

# Dr Ambedkar: The Architect of India's Constitution

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## Abstract

The Research Paper Talks About the Contribution Given by Dr Bhimrao Ambedkar in the Making of Indian Constitution. the Paper Also Talks About the Idea and Approach of Dr Br Ambedkar to Uplift the Marginalized Sections of the Society

## Introduction

*"If I find the Constitution being misused, I shall be the first to burn it."*

**-Dr B.R Ambedkar**

Dr B.R. Ambedkar also known as BabaSaheb was born in a *Dalit* family in the year 1891. He served as the chairman of the drafting committee for the constitution making. He holds a special place in contemporary Indian political and social thought. His philosophy was unique because he visualised an approach through a complex web of mystical and fantastical ideas as well as the Hindu scriptures' views, which predominated in India. His views promoted rationalism and the liberty of Man; he resented the idea of an Almighty Power, the enlightened spiritual individualism of the Hindu scriptures, the indefinite existence of the soul, and transmigration. Dr. Ambedkar was a social reformer who advocated positive changes in society. His contribution towards the upliftment of the suppressed class of the Indian society is purely remarkable. At the initial stage he was specially the leader of untouchables later he became the voice of all.

He went on from being a practicing attorney to the distinguished position as the chief architect of India's Constitution. In the process of transforming society, he was supported under constitutional lines. He held the view that factors including law, order and security are crucial for social functioning. He was considered as the primary architect of the Indian Constitution, laying the foundation for liberal democracy and expecting the government to implement social regulations that benefit the less fortunate sections of society.

## Draftsman of Indian Constitution

In the year 1947, India got independence from dark colonial rule, it was a time to re-build up the nation, having complete set of rules and regulation along with adequate amount, of rights to the citizens. But the formal process of constitution making has started much before independence. In the year 1934, M.N Roy has proposed for the formation of constituent assembly. Under the initiatives from the member of the constituent assembly, drafting committee was formed in the year 1947. Dr Ambedkar was the chairman of the same. He made a special focus upon few aspects like the rights, freedom, and dignity

should be guaranteed to all citizens under the constitution. Ambedkar promoted democracy in every aspect of life like social, political, and economic. For him, social justice meant ensuring the greatest amount of pleasure to the general public.<sup>2</sup> With the enactment of the Indian Constitution, Ambedkar laid the foundation for the country as a whole. He had a strong belief in the rule of law. He was probably the first thinker to effectively promote the idea of constitutionalism in modern India. He not only created the Constitution's objectives but also its backing frameworks and procedures.<sup>3</sup> The parliamentary system of government was included into our Constitution by Ambedkar. But he was also concerned of its shortcomings. The basic principles of "constitutional morality, "which he characterized as "*a paramount reverence for the norms of the Constitution*", he concluded that people will only show obedience towards authority if the powers assigned to them would be used wisely. Ambedkar was a staunch supporter of the marginalized and people of lower castes.

He urged them to stick to the Constitution bravely and boldly. The less fortunate strata would be benefited by putting democratic ideas into application, save for the stigma of social class and untouchability. He wanted the under classes to be the catalysts for the social, economic, political, and religious change in contemporary India. His contribution towards providing social, economic and religious rights to the minorities marks a great step. While supporting the rights for the minorities has reiterated that:-

*"It is wrong for the majority to deny the existence of minorities. It is equally wrong for the minorities to perpetuate themselves. A solution must be found which will serve a double purpose. It must recognize the existence of the minorities to start with. It must also be such that it will enable majorities and minorities to merge somebody into one. The solution proposed by the constituent assembly is to be welcomed because it is a solution which serves this two-fold purpose."*<sup>4</sup>

Ambedkar presented the independence of the judiciary and advocated equal laws for everyone in the country. His legal theory relies on the principle of equality before the law. He demonstrates that though the working of the state depends upon the organs of the government

*i.e. the **executive**, **legislature** and **judiciary** yet the people of the nation are the factors behind*

<sup>2</sup>Barakatali Halakeri, "Role of Dr.B.R. Ambedkar in Nation Building and National Integration" *6Aayushi International Interdisciplinary Research Journal* (2019).

<sup>3</sup> Kanta Kataria, "Dr. B.R.Ambedkar as a Nation-Builder" *73 The Indian Journal of Political Science* 601-614 (2012).

<sup>4</sup>JhunubalaDas, "BabasahebDr.B.R.Ambedkar'sContributiontoNationBuilding" *74OdishaReview*(2018).

Working of these organs. It solely depends upon the people as to how they are going to behave as whether they will opt constitutional means to achieve their goals or they'll become revolutionary.

**Dr Ambedkar has explained the constitutional merits in the following words as:**

*"I feel that it is workable, it is flexible and it is strong enough to hold the Country together both in peace time and in wartime. Indeed, if I may say so, if things go wrong under the new Constitution, the reason will not be that we had a bad Constitution"*<sup>5</sup>

The Indian constitution was drafted by Dr. Ambedkar, who also made it possible to end untouchability and make all types of discrimination illegal. Dr.Ambedkar can legitimately be referred to as the

founding father of the Indian Constitution as a result of all this notable work.

### **Ambedkar's Vision for the Dalits through legislative reform in India**

Dr Ambedkar being the chief architect of Indian Constitution, offered a wide range of constitutional protections and guarantees to all residents, including the elimination of untouchability, promotion of civil liberties, freedom of religion, and prohibition of every kind of discrimination. He argued for broad social and economic freedoms, particularly for the lower classes. He gained the confidence of the members of the assembly for the introduction of reservation for scheduled caste and scheduled tribes relating to jobs in services. However the kind of exploitation and suppression faced by the Dalits from the time immemorial was a matter of concern as to how far the reservation system will gain its objectives.

But in the path of fighting for the social justice Dr Ambedkar was committed to stop the untouchability and goes on to saying that

*"if I 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."*<sup>6</sup>

Therefore in order to achieve his goal regarding untouchability and caste-based discrimination, the Indian Constitution maintains an abundance of provisions. Plethora of provisions has been introduced in the constituent assembly for the protection of suppressed and marginalized class of citizens, like article hereinafter referred as art. 15(4), 16(4), 19(1) (d), 29(2), 275, 330, 335 and 340.<sup>7</sup> These articles primarily empowers the govt to make special provision and to secure

<sup>5</sup>Babasaheb Ambedkar, Writings and Speeches, Mumbai, Government of Maharashtra, vol. 13, 1994, p. 70.

<sup>6</sup>Ratna G Revanker, *The Indian Constitution- A case study of Backward Class* 35 (Fairleigh Dickinson University Press, New Jersey, 1971).

<sup>7</sup>Constitution of India.

the interests of socially and educationally backward class of citizens. Out of these provisions the Fundamental rights as enshrined under part III of the Indian constitution has a wider interpretation like for example *"the state shall not deny to any person the equality before the law and the equal protection of laws"*<sup>8</sup>. Further the issue of discrimination prevailing much before the colonial rule has been prohibited.<sup>9</sup> And a provision which is also referred to as a concept that, by declaring untouchability unacceptable and imposing legal repercussions on those who practise it, significantly triggered a "social revolution" in India's truly hierarchical and unequal society. However the parliament goes on in enacting Untouchability (Offences). Act, 1955, later it was amended and renamed as the Protection of Civil Rights Act, 1955. Reiterating this notion of untouchability the Mysore High Court goes on in saying that the term untouchability should not be understood in its literal sense rather it should be understood as a "practise as it has developed historically." in India. Apart from this the social evil prevailing from the ancient times leading to the exploitation and discrimination of the marginalised communities by the upper section of the society was forced labour, same has been prohibited under Article. 23. **Dr Ambedkar's** visionary approach has marked its step in nearly protection of any form exploitation to the labours. In the case of *Deenav. Union of India*<sup>10</sup> where in the prisoners were employed as labourer however the issue arose when they were not paid properly for the work they have done, the Hon'ble Court has reiterated that non-payment of remuneration would come under the ambit of "forced labour"

and is in gross violation of Article 23.

Dr. Ambedkar firmly believed in the idea of 'secularism' which accords the same respect to every religion. It was his concept that later the constituent assembly has opted for the term secularism and therefore provides freedom to practice any religion and perform their religious activities. As during the proceedings of constituent assembly meeting he reiterated that the  
*“State shall not recognize any religion as state religion”<sup>11</sup>*

### **Ambedkar’s demand for separate Electorate for Dalits**

In order to address the profoundly ingrained social injustice and political marginalization faced by Dalits in Indian society, particularly in terms of the caste system, Dr. B. R. Ambedkar asserted for separate electorates for Dalits. In this way they were able to reserve seats in the

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<sup>8</sup>Constitution of India, art. 14.

<sup>9</sup>*ibid* art.15.

<sup>10</sup>AIR 1983 SC 1155.

<sup>11</sup>Chandrakant D Shivakeri, *Dr.B.R.Ambedkar’s Political Philosophy* 149-150 (Anmol Publication New Delhi, 2004).

legislative branches through separate electorates, making sure their representation and involvement in politics. Motive behind his idea of separate electorate was primarily to fulfil three purposes. The Dalits must first be able to send their legitimate representatives to the legislatures. Second, Dalits cannot be politically tally cut off from the majority. Third, it must give the Dalits the ability to influence who is elected to the legislature from the majority community. Ambedkar believed that isolation was the most awful thing that could happen to Dalits because, no matter how much representation they received, they would always be a minority.

Owing to these demands, the Round Table conference was held in November, 1930. Dr. Ambedkar again raised his voice for separate electorate. He came up with the reason by saying that,

*“Although they are included among the Hindus, they in no sense form an integral part of that community. Not only have they a separate existence, but they have also assigned to them a statute which is invidiously different from the status occupied by any other community in India”<sup>12</sup>*

Broadly speaking he was not in favour of mortgaging the future of Dalits in the hands of the majority class. In his view, the majority caste, Hindu leadership of the Congress will determine the political future of the Dalits if the separate electorate is not provided to them. By way of separate electorate Dr Ambedkar was of the view that Dalit would be separately elected by the Dalit. In this complete phenomenon of Poona pact, Gandhi and Ambedkar were two major faces, wherein Gandhi was against this proposal of separate electorate. It was argued that the colonization stood long primarily upon the policy of ‘*divide and rule*’ similarly the current proposal will lead to the caste division. Mahatma Gandhi argued in round table conference about what purpose it will serve to the Dalits, *“will untouchables remain untouchables in perpetuity.”<sup>13</sup>* Dr Ambedkar contended that on the basis of their own structured strength and by establishing their political autonomy, the Depressed Classes could only hope for liberation under a Swaraj government. “

Owing to these issues, Mahatma Gandhi has started fast popularly termed as *Yarwa dafast* from the

central jail of Pune in order to show his reluctance against the demand of separate electorate.

<sup>12</sup> B R Ambedkar, II *Dr Babasaheb Ambedkar. Speeches and Writings* (The Education Department Government of Maharashtra, 1982).

<sup>13</sup> Gandhi, M K - (1931), 'Speech at Minorities Committee Meeting' in *Collected Works*, Vol 48, Ahmedabad, 1971.

As a result of it Dr Ambedkar and Mahatma Gandhi signed the Poona Pact on September 24, 1932, inside the central jail in Pune. In order to achieve as goal to improve the conditions of most vulnerable sections of the society, the two completely pole apart as of Dr Ambedkar and Mahatma Gandhi came to a similar opinion.

### **Ambedkar as an Educationist**

Dr. B. R. Ambedkar believed that education must be widely disseminated in order to transform society and get rid of its inefficiency. Education removes discrimination, thereby decreasing the exploitation and dominance of those who try to take advantage of these so-called illiterate people. He believed that when individuals work without education, it is like wasting their potential. He at times states that if a leader is illiterate, he will undoubtedly guide us into darkness since he is already residing there. There were several instances, like in public meeting she conveyed the idea that education is a crucial component for the advancement of society and individuals. It is clear from that he held a visionary approach, as he not only talked about promoting primary education but also emphasized upon the higher education. Higher education has a wider scope of doing welfare of public and society at a large. He compared the human life and the prevailing competition while addressing a general session in following words:

*“The people don't sustain in the struggle of life until they get educated. Since that they get caught in the clutches of social problems such as insult, suppression and desecration. So it is the duty of the existing government to accelerate by providing education.”<sup>14</sup>*

According to Dr. Ambedkar, education was a synthesis of the "**dhamma**" of Buddha and Dewey's pragmatism. He believed that education would open his people's eyes and close the disparities between the upper classes and untouchables.<sup>15</sup>

**Hegoesontosayingthatthe** *“The object of primary education is to see that every child that enters the portals of a primary school does leave it only at a stage when it becomes literate and continues to be literate throughout the rest of his life.”<sup>16</sup>*

Belonging from a Dalit family and fighting for the rights for the suppressed class, he was completely aware about the importance of education for the empowerment of the marginalised and their upliftment. As according to him a society can only flourish and develop with the tool

<sup>14</sup> DK Sharma and Debashis Debnath (eds.), *Dr. B. R. Ambedkar: Education, Equality and Empowerment*. (Krishna Publication House, Gujarat, 2022).

<sup>15</sup> Dr. Suman Kumar and Resham Vijay Ratne, “Dr. B. R. Ambedkar's Vision on the Education and its relevance” 6 *IJCRT* (20180).

<sup>16</sup> *Ibid.*

of educational empowerment. He opined that the education works as a catalyst to improve the standard of the depressed class and showed them the way to empower themselves through education and encouraged to make political representation. The provisions under article 30 of the Indian constitution has its genesis from the visionary approach of Dr Ambedkar. His work towards educational empowerment is purely remarkable.

### **Ambedkar as a Societal Crusader**

Dr Ambedkar has dedicated his entire life, fighting with the prevalent social evils like racial discrimination, inequality, untouchability etc. He also laid emphasis upon the rights of the women and gender-based discrimination. He inculcated both negative<sup>17</sup> and affirmative<sup>18</sup> provisions for the women. It is his visionary approach that led to the inculcation of the concept of equality before law in terms of religion, caste, creed and place of birth. The provision of fundamental rights enshrined under the Indian constitution is the main factor behind curbing social evils. Earlier Dalits were labeled as members of the "lower caste" and were prohibited to interact with other members of society due to India's caste system. They had no access to school and forced into labour that was substandard.<sup>19</sup> He advocated the reservation system to provide the opportunity of representation in different fields and to uplift the standard of the suppressed class of the society, as they were exploited for a long.

**His concern towards reformation of social evils can be seen from his couplet as:** *“Political tyranny is nothing compared to social tyranny and a reformer, who defies society, is a much more courageous man than a politician who defies government.”*<sup>20</sup>

Being unsatisfied with the caste's hierarchy in Hinduism he embraced Buddhism. Following his decision many of his followers had also converted. Later, being holding the position of chairman of the drafting committee he incorporated many provisions like abolition of untouchability.<sup>21</sup> His works and ideas has laid the foundation in implementing substantial amount, of changes in the Indian society.

### **Ambedkar's Notion of Social Justice**

As an ardent promoter of social justice, Dr. Ambedkar's name will be marked with golden letters in Indian history. He was not just an architect of the Constitution but also a champion of

<sup>17</sup> Constitution of India, art. 15.

<sup>18</sup> *Ibid*, art 15(3), 42.

<sup>19</sup> Ratna G Revanker, *The Indian Constitution - A case study of Backward Class* 35 (Fairleigh Dickinson University Press, New Jersey, 1971).

<sup>20</sup> Satya Shri, *Demystifying Brahminism and Brahminism and Re-Inventing Hinduism* (Notion Press, Chennai, 2017).

<sup>21</sup> *Supra* note 8, art 17.

social justice for those who were impoverished. His notion of social justice stands upon three pillars *i.e.* equality, liberty and fraternity. Emphasising more upon the social equality he reiterated that:

*“Privilege tilts the balance of social action in favour of its possessors. Them or equal are the social rights of citizens, them or able they are to utilize their freedom..If liberty is to move to its appointed end it is important that there should be equality.”*<sup>22</sup>

**Dr. Ambedkar** disgraced the Hindu religion due to its caste system. He had the view that only fraternity

could prevent anarchy and preserve the rule of law among mankind. Anarchy comes from individualism. A perfect society is in conceivable with no fraternity, which is an essential component of social justice. He promoted the idea of preference for the country's socially and economically disadvantaged citizens. His concept behind having real liberty is the presence of economic and social equality and the access to adequate amount of knowledge. Although the directive principles of state policy is not enforceable by court of law yet the provisions inculcated under Article. 38 require the state to have a welfare state by maintaining social order. Likewise Art.39 of the Constitution, provides that the state must offer all citizens with sufficient means of livelihood and allocate control and ownership of material resources. Also in certain contingencies like unemployment, old age issues and disablement etc. state is under direction in securing right to work, education and public assistance.<sup>23</sup> He placed more emphasis on emotional integration and fraternity. In his perspective of social justice, all forms of social inequalities must be eradicated through the application of the law, morality, and public conscience. He advocated or fairness to build up an effective and sustainable society.<sup>24</sup> Suffice is to say that the Ambedkar's notion of social justice relies upon abolition of caste system, untouchability, introduction of reservation system and other affirmative action policies, provisions to ensure political representation, bringing an enormous change towards educational empowerment to uplift and improve the conditions of the suppressed class.

## Conclusion

The discrimination against untouchables and women was something that Ambedkar fought against the same persistently throughout his life. The Indian Constitution embodies his principles, approach to contemplating, and fight for social justice. The Preamble, Fundamental

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<sup>22</sup>KrishnaIyer, *B.R. Ambedkar Centenary: Social Justice and the Undone Vast* 141 (B.R. Pub., Delhi, 1991).

<sup>23</sup>*Supra* note 8, art. 41.

<sup>24</sup>B.R. Purohit and Sandeep Joshi. *Social Justice in India* 189 (Rawat Pub, Jaipur, 2003).

Rights, and Directive Principles of the Constitution all make it clear that these principles support the creation of an equal social structure.

Being relying upon the Ambedkar's notion of social justice, the constitution of India has guaranteed equality before law, special provisions for women and children, reservation of seats for scheduled caste and scheduled tribe for providing opportunity in employment and representation in politics. In today's society, Ambedkar's concepts of social justice are important for promoting legal and constitutional measures to protect the fundamental liberties and worth of the most impoverished sections of society. India being the diverse country having different religion and culture, the core values like social justice, liberty, equality and fraternity as glorified and cherished by the constitution of India has a adequate level of binding force. The visionary approach of Dr Ambedkar has carved away to maintain the peacefulness among the citizens of diverse culture and promoted social justice.