



Dr. Ambedkar: an Architect of the Indian Constitution

KEYWORDS

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ABSTRACT *Due to his seminal role in the framing of the Indian constitution; Dr. Bhimrao Ambedkar is popularly known all over India as the Chief Architects of the Indian Constitution. His efforts to eradicate social evils were remarkable and that is why he is called the "messiah" of dalits and downtrodden in India. Dr. Ambedkar was appointed as the Chairman of the Drafting Committee. 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, and also won the Assembly's support for introducing a system of reservations of jobs for the member of the SC and ST. Ambedkar has kept the clauses of the Constitution flexible so that amendments could be made as and when situation demanded. Dr. Ambedkar provided an inspiring preamble ensuring justice, social, economic and political, liberty, equality and fraternity. The creation of an egalitarian social order still remains an unfulfilled wishful thinking.*

The most important thing for which Dr. Bhimrao Ambedkar is popularly known all over India is that he was the Chief Architects of the Indian Constitution. He was not only a learned scholar and an eminent jurist but also a revolutionary against social evils like untouchability and caste restrictions. His efforts to eradicate social evils were remarkable and that is why he is called the "messiah" of dalits and downtrodden in India. Throughout his life, he fought against social discrimination and for the rights of the dalits and other socially backward classes. He was not only a great national leader but also a distinguished scholar of international repute. He not only led various social movements for the upliftment of the depressed sections of the Indian Society but also contributed to the understanding of the Socio-Economic and Political problems of India through his scholarly works on caste, religion, culture, constitutional law and economic development. As a matter of fact he was an economist and his various scholarly works and speeches indicate his deep understanding of the problems faced by Indian Society. He was appointed as the nation's first Law Minister and was posthumously awarded the Bharat Ratna in 1990.¹ On 29 August 1947 Dr. Ambedkar was appointed as the Chairman of the Drafting Committee that was constituted by Constituent Assembly to draft a constitution for the independent India. The draft constitution was the result of the collective efforts of a galaxy of great leaders and legal scholars in the Constituent Assembly such as Jawahar Lal Nehru, Rajendra Prasad, B. R. Ambedkar, Sardar Patel, B. N. Rao, Alladi Krishnaswamy Ayyar etc. The purpose of this paper is to examine the contribution of Dr. Ambedkar only to the Indian Constitution.

Dr. Ambedkar played a seminal role in the framing of the Indian constitution. Dr. Ambedkar used all his experience and knowledge in drafting the constitution. In his capacity as a 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 framework, and the people, the basis of their freedom. To this end, his contribution was significant, substantial, and spectacular.² Dr. Ambedkar's contribution to the evolution of free India lies in his striving for making out justice-

social, economic and political-to one and all.

Fundamental Rights

Ambedkar was a champion of fundamental rights, and Part III of 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 the individuals as they are very significant rights relating to the prohibition of discrimination on grounds of religions, race, caste, sex or place of birth etc.³ 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.⁴

According to Ambedkar, the most significant feature of the fundamental rights is that these rights are made justifiable. The right to move to the Supreme Court for enforcement of fundamental rights under Article 32 is itself a fundamental right. Article 32 authorizes the Supreme Court to not only 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.

Parliamentary Democracy

Ambedkar was a strong advocate of 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 principles of social democracy. Dr. Ambedkar's social democracy comprises 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 downtrodden and depressed classes. The preamble of the Indian Constitution echoes the principles of parliamentary democracy. It reads:

"We the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic

Republic and to secure to all its citizens- justice Social, Economic and Political; Liberty of thought, expression belief, faith and worship, Equality of status and of opportunity and to promote among them all-Fraternity, assuring the dignity of Individual and the Unity of the Nation, in our Constituent Assembly this 26th day of November, 1949 do hereby adopt, enact and give to ourselves this constitution."

Dr. Ambedkar was a strong advocate of federal structure of the union and states based on the principles of strong centre and independent states. Dr. Ambedkar also did great service to the nation by proposing the institution of unified judicial system and common All India Services with a view to strengthen the national unity and integrity.

Protective discrimination/Reservation

The real contribution of 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.

The Articles 15(4) and 16(4) of Part III and Part XI, and Schedule V and VI dealing with the upliftment of Schedules Caste and Schedule Tribes speak clearly about the substantial and significant contribution of Ambedkar for the development of untouchables.⁵ Ambedkar made it his life mission to uplift the untouchables and the other down-trodden masses from the unequal position of inferiority to that of equal position of parity in socioeconomic status with other high caste Hindus. It was for achieving this goal the reservation policy or the scheme of protective discrimination was advocated and achieved by him for ten years at least to ameliorate the conditions of the various depressed and down-trodden sections of Hindu society.

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 the strong opposition of the constitution assembly, Dr. Ambedkar could not incorporate his scheme of state

socialism under fundamental rights as a part of the constitution.

In 1948, Dr. Ambedkar presented the draft constitution before the people of India; it was adopted on 26 November 1949 by the Constituent Assembly in the name of the people of India and came into force on 26th January 1950, which marked 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." ⁶ It has been in effect since 26th January, 1950, which is celebrated as Republic Day in India.

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."

Columbia University as its Special convocation on 5th June 1952 conferred the LL.D. degree (Honors Cause) 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 citizen, a great social reformer and valiant upholder of human rights."

To conclude, 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 this distinguishes contribution Dr. Ambedkar can be rightly called an architect of the Indian Constitution. Dr. Ambedkar dream of the creation of an egalitarian social order still remains an unfulfilled wishful thinking despite the extended period of reservation for SCs and STs.

REFERENCE

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