

**Impact  
Factor  
3.025**

**ISSN 2349-638x**

**Refereed And Indexed Journal**

**AAYUSHI  
INTERNATIONAL  
INTERDISCIPLINARY  
RESEARCH JOURNAL  
(AIIRJ)**

**Monthly Publish Journal**

**VOL-IV**

**ISSUE-V**

**MAY**

**2017**

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**Dr.B.R.Ambedkar's Analysis of Some Principles Underlying the Constitution of India****Maroti Chandu Gawalwad**

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**Introduction:**

Dr.Babasaheb Ambedkar's great contribution is in the drafting and framing of the Constitution of India. While answering the questions, to the various members of the constituent assembly, related to the Draft Constitution of India, various principles revealed by Dr. B. R. Ambedkar which are underlying the Constitution of India. In this paper efforts have been made to study some important principles which have been analyzed by Dr. Ambedkar. For him, the Constitution has given the Parliamentary Democracy means the One Vote, One Value. He is one of the greatest supporters to the liberty, equality, fraternity and justice.

**Conditions for the Democratic Executive:**

Parliamentary democracy is very valuable to Dr. Babasaheb Ambedkar. According to him, "a democratic executive must satisfy two conditions – (1) It must be a stable executive and (2) It must be a responsible executive...which can ensure both in equal degree. Where the Parliamentary system prevails, the assessment of responsibility of the executive is both daily and periodic...The draft constitution in recommending the Parliamentary system of Executive has preferred more responsibility to more stability. The daily assessment is done by members of parliament, through Questions, Resolutions, No Confidence Motions, Adjournment motions, and Debates on address. Periodic assessment is done by the electorate at the time of the election which may take place every five years or earlayr."<sup>1</sup>

**Two Form of the Constitution:**

According to Dr. Ambedkar, two principal from the constitution are known to history – One is called Unitary and other Federal. The two essential characteristics of a Unitary Constitution are:

- (1) The supremacy of the Central Polity and
- (2) The absence to subsidiary Sovereign Politics.

Contrariwise, the two essential characteristics of a Federal Constitution are:

- (1) By the existence of the Central Polity, and subsidiary politics side by side,
- (2) And, each being sovereign in the field assigned to it.

In the other words Federation means the establishment of a Dual Polity. The draft constitution of India is Federal Constitution inasmuch as it establishes what may be called a Dual Polity.<sup>2</sup> Further he stated that the Constitution of India is unitary as well as federal.

**Indian Constitution- Unitary as well as federal:**

A valuable principle has been laid under the Constitution of India is the flexible federation. India is the Union of States. It is not the result of an agreement among the States. And no State has right to go out from the Union. It remains indestructible.

According to Dr. Ambedkar, the Indian Constitution can be 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<sup>3</sup> then he stated that there are two weaknesses from which Federation is alleged to suffer. One is rigidity and other is legalism. That these faults are inherent in federalism, there can be no dispute. Federalism has to be a written and rigid constitution. The draft constitution has added new ways of overcoming the rigidity and legalism inherent in federalism. In assuaging the rigour of rigidity and the legalism the draft constitution follows the Australian plan of a far more extensive scale than has been done in Australia. Like the Australian constitution, it has a long list of the subjects for Concurrent power of the legalization. The authority of the Indian Parliament as proposed the draft constitution will extend to 91 matters.

In this way the draft constitution has secured the greatest possible elasticity in its federalism which is supposed to be rigid by nature. Its distinguishing feature is that it is a flexible federation<sup>4</sup>.

**Combination of Diversity and Unitary:**

Then a valuable principle has been laid under the constitution of India is the combination of diversity and unitary. According to Dr. Ambedkar, the federation will be based on divided authority and uniformity. The means adopted by the Draft Constitution are three:

- (1) A single Judiciary,
- (2) Uniformity in fundamental laws, civil and criminal, and
- (3) A common all-India Civil Services to all man important posts.

According to Dr. Ambedkar the Constitution of India is this combination of the diversity and unitary<sup>5</sup>. He thought the constitutional morality is necessary to the smooth working to the constitution.

**Constitutional Morality:**

Dr.B.R.Ambedkar said, Constitution Morality is necessary for smooth working to the constitution. The Draft Constitution has discarded the village and adopted the individual as its unit. The Constitutional Morality in Indian context, is his words,

"...One is that the form of administration has a close connection with the form of the administration. The form of the administration must be appropriate to and in the same sense as the form of the Constitution. The other is that it is perfectly possible to prevent the Constitution, without changing its form by merely changing the form of the administration and to make it inconsistent and opposed to the spirit of the Constitution... The Constitutional morality is not a natural sentiment. It has to be cultivated. We must realize that our people have yet to learn it. Democracy in India is only a top-dressing on an Indian soil, which is essentially undemocratic.

In these circumstances it is wiser not to trust the legislature to prescribe forms of administration. This is the justification for the incorporating them in the Constitution".<sup>6</sup> He believed in the Constitutional morality is not a natural sentiment and it has to be cultivated. He justified incorporating the appropriate administration in the Constitution. Strongly believing in Constitutional Morality he stated, "If things go wrong under the new Constitution, the reason will not be that we had a bad Constitution. What we will have to say is that man was evil."<sup>7</sup> And he explained the distinction between the fundamental and non-fundamental rights.

**Fundamental and non-fundamental rights:**

Dr. B. R. Ambedkar explained the difference between the fundamental and non-fundamental rights. According to him the fundamental rights are not absolute it permits the State directly to impose the limitation upon it, but is the gift of law. In his words,

“It is incorrect to say that fundamental rights are absolute while non-fundamental rights are not absolute. The real distinction between the two is that non-fundamental rights are created by agreement between parties while fundamental rights are the gift of law. Because fundamental rights are the gift of the States it does not follow that the State cannot qualify them...What the draft Constitution has done is that instead of formulating fundamental rights in absolute terms and depending upon our Supreme Court to come to the rescue of parliament by inventing the doctrine of the police power, it permits the State directly to impose the limitation upon the fundamental rights...The fundamental rights are not absolute.”<sup>8</sup> With the fundamental rights directive principles are very important. Dr. Ambedkar called the directive principles as instruments of instructions.

**Directive Principles as Instrument of Instructions:**

The Constitution of India has been included the Directive Principles of the State. On the 4<sup>th</sup> November, 1948 in the discussion on the Draft Constitution or the first reading of the Constitution, Dr. B. R. Ambedkar analyzed the ideas behind the Directive Principles. He stated that these Directive Principles also have come up for criticism. It is said that they are only pious declarations. They have no binding force. This criticism is of course superfluous. The Constitution itself says so in so many words.

In this argument further he explained, “If it is said that the Directive Principles have no legal force behind them, I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all. Nor am I prepared to concede that they are useless because they have no binding force in law...What we are called the Directive Principles is merely another name for instrument of Instructions...But whoever captures power will not be free to do what he likes with it. In the exercise of it, he will have to respect these instruments of instructions which are called directive principles. He cannot ignore them. He may not have to answer for their breach in a Court of Law. But he will certainly have to answer for them before electorate at election time. What great value these directive principles possess will be realized better when the force of right contrive to capture power.”<sup>9</sup>

These Directive Principles are not binding by law but policies have to make according to this. These are the instruments of instruction. They cannot ignore them who are in the power. They answer to the election time. He said that Directive Principles is a novel feature in a Constitution framed for Parliamentary Democracy. He wanted to give the democratic mechanism of government and democratic social way of life. His Socialism has essential features.

**Essential features of his socialism:**

Dr. Ambedkar opposed Gandhism and Marxism because he believed that both of these ideologies could not free the individual from the tyranny of the society. He says that suffering is not only the result of economic exploitation but also social and religious exploitation. Ambedkar also thought that the industries should be nationalized gradually by the way of democracy. And his proposal was the establishment of socialism is possible avoiding the demerits of dictatorship. The dictatorship of proletariats was proposed by Karl Marx, but Dr. Ambedkar is one of the greatest democrats.



**To achieve the essential features of socialism, he advised as following:**

Condemnation of the present order of society and economic inequality, advocacy of one man, one value and one vote, achievement of state socialism and parliamentary democracy, acceptance of the fact that presents immoral social order is due to the attitude of Hindu and their Varnashrama, a widespread desire to change the social and economic order, for, unless we are surcharged with a will to practice the gospel, we will not succeed, a program of actions leading to the ideal to be achieved through constitutional means only; and, a revolutionary will establishing social democracy to carry out the program social solidarity.<sup>10</sup> He wanted to abolish the Zamindari system.

Dr.Ambedkar proposed the State-Socialism but the decision left to the people and gave the liberty to choose to the form of social organization.

**Liberty to choose to the form of social organization:**

Dr. Ambedkar is one of the greatest Democrats across the World. He did not want to impose any form of social organization on the Indian people. And it left to be decided by the people according to their need. For him, "What should be the policy of the State, how the society should be organized in its social and economic side are matters which must be decided by the people themselves according to time and circumstances. It cannot be laid down in the Constitution itself; because that is destroying democracy altogether...It is perfectly possible today for the majority of the people to hold that the Socialist organization of the society is better than the Capitalist organization of society. But it would be perfectly possible for thinking people to devise some other form of social organization of today or of tomorrow."<sup>11</sup> Dr. Ambedkar stated the meaning the State in the context of India. "The State includes the Government and the Parliament of India and the Government and the Legislature of each of the States and local and other authorities within the territory of India."<sup>12</sup>

In the discussion on the Draft Constitution he said that there was almost possible to introduce the Socialist organization of society for India but it would be destroying the democracy. So he was one of the greatest democrats. He takes the side to people liberty to choose to the form of social organization. But object of economic democracy was behind this.

**Object of Economic Democracy:**

According to him our object in framing the Constitution of India is really two-fold: one is to lay down the form of political democracy and other, laying the ideal of economic democracy. And also to prescribe that every Government whatever, it is in power, shall strive to bring about economic democracy...<sup>13</sup> the way is political democracy and the ideal economic democracy.

**Conclusion:**

Dr.Ambedkar's concern is to establish the liberty, equality, fraternity and justice in India. He proposed the various important principles to the smooth working for the constitution of India. If the Constitutional Morality might be followed carefully then the result of the working of the Constitution will be very well than now in India.

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