

ROLE OF DR. B.R. AMBEDKAR IN THE CONSTITUENT ASSEMBLY

To write about Dr. 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."¹

In a remarkable speech, on the problems of the Scheduled Castes, delivered in the Conference held by the All India Scheduled Castes Federation at Kanpur (UP) on 29th January 1944, Dr. Ambedkar suggested the Scheduled Caste people that they should share political power with Hindus and Muslims to improve their condition. Only then they will become masters.

At another occasion held at Lucknow on 25th April, 1948, he, while addressing the Scheduled Castes, aptly warned them that they can achieve their salvation if they capture the political power by organising into a third Party holding the balance of power between the rival political parties-Congress and Socialists.

The similar feeling he expressed at his election to the Drafting Committee in 1946. He said:

I came into the Constituent Assembly with no greater aspiration than to safeguard the interest of the Scheduled Castes.²

This statement clearly explains the idea behind his interest for Scheduled Castes. But when he was elected the Chairman of the Drafting Committee, he left all his initial interests and contributed himself whole heartedly for giving a constitution to the newly born nation. He gave up all his personal wishes only for the general interest of the nation.

The true Constitutional philosophy of Ambedkar has been fully reflected in the course of Round Table Conference in England and in the Memorandum which he submitted to the Constituent Assembly on behalf of All India Scheduled Caste Federation.

Appreciating the great services rendered by Ambedkar, the chief architect of the Indian Constitution, T.T. Krishnamachari, one of the members of the Constituent Assembly, said in the Assembly, "...the House is, perhaps, aware that of the seven members nominated by you, one had resigned from the House, and was not replaced. One died and was not

¹ Krishna Mani, P.N., *Dr. B.R. Ambedkar: his role in the Constituent Assembly*, Dr. B.R. Ambedkar: The Man and his Message, Prentice Hall of India, New Delhi 1991, pp.61

² Constituent Assembly Debates. Vol XI. p.973

replaced. One was away in America and his place was not filled up and another person was engaged in State Affairs and there was void to that extent. One or two people were far away from Delhi and, perhaps, for reasons of health did not attend. So it happened ultimately that the burden of drafting the Constitution fell on Ambedkar and I have no doubt that we are grateful to him for having achieved this task in a manner which is undoubtedly commendable.”³

Apart from T.T. Krishnamachari, Rajendra Prasad, Radhakrishnan, Sardar Patel and Pandit Nehru also admired the role played by Ambedkar in the Constitution-making. The whole assembly and the nation expressed its deep indebtedness to Ambedkar for his excellent service to the new-born nation. It is universally accepted that Ambedkar has made an immense contribution to the philosophy of our Constitution and to the constitutional jurisprudence. But this has led to the belief that Ambedkar was the sole guiding force of the Constitution. He was the chief architect of the Constitution to define the will, goal and the vision of India. He is regarded as the father of the Constitution and the Constitution is his brainchild. Therefore, whatever principles have been incorporated in the Constitution, Ambedkar is regarded as a source of it.⁴

Prime Minister Nehru, while paying a tribute to Dr. Ambedkar in the Lok Sabha said that Dr. Ambedkar had played a most important part in the framing of India’s Constitution. He told two facts, firstly he said that Dr, Ambedkar has played a very constructive role in the making of the Constitution even before his election to the Drafting Committee and secondly he told that no one took greater trouble and care over the Constitution making than Dr. Ambedkar.⁵

Dr. M.V. Pylee, the well known Constitutional historian and author, has this to say about Dr. Ambedkar’s contribution to the framing of our Constitution:

In the Constituent Assembly none else was so forceful and persuasive in arguments, clear and lucid in expression, quick and arresting in debate. And yet, he had always the generosity to concede the credit to a critic who made a valid point and to frankly acknowledge it. Ambedkar’s contribution to the Constitution is undoubtedly of the highest order. Indeed, he deserves to be called the father or the chief architect of the Constitution of India.⁶

It is crystal clear from the above mentioned lines how important he was. He was entrusted with the task of drafting the constitution. And why he was chosen among other equally available members of the Constituent Assembly simply because of the treasure, the treasure of his intelligence, the treasure of his keen knowledge of his subject, his treasure

³ Constituent Assembly Debates. Vol II. p.217

⁴ Mane, Suresh, *Some Reflections on the Constitutional Philosophy of Ambedkar*, Chapter five, Studies in Ambedkar, (Delhi,1995), pp. 67

⁵ Borale,P.T., *Dr. Ambedkar and the Constitution of India*, Chapter eleven, Political idea and leadership of Dr. B.R. Ambedkar, Vishwanil Publications, Pune 1989,pp. 110.

⁶ Pylee, M.V. *Constitutional Government in India*. Bombay: Asia Publishing House, 1960, pp. 138.

of his interest in constitutionalism and the treasure of his professionalism of being an advocate.

The task of drafting the constitution was given to the constituent assembly whose members were not directly elected. Rather they were elected from each of the provincial legislative assemblies. Dr. Ambedkar was chosen as the Chairman of the drafting committee. But he was not a member of the interim government that worked along with the British in India from 2nd September 1946 to 15th August 1947. It is interesting to know that his name was nowhere mentioned in the list of the members of the interim government.

It was in 1946 when he became the Chairman of the drafting committee, Ambedkar emphasised and took initiative and very deliberately introduced the principle of reservation for dalits in parliament, educational institutions and in government jobs.

The Cabinet Mission had recommended the setting up of an advisory committee on Fundamental Rights and Minorities in January 1947 and Dr. Ambedkar was made the member of these two sub-committees and he took keen interest in their deliberations. He also submitted a memorandum to the Fundamental Rights sub-committee in which he gave concrete shape to his ideas. This memorandum was later published for wider circulation under the title "State and minorities, what are their rights and how to secure them in the Constitution of free India".⁷

The work done by Dr. Ambedkar in various sub-committees of the Assembly was considered very useful and convinced the Congress bosses beyond doubt that the legislation and solidification of freedom would not be easy without the services of Dr. Ambedkar. Consequent upon the partition of Bengal, Ambedkar ceased to be member of the Constituent Assembly. The Congress which had earlier opposed tooth and nail his entry into the Assembly came forward and sponsored his candidature. In his letter dated 30th June 1947, Dr. Rajendra Prasad, President of the Constituent Assembly requested Mr. B.G. Kher, the then Prime Minister of Bombay to elect Dr. Ambedkar immediately. Accordingly, Dr. Ambedkar was re-elected in July 1947 from Bombay as a member of the Constituent Assembly and on 29th August the Assembly unanimously elected him as Chairman of the Drafting Committee which was assigned the task of framing the Constitution.⁸

It is rightly said that the Indian Constitution was the product of Dr. Ambedkar. It was fully influenced by the philosophy of Dr. Ambedkar. He had a vision for future India. When he was elected the Chairman of the Drafting Committee he forgot his personal anxiety and joined hands with the Congress in general and Pandit Nehru in particular as both were ready to sink their differences and agreed to work together for the betterment of the newly born

⁷ Parliamentary Debates, Dr. Babasaheb Ambedkar, Writings and Speeches, Vol.-13, Dr. Ambedkar Foundation, New Delhi, page-24-25

⁸ Ibid., pp. 26

nation. But this does not mean that he had the greed for the position he was offered by the Congress. He was very firm and bold in his demands and whenever he got chances he criticized the government also. For instance on 25th April, 1948 he delivered a speech in Lucknow and asked the Scheduled Castes that:

The Scheduled Castes cannot capture political power by joining the Congress. It is a big organisation and if we enter the Congress we will be a mere drop in the ocean...Congress is a burning house and we cannot be prosperous by entering in it.

This eloquently shows that he was not an opportunist. He entered the Assembly only to safeguard the interest of the Scheduled Castes.

The true Constitutional philosophy of Ambedkar has been fully reflected in the course of Round Table Conference in England and in the Memorandum which he submitted to the Constituent Assembly on behalf of the All India Scheduled Castes Federation. In the plenary session of the Round Table Conference on 20th November 1930, he said:

We must have a government in which the men in power will give their undivided allegiance to the best interest of the country. We must have a government in which men in power, knowing where obedience will end and where resistance will begin, will not be afraid to amend social and economic code of life which the dictates of justice and expediency so urgently call for.⁹

In the memorandum submitted to the Constituent Assembly, Dr. Ambedkar stated that the intention of the Poona Pact to ensure the return of the representatives of the choice of the Scheduled Castes to the legislature has been completely nullified in the elections which took place in February 1946. He pointed out that an analysis of the data proved that the success of the Scheduled Castes candidates in the final election, depended on the choice of the castes Hindus and not on the wishes of the Scheduled Castes. It was also seen that in most cases the candidates who got the maximum votes in the primary elections were not elected in the final elections.¹⁰

Therefore Dr. Ambedkar concluded that “owing to the extreme disparity between the voting strengths of the Hindus and the Scheduled Castes-disparity will not disappear even under adult suffrage- a system of joint electorate will not succeed in giving the Scheduled Castes a chance for returning their true representatives.” He further held that “the Poona Pact has completely disfranchised the Scheduled Castes”, and it, “is thus fraught with mischief.”¹¹

The Constitution of free India, as it emerged from the Constituent Assembly, was chiefly the handiwork of this astute constitutionalist. His role in its making and adoption can be appreciated fully by considering, in an objective way, the nature of the political society he

⁹ B.R. Ambedkar, *Writing and Speeches*. Vol. 1, 1979, pp. 353

¹⁰ Mathew, Thomas, *Constitution Making*, Chapter-13, Ambedkar: Reform or Revolution, Segment Books, New Delhi, 1991, pp. 103

¹¹ Dr. Babasaheb Ambedkar-*Writings and Speeches*, Vol. 1, pp. 431-32

provided for free India and secondly the legal and constitutional restraints upon authority in the form of Fundamental Rights.

There is also a need to examine his role for the upliftment of the minorities in connection with the members of the Constituent Assembly. Why because he had to take into consideration their provisions and their reservations on certain issues. As he observed many a times in the Assembly the attitude of other members for him. There are reasons for that, firstly his was a non-congress man and secondly he was not a staunch follower of Gandhi. There were other members who were jurists, scholars, statesmen, social activists and political leaders in the Assembly but he was given this stupendous task of piloting the Draft Constitution.

AMBEDKAR'S IDEA OF SOCIAL JUSTICE

According to Ambedkar, the term "social justice" is based upon equality, liberty and fraternity of all human beings. The aim of social justice is to remove all kinds of inequalities based upon Caste, race, sex, power, Position, and wealth. The social justice brings equal distribution of the social, political and economical resources of the community.

He was fully aware of the pattern and problems of the Indian society, the aspirations of the different sections of the society and their conflicting interests. He tried to achieve social justice and social democracy in terms of one man-one value. He treated social justice as a true basis for patriotism and nationalism. As a true social humanist and activist, he fought throughout his life for the abolition of all kinds of discrimination in society as well as the caste system. Ambedkar did not accept the theories of social justice as propounded by the Varna system, the Aristotelian order, Plato's scheme, Gandhian sarvodaya order and not even the proletarian socialism of Marx.

The contents of Ambedkar's concept of social justice included unity and equality of all human beings, equal worth of men and women, respect for the weak and the lowly, regard for human rights, benevolence, mutual love, sympathy, tolerance and charity towards fellow being. Humane treatment in all cases dignity of all citizens, abolition of Caste distinctions, education and property for all and good will and gentleness, He emphasized more on fraternity and emotional integration. His view on social justice was to remove man-made inequalities of all shades through law, morality and public conscience; he stood for justice for a sustainable society.¹²

The proposal relating to the incorporation of social and economic rights as non-justiciable rights in the Constitution did not initially find favour with some members of the Sub-Committee on Fundamental Rights including Ambedkar also. But later on he realised that it is not practicable in the context of the then socio-economic conditions of the Indian society. However, while including them as the Directive Principles of State Policy were given a

¹² Purohit B.R, Sandeep Joshi, *Social justice in India*, Rawat Pub, Jaipur, 2003, P.189.

mandate *vide* Article 37 that these principles, though not enforceable by any court, are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.¹³

AMBEDKAR'S NOTION OF STATE SOCIALISM

The theory of State socialism in India has developed by the contributions of Dr. B.R. Ambedkar. He submitted a memorandum entitled on "State and Minorities" to the Constituent Assembly on behalf of the All India Scheduled Castes Federation in the year 1946. In the memorandum he has pointed out that the born or naturalised citizens of India should be treated equally. Any privileges or extra privileged arising out of rank, birth, person, family, religion or religious usage should be abolished. All citizens of India without caste, creed, religion, race, birth etc. should be treated by equality before law and equal protection of law. The state should be played a crucial role to protect the fundamental rights of Indian citizens. No religion is to be state religion. They have rights to reside any part of territory of India. The citizenship certificate should be provided by the state. Every citizens should have right to vote. The State shall be given guarantee of liberty to every Indian citizen without discriminations on the basis of caste, creed, religion etc. Right to religious association of the citizens shall be given by the state. One man one value is the principle of Dr. Ambedkar's socialism. No citizen shall be disqualified on the basis of birth or race. All citizens shall have equal access to all institutions, conveniences and amenities maintained by or for the public.¹⁴

According to him the State Socialism should prescribe by the law of the Constitution. The right of a citizen to vote shall not be denied on any ground other than immaturity, imprisonment and insanity. No law shall be made abridging the freedom of speech press, form of association and assembly except for consideration of public order and morality. The state shall guarantee to every Indian citizen liberty of conscience and free exercise including right to worship, right to form of religious association and its spread. The state shall not recognise any religion as state religion. Every religious association shall be free from state religion.¹⁵

All these provisions propounded by Ambedkar explain his thoughts and vision for the just and egalitarian society. He, therefore, very straight forwardly declared his philosophy behind his notion of state socialism.

¹³ Roy, Jaytilak Guha, *Dr. Ambedkar's contribution in the framing of India's Constitution*, chapter 5, Socio-Economic and Political vision of Dr. B.R. Ambedkar, Concept Publishing Company Pvt. Ltd., New Delhi, 2010, pp. 82

¹⁴ Ambedkar B.R., *State and Minorities*, Dr. Babasaheb Ambedkar Writings and Speeches, Education Department, Government of Maharashtra, compiled by Vasant Moon, 1979, pp.392

¹⁵ *Ibid.*, pp. 393

AMBEDKAR'S ARGUMENT ON FEDERALISM WITH STRONG CENTRE

In his very first speech in the Constituent Assembly on December 17, 1946, much before he became the Chairman of the Drafting Committee, Dr. Ambedkar gave expression to his firm faith in a united India. He said:

...I have got not the slightest doubt in my mind as to the future evolution and the ultimate shape of the social, political and economic structure of this great country. I know today we are divided politically, socially and economically. We are a group of warring camps and I may go even to the extent of confessing that I am probably one of the leaders of such a camp. But, Sir, with all this I am quite convinced that given time and circumstances, nothing in the world will prevent this country from becoming one. With all our castes and creeds, I have not the slightest hesitation that we shall in some form be a united people.

Speaking two years later, on November 4, 1948, moving for the consideration of the Draft Constitution, Dr. Ambedkar said that the use of the word 'Union' in the description of India as a "Union of States" in Article 1 of the Constitution was deliberate. According to Article 1(1) of the Constitution, India is a Union of States. In his capacity as Chairman of the Drafting Committee, Dr. Ambedkar saw to it that the word UNION was substituted for the word FEDERATION. The Drafting Committee said that there were advantages in describing India as a "Union", although its Constitution was federal in structure. Amplifying this view in the Constituent Assembly, Dr. Ambedkar said that the Unitary Government of South Africa was called a Union and so it was not contrary to usage to describe India as a Union. The Indian federation, he said, is a Union because it is indestructible.

In a historic speech in the Constituent Assembly in November 1949, Dr. Ambedkar listed several features of the Draft Constitution which mitigated the rigidity and legalism of federalism. Dr. Ambedkar referred to the following items:

1. The distribution of Legislative Power between the Union and the States, which gives to the Union, exclusive power to legislate in respect of matters contained in List I and a concurrent power to legislate in respect of matters contained in List III of Schedule VII (Article 246).
2. The Power given to Parliament to legislate on exclusively State subjects, namely: (a) with respect to a matter in the State List in the national interest (Article 249); (b) in respect of any matter in the State List if a proclamation of Emergency is in operation (Article 250); (c) For two or more States by consent of those States (Article 252).
3. Provisions for proclamation of Emergency and the effect of such proclamation (Articles 352 and 353).
4. Provisions included in the Constitution which are to be operative unless "provision is made to the contrary by Parliament by Law" or words to the same effect.

5. Provisions regarding the amendment of the Constitution (Article 368).

Dr. Ambedkar made it clear that the power under Articles 250, 352 and 353 of the Constitution can only be exercised by the President of India and requires the approval of both Houses of the Indian Parliament. He summed it up precisely when he said, "These provisions make the Indian Constitution 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 though it was a unitary system."

No wonder, Ambedkar provided for a stronger Centre only to overcome difficulties in the future which was the maximum he could do in the given circumstances. While providing a flexible federation, Ambedkar was avoiding the extremes and following the golden mean between the unitary and federal forms. This was generally his approach in the making of the Indian Constitution. He, so designed it that should be federal when possible and unitary when necessary.¹⁶

Dr. Ambedkar made it clear that though India was to be a Federation, the Federation was not the result of an agreement (or a contract) by the States to join a Federation, and that the Federation, not being the result of an agreement, no State had the right to secede from it. The Federation was a Union because it was indissoluble.

Again and again Dr. Ambedkar emphasised the cardinal fact that the Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.¹⁷

CONCLUSION

Observing his role in the Constituent Assembly, Dr. Rajendra Prasad, the President of the Constituent Assembly said:

"Sitting in the Chair and watching the proceedings from day to day, I have realised as nobody else could have, with what zeal and devotion the members of the Drafting Committee and especially its Chairman, Dr. Ambedkar, in spite of his indifferent health, have worked. We could never make a decision which was or could be ever so right as when we put him on the Drafting Committee and made him its Chairman. He has not only justified his selection but has added lustre to the work which he has done..."¹⁸

The journey of Dr. Ambedkar of coming as a protestant to the Chairman of the Drafting Committee tells his contribution as a true nationalist. He, at that time not only thought for the dalits but also for each and every common man of this country.

Ambedkar the true rebel and rationalist played a major role in the creation of new India. He has shown to the Indians that the goal under the fabric of Constitution is nothing but to

¹⁶ Kuber, W.N., *Dr. Ambedkar: A Critical Study*, People's Publishing House, New Delhi, 1973, pp. 284

¹⁷ *News Today*, 22 April 2008.

¹⁸ Constituent Assembly Debates, 26 November, 1949, Vol. XI, pp. 994

establish social, economical and political democracy for the betterment of all Indians. Syamanandan Sahay rightly said in the Constituent Assembly, “The achievement of independence would go to the credit of Mahatmaji and its codification to one of Mahatmaji’s worst critics viz. the great architect of our Constitution, Dr. Ambedkar.”¹⁹

In this brief article, it is indeed impossible to bring out Dr. Ambedkar’s role in the Constituent Assembly and it cannot be measured within a few pages.

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¹⁹ Constituent Assembly Debate, Vol. 5, pp. 788

