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Available Online At: <http://valleyinternational.net/index.php/our-jou/ijmsci>**The Study of Nature of Dr. Babasaheb Ambedkar's Constitution and its Contribution for Justice, Freedom, Empowerment of Women's and Depressed Strata***Godbole Mahendra Tukaram*

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**Abstract :**

*The present article mainly subjected to focus on Babasaheb's constitutional contribution, women's empowerment and oppressed section by rule of. Dr. Babasaheb Bhimarao Ramji Ambedkar popularly known as Dr. B. R. Ambedkar was born in 1891 was a multifaceted personality, an intellectual revolutionary, a ray of hope for down-trodden in India and a statesman of the 20th century. The father of constitution equates all the citizens on the same platform, this is the only expression of Babasaheb's broad view in all the spheres constitutional foundation this attitude distinguish him from all the constitution makers in the world. He was the beacon of light for the millions of depressed, oppressed and exploited people of India. Dr. B. R. Ambedkar's mission in his life was to challenge the ideological foundations of graded system of caste hierarchy that denied equality, freedom and human dignity to women in Hindu society, but his down documents as the living documents i.e. Indian Constitution brings the equality by the rule of law in this nation. As he defined the constitution in his own language, the constitution is not the mere lawyer's document, it is the vehicle of life, and its spirit is always the spirit of age. Through the constitutional way he gave the freedom and justice to all, and in all spheres of life such as Social Justice, Economic Justice and Political Justice. As architects of the Constitution have made this arrangement of justice very intelligently. There cannot be economic justice and political justice without social justice. Indian Society composed of castes, class's religion and race. There happened the discrimination among Indians themselves on this basis. Therefore, the constitution is bound to cultivate healthy, social attitude among people and the state must be welfare state accordingly. Adaptation and enactment of constitution is biggest social, economical and political revolution in India.*

**Keywords** Dr. Babasaheb Bhimarao Ramji Ambedkar, Justice, Constitution, Empowerment.

**Introduction**

Constitution is a legal document having a special legal sanctity, which sets out the framework and

the principal functions of the organs of the government of a state, and declares the principles governing the operation of those organs<sup>1</sup>. One needs to know the 'Constitutionalism' and

“Constitutional Law” before understanding the philosophy of Constitution of India. Having a Constitution itself is not Constitutionalism. Even a dictator could create a rulebook calling it Constitution, which never meant that such a dictator had any faith in Constitutionalism<sup>1</sup>.

As we know Constitution is not only the legal document but also the grammar of political mariner, but it's also equally true it is inanimate and can't work by itself. Therefore Dr. Ambedkar introduced in Constitution the morals of equality, fraternity and liberty (liberty in articles like Article (14), Equality before law, Article (15) prohibition of discrimination, Article (16) equality of opportunity and Article (17) Abolition of untouchability)<sup>2</sup>.

He narrated “Hardly had the cart gone a few yards when the god-fearing caste Hindu cart man, to this wrath, came to know that the well dressed boys in his cart were the accursed untouchables! In the fit of rage he threw them out on the road as one overturns the dustbins, for he felt they had polluted his wooden cart and destroyed the purity of his domestic animals<sup>3</sup>.

Minister Mr. Atal Bihari Vajpayee on 22<sup>th</sup> February 2000 has asserted that there is no need to alter single word of the Constitution. That Review Committee further came to conclusion that government should strengthen Constitution provisions Report of Review Commission submitted on 31 March 2002 .Chief Justice of India Hon. S.H. Kapadia in his historical speech in delivered on Jan. 9<sup>th</sup>, 2012 in the memory of V. R. Savant Trust and Dr. Babasaheb Ambedkar Marathwada University, Aurangabad advised to the young generation to read Constitution carefully and to apply its principle in their daily life<sup>2</sup>. Our Nation's whole destiny depends upon the faith and worship these values and principles embodied in the Constitution. We have bright

future only when we will follow the path shown by Our Constitution .If we go against Constitution then no one will come to save us<sup>2</sup>. Dr.Babasaheb Ambedkar was born as an untouchable Mahar and like Stalin, in unfavourable social ambience, yet the way he revolutionized the social life in India is unique. Abraham Lincoln united the southern and the northern states of America and for the first time, assuaging the tension between the Blacks and the Whites, laid the foundation of a democratic government in his country<sup>4</sup>. Dr. B. R. Ambedkar not only championed the cause of social justice for the downtrodden and underprivileged sections of Indian society but also worked tirelessly throughout his life to challenge the legitimacy of orthodox Hindu social order that upheld iniquitous gender relations in an institutionalized manner<sup>5</sup>. Dr.B.R.Ambedkar studied extensively the Hindu Shastras and Smritis to find out the root cause of degraded status of women in India. In his article, “The Rise and Fall of Hindu Woman”. The Constitution is a political structure, whether it is written or not and followed or not. They have several functions, i.e.xpression of Ideology: it reflects the ideology and philosophy of a nation state and expression of Basic Law: Constitutions present basic laws which could be modified or replaced through a process called extra ordinary procedure of amendment<sup>7</sup>.

### **Work against discrimination**

Dr. B. R. Ambedkar not only championed the cause of social justice for the downtrodden and underprivileged sections of Indian society but also worked tirelessly throughout his life to challenge the legitimacy of orthodox Hindu social order that upheld iniquitous gender relations in an institutionalized manner<sup>8</sup>.

### **Work for Equality and Women's emancipation**

Dr. B. R. Ambedkar's approach to women's empowerment is entirely different from other social reformers like Mahatma Jyotiba Phule, Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar and Mahatma Gandhi who tried to reform the Hindu society of certain outdated customs and practices without questioning the hierarchical social order and Dr. B. R. Ambedkar's mission in his life was to challenge the ideological foundations of graded system of caste hierarchy that denied equality, freedom and human dignity to women in Hindu society<sup>8</sup>. In January 1928, a women's association was founded in Bombay with Ramabai, Ambedkar's wife as its president. Along with the Depressed Classes Conference in Nagpur in August 1930, women also had their separate conference. In the famous Kalaram temple entry movement at Nasik launched in March 1930, about five hundred women participated in the non-violent Satyagraha and many of them were arrested along with men and ill-treated in jails. To face tortures along with their men, women also organized their Samata Sainik Dal<sup>8</sup>. In his address at the Depressed Classes Women's Conference held at Nagpur on July 20, 1942 under the president ship of Mrs Sulochanabai Dongre in which 25000 women attended, Dr. B. R. Ambedkar said, "I am a great believer in women's organizations. I know what they can do to improve the condition of society if they are convinced. In the eradication of social evils they have rendered great services<sup>9</sup>".

### **Architecture of Constitution of India**

The first meeting of the Constituent Assembly was held on 11th December, 1946, and at this meeting Dr. Rajendra Prasad was elected as whole time Chairman of the committee. The second session of the Constituent Assembly was held from 20-26 January, 1946. Next session of the Committee was held from July 14-31 and another session was held from 20-29 August, 1947<sup>10</sup>. On

29th August, Dr. Ambedkar was appointed as the Chairman of the Drafting Committee. The Committee presented a Draft Constitution on 21<sup>st</sup> February 1948, for consideration of the Assembly<sup>10</sup>. The Draft Constitution finally adopted by the Constituent Assembly on November 26, 1949 and came into force on 26th January, 1950.

### **Provision of Rule of rather than Supremacy of Caste.**

To establish a casteless, classless homogenous society he incorporated chapter III on Fundamental Rights. He did not accept the absolute rights of the people; the rights are under reasonable restriction<sup>10</sup>. He incorporated the Directive Principles of State Policy in chapter IV of the Drafting Constitution. Article 37 to 51 contained the active obligation of the State. The Directive Principles implies social, economic and political justice. According to him, our object in framing this Constitution is really three-fold, namely, (i) to form a political democracy, (ii) to form an economic democracy, (iii) to form a social democracy. He has mentioned the four types of relations between the Union and the States, namely, Legislative Relations, Administrative Relations, Financial Relations and Emergency Relations.

In above said foundation of Indian Constitution Babasaheb Bhimrao Ambedkar shown that he is one of the greatest figures of modern India who liberated a vast section of the Indian people from the debased, dehumanized, irrevocable condition of divine slavery<sup>11</sup>.

That is why he had given top priority to social reforms in India. He organized the suffering masses to fight against the discriminations and social disabilities imposed on them by the Hindu social order. He, therefore, organized Social

Revolution throughout the Nation for the establishment of justice, liberty, equality, fraternity and human dignity on the basis of the thoughts and works of Gautam Buddha, Kabir, Guru Nanak, Mahatma Joytibarao Phule, Chatrapati Shahu Maharaj, Tukaram, Rabi Das and Chokhamela, who laid their life for social equality.

The patriotism of Babasaheb came in to exist in front of the society by foundational constitutional work Bharatha Rathna Dr. Babasaheb Ambedkar was a man of versatile genius, great economist, constitutionalist, social reformist, a political thinker, a champion of downtrodden and above all a great humanist. All through his life he struggled to establish the basic principles - Liberty, Equality and Fraternity in all walks of life in the society. To achieve these he used his mental calibre and followed constitutional methods. His entire life was of great struggle to emancipate the exploited people.

#### **Progress of disadvantaged sections by rule of law in post-independence.**

Even though caste-based discrimination and violence still remains a fact of life in India today, there has been considerable progress for the historically disadvantaged sections of society. Numerous political parties have emerged on the strength of voters from the oppressed sections, and the benefits of education and economic development have also been gradually reaching these sections. The attainment of genuine social equality is of course a gradual process and maybe several generations away, but it was Dr. B.R. Ambedkar who set us on this path with a written constitution. It is not surprising that the invocation of his life and contributions continues to be a major factor in political mobilization, even today<sup>12</sup>. The provisions of Parts III and IV are supplementary and complementary to each other

and not exclusionary of each other and that the fundamental rights are but a means to achieve the goal indicated in Part IV.

#### **Structure and Philosophy of the Indian Constitution**

Though the Indian society is pluralistic but it is united at the time of any foreign threat. In India the person from any religion can become Prime Minister and President. At the time of any natural calamity the people of India help each other. The people enjoys their human right freely. This is only possible because of our Great Constitution. Otherwise in our neighbouring countries we see that Prime-Ministers, Presidents are imprisoned, governments are over thrown by militaries and political powers are captured by anti-social elements. In India, due to Constitution we as Indians remain united, follow patriotism and maintain national unity and integration Hence, Indian constitution as a Unifying factor in Indian Society must be studied properly. The studied person will never fear to any offender or he will defend against mischief of Constitution. The only constitution will able to protect every individual's rights. The Preamble of Indian Constitution is the most important part which incorporates together the Fundamental Rights and Directive Principles as well as the aims and ideals of the constitution. The philosophy of the constitution is nothing but the values, ideals, aims, objectives etc as the foundation on which it stands up. Dr. Rajendra Prasad was unanimously elected as the President of Constituent Assembly. On 9th December 1946, Pt. Jawaharlal Nehru moved the "Objective Resolution" which was unanimously acclaimed and adopted on 22nd January 1947 by the Constituent Assembly.

#### **Constitutional guarantee for Justice: Social, Economic and Political Freedom**

Preamble is the abstracted form of biggest constitution in the world, it speaks on 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 the Individual and the unity and integrity of the Nation; IN OUR CONSTITUENT ASSEMBLY this Twenty sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION". Now we have to elaborate the Preamble word to word as values, ideals, objectives and philosophy. WE THE PEOPLE OF INDIA means it is the people of this country adopt and enact the constitution, a legal body for themselves. On behalf of the people, the founding fathers and chief architect of the Constitution Dr. B. R. Ambedkar prepared this document of Constitution. They are not themselves adopting and enacting but the people are the major body to frame the constitution. They are the representatives of the people and its people who are resolving to constitute India.

### **Sovereign , Socialist, Secular, Democratic Republic**

The people of India constitute India into sovereign nation. The term, SOVEREIGN means free from any internal or outside control. It suggests that the constitution is not the gift of the British Parliament and the people of India are capable of framing the legal body of their own for them. For this purpose they have sent their representatives to the parliament i.e. the Constituent Assembly. There is no any limit or any restrictions on the people of India to frame the constitution for themselves. The term , "SOCIALIST" was not the

part of the Preamble in 1950 but was inserted in it by 42<sup>nd</sup> Constitutional Amendment Act, 1976. Socialist means that the Indian masses aim to build an egalitarian society in India, prevent concentration of wealth, bring about social control over means of production and ensure equitable and fair distribution of necessities in life. This term is related to the Socialism of Marx but in partial ways. Every citizen will have the right to earn his livelihood and also improve his standard of living. The term , SECULAR also was not the part of the Preamble in 1950. By the Constitutional Amendment Act, it was inserted in the preamble. The term secular emphasizes the fact that the Indian State does not have any State religion and grants complete freedom of worship and faith to all its citizens. It does not encourage or discourage or discriminate against any particular religion. It indicates the fact that the state is neutral in all religions matters and the rights of citizens are independent of the faith they profess. The spirit of secularism is fully reflected in Article 25 of the constitution which ensures freedom of conscience and right to freely profess, practice and propagate one's own religion. According to former President of India R. Venkanta Raman, Secular India means "India is not pro-religious, non-religious and anti-religious". The term 'DEMOCRATIC' in the narrow sense refers to the form of Government which is elected by the people on the basis of Universal Adult Franchise. In a broader sense, it refers to a way of life of the people and numerous social organizations. Indian Government is based on a representative Parliamentary democracy in which the Government is responsible to the Sovereign Legislative Body. There are various forms of democratic government such as Presidential (USA), Kingship (England, Australia, and New Zealand) and Parliamentary democracy of which India has adopted parliamentary form of government. The term, REPUBLIC stands for that

the Head of the Indian State will be elected head and not the hereditary ruler by Kingship. It also means that the Supreme Powers of the State are vested in people and in the authority of the elected representatives of the people. The term Republic also implies that all public offices are open to all citizens without any discrimination.

### **Justice, Liberty, Equality and Fraternity:**

Further, the preamble lays emphasis that the Indian citizens should get justice in three forms such as Social Justice, Economic Justice and Political Justice. The architects of the Constitution has made this arrangement of justice very intelligently. There cannot be economic justice and political justice without social justice. Indian Society composed of castes, classes religion, race. There happened the discrimination among Indians themselves on these basis. Therefore, the constitution is bound to cultivate healthy, social attitude among people and the state must be welfare state accordingly. The social justice can be realized only "when equals to be treated equally and unequally unequally" according to Aristotle. The next step of justice which preamble secure for the Indian people is Economic Justice. Every citizen of India has right to live and earn his livelihood. They must be made available, employment opportunities taking in view social justice. The Directive Principles of State Policy makes it clear that no discrimination would be made between persons on the basis of their economic status. The state is expected to enact laws and translate the concept of social and economic justice into reality. Political Justice is only possible when there is realization of social and economic justice. Previously in India and many countries of the world were giving voting rights to only those who are rich by wealth and the high in social status. But the Indian constitution has conferred on all the Indian adult citizens the Universal Adult Suffrage without any

discrimination of caste, race, religion, sex, wealth, status, etc. The Indian citizens have got one vote and one vote one value which is very significant for political justice. Thus the concept of social, economic and political justice contained in the preamble aim at furthering the goal of social revolution and attempting to foster this revolution by establishing the conditions necessary for its achievement. The preamble contains that liberty is secured for the Indians, which is of thought, expression, belief, faith and worship. The constitution of India secure for its citizens the liberty that everyone without any bias will have the right to think and express his own views which will not harm others liberty. They can convert to any religion, can worship any god and goddess or believe in any kind of philosophy they want. That is how the six kinds of freedoms are provided in the Constitution. The preamble contains that liberty is secured for the Indians, which is of thought, expression, belief, faith and worship, Make laws and make provision for reservation of jobs or posts in favour of any backward class of citizens. This provision also promotes the cause of justice by providing protective discrimination to those class of peoples who have suffered due to historical circumstances of casteism. This is what unequal's to be treated unequally that is justice. The preamble also provides that the Constitution is bound to promote among the Indians the fraternity which assures the dignity of the individual and the unity and integrity of the nation. In the words of Chief architect of Constitution Dr.B.R.Ambedkar, "Fraternity is a sense of common brotherhood and the principle which gives unity and solidarity to social life. He further says "Without fraternity, equality and liberty will be no deeper than coats of paints". Therefore, one has to take liberty, equality and fraternity not as separate objectives but as forming a union of trinity in the sense that to diverse one from the other was to defeat the very

purpose of Democracy. The founding fathers of our constitution studied the various constitutions available in the various countries of the World and picked up the selected principles which would be suitable to Indian social-political, economic, cultural, religious conditions. The Constitution of India has provided the Indian citizen the best of the things for leading a happy and peaceful life.

### **Application of Constitution and Women's empowerment**

Constitution is known as living documents. The vision of Dr. Ambedkar about women is explicitly depicted in Indian Constitution. Equality of sexes is strongly backed by the constitution through articles 14, 15 and 16. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. He laid down the foundation of social justice and there can be no social justice without gender equality<sup>13</sup>. In his paper on "Caste in India: their mechanism, genesis and development", Dr. Ambedkar described how women were treated cruelly by the way of sati, The social evils regarding women in Hindu religion as well as in Muslim society were highlighted by him. As a researcher, Dr. Ambedkar extensively studied the position of women in both the religion (and also in the other religions) and thrown light on denial of rights to her and ultimately the status of individual. He stated that the consequences of purdah system on Muslim women were that it deprives her of mental and moral nourishment<sup>13</sup>.

### **Fundamental Rights**

There various kinds of rights have been include as the architect by Babasaheb Ambedkar in our biggest document as in our constitution, which are protecting specially to the depressed classes and women's.

### **Equality before law.**

The father of constitution equates all the citizens on the same platform, this is the only expression of Babasaheb's broad view in all the spheres constitutional foundation this attitude distinguish him from all the constitution makers in the world. According to 14<sup>th</sup> article of the constitution the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Article 15 Prohibits of discrimination on grounds of religion, race, caste, sex or place of birth, article 16 equality of opportunity in matters of public employment, article 17<sup>th</sup> prohibits any form of untouchability.

### **Conclusion**

Our Nation's whole destiny depends upon the faith and worship these values and principles embodied in the Constitution. We have bright future only when we will follow the path shown by Our Constitution. The Constitution of India have provided the Indian citizen the best of the things for leading a happy and peaceful life no other constitution in the world wrote the long drawn documents to secure their citizen's rights other than Babasaheb's constitution. Now it is our moral duty to update about the constitutional amendments. As per the opinion of some constitutional and polity textbook author's Janta government did many mischief with our constitution.

These documents are the living documents in the affirmative form for the best of their people.

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