025 by Allen Lane in India and Cambridge University Press abroad.
11 De / Shani, Assembling India's Constitution (fn. 4), 325.
12 Prime Ministers Museum and Library, Oral History Division, accessed 23 November 2025, https://pmml.nic.in/oralHistory.

recognised in India, both by individuals like Austin and even more so by institutions like the PMML, which is why it has continued to find a place in the footnotes of scholarship on constitutional history for over half a century.

Creative Methodologies: Disseminating Constitutional History

While oral history has played a consequential role in the production of constitutional history for decades, it is only recently that creative methodologies have been deployed in the dissemination of such history. The inauguration of this creative turn can be attributed to the acclaimed filmmaker Shyam Benegal's ten-part television series *Samvidhaan: The Making of the Constitution of India*, which he directed for Rajya Sabha Television,[13] the erstwhile television channel of the Council of States, the upper house of the Indian Parliament.[14] The series, which was published on Rajya Sabha Television's official YouTube channel at the same time that it was broadcast on television in 2014, has received more than 62.7 million views on YouTube as of November 2025.[15] In other words, *Samvidhaan*'s viewership likely outnumbers, and comfortably so, the combined readership of all the scholarship on Indian constitutional history ever published.

Yet, what makes the series an emblematic example of creative dissemination of constitutional history scholarship is that Austin's *Indian Constitution* »acutely informs« its screenplay, written by Shama Zaidi and Atul Tiwari, so much so that the series is considered »a televised rendition of Austin's account«. This is evident from the episodic division of the series, which »largely follows the chapters in Austin's book« and its depiction of »Austin's fundamental idea that the Indian constitution was ultimately a successful product of nationalism«.[16] Austin's *Indian Constitution* can thus be seen as the archetype of how creative methodologies can contribute to both the production of scholarship on constitutional history through a method such as oral history and the dissemination of such scholarship through a medium such as television.

Conclusion

This Austinian archetype, though unequalled in the scholarship on constitutional history, is certainly not unique, but by crafting this essay around it, what I have sought to illustrate is that the debate to which we are responding in this forum, i. e. whether creative methodologies are allies or adversaries of legal history, is no debate at all. They are already allies and have been for years; it is just that their alliance was not always recognised earlier. That, however, appears to have changed with the credibility that is now accorded to creative methodologies. And because this change has come, doctoral candidates, which I was more than a decade ago, do not hesitate to draw on oral history in their dissertations on legal history.[17] Or early-career academics, which I am now, similarly have no hesitation in participating in a popular podcast to disseminate their doctoral research.[18]

■

13 Shyam Benegal (ed.), Samvidhaan. The Making of the Constitution of India, Rajya Sabha Television, 2014, https://youtu.be/0U9KDQnIsNk?si=KzkvkbyB9pKAzMvS.

14 Sansad Television, About Us, accessed 23 November 2025, https://sansadtv.nic.in/about-us.

15 Benegal (ed.), Samvidhaan (fn. 13).

16 Arvind Elangovan, Samvidhaan. Reflections on Shyam Benegal's Rendition of Indian Constitutional History, Law and Other Things, 30 November 2020, https://lawandotherthings.com/samvidhaan-reflections-on-shyam-benegals-rendition-of-indian-constitutional-history.

17 Srijan Sandip Mandal, An ›Illusory‹ Freedom? The Restrictions on Speech and Expression in the Constitution of India, PhD diss., University of Hyderabad 2016, 2, 7, 106–107, 109, 115, 118, 122.

18 Kunal Kamra (host), Nope, episode 4: »Unreasonable Restrictions!«, YouTube, 21 April 2025, 1 h 1 min 12 s, https://youtu.be/13DdsXBaTSA?si=btHy-U5GYmpXUpnX.