



Ambedkar: The Architect of the Constitution of India

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ABSTRACT

Dr. B.R. Ambedkar was one of the foremost thinkers who recognized the necessity of a democratic system for India. Through his deep analysis of the country's social, economic, and political conditions, he understood the challenges faced by Indians and the reforms required to address them. As the Chairman of the Drafting Committee of the Indian Constitution, he played a pivotal role in designing a democratic framework that would ensure justice, liberty, equality, and fraternity for all citizens. Drawing upon his vast knowledge, legal expertise, and practical experience, Dr. Ambedkar made invaluable contributions to the framing of the Constitution. He is widely acknowledged as the chief architect of the Indian Constitution, which reflects his vision for a modern, inclusive, and democratic nation. Throughout his life, he fought tirelessly against social discrimination and championed the rights of Dalits and other marginalized communities. Through various social and political movements, he worked for the upliftment of the weaker sections of society. In recognition of his extraordinary contribution, Dr. Ambedkar is revered as the Father of the Indian Constitution, and the Constitution is often regarded as his greatest intellectual achievement.

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Introduction

Dr. Ambedkar was one of the top politicians, architects, and statesmen of the modern era, who served the nation for about four decades. He was a great liberator and revolutionary, who waged a lifelong struggle for the removal of cast discrimination, freedom of religion, and removal of untouchability. He was a strong supporter of democratic governance in India by the provisions of our Constitution and human values, which could make all citizens equal in the national mainstream.

Dr. Ambedkar has made an outstanding contribution by drafting the Constitution of India and he became a champion of human rights. He was born on 14 April 1891 in an untouchable 'Mahar' family at Mhow, near Indore (now in Madhya Pradesh). He came from a very poor family. He was the fourteenth child of Bhimbai and Ramji Sakpal. The Bhimrao family originally hailed from Ambavade village in the present-day Ratnagiri district of Maharashtra. His original name in the school register was Bhimrao Ambavadekar. His school had a Brahmin teacher with the surname Ambedkar, who somehow had a soft corner for the boy. It was the gentle hood of this teacher, which made him ultimately adopt Ambedkar as his surname. He passed matriculation in 1907. With the help of a scholarship offered by Maharaja Syajirao Gaekwad of Baroda, he completed his B.A. degree in 1912. After graduating from Elphinstone College, University of Bombay, he joined Columbia University, USA where he was awarded a Ph.D. He later joined the London School of Economics and earned a D.Sc. degree (Economics). He also trained in the law at Gray's Inn. On 14 October 1956, he converted to Buddhism. He was honored with the highest civilian award, 'Bharat Ratna' in April 1990.

Dr. Ambedkar was a gifted son of India, who struggled to restructure Indian society on the most egalitarian and humanitarian principles. He was the first Indian political thinker to realize the necessity and applicability of the Western pattern of democracy to India. He was a multi-dimensional personality-a parliamentarian, a scholar, a jurist, an advanced thinker, a philosopher, an anthropologist, a historian, an orator, a prolific writer, an economist, and a constitutionalist of world renown. He was indeed a crusader of the oppressed and a rescuer of the untouchables. He dedicated his entire life to the cause of Dalits, untouchables, and marginal sections of society in particular and to the cause of inclusive democracy in general.

Dr. Ambedkar was not only a wise scholar and a prominent jurist but also a revolutionary who fought against social evils like untouchability and caste restrictions. Throughout his life, he fought social discrimination by upholding the rights of the Dalits and other socially backward classes. His various scholarly works and speeches indicate his deep understanding of the problems faced by Indian society.

He was appointed as India's first Law Minister. He is considered as the Father of the Indian Constitution. His contribution to the Second Round Table Conference and its Federal Structure Committee, which was well connected with the drafting of the new Constitution of India, was highly appreciated. He was selected to the Federal Structure Committee not by the Indian National Congress but by the British after understanding his patriotic mind and fearless advocacy for the common person and democracy.

Drafting of the Constitution of India was by no means an easy task. It required supreme statesmanship, leadership, scholarship, and intellectual skill to work the Constitution in the given context with a flood of knowledge of the nation's history, and the working of Constitutions in democratic, totalitarian, autocratic, and other forms of government.

Dr. Ambedkar is popular throughout India as the chief architect of the Indian Constitution. His efforts in eradicating social evils were extraordinary and that is why he is called the 'Messiah' of the Dalits and downtrodden in India.

Acknowledging Ambedkar's exceptional contribution to the drafting of the Constitution, Pandit Jawaharlal Nehru observed that: "Dr. Ambedkar played the most important role in the drafting of the Constitution of India. No one took greater trouble and care in framing Constitution than Dr. Ambedkar".

Dr. Ambedkar's name will remain immortal as long as the Indian Constitution survives. He lives forever in the heart of every oppressed man. The first President of India, Dr Rajendra Prasad, admired Dr. Ambedkar for his services in framing the Indian Constitution: "I have carefully watched the day-to-day activities from the presidential seat. Therefore, I appreciate more than others how much dedication and vitality this task has been carried out by the Drafting Committee and by its Chairman Dr. Bhimrao Ambedkar in particular. We never did a better thing than having Dr. Ambedkar on the Drafting Committee and selecting him as its Chairman".

Ambedkar contribution in the making of the Indian constitution

Dr. B. R. Ambedkar was a strong novice of democracy and constitutional method. He wanted to establish true democracy in India, which was conceived as a political democracy combined with social and economic democracy. He defined democracy as a way of life-based on liberty, equality, fraternity, justice, and human dignity.

On 9 December 1946, the first meeting of the Assembly was held as the sovereign Constituent Assembly for India. On December 11, Dr. Rajendra Prasad was elected its permanent Chairman. It was held in an

environment of uncertainty because the Muslim League boycotted the Assembly. Despite this, the Assembly made substantial progress and 'Objective Resolution', which later became the Preamble of the Constitution. It appoints various committees to deal with several aspects of the Constitution. The report of the committee formed the basis on which the first draft of the Constitution was prepared.

On 15 August 1947, when India became independent, the first Prime Minister Pandit Jawaharlal Nehru, invited Ambedkar, who had been elected as a member of the Constituent Assembly from Bengal, to join his cabinet as Law Minister. He had a distraction with the government over the Hindu Code Bill, which led to his resignation as the Law Minister.

On 29 August 1947, the Constituent Assembly passed a resolution appointing a seven-member 'Drafting Committee' to prepare a draft of the Constitution of the independent India. It is said that when the drafting of the Constitution of India began, Pandit Jawaharlal Nehru and Sardar Vallabhbhai Patel thought of inviting and consulting Sir Guor Jennings, as internationally known constitutional experts of those times. When approached for advice on the matter, Gandhiji asked them why they should look for foreign experts when they had within India an outstanding legal and constitutional expert like Dr. Ambedkar who should have entrusted them with the duties they badly needed. He was appointed the Chairman of the Drafting Committee. The seven members of the Drafting Committee were as follows:

- Dr. B.R. Ambedkar, Chairman.
- Alladi Krishnaswami Ayyar.
- N. Gopalaswami Ayyangar.
- K. M. Munshi.
- Mohammad Saadulla.
- B. L. Mittar (Replaced by N. Madhav Rau) and
- D. P. Khaitan (Replaced by T.T. Krishnamachari).

The draft Constitution was published in January 1948. The people of India were given 8 months to discuss the draft and revise the objectives. 7635 amendments were proposed and 2473 were discussed. The Constituent Assembly held 11 sessions. The draft Constitution was considered for 114 days. In all, the Constituent Assembly sat for 2 years, 11 months, and 18 days.

On 26 November 1949, the new Constitution of India was adopted by the Constituent Assembly, and signed by the President, Dr. Rajendra Prasad. Articles 5, 6, 7, 8, 60, 324, 366, 367, 380, 388, 391, 392 and 393 came into force at once. The remaining provisions of the Constitution came into force on 26 January 1950, which is the date of the commencement of the Constitution of India. He laid special emphasis on dignity, unity, freedom, and rights for all citizens enshrined in the Constitution. He was in favor of democracy in every field-social, economic, and political.

Dr. Ambedkar contribution of fundamental rights

The Indian Constitution is the first and foremost sociological document. The concept of Fundamental Rights (FR) under the Constitution of India has been borrowed from the USA. The FR of the Constitution is called the modern Magna Cart of the Indian Constitution. FR is justifiable and contains a very long and comprehensive list. They uphold the equality of all individuals, the dignity of individuals, the large public interest, and the unity of the nation.

Ambedkar was a champion of Fundamental Rights and Part III of the Indian Constitution guarantees the FR to the citizens against the state. Some of the FR are contained in Articles 15(2), 17, 23, and 24. These rights relate to the prohibition of discrimination based on religion, race, caste, color, sex, place of birth, etc. The text drafted by Ambedkar provides constitutional guarantees and protection of civil liberties, including freedom of religion, abolition of untouchability, and all forms of discrimination. He favored change in the economic and social rights of women.

Dr. Ambedkar was rather more instrumental in including Article 17, which provides for the ‘Abolition of Untouchability’ where ‘Untouchability’ is abolished and its practice in any form is prohibited. The enforcement of any disability arising from ‘Untouchability’ would be a punishable offense under the act. Based on this Article, the Civil Rights Protection Act 1965 and the Prevention of Atrocities (Scheduled castes, Scheduled tribes) Act 1989 were enacted by the Parliament for the protection of Dalit rights. Even though, caste-based discrimination and violence remain an unpleasant fact in today’s India. It is in this context that the New York Times wrote, “The whole world acknowledges him as the leader of untouchables. But few realized his permanent impact on the constitutional set up of India”.

Though he made an outstanding contribution in framing the Constitution of India, his efforts in enacting Article 32 in the Constitution, which guarantees a citizen the FR to move the Supreme Court directly for enforcement of his or her FR was a noteworthy one. The rationale was to secure speedy and inexpensive justice to orders or writs like Habeas Corpus, Mandamus, Certiorari, Prohibition, Quo-Warranto, or any

other appropriate remedy, as the case may be, for the enforcement of FR guaranteed by the constitution. Dr. Ambedkar regarded this provision as “The very soul of the Constitution and the very heart of it”.

Ambedkar on minority rights

One of the main objectives of Ambedkar has been to secure to the minorities their basic rights and protect their interests. He strove throughout his public life for the liberation of the oppressed people and it included minorities too. He struggled for political agreements binding the then government to secure the interests of minorities and other weaker sections of society such as the Poona Pact, Nehru Liyaqat Pact, and the Communal Award, which was framed to provide required protection for the interests of minorities. Continuous neglect of the minority issues led to mass dissatisfaction against the government and a series of political negotiations loomed between the government and minorities. He made his best efforts to evolve a legal regime for safeguarding the interests of minorities to reduce their problems at the end of time. He realized the plight of minorities and the discrimination and injustice suffered by them for a long time. He wanted them to be a main part of society and a contributor to the growth of the nation.

He felt minorities needed special provisions for their protection, representation, growth, education, and development. He felt that minorities should have reservations in public employment as well as in the legislature in proportion to their population. He submitted documents to the Constituent Assembly and raised the issue of setting up a commission for minorities. The commission shall submit an annual report to the parliament regarding the development status of the minorities. The union government created the National Commission for Minorities in the year 1993.

The Constitution of India does not define the word ‘Minority’, only refers to ‘Minorities’, and speaks of those ‘based on religion or language’. For the minorities, special provisions are contained in the fundamental rights chapter that includes:-

1. Citizens of India who have a distinct language, script, or culture must preserve it. [Article 29(1)].
2. No citizen can be denied admission to an educational institution based on his or her religion, race, caste, or language. [Article 29(2)].
3. All minorities, whether based on religion or language, shall have the right to establish and conduct educational institutions of their choice [Article 30(1)].
4. The State, in granting aid to educational institutions, shall not discriminate against any educational institution under the management of a minority, whether based on religion or language [Article 30(2)].

Socio-economic justice for the people

The concept of socio-economic justice, as envisioned by Dr. B.R. Ambedkar is very well reflected in the Directive Principles of State Policy (DPSP). Part IV of the Constitution, which is entitled to DPSP, includes the right to adequate means of livelihood, right against economic exploitation, right to equal pay for equal work of both sexes, right to work, right to leisure and rest, and right to public assistance in case of unemployment, old age, sickness, etc. This part also contains some principles of economic and social justice and certain ideals, which the state should strive to attain.

Ambedkar described DPSP as a novel feature of the Indian Constitution. The Directive Principles are similar to the instruments of institutions enumerated in the Government of India Act 1935. He has also made clear his opposition to Article 370 of the Constitution, which grants special status to the state of Jammu and Kashmir. Granville Austin describes DPSP and the FRs as “The conscience of the Constitution”

Reservation for SC and ST

Legislatures and other offices reserved for the depressed classes were necessary. SC/ST was neglected by the dominated upper castes. The social and economic conditions of the depressed classes prevented them from competing with the upper caste and without reservation; they would not get any place anywhere. The members of these communities would fill up seats reserved for the depressed classes. So that they can acquire good jobs and proper status in society by acquiring technical and professional education. Articles 15(4) and 16(4) of Part III and Part XI and Schedule V and VI deal with the upliftment of Scheduled Castes and Schedule Tribes. We have Part XVI of the Constitution regarding special provisions relating to certain classes. Whereas Article 330 provides for reservation for Scheduled Castes and Scheduled Tribes in the House of the People, Article 332 provides for reservation for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.

Dr. Ambedkar agenda which was not achieved

Dr. Ambedkar was strongly in favor of a separate electorate system where an untouchable voter would have the right to cast their vote for an untouchable candidate without being influenced by the upper castes. This electorate system had the potential to empower the untouchables and choose their suitable candidates from among themselves. The Constitution has a real political force where the upper cast selects the untouchables and the upper caste-dominated parties select it during elections. He fought many times for this purpose but not success.

Ambedkar fought for the betterment of scheduled cast, scheduled tribes, and women to improve the condition of these sections in society. The condition of the women at that time was very bad as well as of SC/ST. According to Hindu religious scripts, the Hindu society and the social evils like dowry, child marriage, and forced marriage were extensively in practice. While observing the status of women in Hindu sacred texts, the women were not given a place of honor by Manu. After marriage, she was required to be under the control of her husband.

He attempted to bring about some changes by replacing the prevailing Hindu laws with a Western-inspired civil code, known as 'The Hindu Code Bill'. The main objectives of this Bill prepared by Ambedkar were Firstly; it seeks to codify the law relating to the rights of property of a deceased Hindu who dies intestate without making a will, both male and female. Secondly, it prescribes a somewhat alert form of the order of succession among the different heirs to the property of a deceased dying intestate. Also deals with maintenance, marriage, divorce, adoption, minority, and guardianship laws.

Ambedkar did not succeed in making the Hindu Code Bill an integral part of the Indian Constitution and it was unfortunate for him that he could not get this act due to the opposition of the representatives. He just managed to obtain a provision in Part IV that is Article 44, which says that the State shall try to secure for the citizens a uniform civil code throughout the territory of India.

Conclusion

Dr. B.R. Ambedkar is a heroic personality in the Indian history. The Indian Constitution evolved because of Dr. B. R. Ambedkar's implacable efforts and strategic approach to the system. The provisions of Ambedkar in the Indian Constitution have enabled the Dalits and Women to enjoy the prospects of freedom and to realize their identity. He was concerned not only about the community; he belonged to but for all the victims of inequality in our country prevailing due to socio-economic conditions. Once Ambedkar remarked on the rights of women by saying, "I measure the progress of a community by the degree of progress which women have achieved".

Ambedkar had visions of not only a casteless society but one in which there was gender justice, labor justice, economic justice, and equal distribution of opportunities. He stood not just for the Dalits, but also for all victims of inequality.

The conditions of the untouchables and downtrodden sections of Indian society have not changed much. Social and economic justice still eludes them. The miserable conditions of the depressed classes did not show the expected improvement. Social and economic inequalities continue to persist. Ambedkar's dream

of a society based on socio-economic justice, human dignity, and equality is yet to be realized. Even today, such incidents continue to occur in large numbers across the entire nation and are often reported in the daily newspapers.

His life is a story of great struggles and achievements. His message to the people was: “You must have a firm belief in the sacredness of your mission. Noble is your aim and sublime and glorious is your mission. Blessed are those who are awake to their duty to those into whom they are born”. He played a pivotal role in the making of the Indian Constitution and was chiefly responsible for drafting the Constitution of India. He was not only the chief architect of India but also laid down a foundation stone for nation building. Hence, the contribution of Ambedkar is unforgettable for the people of India.

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