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INDIA: A NATION OR A UNION? RECONTEXTUALIZING HISTORY THROUGH JUDICIAL PRONOUNCEMENTS

Riddhi Mehta

Law Student, Ajeenkya D.Y Patil University

ABSTRACT

Is India truly a nation in the classical sense, or is it merely a union of states bound by the law? Well, Dr. B.R. Ambedkar, in his book Pakistan and the Partition of India, argued that a true nation is built on two key foundations: a shared acceptance of the past and a common aspiration for the future but the same raises critical questions about India's national identity. [1]*If a nation is defined by its people's unity in historical consciousness and future ambition, does India qualify? Or are we merely the United States of India, tethered by legal provisions rather than an organic sense of belonging? This article delves into the urgent need to recontextualize Indian history, examining how its portrayal in textbooks influences national morale and identity, and how the judiciary's interpretation of history shapes our collective consciousness.*

INTRODUCTION

Every time an Indian child picks up a history book, they are met with an unending saga of never-ending defeat, lost battles and fallen empires for generations, Indian children have been told that they belong to a nation that was repeatedly defeated, subjugated, and enslaved a narrative that destroys self-worth and wear down their identity. Unlike nations that celebrate their resilience, India's history books focus on loss rather than legacy and submissions rather than sovereignty. This misplaced emphasis generates a fractured sense of identity and leaves

[1] B.R. Ambedkar, *Pakistan and the Partition of India*

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room for doubt and dilemma that are we a true nation, or just a constitutional construct held together by a lengthy political arrangement?

The judiciary, as the ultimate interpreter of constitutional truth, has played a pivotal role in shaping this discourse. Through landmark verdicts, courts have attempted to redefine India's national character, sometimes reinforcing unity, sometimes acknowledging irreconcilable divisions. The battle over India's historical consciousness is being fought not only in classrooms but also in courtrooms, making judicial pronouncements a key battleground for recontextualizing our national narrative.

DR. B.R. AMBEDKAR'S IDEA OF A NATION

Dr. B.R. Ambedkar believed that a nation is not just a geographical entity but a collective built on two essential foundations—a shared acceptance of the past and a common aspiration for the future. However, he was skeptical of India's ability to fulfil this definition. Seeing Deep social, religious, and caste-based divisions, he argued and stood in the way of true nationhood. His words during the Constituent Assembly Debates serve as a stark reminder th[2]at "Democracy in India is only a top-dressing on an Indian soil, which is essentially undemocratic."

Even today, his concerns remain relevant. India's historical narrative is fragmented, marked by internal conflicts, caste hierarchies, and linguistic divides. These fractures raise an important question does India function as a unified nation, or is it simply a collection of states bound together by law rather than a deep-rooted sense of shared identity? Ambedkar's warnings about exclusion, regionalism, and sectarianism continue to shape modern India, making it necessary to re-examine how we interpret and teach history. If the idea of India as a nation is to hold strong, we must ensure that our historical narrative fosters unity rather than division.

Hon'ble Supreme court in the case of *Kesavananda Bharati v. State of Kerala (1973)*

laid down the Basic Structure Doctrine, reinforcing that India is not merely a collection of states but a constitutional entity with an immutable core. [3]However, if this core remains unaccepted by all communities, does India fulfil Ambedkar's vision of a nation? In the case of *S. R. Bommai v. Union of India (1994)*

[2] B.R. Ambedkar, *Annihilation of Caste*.

[3] *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461

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Supreme court Reinforced on the idea of secularism as a fundamental tenet of India's national identity, preventing communal forces from redefining the idea of India[4]. Yet, the communal politics continue to raise the doubts about India's unity.

Judiciary being the Guardian of History reflected in the case of *Indra Sawhney v. Union of India (1992)* reservations for backward classes is a need for recognizing historical injustices. However, by institutionalizing caste divisions, does it reinforce fragmentation rather than unity?[5]

The judiciary via *Ayodhya Judgment (2019)* has attempted to balance historical grievances and constitutional principles but is that enough?

If India is to truly become a nation in Ambedkar's sense, its history must be retold—not as a chronicle of defeat, but as a saga of resistance, resurgence, and reinvention. Children should not be taught that they belong to a vanquished people, but rather that they inherit a civilization of endurance and excellence. The judiciary has already begun this process by reinterpreting laws in a manner that challenges colonial and oppressive historical narratives. However, this effort must be institutionalized in textbooks, legal discourse, and public consciousness. Unless history itself is decolonized and reframed, India will remain a state but not a nation, bound by legal formalities rather than a shared vision.

CONCLUSION

India stands at a crossroad as a nation struggling to define itself or a mere geopolitical entity masquerading as one. The judiciary has attempted to bridge this identity crisis through landmark judgments, yet legal interventions alone cannot shape national consciousness. Unless history is rewritten, unless narratives of defeat are replaced with stories of resilience, unless we acknowledge our internal fractures and work towards unity, we will remain a Union of States, not a Nation.

[4] *S. R. Bommai v. Union of India*, AIR 1994 SC 1918.

[5] *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217.

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Recontextualizing history is not just an academic exercise it is a national imperative. The judiciary has played its role; now, it is time for India's historians, educators, and policymakers to do the same.