

Dr. Ambedkar-The Chief Architect Of Indian Constitution

**Dr. A. Nidhya,
Assistant Professor in History,
Department of History,
Saiva Bhanu Kshtatriya College
Aruppukottai**

Introduction:

The Constitution is the fundamental law of a country which reflects the fundamental principles on which the government of that country is based. It is the vehicle of a Nation's progress. More particularly, it is concerned with institutional fabric and the framework of the distribution of powers between the various organs of the government and between the Union and the States. The concept of constitution was first originated in U.S.A. The Constitution of India was framed by a Constituent Assembly setup under the Cabinet Mission Plan, 1946. The Assembly worked through various committees and the draft of the Constitution was prepared by the Drafting Committee under the chairmanship of Dr. B.R. Ambedkar¹. He is recognised as the 'Father of the Constitution of India'.

After the draft had been discussed by the people, the press, provincial assemblies and others, the Constitution was finally adopted on November 26, 1949, contained a Preamble, 22 parts, 395 Articles and 8 Schedules. The drafted Constitution came into force on 26th January, 1950. This day is known as the Republic Day. It is being observed every year. The Preamble of our Constitution states that India is a Sovereign Socialist Secular Democratic Republic. Its aim is to secure to all Indian citizens Social, economic and political justice. The Constitution guarantees Liberty of thought, expression, belief, faith and worship to all. It gives Equality of status and of opportunity to all. It wants to promote Fraternity among all Indians. The Constitution of India has many outstanding features as compared to the

Constitutions of several other countries of the world². For example, the Constitution of the United States of America empowers the President to declare even a war without consulting the Congress. It is the constitutional convention of the United Kingdom that only the King or the Queen or their children would be the Head of the State. One could find several such anomalies in other Constitutions also. Naturally, therefore, many countries are impressed by the ideals laid down in our Constitution. The Constituent Assembly could draw on the knowledge of great intellectuals, eminent jurists and legal luminaries and experienced statesmen such as Jawaharlal Nehru, Sardar Patel and Dr. B.R. Ambedkar, who were members of the Assembly. Dr. B.R. Ambedkar was elected to the Constituent Assembly by the members of the West Bengal Legislative Assembly. He was elected to the Drafting Committee and later appointed its Chairman. His thorough knowledge of the Constitutions of the major countries as well as of the working of the Government of India Act, 1935 stood him in good stead in his role of piloting the Draft Constitution. His enunciation of the principles underlying specific provisions in the draft could conveniently and convincingly counter criticism from any quarter in the Assembly³.

When the Constituent Assembly was set up for drafting the Constitution, he was elected as one of the Members and later made the Chairman of the Drafting Committee. It was a tremendous task to draft the Constitution for this great country where exist innumerable religions, castes, sub-castes, languages and above all superstitious beliefs. Yet he undertook the task and drafted the Constitution in a short time, which was approved and appreciated by the entire Constituent Assembly. Although there were very eminent leaders in the Drafting Committee, the major burden of drafting the Constitution had actually fallen on the shoulders of Dr. Ambedkar. To write about Dr. B.R. Ambedkar's role in the Constituent Assembly is to

write about the history of the evolution of free India's Constitution. Speaking in the Assembly in the closing stages of its deliberations extending three years, Dr. B. Pattabhi Sitaramayya, the veteran Congress historian, referred to the "steam-roller intellect" that Dr. Ambedkar brought to bear upon "this magnificent and tremendous task (of framing the Constitution): irresistible, indomitable, unconquerable, levelling down tall palms and short poppies, whatever he felt to be right he stood by" regardless of consequences". Many were the compliments showered upon Dr. Ambedkar by the Members of the Assembly. They were warm-hearted and spontaneous. A senior Harijan leader from the South likened him to Nandanar and Thiruvalluvar, the great Tamil philosophers. Dr. Rajendra Prasad, the President of the Constituent Assembly, paying his tribute, referred to the zeal and devotion with which Dr. Ambedkar, in spite of his indifferent health, had worked, and observed. Dr. Ambedkar once said in the Constituent Assembly that a secular Government meant that any institution which was funded by the Government should not impart religious education even if such instructions were issued by the Government itself. About language he said that the official language of each State should be the same as that of the Central Government. In other words, there should be only one official language for the entire country⁴. He was firmly of the opinion that one official language could enforce national unity and that language was Hindi. It was dangerous to reorganize States on the basis of separate languages, If this was done, he believed, States could become separate nations.

It was largely due to the relentless fight of Dr. Ambedkar for the cause of the downtrodden and the underprivileged that the Government implemented several Constitutional provisions for the welfare of the Scheduled Castes, Scheduled Tribes and other weaker sections of society. The Constitution of free India, as it emerged from the Constituent

Assembly, was chiefly the handiwork of Dr. B.R. Ambedkar. His role in its making and adoption can be appreciated fully by considering, in an objective way, the nature of the political society he provided for free India, and secondly, the legal and constitutional restraints on the State's authority in the form of Fundamental Rights. Finally, it is also necessary to examine the provisions relating to the minorities⁵. The best way to do it is to assess Dr. Ambedkar's contribution in the light of his own pronouncements and the position he took in respect of these provisions provided in the Constitution. It should be noted, at the outset, that the Constituent Assembly had appointed a number of sub-committees on important aspects of the framing of the Constitution and the reports submitted by these committees formed the basis for the Drafting Committee to prepare the Constitution of free India. Ambedkar, as the Chairman of the Drafting Committee, had the stupendous task of incorporating into the Draft the recommendations of these various committees and producing a coherent and acceptable draft of the Constitution. It was not only to be acceptable to the Members of the Constituent Assembly but had to be so evolved as to serve the special and immediate needs of an infant democracy and also to stand the test of time. The Constitution was to be an enduring document. Whatever might be the justification for some flexibility in the Constitution, it had to be sacrosanct to the extent it was necessary to make it a document worthy of its name⁶. In this task lay the importance of the role of the Drafting Committee in general, and that of Dr. Ambedkar in particular.

The Constitution of India contains an excellent preface in the form of an admirable and precious *Preamble*. The Preamble provides a clear clue to the understanding of the Spirit and philosophy-the political, economic, and social-that pervades all through the document and the provisions contained in it⁷. The Constitution declares India to be a Democratic

Republic. Madison defines 'a Republic' as "a government which derives its powers, directly or indirectly, from the great body of the people and is administered by persons holding their offices during its pleasure for a limited period, or during good behaviour. It is essential for such a government that it be derived from the great body of the society, not from a favoured class. In other words, such a democratic form of government has been provided for in the Constitution. The indestructible character of our Union was assumed in the wording of Article-1. In his speech in the Constituent Assembly moving the Draft Constitution, Dr. Ambedkar touched upon the differences between the proposed Federation for India and other Federations in the world. According to Dr. Ambedkar, a federal polity is marked by the existence of a central polity and subsidiary politics side by side, and each sovereign being in the field assigned to it. In other words, Federation means the establishment of a dual polity. The proposed Constitution was federal in character, insofar as it envisaged a dual polity. "The dual polity, said Dr. Ambedkar, "will consist of the Union at the Centre and States at the periphery, each endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution" The Indian polity, however, was not a dual polity in the American way beyond a point⁸. To Dr. Ambedkar, the differences that distinguish them are more fundamental and glaring. The differences are in respect of citizenship and the degree of autonomy enjoyed by the States in both the Constitutions. Dr. Ambedkar was quite alive to the fact that the Draft Constitution was not set in a "tight mould of federalism", as other Federations had been, and he took pains to explain this special feature to the Members of the Constituent Assembly.

Dr. Ambedkar drew the attention of the Members of the Constituent Assembly to this fundamental point of difference and referred to another important aspect of federalism, Dr.

Ambedkar, it appears, was keen on reducing these faults of "legalism" and "rigidity" in the Indian Constitution as the circumstances in the country would not permit such a frame of political society in view of the changes that were to be brought about in this infant nation. He also claimed to have tried to secure the greatest possible elasticity in federalism which is supposed to be rigid by nature. A special feature of the Draft Constitution in this regard, which was an innovation, was that it "added new ways of overcoming the rigidity and legalism inherent in federalism." Dr. Ambedkar referred to the relevant provisions and said that the first special feature was the power given to Parliament to legislate on exclusively State subjects in normal times. The second feature adopted to avoid rigidity and legalism was the provision for amendment of the Constitution. There was yet another special feature of the Indian Federation which distinguished it from other Federations: attempts were made to eliminate the inherent diversities of a dual polity⁹. A Federation, as we know, is based on divided authority, resulting in diversities in laws of the States and the Union. Up to a point, diversity may be tolerated. "But this very diversity", said Dr. Ambedkar, "when it goes beyond certain point, is capable of producing chaos and has produced chaos in many federal States". Such a state of affairs not only weakens the State but. becomes intolerant to 'the citizen who moves from State to State only to find that what is lawful in one State is not lawful in another. The Draft Constitution has sought to forge means and methods whereby India will have Federation and, at the same time, will have uniformity in all basic matters which are essential to maintain the unity of the country. The means adopted by the Constitution are a single judiciary, uniform fundamental laws, civil and criminal; and a common All India Civil Service to man important posts. It was Dr. Ambedkar's hope that with a single judiciary for the entire country and by providing for a Concurrent List of

subjects, and finally by providing for an All India Civil Service (which would man most of the important posts) recruited on an all-India basis, with common qualifications and uniform scale of pay, it would be possible to achieve the required degree of unity in the life of the newly born Republic¹⁰. These were, of course, technical and also circumstantial justifications that he could give to clarify the doubts in the minds of the Members of the Constituent Assembly as to the nature of our Constitution and polity.

Over Centralisation

The federal character of our system has been described differently by different political and constitutional experts. The political scientist K.C. Wheare called the Indian Federation as "Quasi Federal" which established a unitary State, with subsidiary federal features, rather than a federal State with subsidiary unitary features, while O.K. Sen opines that it is a decentralised unitary State. K. Santhanam expressed the view that the Indian Constitution embodies the federal principle in such a substantial measure that it is truly a federal constitution. It is true that the form of the Constitution we are provided with is neither federal nor just con federal. It is something more than confederal and something less than federal. It is one that was evolved to suit the social and political conditions of a new nation emerging, as it did, under very special circumstances¹¹. Dr. Ambedkar was guided by the principle that a Constitution is, after all, the expression of the will and the needs of a people at a given time, and it would be fatal if one were to be guided strictly by the constructions of Constitutional principles and patterns as, for example, the pattern of federalism. He was alive to the fact that no system of federation functioning in the world was an ideal or perfect one. Each Constitution provides for a federal system that suits the needs of the society most.

A Constitution is a mechanism providing for a system of Government that will serve the needs of a people. To Dr. Ambedkar, the Constitution was merely a mechanism for regulating the work of the various organs of the State. Therefore, one need not be a slave to a system, but can modify it to suit the requirements of the country. Dr. Ambedkar's distinct contribution in this regard lies in the fact that he could overcome the temptation to be guided by rigid principles, and provide a system that would suit and work in the Indian situation. There are many advocates of a unitary form of Government in our country today. It is not because the federal frame provided in the Constitution has completely failed, but because of certain tendencies developing in our body-politic that need a stronger Centre¹². There is a feeling in some sections of politicians that a strong and a unified Central Government alone can bring in the desired degree of political, administrative and emotional integration amongst our people. At the same time, there is also another group of politicians which is pleading for more autonomy to different States and that could be made possible only in a truly federal system.

Emergency Provisions:

No part of the Constitution of India was subjected to more acrimonious attacks from critics as the part dealing with Emergency Provisions. It is said that the Constituent Assembly witnessed one of its most agitated scenes during the discussion on these provisions in the Draft Constitution. Many prominent Members of the Constituent Assembly are on record as having opposed the inclusion of these provisions, and rather reluctantly agreed to the inclusion of these provisions as a precautionary measure against possible disruptive forces which may attempt to destroy the established Union¹³. The Constitution provides for three

different categories of emergencies, and in each case the President is empowered to make the Proclamation.

Spirit of the Constitution

The Indian Constitution is a synthesis of idealism and pragmatism. The Central Government, it envisages, should be strong, particularly so in times of difficulties. Therefore, Dr. Ambedkar wanted to see a unified country under the domination of the Central Government. He wanted a strong Centre as a union of strong States. The provision for amending the Constitution demonstrates its elasticity, particularly towards the social and economic transformation. While referring to this provision, Dr. Ambedkar cited the statement of the American Constitutional expert Thomas Jefferson. He referred Jefferson who said that each generation was itself a nation. Therefore, he believed that the existing Constitution should be for the present generation only. The older generation cannot impose anything binding on the new generation¹⁴. Therefore, in the larger interest of the country, particularly for the establishment of social and economic democracy, Dr. Ambedkar felt the need to have such an amending procedure as might not be too rigid. To those members who were praising him for producing an excellent Draft of the Constitution, Dr. Ambedkar replied that "to a certain extent it matters little whether the Constitution of a country is good or bad". What really mattered was whether we were sincere enough in implementing the lofty provisions of the Constitution. A good Constitution might turn out to be a bad one if it was not honestly implemented, said Dr. Ambedkar. He reiterated that the future of the country would rest on the way our people implemented this Constitution in the days to come. He was worried very much of this particular aspect¹⁵. He, therefore, raised a question in the Constituent Assembly as to what would happen to her independence.

Conclusion:

Dr. Ambedkar was an eminent scholar, economist, educationist, statesman, effective orator, constitutional expert, able administrator, a strong supporter of revolutionary changes and a fearless crusader for the cause of the depressed people. The Constitution of India is a testimony of his Constitutional and legal expertise. He listened to the ideas put forward and the suggestions made by the Members of the Constituent Assembly and incorporated those which he thought were useful and practicable into the Draft. With his great parliamentary skill, he was able to get the Draft Constitution approved by the Assembly. It is also to be noted that the decisions taken by the Congress Party, which was the largest party in the Constituent Assembly, as also the ideas held by eminent leaders like Sardar Vallabhbhai Patel and Pandit Jawaharlal Nehru, were incorporated into the Draft by Dr. Ambedkar. He was an effective orator and was endowed with such an argumentative skill that he managed always to get his proposals accepted by the Assembly. He is rightly remembered as the chief architect of the Indian Constitution.

END NOTES

1. Aggarwal, R.C: *Constitutional History of India and National Movements*, New Delhi, 1969, p.88.
2. Kapoor, A.C: *Constitutional History of India*, New Delhi, 1985, p.39.
3. Anand, C.L: *Constitutional Law and History of Government of India*, Allahabad, 1992, p.168.
4. Gupta, Manik Lal. *Constitutional Developments in India*, New Delhi, 1989, p.239.
5. Paylee, M.V: *Constitutional History of India*, Bombay, 1967, pp. 269-270.

6. Shiva Rao B: *Framing of the Indian Constitution: Selected documents*, V.2, Bombay, 1967, p283.
7. Jagdish Swarup: *Constitution of India*, V.2, New Delhi, 2006, pp.329 - 331.
8. Shukla, V.N: *Constitution of India*, Lucknow, 2007, p.96.
9. Swarup, Jagdish: *Constitution of India*, V.2, New Delhi, 2006, p.80.
10. Durga Das Basu., *Introduction to the Constitution of India*, 17th Edt. 1995, New Delhi, p.20..
11. Banerjee, A.C: *Constitutional History of India*, V.1, Calcutta, 1948, p.98.
12. Percival Spear., *A History of India*, Vol 2, Calcutta, 1990, p.79.
13. Pandey, J.N. *Constitutional Law of India*, Central Law Agency, Allahabad, 2007, p.89.
14. Bombwall, K.R. *Major Contemporary Constitutional Systems*, Ambala Cantt, 1883, p.169.
15. Mittal J.K. *Constitutional History of India*, Allahabad Law Agency, Allahabad, 1980, pp. 96-99.