

## Dr. B. R. Ambedkar and the making of the Indian Constitution

Dr. Vivek Dhupdale, Department of Law, Shivaji University, Kolhapur.

*“The third thing we must do is not be content with mere political democracy. We must note that our political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life.”* **Dr. B. R. Ambedkar**



### Introduction:

Dr. Bhimrao Ramji Ambedkar was born on 14th April 1891 at Mahu village in Madhya Pradesh. He was also known as Babasaheb. He once said, *“Life should be great rather than long”*.<sup>1</sup> Indeed, he had a great life as an Indian nationalist, jurist, social reformer, political leader, activist, philosopher, thinker, anthropologist, historian, orator, prolific writer, economist, scholar, editor, revolutionary and the revivalist of Buddhism in India. He campaigned against social discrimination imposed on the *Dalits* and has also supported the rights of women and the labour community. He was the Independent India’s first Law Minister and the chief architect of the greatest book in the world, ‘The Constitution of India’.

I feel sad to mention here that inspite of being a multifaceted personality; Dr. Ambedkar is still being branded by some people as a *“Dalit Leader”* who has performed only one job in his life of uplifting the untouchables. They fail or rather purposely ignore to mention his contributions in many other areas which had impacted the reformation of not only *Dalits* but for each and every citizen of India belonging to different caste, community and religion. After having lost his mother and being cared and brought up by his elder sister Meerabai; who would have dreamed that a *Dalit* person could one day be instrumental in shaping the future of India? It is not sufficient for us only to praise him on these occasions, but it is equally essential to pledge to inculcate and follow his ideals and principles to lead a well-educated and informed life. Much has been spoken and written about Dr. Ambedkar’s life and contribution by many great authors and thinkers, my efforts of writing this paper would be only a drop in an ocean of knowledge. The present paper is an attempt to highlight the life journey and one of his greatest contributions of gifting us with the Law of the Land, ‘The Constitution of India’.

Having being born into a poor untouchable family, Ambedkar spent his whole life fighting against social discrimination, the offshoot of the Indian Caste System. Due to his seminal role in the framing of the Indian Constitution, Dr. Bhimrao Ambedkar is popularly known all over India as the chief architect of the Indian Constitution. His efforts to eradicate social evils were remarkable and that is why he is called the *“Messiah”* of the *Dalits* and downtrodden in India. Dr. Ambedkar was appointed the Chairman of the Constitution Drafting Committee. The text prepared by Dr. Ambedkar provided constitutional guarantees and protections for a wide range of civil liberties for individual citizens, including freedom of religion, the abolition of untouchability and outlawing all forms of discriminations. Dr. Ambedkar argued for extensive economic and social rights for women, and also won the Constituent Assembly’s support for introducing a system of reservations of jobs for members of the Scheduled Castes (SC) and the Scheduled Tribes (S.T.). Dr. Ambedkar kept the clauses of the Constitution flexible so that amendments could be made as and when the situation demanded. He provided an inspiring Preamble to the Constitution ensuring justice, social, economic and political, liberty, equality and fraternity. The creation of an egalitarian social order, however, remains an unfulfilled wishful thinking to this day.

**Dr. B. R. Ambedkar's role in the making of Indian Constitution:**

Dr. Ambedkar became the first Law Minister in free India. Everybody welcomed the Nehru Cabinet; but there was a confusion as to what would be the future governance of India would be like, and what should be the Constitution and who would shoulder the responsibility of framing future of independent India on the path of peace, progress and prosperity. The Britishers never accepted that India had the right or might to frame a constitution for them. They therefore appointed the Simon Commission to find a modus operandi to find a solution and the result was the formation of the Nehru Committee headed by Motilal Nehru and the Nehru Report was the first frame-work in this direction. Making the Indian Constitution was not an easy task for anybody. As the Indian Constitution was longest in the world, it also took two years eleven months and eighteen days to complete after a long Constitutional debate.

On 29<sup>th</sup> August, 1947 the Constituent Assembly appointed the 'Drafting Committee' consisting of seven members by its resolution. The task assigned to this Committee was to draft the Constitution of the independent India. Initially it was thought by Pandit Nehruji and Sardar Vallabhbhai Patel to invite Sir Guor Jennings, the then internationally known constitutional expert. But Mahatma Gandhi advised them not to do so instead he told them to invite Dr. Ambedkar who was an outstanding legal and constitutional expert within India in those days and Dr. Ambedkar was rightly deserved to it due to his excellent qualities such as deep and vast study, tremendous knowledge, amazing command over English language, expertness in explaining the subject and ideal patriotism. So the then first law Minister of Independent India Dr. Ambedkar was accordingly appointed to be the Chairman of the Drafting Committee. The members of the Drafting Committee included: Dr. B. R. Ambedkar – The Chairman, and the members were: N. Goipalswami, Alladi Krishnaswami Ayyar, K. M. Munshi, Saijio Mola Saadulla, N. Madhava Rao and D. P. Khaitan.

Dr. Ambedkar was one of the very few Indian politicians who actively participated in the discussions on Constitutional matters from the Monsford Reforms (1919) to the Cabinet Mission (1946) proposals. He strongly believed that political independence cannot assure either social solidarity or national integration in the absence of social justice. Being a democratic socialist, he propagated that fundamental rights have little meaning to people in the absence of social democracy. He strongly believed that political independence cannot assure either social solidarity or national integration in the absence of social justice. Being a democratic socialist, he propagated that fundamental rights have little meaning to people in the absence of social democracy.

**The Round Table Conference:**

In 1932 the Round Table Conference in London was a landmark in the history of the Indian Constitution. Being invited to discuss on constitutional matters Dr. Ambedkar demanded independence and hoped that the people of India would be able to redress their grievances by political power and this political power will come to them under the 'Swaraj' constitution. He advocated for a government which was a responsible government formed by the representatives of the people. Dr. Ambedkar did not want to impose a Constitution on the Indians, but he submitted that the opinion of the people about the manner in which they desired to be governed must be accepted.

In the Round Table Conference he had succeeded to secure separate constituencies for the untouchables. Gandhi was opposed to this as, in his idea, this would widen the divide. But, later, Dr. Bhim Rao Ambedkar was able to secure 184 seats for the Harijans in place of only 71. Under a pact in 1941, Ambedkar was included as a member of the Armed Forces Committee. Thus he secured more placements for Mahars in the Armed Forces and in forming a separate regiment for them. The Mahars were almost deprived of Higher Education

due to untouchability. So, in the memory of Lord Buddha, he established a College named “Siddhartha College”.

**Some important revolutionary provisions introduced by the drafting Committee in the Constitution of India:**

1. **Abolishment of Untouchability:**Especially for the Mahars on the 20<sup>th</sup> June, 1947 at the time of India’s Partition, Ambedkar raised the question of the fate of the untouchables in the ceding regions. As a result, Sardar Vallab Bhai Patel brought a bill in the Constituent Assembly on 29th April, 1947 which was passed to make “untouchability a Punishable Crime’. The Life-time struggle of Dr. Bhim Rao Ambedkar became fruitful and the blot was done away with for good.<sup>ii</sup>
2. **Fundamental Rights:**Dr. Ambedkar was a champion of fundamental rights, and Part III of the Indian Constitution guarantees the fundamental rights to the citizens against the state. Some of the fundamental rights contained in Articles 15(2), 17, 23, and 24 are also enforceable against individuals as they are very significant rights relating to the prohibition of discrimination on grounds of religion, race, caste, sex or place of birth etc. The text prepared by Ambedkar provided constitutional guarantees and protections for a wide range of civil liberties for individual citizens, including freedom of religion, the abolition of untouchability and outlawing all forms of discrimination. Ambedkar argued for extensive economic and social rights for women.
3. **Parliamentary Democracy:**Dr Ambedkar was a strong advocate of the parliamentary form of government right from the inception of the Government of India Act of 1935. He firmly believed that the parliamentary system of government alone can usher in an egalitarian society through the application of the principles of social democracy. Dr Ambedkar’s social democracy comprised politicians, political parties with high standards of political morality, honesty and integrity and strong and highly responsible Opposition party or parties committed to the cause of the downtrodden and depressed classes. The Preamble of the Indian Constitution echoes the principles of parliamentary democracy.
4. **Concept of Federalism:**This concept meant that the State was a federal in normal circumstances, but may take the form of Unitary in emergency situations. This was introduced with sole object of making the Union Government at the centre stronger than the States to maintain unity and intergrity of the nation. After opposition, Dr. Ambedkar said that he made the centre strong not only is to save minorities from the misrule, but also for it only the centre which can work for a common end and for the general interests of the country as a whole.
5. **Equality of opportunity:**In the Draft Constitution the Fundamental Rights were justifiable in the Court of Law. Amongst all the rights, Dr. Ambedkar regarded “Equality of Opportunity” as the most important right. He also characterized Article 32 as the very soul of the Constitution and the very heart of it.<sup>iii</sup> For, fundamental rights would mean establishment of equality and liberty in order to reform our social system, which is so full of inequalities discriminations.
6. **Protective Discrimination/Reservation:**The real contribution of Dr. Ambedkar is reflected in the protective discrimination scheme or the reservation policy of the government envisaged under some provisions of Part III and many of Part IV dealing with the constitutional mandate to ameliorate the condition of the Scheduled Castes and Scheduled Tribes and the other backward classes. Provisions like Article 17 prohibiting untouchability, Article 30 dealing with the protection of minorities are some of the notable examples. Dr. Ambedkar made it his life’s mission to uplift the untouchables and other downtrodden masses from the unequal position of inferiority to that of equal position of parity in socio-economic status with high-caste Hindus. For achieving this

goal the reservation policy or the scheme of protective discrimination was advocated and implemented by him.

7. **State Socialism:**Dr. Ambedkar advocated his economic doctrine of “state socialism” in the draft Constitution. He proposed state ownership of agriculture with a collectivised method of cultivation and a modified form of state socialism in the field of industry. But due to strong opposition in the Constitution Assembly, he could not incorporate his scheme of state socialism under the fundamental rights as a part of the Constitution.
8. **Directive Principles of State Policy:**These contained the positive obligations of the State towards its citizens. They meant to ensure social and economic democracy which was secured by the provisions of Part III of the Constitution.
9. **National Integration:**In the Draft Constitution Dr. Ambedkar prescribed single citizenship, a single judiciary and uniformity in fundamental Laws to integrate Indian society which was divided into caste and class, regions, religions, languages, traditions and cultures. Therefore, a strong Centre was need of the hour at that time in order to maintain territorial and administrative discipline.
10. **Article 370:**When Nehru directed Sheikh Abdullah to consult Ambedkar (then Law Minister) to prepare the draft of a suitable article to be included in the Constitution, Ambedkar refused to oblige. His words on the occasion are worth their weight in gold, *“You want India to defend Kashmir, feed its people, undertake its all-round development and give Kashmiris equal rights all over the country. But you do not want the rest of India and Indians (to have) equal rights in Kashmir. I am (the) Law Minister of India, I cannot betray my country.”*<sup>iv</sup> Article 370 was drafted by Gopalaswami Iyengar, a State Minister. Under Article 370 the Indian Parliament cannot increase or reduce the borders of the state.

#### **The Final Announcement:**

The first President of India, Dr Rajendra Prasad, praised the services rendered by Dr Ambedkar in the making of the Constitution and said: “I have carefully watched the day-to-day activities from the presidential seat. Therefore, I appreciate more than others with how much dedication and vitality this task has been carried out by the Drafting Committee and by its chairman Dr. Bhim Rao Ambedkar in particular. We never did a better thing than having Dr Ambedkar on the Drafting Committee and selecting him as its chairman.”<sup>v</sup>

On the 26<sup>th</sup> November, 1949 Dr. Rajendra Prasad, expressed great pleasure in announcing the success of the Constitution Assembly for successfully drafting the commendable constitution and expressed confidence that it would be effective enough to fulfill the needs of Indian subcontinent. However, he opined that the success of a Constitution will depend much on the ability, integrity and character of the elected representatives. If they lack these qualities, the constitution may be a failure in delivering the goods.

The Columbia University at its Special convocation on June 5, 1952 conferred the LL.D. degree (Honoris Causa) on Dr. Ambedkar in recognition of his drafting the Constitution of India. The citation read: The degree is being conferred in recognition of the work done by him in connection with the drafting of India’s Constitution. The University hailed him as “one of India’s leading citizens, a great social reformer and valiant upholder of human rights”.<sup>vi</sup>

In 1948, Dr Ambedkar presented the draft Constitution before the people of India; it was adopted on November 26, 1949 by the Constituent Assembly in the name of the people of India and came into force on January 26, 1950 marking the beginning of a new era in the history of India. Speaking after the completion of his work, Ambedkar said: “I feel the Constitution is workable; it is flexible and it is strong enough to hold the country together

both in peace time and in war time.”<sup>vii</sup> It has been in effect since January 26, 1950, which is celebrated as the Republic Day in India.

Babasaheb Dr. Bhim Rao Ambedkar’s speech in the Assembly on 25<sup>th</sup> November, 1949 is remarkable; he said, “The constitution, I offered may be good or bad, it will depend on how the men in office use it”. It means, “However good a Constitution may be, if the executors fail to deliver, it may prove to be a bad one, and if the executors are good enough, however bad the constitution may be, it will definitely prove to be good.”

#### **Conclusion:**

Dr Ambedkar’s drafting of the Indian Constitution has enabled the abolition of untouchability and the outlawing of all forms of discriminations. Due to all these outstanding contributions Dr Ambedkar can be rightly called the architect of the Indian Constitution. None-theless, it is an undeniable fact that Dr Ambedkar’s dream of the creation of an egalitarian social order still remains unfulfilled despite the extended period of reservation for SCs and STs. He gave a shape to our country of a complete Sovereign, Democratic and Republic based on adult franchise. The acceptance of the constitution on the January 26, 1950 is no less a tribute to the trials and tribulations undergone by Baba Saheb Dr. Bhim Rao Ambedkar, who dedicated, with determination, his all to treat the ailing India for a healthy and rejuvenated life of endless embankment into the future. Thus, Dr. Ambedkar’s contribution to the Indian Constitution is undoubtedly of the highest order. Indeed he deserved to be called the “father or the Chief Architect” of the Indian Constitution.

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- 1 Shri. Vivek Yeshwant Dhupdale, I/c Head, Department of Law, Shivaji University, Kolhapur. (M) 9481370879, Email: vyd.law@unishivaji.ac.in.
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