



CONTRIBUTION OF DR. B.R. AMBEDKAR IN INDIAN CONSTITUTION

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ABSTRACT :

Dr. B.R. Ambedkar's role and contribution to the making of the Indian constitution is certainly of the most significant level- on 15th August 1947, when India achieved its independence, Nehruji made Ambedkar as his first Law Minister, in recognition of his legal powers; and also, in fact, made him the chairman of the Indian Constitution Drafting committee.

Dr. B.R. Ambedkar has a central role in guiding his committee towards the sort of socialistic, idealistic vision that he had. Dr. B.R. Ambedkar also offered constitutional assurances and security for a wide range of civil liberties for individual citizens, which included freedom of religion, the elimination of untouchability and the banning of all types of discrimination. Dr. B.R. Ambedkar also worked for widespread financial and social rights for women society, and also won the support of constituent Assembly for bringing in a system of job reservations in the Indian Civil Services, Schools and Colleges for members of scheduled castes and scheduled tribes. In my paper, I would like to focus the remarkable work of Ambedkarji in framing the Indian Constitution that is still working successfully till date.

Key Words :- Fundamental Rights, Socio- Economic equalities, untouchability, Caste System, democracy, Parliamentary system, constitution.

Introduction

Bhimrao Ramji Ambedkar, popularly known as Baba Saheb, was an Indian jurist, economist, politician and social reformer who inspired the Dalit Buddhist Movement and campaigned against social discrimination against untouchables. He was independent India's first law minister, the Principle architect of the constitution of India and a founding father of the Republic of India¹. On 29 August 1947 he was appointed chairman of the Constitution Drafting Committee, and was appointed by the Assembly to write India's new constitution.²

In February 1948, Dr. Ambedkar presented the Draft constitution before the people of India; it was adopted on November 26, 1949.³

Dr. Ambedkar played a seminal role in the framing of the Indian Constitution. He used all his experience and knowledge in drafting the constitution. In his capacity as the chairman of the Drafting committee, he hammered out a comprehensive workable constitution into which he incorporated his valuable views. He gave free India its legal frameout, and the people, the basis of their freedom.⁴

A Brief Background of Dr. B.R. Ambedkar:- Bhimrao Ramji Ambedkar was born on 14 April, 1891 in Mhow, Madhya Pradesh in Mahar Caste. The Mahar Caste was one of the 'untouchable' castes. This created many difficulties in Ambedkar's higher education. At high School he had to sit in corner of the room on a rough mat away from the desks of the other pupils. At breaktime, he was not allowed to drink water using the cups his fellow school children used. He had to hold his cupped hands out to have water poured into them by the school caretaker. With the help of a scholarship from Sayajirao Gaekwad, Maharaja of Baroda, he attended Columbia University, USA, and later on with hard work managed to study at the London School of Economics. In England he attained a doctorate and also became a barrister. On returning to India he virtually dedicated himself to the task of upliftment of the untouchable community. He established organisations such as the Bahiskrit Hitkarni Sabha, Independent Labour Party and later All India Scheduled Bahishkrit Caste Federation.

He participated in the Round Table Conference in order to protect the interests of the untouchables. Finally, in 1956 he adopted Buddhism and appealed to his followers to do the same. He felt that the removal of untouchability and the spiritual upliftment of the untouchables would not be possible by remaining a Hindu. Hence, he embraced Buddhism. His thinking was based on a deep faith in the goals of equity and liberty. Liberalism and the philosophy of John Dewey also influenced his thinking. Jotirao Phule and Buddha have exercised a deep influence on Ambedkar's ideas on society, religion and morality. Ambedkar's personal suffering, his scholarship and his constant attention to the problem of bringing about equality for the downtrodden untouchable community forms the basis of his thinking and writings.⁵

CONTRIBUTION IN MAKING OF CONSTITUTION.

Fundamental Rights:-

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.⁶

According to Ambedkar, the most significant feature of the fundamental rights is that these rights are made justiciable. The right to move to the Supreme Court for enforcement of the fundamental rights is that these rights are made justiciable. The right to move to the Supreme Court for enforcement of fundamental rights under articles 32 is itself a fundamental right. Article 32 authorizes the Supreme Court to issue directions, orders or writs in the nature of habeas corpus, mandamus, certioraris etc. or any other appropriate remedy, as the case may be, for the enforcement of fundamental rights guaranteed by the constitution.⁷

Parliamentary Democracy:-

Dr. Ambedkar's faith in democracy. Democracy is superior because it enhances liberty. Among the different forms of democratic government, Ambedkar choice fell on the parliamentary form. According to him, it was only form of government through which basic social, economical & political changed would be brought about without bloodshed. Ambedkar about personally favoured parliamentary system of government. This system could more appropriate to make unity of the country. This system makes administration run more effectively & efficiently.⁸

Federal System :-

Dr. Ambedkar strongly supported for federal system, He said, "The Draft constitution is, Federal constitution is a much as it established what may be called Dual polity. This Dual Polity under the proposed constitution will consist of the union at the centre and the states at the periphery each endowed with sovereign powers to be exercised in the field assigned to them respectively by the constitution. The draft constitution can be both unitary as well as federal according to the requirements of time and circumstances. In normal times, it is framed to work as a federal system. But in times of war it is so designed as to make it work as through it was a unitary system."⁹

Protective Discrimination :-

The real contribution of Ambedkarji is reflected in the protective discrimination scheme or the reservation policy of the government envisaged under same provisions of part III. Many of part IV dealing with the constitutional mandate to unsatisfactory 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. Article 15(4) and 16(4) of part III and Part XI, and schedule V and VI dealing with the upliftment of the Scheduled Castes and Scheduled Tribes speak clearly about the substantial and significant Contribution of Ambedkar for the development of untouchables. 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 for ten years to ameliorate the conditions of the various depressed and down-trodden sections of Hindu society.¹⁰

Secularism :-

Ambedkar had a staunch faith in the principle of 'secularism' that gives equal respect to all religions. In this respect, he argued that "the state shall not recognize any religion as state religion."¹¹ This concept of secularism proposed by Ambedkar was indeed borrowed by the constitutional makers as the constitution of India gives complete freedom to its citizens to believe in any religion, and to manage their religious activities (25-28). Furthermore, the word 'Secular' is included in the Preamble of Constitution by the forty-second amendment.

Ambedkar, the principal drafter of constitution, imagined a society where all citizens would possess equal representation within the state institution. While he failed to pass the provisions related to the 'Separate Electorate' in the constituent Assembly, he sought to reserve a certain number of seats for untouchables in the State Legislature and the Parliament. In 1920, he had raised the problem of representation faced by untouchables in India: "The right of representation and the right to hold office under the state are the two important rights that make someone a real citizen. But the untouchables put these rights far beyond their reach... The untouchables can be represented by the untouchables alone."¹² In a bid to address the concerns of Ambedkar in this context, a certain number of seats have been reserved in the constitution for the Scheduled Castes as well as Scheduled Tribes in the legislature. Part XVI of the constitution deals with the special provision for backward classes. Further, as per Article 330 and 332 certain number of seats are reserved for the Scheduled Castes and Scheduled Tribes in the House of the people and legislative Assemblies of states respectively.¹³

Constitution : A Dynamic Document

The constitution is a dynamic document it should grow with the growth of the nation and should suit the changing needs and circumstances. So Dr. Ambedkar advised the necessity of amendment.

"The Draft constitution has eliminated the complicated and difficult procedures such as a decision by a convention or a referendum. The power of amendment lies with the legislatures, central and provincial."

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 not only divided into caste and class, but also into

regions, religions, languages, traditions and cultures. Therefore, a strong centre was indispensable to maintain territorial integrity and administrative discipline.¹⁴

State Socialism :-

Dr. Ambedkar advocated his economic doctrine of 'state socialism' in the draft constitution. He proposed state ownership of agriculture with a collectivized 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.¹⁵

Social-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. Part IV of the constitution, which is entitled as directive principles of state policy, includes the right to adequate means of livelihood, right against economic exploitation, right to work, right to leisure and rest and right to public assistance in unemployment, old age, sickness and like.

This part also contains some principles of economic and social justice and certain ideals which the state should strive to attain. Article 38, for instance, directs the state to bring about a social order where justice - social, political and economic shall be uniform to all the institution of national life.¹⁶

Democracy:-

For Ambedkar, Democracy is essentially a form of society, a mode of associated living. The roots of democracy are to be searched in the social relationship, and in terms of associated life between the people who form a society, Ambedkar know that mere adoption of a democratic system of government in the constitution would not be sufficient. Equality in society, equality before law and administration, constitutional morality, lack of dictatorship of the majority and developing public conscience are conditions for the success of democracy in India. The foremost condition for democracy, in Ambedkar's opinion, is equality in society as equality is the foundation stone where the nations of liberty and fraternity develop.¹⁷

Caste System :-

Ambedkar was entirely committed to the abolish of the caste system. According to him, caste system is not merely a division of labour but a division of labourers. It is hierarchy in which the division of labourers is graded one above other. This division of labour is based on neither natural aptitude nor choice of the individual concerned. It is therefore, harmful inasmuch as it involves the subordination of man's natural powers and inclinations to the exigencies of social rules.

Hence, the Ambedkar's great vision enjoined the abolition of casteism in every shape and form, since he was opposed to all divisive forces and aimed at strengthen the impulse of national integration. Baba Sahib

was indeed a friend, philosopher and a guide to the people belonged to low strata of society.¹⁸ B.R. Ambedkar, undoubtedly and noticeably, was the man who borne the responsibility to fight against the untouchability ability and exploitation based on Hindu Caste System, and struggled for the untouchables rights and carved for them a place in the Republican Constitution of India.

Ambedkar vowed to break away untouchability and observed, "If a fail to do away with abominable thralldom and human injustice under which I was born has been groaning. I will put an end to my life with a bullet"¹⁹

There are thus several provisions maintained in the constitution of India that attempt to attain his vision pertaining to the untouchability and caste based discrimination.²⁰ Articles 15(4), 16(4), 19(1)(d) and (e), 29(2), 275, 330, 335 and 340 incorporated in the constitution are clearly reflections of his conceptual understanding of social and economic justice.

Furthermore, Article 23 outlaws forced labour, which has been in general considered as one of the proper mechanisms in establishing the dominant caste rule or feunwal regimes particularly in the rural societies which disregard the lower castes. These all provisions are indeed reflections of his great vision in eradicating the evil of unsociability which has been eating the vitals of the society and exposing the country to the threat of disintegration.²¹

Education :- Ambedkar gave so much importance to education. He believes that education is essential to moralize and socialize the individuals, especially the backward classes to have consciousness of self. For him, Education Facilities should be provided to those who are illiterate and backward, and on the other, to those who want to wipe out the roots of caste system in order to realize the nature of democracy at the ground level.²² Article 46 further, as argued earlier, emphasizes his vision which directs the state to take steps to promote education of the weaker sections mostly the scheduled castes and scheduled Tribes. The credit also goes to Ambedkar for the illiteracy programmes and free education up to matriculation guaranteed by the different state governments. Later the 'Right to Education' (Article 21A) has become the integral part of the constitution which is earlier part of directive principles as Article 45.²³

Judicial Review and Constitutional Supremacy:-

Article 32 and 226 of the constitution provide for Judicial Review, such provision of judicial review gives teeth to various rights provided in the constitution. In India constitution is considered to be supreme, unlike U.K. In UK, the parliament is considered to be supreme. This shows that in India the will of the 'We the people of India'.... as provided in the preamble of the constitution, is the supreme will. Therefore any law, which goes against the constitutional principles, would be subject to Judicial Review and would be declared null and void by the court.²⁴ In constituent assembly, Dr. Ambedkar defended the provisions of Judicial Review as being very necessary.²⁵

Dr. Ambedkar was a great visionary who foresaw the need of enforcing mechanism to approach High Court for any constitutional branch and Article 32 enabled an individual to approach Supreme Court. He described these provisions which enabled an individual to file a writ as "Heart and Soul" of the Indian Constitution.²⁶

Change the status of women :-

Berides fighting for the betterment of untouchables and tribal communities in particular, Ambedkar also sought to bring certain changes in the status of women as well. The fact was recognized by him, the situation of women in the Indian society hold been more or less similar to, often more worsen than, the untouchables from the ages. According to Hindu religious scripts, they are assigned the inferior and subordinate place in the patriarchal Hindu society and the social evils like dowry, child marriage, forced marriage, are extensively practiced.²⁷

During the deliberation in the Constituent Assembly, Ambedkar questioned the excessive influence and control of Hindu religion, customs and usages into the private lives of an individual. This too much interference gives one (men) privileges and power to control but also not just the lives of other (women), offer the justifications to exploit the latter at the vary stages.²⁸ Hence, he was strongly in the favour to disentangle the private lives from Hindu customs, and strictly limit the role of religion and traditions in one life to the very limited extent. Subsequently, he widely criticized all those members of Constituent Assembly who wished to let the personal laws regulates the individuals life. In this context, he also pursued to bring certain changes by replacing the prevailing Hindu lows with western-inspired civil code, which famously known as "The Hindu Code Bill."²⁹

This bill had two main purposes. Firstly to elevate the social status of Hindu women and secondly to abrogate social disparities and inequality of caste.³⁰

Conclusion :-

The contribution of Dr. Ambedkar in Indian Democracy is not to be forgotten. As a chairman of the constitutional committee he gave a shape to our country of a complete sovereign, Democratic and Republic based on adult, franchise. Baba Saheb Ambedkar's name will be written in golden letters in the history of India as a creator of social justice. This fact is doubtless. He was not only the man of age and builder of the constitution but also the creator of social justice and betterment of the downtrodden.

He was one of the few sons in the History of India that he can be said to the gift of Indian freedom movement. If Mahatma Gandhi gave direction and lesson of morality, then Baba Saheb gave shape to social aspect without exploitation. In true sense of the world, he gave democratic and anti-caste aim. He spent his whole life for the betterment of the poor, exploited, untouchables and troubled classes. Thus, Dr. Ambedkar's

contribution to the Indian constitution is undoubtedly of the highest order. Indeed he deserved to be called the 'Father of the Chief Architect' of the Indian constitution.

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