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Indian Constitution the Vision of B. R. Ambedkar

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Abstract
The inception of the Indian Constitution in 1950 was a significant event not only in the political history of India but also in the history of 'social justice' and 'human rights'. At the same time, it has opened up new avenues of human welfare and development in the Indian subcontinent by providing equal rights and privileges to the citizens at large. The Constitution of independent India was meant more than a mere legal manuscript that likely to structure the norms of governing as well as define the functions of various key institutions and political actors for the whole society in general and underprivileged sections in particular. The latter were exploited in multiple ways over the centuries owing to the dominant social order of Hindu society, and perhaps this is why, they had a lot of expectations from the newly adopted legal document. The primary aim of the paper is to examine the fact that to what extent the Indian Constitution comprises the vision of B. R. Ambedkar and more specifically, to explore the ways in which the social and political philosophy of B.R.Ambedkar have influenced the development of constitution-making in India.

Introduction
India gained the status of free' and sovereign in August 15, 1947 after a long struggle and countless sacrifices. It adopted Constitution on November 26, 1949 which came in enforcement on January 26, 1950. It is often considered as one of the gigantic constitutions in the world which establishes a democratic state. The inception of the Indian Constitution in 1950 was a significant event not only in the political history of India but also in the history of social justice' and human rights'. At the same time, it has opened up new avenues of human welfare and development in the Indian subcontinent by providing equal rights and privileges to the citizens at large. The Constitution of independent India was meant more than a mere legal manuscript that likely to structure the norms of governing, define the functions of various key institutions as well as political actors for the society as a whole and particularly for the underprivileged sections who were exploited in multiple ways over the centuries especially due to the prevailing dominant social order of Hindu society.

The process of constitution-making during the 1940s was thus laden with various sets of expectations and requirements. In fact, it was assumed that the new Constitution would be effective enough to terminate the unending patterns of exploitation based on gender, caste and religion, and bring increasingly sought changes in the deeply hierarchical and unequal social structure so one could live with dignity and possess equal civil rights.[1] It was indeed the first moment in the lives of millions of people, particularly the depressed communities when they were likely to receive an equal treatment and entitlement after the adoption of new Constitution. Insists that a nation's Constitution is more than a written legal document as it also entails the fundamental norms and principles of a particular society. Despite the fact that the Constitution of Independent India has borrowed several provisions from the varied Government of India Acts prepared by the Bruisers during the colonial period, the Constitution reflects 'Indianess'.1 But it is not the concern of this paper to traces the various sources which fashioned the constitutional development in India. The central theme of this paper is to examine the fact that to what extent the Indian Constitution comprises the vision of B. R. B.R.Ambedkar The word Indians here denotes the distinctiveness of the Indian context which forced the constitution-makers to evolve some provisions in the constitution to address the particularities of Indian situation. Indian Constitution: The Vision of B. R. Ambedkar. and more specifically, to explore the ways in which the social and political philosophy of Ambedkar have influenced the development of constitution-making in India.[2]

Dr. Bhimrao Ramji Ambedkar (1891-1956) has been considered as the Chief Architect of the Indian Constitution. The text prepared by Ambedkar offered a wide range of constitutional safeguards and guarantees to all citizens, for instance, socio-economic rights, civil liberties, freedom of religion, the abolition of untouchability and the prohibition of all forms of discrimination among others. He argued for extensive economic and social rights for the depressed classes. In addition to constitutional rights, he eventually won the Assembly's support for introducing a system of reservations of jobs in the civil services, schools and colleges particularly for members of Scheduled Castes and Scheduled Tribes. These measures are popularly known as the 'Policy of Inclusion' that makes endeavours to include the deprived and overlooked classes in the society.

However it is very questionable that to what extent these measures have been succeeded in their teleological tasks. In this way, Ambedkar was a valiant fighter for the cause of social justice and social equality,

[1] . Ambedkar, B. R. 1956. Prospects of Democracy in India. New Delhi: Critical Quest.P.49
[2] . Ambedkar, B. R. 1937. Annihilation of Caste, 2nd ed., Bombay: Education Department. P.65

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and thus known as the leader, liberator, hero, emancipator, representative of the voices of the socially overlooked classes. He fought his entire life for the up liftmen of the depressed classes. He stated in the Constitution Assembly, I know today we are divided politically, socially, and economically.[1] 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. In this way, he explicitly mentioned his commitment for the depressed sections of society. This paper is concerned with the detailed study of B.R.Ambedkar's constitutional vision and its linkages with constitutional developments in India. However, before doing that, it is important to understand the idea of constitutionalism and the conceptualization of B.R.Ambedkar on the same in brief.

Constitutionalism and B. R. Ambedkar

Constitutionalism is different to the Constitution as it is merely not confined to the constitutional text. It talks about past and future of its exercise. Constitutionalism is not all about governance as it also provides contested ideas and practices concerning justice, rights, development and associational autonomy. It is commonly conceived to be the idea that there are legal restraints on the exercise of political authority. It places limits on the state action and conformity with the constitution becomes a guiding principle. B. R. Ambedkar believed that Constitution is not just a written text but it can be an effective tool to ensure justice and equality to all the sections of society especially to the down-trodden sections of society. He wished to achieve several objectives with the help of constitutional provisions and, in fact, certain provisions can be traced which clearly reflects the influence of his vision on the Indian Constitution - the main task undertaken in this paper. However, it is not necessary that both Constitution and constitutionalism exist together, for instance, the Constitution of India gives great importance to Right to Freedom. But an individual even does have right to choose their life partner freely which is most evident in the large episodes of honor killings. This fact can be further observed in the various prevailing religion-based, caste-based and lineage-based customs and practices which have been continued to violating the basic rights of an individual in the post-colonial society.[2]

Constitution in India has been framed in such a way in the post-colonial period that it makes endeavor to fulfill those expectations which were created by its people while they were under the yoke of the Bruisers. Post-colonialist constitutions therefore have an agenda of development and even stand for the social change. Perhaps, this is why Myron Weiner, a well-known constitutional expert, says that the Indian Constitution is more than a set of rules guiding behavior; it is a kind of charter a set of goals and expectations. It is largely regarded a living thing which has continuously remained in the process of accommodating the necessity of time. B.R.Ambedkar, the principal drafter of Constitution, emphatically stated that in a changing society there must be a constant re-evaluation of old values and the Hindus must realize that if there must be standard to measure the acts of men there must also be readiness to revise these standards . He thus strongly believed in the fluid concept of constitution.[3]

While presenting the Draft Constitution to the Constituent Assembly in 1948, B.R.Ambedkar maintained that there was nothing to be ashamed of in borrowing because nobody holds any patent rights in the fundamental ideas of a Constitution. Perhaps, this is why the creators of Indian Constitution took inspiration from both domestic and foreign sources. B.R.Ambedkar had very commitment for the social causes, and he remained committed throughout his life for the deprived sections of society. He was known as the pioneer of the idea of social justice India. He succeeded to arrange certain provisions in the Indian Constitution for ensuring justice to the oppressed sections and creating the just society'. In other words, the Indian constitution challenged the dominant conceptualization of justice, equality and welfare in the post-colonial Indian society which disregard a bulk of the populace who in fact needed it most. Also, it made an effort for transforming the hegemonic understanding of social–order in society as well as establishing the just'and equal'society.[4] Rightly pointed out that the Constitution has prohibited the practices of discrimination, untouchability and forced labor through the horizontal and vertical application of Indian Constituted. The Vision of B. R. Ambedkar. It can be argued, the process of constitution-making in India was greatly shaped by the beliefs of B.R.Ambedkar. In fact, several provisions can be traced from the Indian Constitution which seeks to realize the vision of B.R.Ambedkar which will be discussed in following section. [5]

B. R. Ambedkar: Shaping the Indian Constitution

Dr. B. R.Ambedkar, who chaired the Drafting Committee, is notably considered as the Father of the Indian Constitution'and played a very pivotal role in the constitution-making. Though when the leadership in the

[1] . Bajpai, Rochana. 2011. Debating Differences: Groups Rights and Liberal Democracy in India. New Delhi: Oxford University Press. P.43
[2] . Chatterjee, Partha. 2007. The Politics of the Governed. 2nd ed. Delhi: Permanent Black.P.97
[3] . Jatava, D R. 1965. The Political Philosophy of B. R. Ambedkar. Agra: Phoenix Publishing Agency. P.33
[4] . Jacobsohn, Gary Jeffrey. 2010. Constitutional Identity. London: Harvard University Press.P.73
[5] . Jaffrelot, Christophe. 2005. Dr. Ambedkar: Analysing and Fighting Caste. New Delhi: Permanent Black.P.67

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Constituent Assembly selected him to be the Chairman of the Drafting Committee, B.R.Ambedkar was very pleasantly amazed at the choice and said that came into the Constituent Assembly with no greater aspiration than to safeguard the interest of the Scheduled Castes greatly surprised when the Assembly elected me to the Drafting Committee. I was more than surprised when the Drafting Committee elected me to be its Chairman. This section is divided into two parts. This part presents a detailed analysis of the provisions given in the Indian Constitution which are in a way or other shaped by the social and political philosophy of B.R.Ambedkar. The second and last part outlines the views proposed by B.R.Ambedkar that could not succeed to find their place in the final draft of the Constitution.

Caste-system in India assigns particular sets of functions and roles even before ones birth, and also provides specific economic, civil, cultural and educational rights to one without a freedom to change. It ignores therefore an individual capabilities, preferences and choices. In this regard, the social order prevail in the Indian society provides no entailments, social and economic rights and freedoms to lower castes, and in contrary, gives manifold opportunities, privileges and rights to the higher castes, particularly the Brahmins. Therefore, the fact was much known to the Constituent Assembly that the constitution was going to be introduced in a deeply unequal and discriminatory society. This is probably why its member greatly debated and drafted the constitution with the explicit purpose of dislodging the status.

B. R. Ambedkar, undoubtedly and noticeably, was the man who borne the responsibility to fight against the untouchability 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.[1] B.R.Ambedkar though managed to include certain provisions in the Constitution of India for empowering lower castes, but the fact was much known to him that establishing equal human and civil rights for depressed classes’ was not sufficient in ensuring justice and welfare to them unless it would be accompanied by the legal provisions and safeguards to uphold those rights in the case of its violation and denial. He believed that providing rights to all citizens would not enough because the more powerful, the highly privileged higher classes might be able to deny them to lower strata of society. Law therefore should provide remedies against the invasion of fundamental rights. B.R.Ambedkar said in the Constituent Assembly that all of us are aware that rights are nothing unless remedies are provided whereby people can seek to obtain redress when rights are invaded. Within this background, constitutional remedies have been arranged in the Constitution of India. Article 32 provides the right to all citizens of the country to approach the Supreme Court, if their fundamental rights and constitutional privileges are violated by any state institution or individual. This is perhaps why B.R.Ambedkar considered this provision as the very soul‘of the Constitution and the very heart of it. It is important to note, the Supreme Court later has declared that Article 32 is a part of basic structure of the Constitution.[2]

Governments in Indian Constitution.

The circumstances necessitating the incorporation of certain articles in the Constitution for backward classes have been further explained by B. R. Ambedkar, the Indian Constitution must provide safeguards to prevent castes with their own interests‘ from doing mischief to other helpless castes In this way, it can be argued that B.R.Ambedkar sought to establish the notion of constitutional morality in an independent India which is defined by, a well-known legal scholar and sociologist, Kannabiran as the signposts the inauguration of modernity, of a new social order in the subcontinent, which is distinct both from the colonial order and form the social order prior to colonialism. In additional to these constitutional safeguards, the parliament in 1955 has passed the Untouchability. Act and the same has been comprehensively amended in 1976 for further ensuring justice to low-castes, and later passed the Scheduled Caste and Scheduled Tribe Act, 1989 to prevent atrocities against the members of Scheduled Caste and Scheduled Tribe. [3]

B.R.Ambedkar, the principal drafter of Constitution,

The imagined a society where all citizens would possess equal representation within the state institutions. 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 posed the problem of representation faced by untouchable in India the right of representation and the right to hold office under the state is the two important rights that make someone a real citizen. But the untouchability of the untouchables puts these rights far beyond. The reservations of seats for these sections would have not been imagined in the absence of Dr. B R Ambedkar. This is probably why Alistair McMillan (2005) writes that the retention of electoral reservation for the Scheduled Castes was due to the presence of a powerful spokesperson at the centre of negotiations Dr.B.R.Ambedkar was member of key committees which discussed special

[1] . Kashyap, Subhash C. 2010. Indian Constitution: Conflict and Controversies. New Delhi: Vitarta Publication.P.76
[2] . Kannabiran, Kalpana. 2012. Tools of Justice: Non-discrimination and the Indian Constitution, New Delhi: Routledge.P.45
[3] . Khosla, Madhav. 2013. The Indian Constitution. New Delhi: Oxford University Press.P.232

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representation for the Scheduled Castes Besides, the reservation has also been made in the central and state appointments in the favor of the Schedules Castes and Scheduled Tribes to ensure their adequate representation in the public services on the one hand, and on the other, to provide an additional platform to make their mark in the mainstream society. [1]

B.R.Ambedkar Democracy

Ambedkar held that social union is a necessity to blossom and flourish the democracy in true sense. For that, he suggested the safeguards for the minorities are vital. In democracy, minorities must feel safe. B.R.Ambedkar noted that the suppression and exploitation of minorities in any form is the negation of democracy and humanism. If suppression is not stopped, then democracy degenerates into tyranny. Therefore, B.R.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 a cognizance 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 ethos of democracy at the ground level. In this context, B.R.Ambedkar observed: To give education to those who want to keep up the caste system is not to improve the prospect of democracy in India but to put our democracy in India in greater jeopardy. Article 46 further, as argued earlier, emphasizes his vision which directs the state to take steps to promote the education of the weaker sections most impotently the Scheduled Castes and Scheduled Tribes. The credit also goes to B.R.Ambedkar for the illiteracy programmers and free education up to matriculation guaranteed by the Indian Constitution. different state governments. Later, the Right to Education has become the internal part of the Constitution which is earlier part of directive principles as Article 45. [2]

Indian Constitution

Moreover, in the context of marital relationship, it is imperative to recall article 42 maintained in the initial Draft Constitution, which is submitted to the constituent assembly in 1948 by B.R.Ambedkar, says that, the State shall endeavor to secure that marriage shall be based only on the mutual consent of both sexes and shall be maintained through mutual cooperation, with the equal rights of husband and wife as a basis. The State shall also recognize that motherhood has a special claim on its care and protection. However this article was later dropped from the final draft of the Constitution, and eventually led B.R.Ambedkar to resign from the post of Law Minister in the Nehru Cabinet. He held, despite the fact that the Indian society desperately need to reform widely, the Congress and it leadership seemed to maintain the status-quo. Scholars though argue that were another reasons as well which forced B.R.Ambedkar to resign from the Nehru Cabinet, for a detailed analysis see, Christophe.[3]

Conclusion

Dr B. R Ambedkar, the chief draftsman of the Indian Constitution, played a significant part in the process of constitution-making. He raised the voices of those who had been long remained unheard, and had an intense commitment for the social cause and upliftment of deprived and down-trodden sections of society. Indian Constitution does incorporate the social and political philosophy of B. R. Ambedkar which is most noticeably evident in the various provisions of the Constitution. The Preamble, Part III, Part IV, and Part XVI among others are determined to establish a ―just society by upholding the concepts of liberty, equality, fraternity and safeguarding the unity of the country. As argued earlier, B.R.Ambedkar gave much priority to the principles of equality, liberty and fraternity. For him, it is necessary to ensure equality in our social and economic life at the earliest possible to solve the problem of Hindu society. And fraternity meant a sense of common brotherhood of all Indians. Ambedkar was aware of the fact that people divided into several thousands of castes could not be a nation thus empathized on social union.

These all three principles got significant place in the preamble of Constitution. Part III of the Constitution guarantees a series of fundamental rights to the citizens and some specific provisions have been made to safeguard the special rights and interests of depressed classes. Most importantly, Article 17 is unique in the sense that it has given a blow to the century-old practice of untouchability. It reflects the spirit of the Constitutionthe determination to restore the dignity of the individual and assure fraternity. Untouchability is not only prohibited but it is made punishable by law. Part IV also reflects the conceptualization of B.R.Ambedkar on democracy that is to say, a political democracy should be accompanied with the social and police democracy. Part XVI reserves certain number of seats in the legislature in order to provide political representation to the Scheduled Castes and Scheduled Tribes.

[1] . Mohammad, Shabbir. eds. 2008. Ambedkar on Law, Constitution and Social Justice. Jaipur: Rawat Publication. P.22
[2] . Mukherjee, Mithi. 2011. India in the Shadows of Empire: A legal and Political History (1774-1950), 3rd ed., New Delhi: Oxford University Press.P.32
[3] . Sontakke, Y D. 2004. Thoughts of Dr. Babasaheb Ambedkar. New Delhi: Samyak Prakashan. P.64

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Even today, such incidents are continued to occur in the large numbers across the entire nation, and often reported in the daily newspapers. The Indian state and its institution have somewhat failed to live up to the ethos of its democratic Constitution in general, and the philosophy and vision of B. R. Ambedkar in particular. The social relations between the caste and sub-caste groups are still governed by higher Hindu castes'hegemonic principles which, in turn, keep excluding the depressed classes particularly the Scheduled Castes and Scheduled Tribes sections from achieving the equal status and dignified place in the society. In addition, the rejection of basic necessities like food, water and shelter from the other dominant castes greatly restricts the very basic human right of these communities, that is to say right to live, in the Indian society. Certainly, the Constitution of India comprises the vision of B. R. Ambedkar, which is particularly devoted to the principles of social and economic justice, non-discrimination, liberty, equality and fraternity. However, keeping in mind the growing cases of caste-related.

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