INTRODUCTION

In early September 2001, world television news viewers saw an unusual sight. A delegation from India had come to the United Nations Conference on Racism in Durban, South Africa, not to join in condemnations of Western countries but to condemn India and its treatment of its Dalits (oppressed), as Indians better known abroad as “untouchables” call themselves. The Chairman of India’s official but independent National Human Rights Commission thought the plight of one-sixth of India’s population was worthy of inclusion in the conference agenda, but the Indian government did not agree. India’s Minister of State for External Affairs stated that raising the issue would equate “casteism with racism, which makes India a racist country, which we are not.” (“Indian Groups Raise Caste Question,” BBC News, September 6, 2001.)

Discrimination against groups of citizens on grounds of race, religion, language, or national origin has long been a problem with which societies have grappled. Religion, over time, has been a frequent issue, with continuing tensions in Northern Ireland and in Bosnia being but two recent and still smoldering examples. Race-based discrimination in the United States has a long history beginning with evictions of Native Americans by European colonists eager for land and other natural resources and the importation of African slaves to work the land. While the framers of the U.S. Constitution papered over slavery in 1787, it was already a moral issue troubling national leaders, including some Southern slave owners like Washington and Jefferson. On his last political mission, the aging Benjamin Franklin lobbied the first new Congress to outlaw slavery. Just weeks before the Constitutional Convention, the last Congress of the Confederation passed the Northwest Ordinance. It was, in part, a successful effort to bar slavery by law from a large part of the new nation.

Dr. Babasaheb Bhim Rao Ambadkar was born in 1881 in a family of the depressed class. They were considered untouchability. Dr. Ambadkar was very clever. He was very fond of reading. He went to England and became a barrister. He started working for the upliftment of the depressed classes. Dr. Ambadkar was the chairman of the independent India. He died in 1956 even today he is remembered by the people all over the country.
The correct term used for reservation in the Indian Constitution is Representation. Those who have benefited from reservation and are enjoying the fruits of reservation must first of all understand the true meaning of reservation. It is not given to anyone in his individual capacity. It is given to individual as a representative of the underprivileged community. The beneficiaries of reservations are in turn expected to help their communities to come up. Reservation is a democratic principle to provide representation to the castes hitherto remained unrepresented in the governance of the country. Justice Reddy observed "While we agree that competitive skill is relevant in higher posts, we do not think it is necessary to be apologetic about reservation in posts, higher or lower, so long as the minimum requirements are satisfied." On the other hand, we have to be apologetic that there still exists a need for reservation. Dr Ambedkar said "In every country the intellectual class is the most influential class. The masses are largely imitative and follow the intellectual class. There is no exaggeration in saying that the entire destination of the country depends upon its intellectual class. If the intellectual class is honest and independent, it can be trusted to take the initiative and give a proper lead when a crisis arises. Similarly an intellectual class may be a band of high-soiled persons, ready to help, ready to emancipate erring humanity or it may easily be a gang of crooks or a body of advocates of narrow clique from which it draws its support. Is the Intellectual Class doing this Work? After thorough analysis, it is observed that this intellectual class does not take active part in any such activity of change of system. Not only that, it is also observed that this intellectual class looks at the society, to which it belongs with contempt and keep themselves away from it. Dr. Ambedkar had experienced this, at the far end of his life and therefore on 18 March 1956 at Ramlila Ground, Agra he said with a heavy heart that, "The educated people have betrayed me. I was thinking that after education they will serve their society. But I find that a crowd of clerks had gathered around me, who are engaged in filling their belly". This heart burning is a proof that educated and intellectual class is alienated from the society and is going away from its brotherhood. Because of this reason, atrocities and discrimination have increased on the people living in villages. The class, who was expected to lead the society, became the most obedient servant of the government, and the movement was left for half-hearted and immature people. The reservation policy has no doubt played an important role in the advancement of sc/st. But after almost 60 years of Independence and after becoming self sufficient are the beneficiaries of reservation aware enough or are they enlightened towards their duty towards society or community to which they belong? Are they
paying back to society? If we look at majority of central government, state government or public sector employees who have taken the benefits of reservation the answer is a big "No" Most of the beneficiaries are busy in their daily routine work i.e. office and home. They don't even have time to think about their community as such. Their children are well off, some taking education in best engineering colleges even in payment seats, best management colleges, some working abroad in MNC's. With whatever within their reach, they should have paid back to the world they belong to. Collectively, top dalit bureaucrats, central govt, public sector officers possess more than the required strength to build up their community. Yet nothing is emerging from them. Dr. Ambedkar expected much succor and helps to come from those who used benefits like reservation in acquiring positions in the higher echelons of the power structure. That did not happen at all. Instead large-scale alienation is taking place and they are slowly drifting away from their community to form their own elite class.

Bhimrao Ramji Ambadekar held a prominent position among the twentieth century leaders of India. He was widely read in history, culture and religion. He realized that distortion of religion and misinterpretation of history and culture did more harm to Indian social life than foreign invasions and domination for centuries. Ambadekar took upon himself the task of fighting for religious, social and economic equality in the Indian society. A society is composed of classes always, social, economic and intellectual. An individual in a society is always a member of a class. The most unfortunate characteristic of Hindu society was that classes developed into castes, a parceling into bits of a larger cultural unit. While any civilized society would accept division of labour, Hindu society gave sanction to the division of laborers into watertight compartments. Ambadekar, realized that social stratification of occupations by caste system was a pernicious development. In Hindu society social rules subordinated natural powers and inclinations of individuals. (Babasaheb Ambadekar : writings and speeches, vol.v.p.92.)

Due to his important role in the framing of the Indian Constitution, Dr Bhimrao Ambedkar is popularly known all over India as the chief architect of the Indian Constitution. His efforts to eradicate social evils were remarkable and that is why he is called the “messiah” of the Dalits and downtrodden in India. Dr Ambedkar was appointed the Chairman of the Constitution 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 Constituent Assembly’s support for introducing a system of reservations of jobs for members of the SC and ST. Ambedkar kept the clauses of the Constitution flexible so that amendments could be made as and when the situation demanded. He provided an inspiring Preamble to the Constitution ensuring justice, social, economic and political, liberty, equality and fraternity. The creation of an egalitarian social order, however, remains an unfulfilled wishful thinking to this day.

Dr Ambedkar was not only a learned scholar and an eminent jurist but also a revolutionary who fought against social evils like untouchability and caste restrictions. Throughout his life, he battled social discrimination while upholding 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 the Indian society. He was appointed as the nation’s first Law Minister and was posthumously awarded the Bharat Ratna in 1990.1

On August 29, 1947 Dr. Ambedkar was appointed the Chairman of the Drafting Committee that was constituted by Constituent Assembly to draft a Constitution for 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 Jawaharlal 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. (R. C. Gupta, Indian Political Thought 2001)

Dr Ambedkar played a seminal role in the framing of the Indian Constitution. He used all his experience and knowledge in drafting the Constitution. In his capacity as the 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. Dr Ambedkar’s contribution to the evolution of free India lies in his striving for ensuring justice social, economic and political for one and all. Dr Ambedkar was a strong advocate of the 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 the principles of social democracy. Dr Ambedkar’s social democracy comprised 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 the 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 the federal structure of the Union and States based on the principles of a strong Centre and independent States. Dr Ambedkar also did great service to the nation by proposing the institution of a unified judicial system and common All India Services with a view to strengthen national unity and integrity. (Gurnam Chand, Mainstream, Vol XLIX No 17, April 16, 2011.)

Upon India’s independence on 15 August 1947, the new Congress-led government invited Ambedkar to serve as the nation’s first law minister, which he accepted. On 29 August, Ambedkar was appointed Chairman of the Constitution Drafting Committee, charged by the Assembly to write India’s new Constitution. Granville Austin has described the Indian Constitution drafted by Ambedkar as ‘first and foremost a social document. The majority of India’s constitutional provisions are either directly arrived at furthering the aim of social revolution or attempt to foster this revolution by establishing conditions necessary for its
achievement. 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 the outlawing of all forms of discrimination. (Granville Austin (1999), The Indian Constitution: Cornerstone of a Nation.)

Dr. Ambedkar was not only the champion of the cause of untouchables and depressed classes but that of the women also. He was convinced that for social justice and progress of the nation it was essential that conditions of women should be improved a lot. He stood for the economic equality of women and vehemently pleaded for the spread of women education. The Hindu Code Bill piloted by him, empowered women to equally inherit property. The Bill also included abolition of the doctrine of rights by birth, provision for inter-caste marriage and divorce. But the Bill could not be adopted because of the conspiracy of some higher caste Hindu leaders. In protest Ambedkar resigned from Nehru’s Cabinet on September 27, 1951. In 1946, Ambedkar was elected to the Constituent Assembly. He was elected Chairman of the Drafting Committee appointed by the Constituent Assembly. As Chairman of the Drafting Committee and the Law Minister he strove his utmost to incorporate into our Constitution such provisions as would establish a new social order. The Constituent Assembly adopted Article 17 of the Constitution for the abolition of Untouchability. He took all care to enshrine the progressive ideas and ideals of the National Congress into the Constitution. Generally Ambedkar is known as the Father of the Indian Constitution. Ambedkar was so convinced of the value of our Constitution that he opined, ‘if the Constitution fails we should not blame the Constitution but say that man was vile’. In other words, he believed that the success of the Constitution depends upon the persons who work it.

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 in the civil services, schools and colleges for members of scheduled castes and scheduled tribes, a system akin to affirmative action. India's lawmakers hoped to eradicate the socio-economic inequalities and lack of opportunities for India's depressed classes through these measures. The Constitution was adopted on 26 November 1949 by the Constituent Assembly. Ambedkar resigned from the cabinet in 1951 following the stalling in parliament of his draft of the Hindu Code Bill, which sought to
expound gender equality in the laws of inheritance, marriage and the economy. Ambedkar independently contested an election in 1952 to the lower house of parliament, the Lok Sabha, but was defeated. He was appointed to the upper house, of parliament, the Rajya Sabha in March 1952 and would remain as member till death. (Sadana, Rashmi, eds. (2012). "The Politics of Caste Identity Cambridge University Press. p. 93