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DR. B.R. AMBEDKAR'S IDEAS IN THE MAKING OF THE INDIAN CONSTITUTION

*Dr. L. Rathan Singh

Department of Political Science, Kakatiya University, Warangal.

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*Corresponding Author: Dr. L. Rathan Singh

Department of Political Science, Kakatiya University, Warangal.

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ABSTRACT

Today most countries in the world have a Constitution. While all democratic countries are likely to have a Constitution, it is not necessary that all countries that have a Constitution are democratic. On 29th August, 1947 passing one resolution the Constituent Assembly appointed a ‘Drafting Committee’ with the seven members including Dr. Ambedkar as its chairman for preparing a draft of the Constitution of the independent India. Apart from that he is also remembered for his struggle for justice to the depressed classes, untouchables of the Indian society who were not considered fit to be touched, forget other human rights and claims of equality. He aroused the conscience of the masses and mobilized the depressed classes and brought upon a new dawn for them through his extraordinary compilation of fundamental rights, special provisions for the Schedule Castes and Scheduled Tribes incorporated in the Constitution of India. The draft Constitution prepared by him provided for fundamental rights such as equality before law, of equal opportunities, against exploitation etc, the concepts which were much ahead of that time in the whole world and to a large extent were adopted by the Constituent Assembly. His ideas of governance of the country and the division of power between Union government and the government in the states have been successful for a large and diverse country like India.

KEYWORDS: Ambedkar, Constitution, Drafting Committee, depressed classes, untouchables.

INTRODUCTION:

The Constitution of India came into effect on 26 January 1950 replacing the Government of India Act (1935) as the governing document of India and thus, turning the nation into a newly formed republic. The constitution of India is a written document. It was drafted, debated, and enacted by the Constituent Assembly of India. At present it contains 486 Articles (With Articles and sub Articles) 25 parts and 12 schedules. Till date 104 constitutional Amendment Acts have been instituted. He was the first and foremost leader of the depressed classes, and the struggle of the depressed classes for Human Rights and socio-political equality from the twenties to the fifties of the 20th century is woven round his name. Being elected Chairman of the Drafting Committee, Dr. Ambedkar played a key role in viewing the Fundamental Rights in Indian Constitution.

Today most countries in the world have a Constitution. While all democratic countries are likely to have a Constitution, it is not necessary that all countries that have a Constitution are democratic. The Constitution serves several purposes. First, it lays out certain ideals that form the basis of the kind of country that we as citizens aspire to live in. Or, put another way, a Constitution tells us what the fundamental nature of our society is. A country is usually made up of different communities of people who share certain beliefs but may not necessarily agree on all issues. A Constitution helps serve as a set of rules and principles that all persons in a country can agree upon as the basis of the way in which they want the country to be governed. This includes not only the type of government but also an agreement on certain ideals that they all believe the country should uphold.

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Apart from that he is also remembered for his struggle for justice to the depressed classes, untouchables of the Indian society who were not considered fit to be touched, forgot other human rights and claims of equality. He aroused the conscience of the masses and mobilized the depressed classes and brought upon a new dawn for them through his extraordinary compilation of fundamental rights, special provisions for the Schedule Castes and Scheduled Tribes incorporated in the Constitution of India. The draft Constitution prepared by him provided for fundamental rights such as equality before law, of equal opportunities, against exploitation etc, the concepts which were much ahead of that time in the whole world and to

a large extent were adopted by the Constituent Assembly. His ideas of governance of the country and the division of power between Union government and the government in the states have been successful for a large and diverse country like India. The Constitution of India came into force on 26 January 1950. It honours the date on which the Constitution of India came into effect on 26 January 1950 replacing the Government of India Act (1935) as the governing document of India and thus, turning the nation into a newly formed republic.

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Similarly, the Constitution helps to protect us against certain decisions that we might take that could have an adverse effect on the larger principles that the country believes in. For example, it is possible that many people who live in a democracy might come to strongly feel that party politics has become so acrimonious that we need strong dictator to set this right. Swept by this emotion, they may not realise that in the long run, dictatorial rule goes against all their interests. A good Constitution does not allow these whims to change its basic structure. It does not allow for the easy overthrow of provisions that guarantee rights of citizens and protect their freedom. From the above discussion, you will understand that the Constitution plays a very important role in democratic societies.

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 Ambedkar have influenced the development of constitution-making in India.

Dr. B.R Ambedkar was a great jurist, statesman, philosopher, activist, sociologist, economist, liberalist, social reformer and an exceptional humanist. He has contributed immensely towards the socio- economic development of the nation. His contribution towards nation building is of great importance. As a chairman of the drafting committee of the Indian constitution he has gifted us with the most valued treasure “The constitution of India”. The constitution of India is the bedrock of the socio political system of the country. In this paper an attempt has been made to analyze a few aspects of the Indian constitution like Fundamental Rights, Directive Principles of State Policy, Parliamentary form of government and Universal Adult Franchise etc. from the perspective of Dr. B.R Ambedkar.

The constitution created by Dr. Ambedkar advanced this very idea of social democracy. Most of the articles of the constitution contribute towards making India a social democratic country. In the Draft Constitution Dr. Ambedkar offered more powers to the Centre and made it strong. Justifying the provisions for a strong Central Authority. Dr. Ambedkar said that he made the centre strong not only to ‘save minorities, scheduled caste and scheduled tribes from the misrule of majority’ but also “for it is only the centre which can work for a common end and for the general interests of the country as a whole.” Fundamental Rights Indian Constitution guarantees six fundamental rights to its citizens. Fundamental Rights are discussed in Part III of the Indian Constitution from Articles 12 to 35. They are given to all the citizens irrespective of caste, religion, gender etc. They are six in number.

Features of Fundamental Rights.

1. They are legal nature.
2. They are guaranteed by the constitution.
3. They are individual oriented
4. They aim at providing social welfare and justice for Indians.

1)Right to Equality [Article 14 to 18] :- Article 14 provides equality before law.

- Article 15 says that there shall be no discrimination against any citizen on the basis of caste, religion, gender etc.
- Article 16 provides equal opportunities to all citizens in regard to employment.
- Article 17 abolishes untouchability.
- Article 18 states that no title, excluding a military or academic, shall be conferred (given) by the state

2) Right to Freedom [Article 19 to 22]: - Article 19 This right provides six freedoms like:

1. Freedom of speech and expression.
2. Freedom to assemble peacefully without arms.
3. Freedom to form associations.
4. Freedom to move freely throughout India.
5. Freedom to reside or settle anywhere in India.
6. Freedom to practice any profession.

- Article 20 says that no person shall be punished except for the violation of law.
- Article 21 gives right to life and liberty.
- Article 21 (A) says that state shall provide compulsory and free education to all children between age of 6 to 14.
- Article 22 says that no person shall be arrested without proper reason.

3) Right against Exploitation [Article 23 to 24]:-

Article 23 prohibits sale and purchase of human beings and forced labour. Article 24 prohibits the employment of children below 14 years in dangerous places like factories and mines.

4) Right to Freedom of Religion [Article 25 to 28]:-

- Article 25 gives freedom to practice and promote any religion.
- Article 26 gives freedom to establish institutions to promote religion and acquire property for the same.
- Article 27 says that no taxes are collected to promote any religion.
- Article 28 states that no religious instructions are given in government schools and colleges.

5) Cultural and Educational Rights [Article 29 to 30]: -

- Article 29 gives freedom to preserve and promote their language and culture. Admissions are not denied in government schools and colleges on the basis of religion.
- Article 30 gives right to establish educational institutions of their choice to minorities.

6) Right to Property [Article 31] :- (Deleted Now): Right to property was deleted from the list of fundamental rights through 44th amendment in 1978. Now it is a legal right according Article 300(A).

7) Right to Constitutional remedies [Article 32]: -

This right protects all other rights. Courts protects our rights, if violated, by issuing writs.

1. Habeas Corpus: it means to "provide body".
2. Mandamus: it means "we command".
3. Quo- Warranto: it means "by what authority (or) warrant".
4. Prohibition: it means "to forbid".
5. Certiorari: it means "to be certified".

Restrictions on Fundamental Rights: Fundamental rights are not absolute.

Legislature can impose restrictions and them.

1. Article 352,356 and 360, related to emergency Powers of president are impose certain Restrictions on the fundamental rights.
2. Restrictions except on Articles 20 and 21, all other Articles of Chapter III can be imposed under the following conditions. Ex: - Security of state, relation with foreign States, public order, decency and morality restrictions can be imposed.

FUNDAMENTAL RIGHTS - DR.B.R. AMBEDKAR

One of the greatest gift of Dr Ambedkar was the inclusion of Fundamental rights. In the Draft Constitution the "Fundamental Rights", prescribed were justifiable in the Court of Law. Of all the rights, Dr. Ambedkar observed "Equality of Opportunity" as the most important one. Regarding the constitutional remedies, he characterizes Article 32 as the very soul of the Constitution and the very heart of it. To him, fundamental rights would mean establishment of equality and liberty in order to reform our social system, which is so full of inequalities discriminations, and other which conflict with our fundamental rights. According to Ambedkar "gift of Fundamental rights to every individual is very laudable but the question is how to make them effective. For him the rights would be recognized and enforced only if there is a social consciousness to do the same. The judiciary, the Parliament and the law all together would not come to rescue the fundamental rights if there is an opposition from the community.

The 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 individuals as they are very significant rights relating to the prohibition of discrimination on grounds of religion, race, caste, sex or place of birth etc. 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's, SCs and STs.

Dr. Ambedkar was rather more instrumental in incorporating Article 17 which provides for the 'Abolition of Untouchability' whereby 'Untouchability' is abolished and its practice in any form is forbidden.

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. Though he made an outstanding contribution in framing the Constitution of India, his efforts in enacting the Article 32 in the Constitution which guarantees a citizen the fundamental right to move the Supreme Court directly for enforcement of his or her fundamental rights was a noteworthy one. The rationale was to secure speedy and inexpensive justice to orders or writs in the nature of habeas corpus, mandamus, certiorari etc. or any other appropriate remedy, as the case may be, for the enforcement of fundamental rights guaranteed by the constitution of India.

Dr Ambedkar regarded this provision as "the very soul of the Constitution and Protective Discrimination/Reservation for the people. 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 Articles 15(4), 16 (4) and Article 30 dealing with the protection of minorities are some of the notable examples of Part III and Part XI, and Schedule V and VI dealing with the upliftment of the Scheduled Castes and Schedule Tribes speak clearly about the substantial and significant contribution of Ambedkar for the development of untouchables.

CONCLUSION

Fundamental rights are not absolute, certain restrictions can be imposed on them. In the Draft Constitution Dr. Ambedkar prescribed single citizenship, a single judiciary and uniformity in fundamental Laws to integrate Indian society which was not only divided into caste and class, but also into regions, religions, languages, traditions and cultures. Therefore, a strong Centre was indispensable to maintain territorial integrity and administrative discipline. Dr.B.R.Ambedkar was a social reformer. He wanted to establish a society where every individual is capable of establishing his identity, where he would have equality of opportunity and status. Being a Dalit himself, he had personal experiences regarding the prevailing socio-religious obstacles which a person of a backward class had to face in the society. In conclusion it could be said that due to the untiring effort, dedication and sheer brilliance of Dr. Ambedkar he was able to give to the nation the most valued treasure in the form of the constitution. One of the greatest gift of Dr Ambedkar was the inclusion of Fundamental rights. In the Draft Constitution the “Fundamental Rights”, prescribed were justifiable in the Court of Law.

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