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## The Historical Process of the Making of the Indian Constitution and the Role of Dr. B. R. Ambedkar

Prof. (Dr.) Ravi Prakash 

*Department of History, Chaudhary Bansi Lal University, Bhiwani, Haryana*

### ABSTRACT

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The making of the Indian Constitution represents a transformative phase in India's democratic evolution, reflecting the vision of its chief architect, Dr. B. R. Ambedkar. Rooted in the long struggle for freedom, the Constitution embodied ideals of justice, liberty, equality, and fraternity, aiming to establish a sovereign, socialist, secular, and democratic republic. Ambedkar's commitment to social justice and the upliftment of the marginalized shaped the constitutional framework, ensuring equality before law, protection of fundamental rights, and safeguards for minorities. The Constituent Assembly debates and the drafting process under Ambedkar's leadership reflected deep engagement with global democratic traditions while addressing India's unique socio-political realities. The Constitution, adopted on 26 November 1949 and enforced on 26 January 1950, remains a living document, continually inspiring reforms and sustaining the democratic ethos of modern India.

**Keywords:** Indian Constitution, Dr. B. R. Ambedkar, Constituent Assembly, Social Justice, Democracy, Fundamental Rights, Constitutional Drafting, Equality.



### Introduction

India possesses perhaps the world's most complex and comprehensive written constitution. Its adoption established a democratic polity and public order in this vast subcontinent of numerous contending polities and diverse societies. The Constitution remains under strain on many fronts—ideology (federalism, secularism, democracy), territory (parts of Jammu and Kashmir), identity (linguistic, ethnic), and religion (Hindu-Muslim-Ram Mandir)—yet the vision enshrined in it remains an enduring reference point and point of

departure. The tryst with destiny remains unfinished, so the constitutional history is not yet closed. Before tracing the making of the Constitution, it is necessary to delineate the constitutional moment in India's freedom struggle and to set forth the foundational principles that were regarded as non-negotiable by the architects of post-colonial India (Ambekar, S., 2023).

### **The Constitutional Moment in the Indian Freedom Struggle**

The last phase of the Indian freedom struggle is commonly regarded as the constitutional moment of the protracted historic process of nation-making and building. The colonial state acceded to national demands for representative governance in 1919, the grant of provincial autonomy was followed by the commencement of a constitutional debate over the instrument of state and the character of the ownership and distribution of power. The distinction between colonial state and representative governance was made clear by two events of 1928, first, the submission of the Motilal Nehru report and second, the announcement of the Simon commission. Dr. Ambedkar, in 1934, expressed the view that under the Government of India Act 1935, the British government had conceded a degree of economic and political autonomy far greater than under any previous constitutional scheme. The transfer of power to a fully self-governing country became the primary demand of the national movement and the concluding phase began with the formation of the first parliamentary commission to fix the basic framework and principles for the future constitution (Kashyap, S. C., 2011). The working committee of the Indian National Congress in November 1942 further reiterated its resolve to make India into a sovereign democratic republic and spelt out its approach and basic constitution for the consideration of the British government and the Constituent Assembly, when convened, while the All-India Muslim League ended the decade of constitutional discussions of 1940. The acceptance of the Cabinet Mission Plan triggered several decisive developments, while the British declined to call for general elections after June 1945, virtually coinciding with the end of World War II and the preparations for the Rashtriya Swayamsevak Sangh Constituent Assembly to convene on the first Monday of December 1950 (Seervai, H. M., 1995).

### **The Drafting Imperatives and Foundational Principles**

The 1935 Government of India Act was the Indian people's first step towards constitutional determination. The Act was inconsistent and ineffective, and many Indians saw the provisions as inadequate. The introduction of a 400-member Constituent Assembly for British India and a 60-member Constituent Assembly for the Princely States was a result of the historic meeting between Indian leaders and the British Parliament's delegation, featuring a unilateral declaration of India's independence. A resolution outlining the responsibilities of the Assembly was adopted on December 4, 1946. The September 29, 1947, resolution proposing minority rights became a controversial topic. (Galanter, M., 2024). Nearly all aspects of Hindu-Muslim unity were abandoned, and a substantial section of the Assembly wanted to adopt the resolution.

Ambedkar maintained that all communities were capable of independent cultural development, and the question should be whether any community desired special individual rights that the Constitution could guarantee. If the Assembly were to take national integration seriously, Ambedkar argued that minority rights must be better thought through. The Assembly decided to adopt a constitution for the entire country. However, no one was certain when a full Constitution could be granted. The British made it clear that they would have nothing to do with the subcontinent and that they would depart on the last train, leaving the next government to choose its own Constitution (D. Joshi, 2013). The founding fathers decided to adopt certain features of the Constitution of Government of India, which the British had announced during their connexion with the subcontinent.

### **The Constituent Assembly: Composition, Debates, and Deliberations**

The Indian National Congress was not alone in demanding independence. The Muslim League, leftwise parties, and various regional political fronts pursued their objectives through different fora and ideologies. Nonetheless, a remarkable consensus emerged during the 1928-1947 period on the broad framework of the future State and the essential amendments to the Government of India Act of 1935—the only Constitution India ever lived under—which would regulate the framing of a Constitution to be adopted in due course. The process ultimately culminated in the setting up of the Constituent Assembly elections in 1946 and the convening of the Assembly itself in 1947 (Chander, P., 2022).

Powersharing under the old constitution based on representation by religion and compound majorities was inadequate and unworkable, even in 1946, according to all. Two generations were to be spanned under the amendment provisions identified: (i) the nation had not yet emerged from colonial status—in fact it was on the verge of an interim government—but the outer framework so recognizably Indian was to be adopted for long-range evolution and (ii) The proportionate task of the Constitution had not yet been completed. Consensus also existed on other specific issues which included a preamble proclaiming India as independent, sovereign, and secular; the location in the Constitution of a fundamental rights chapter including the rights of minorities; and the provision of constitutional guarantees against discrimination, un-enumerated rights, and remedies (Banerji, O., & Mishra, N. 2024, August 3).

Further national reflection on the required and more radical changes subsumed the transitional problems and led to the conclusion that the existing Government of India Act and its extensive connection with the British Parliament should be retained, pending independence, but with three essential changes designed to encourage greater provincial autonomy and control: abolition of Punjab District boards, elimination of reservations; and removal of the Central Government's authority to establish such boards.

### **Dr. B. R. Ambedkar: Early Life, Ideals, and Path to Draftsmanship**

The emergence of Dr. B. R. Ambedkar's constitutional philosophy has perplexed scholars and admirers alike. Ambedkar served as, worked at several elite educational institutions domestically and abroad, and trained as a lawyer and a jurist before the establishment of India's constitution. His enigmatic constitutional philosophy is often viewed with skepticism and uncertainty. He demanded social justice even in a highly hierarchical society, sought to promote the interests of the marginalized, contended with caste and social discrimination, and suffered immense discrimination and humiliation. Ambedkar did not believe he was fighting for the poor and an egalitarian society, nor did he ever hold that liberty was the original condition of man. His dictatorship was a totalitarian imposition on society (Seervai, H. M., 1995). He sought to win a majority despite a minority status, especially during his initial period in the assembly. Behind this apparent paradox is a personal life deeply rooted in systematic and well-ordered concepts. The making of the Constitution of India and the selection of Ambedkar to serve as its maker are crucial issues in contemporary debates concerning social justice in India and the status of the socially, economically, and politically weak.

### **The Drafting Process: Committees, Discussions, and Contentions**

The struggle for independence continued to gather momentum under the leadership of Congress and other organisations. The Second World War, which had started in 1939, had made certain changes in Indian polity. The Government of India Act, 1935 had provided for self-governing institutions in the Provinces. Political Parties like Congress, Muslim League and others had come to power. It gave the Indians a self-governing power in the Provinces but centre was still under British Rule. The problems in the Country had increased and The Indian National Congress, in 1942, put forth the demand for complete independence as per the objectives laid down in the Lahore Resolution of 1940. The British was adamant to keep the powers to itself. A delegation was sent to London in 1945, but to no avail. An option was still left. Another delegation was sent in July, 1946. The day before the well-prepared meeting was supposed to take place the constituent assembly was declared (Raj Sirswal, D., 2016).

The British Prime Minister, Mr. Clement Attlee, announced on 20th February, 1947 the intention of transferring power to India. A few days later on the 16th of May, he appointed a Cabinet Mission to transfer power to India. Also, a clear understanding was done to outline the objectives and procedure to be adopted for transferring the power to India. For the first time the Indian rulers were also included in the discussion, apart from the Indian Parties. The Constitution Drafting Committee, under the Chairmanship of Dr. Ambedkar was constituted soon thereafter. The aim was to prepare a draft freedom constitution to be placed before the assembly after the future of India was settled. The Drafting Committee had the following objectives (Bhargava, R., 2008).

1. It was to frame the present constitution of India, specify and define clear cut principles that would govern the functioning of a democratic state and society thereafter.

2. To lay down the basic rights and freedom of the people of India. Importantly, to see that there would be no discrimination on basis of caste, creed, inclination or on ladies even though these were already laid down in the British Government Act of 1919.

3. To see that the fundamental rights laid down the broad measures to grant social justice to all sections and castes of the society and safeguard these efficiently.

4. To prepare a draft of some of the articles of the constitution to be laid before the assembly.

5. To look broadly into the draft Constitution prepared earlier by Nath Panth while they were dealing with the task of the drafting and make necessary changes. (D. Joshi, 2013)

It was Dr. Ambedkar who pioneered the constitutional principles of equality addressing the various social injustices existing in the different strata of the Indian citizens. The demand for writing a new constitution was made soon after independence was obtained.

### **Fundamental Rights, Duties, and the Role of Social Justice**

The Constitution's emphasis on Social Justice is rooted in the inequalities existing in society, which motivated Dr. B. R. Ambedkar to advocate for Rights and Duties designed in the greater interest of society. Independence brought Freedom, but it did not allow millions of people to access their Rights (Raj Sirswal, 2014). The Drafting Committee drafted a Constitution on the basis of these dangerous conditions prevailing in society. To create a just society, Ambedkar, through the Constitution, recognized Rights, Duties, and added Justice as a key component (Sampatkumar, 2015).

Social Justice implies the assurance of Equality, Fraternity, Liberty, and Justice that has not yet been accessible. Its essence has been summarized as the Right to be Treated as Equal, without any Discrimination. Constitutional provisions prohibiting Un-touchability, Forced Labor, and the Protection of the Depressed Classes reflect Ambedkar's commitment to Social Justice. The drastic emphasis on Secularism has led to temporal issues with religion, such as changing the Marriage Age for Girls within the Indian Constitution, and therefore a Perpetual Reservation for roles in the Government was deemed necessary.

### **Federal Structure, Secularism, and the Plural Society**

The World War II had far-reaching consequences for the world. It saw the emergence of new power blocs, the weakening of the colonial regimes in many parts of the globe, the emergence of the movement for independence in many colonial societies, the strengthening of the struggle for independence in many colonies, and the emergence of several colonies into independent states. Consequently, the world began to pay deeper attention to the concept of independence. The same was true for India and Indian society was gradually getting united against the British on the basis of the Atma-shakti and Atma-samman. Therefore, there was an awakening among the masses about the need for independence (Khoth, N. K., & Purohit,

Y., 2021). Consequently, several political processes were activated to remove the British statutory and constitutional pressure on the Indian society, such as the formation of all-India groups of nationalist and anti-nationalist process the Civil Disobedience Movement and several others. Therefore, it was inevitable to again embass the colonial power in India for every constitution, convention or statute.

The proposal by the British to bequeath and transfer its power to the Indian society and masses through the constitution on the 20th of February, 1947 was therefore taken into cognizance by the Indian political class and many political conferences began to be held at the all-India tier to arrive at a constitutional framework and statutory frame for the governance of the country. The very first meeting of the Indian National Congress as the first and primary party with reference to the same was held in July of 1947 and it also devised the basic principles of the constitution which should be an instrument of governance in the independent country. All the drafts of the Constitutions were deliberated in the various conferences and only the consensus of the Congress draft was taken into cognizance and endorsed by all the parties thereafter. The process of discussions, debate, individual meeting and exchange of views was even (Joshi D., 2013).

### **The Preamble, National Unity, and the Vision for India**

The drafting committee adopted the preamble on December 9, 1946, after much debate, and it remained unchanged. To take the common masses together to build the nation a feeling of national unity is paramount, and then expressing the vision of the framers was necessitated, and the inclusion of the preamble in the constitution became a hallmarked necessity. The significance of the term 'unity' in the context of Indian diversity came to be highlighted by the drafting committee, which gave special emphasis to the word. India had a great variety of races, languages, religions, and customs, and all were put together and still called India (Sirswal, R. D., 2016). It was sought that the image of the country conveyed an impression of oneness despite the diversities existing on its soil.

A sense of equality was desired within the masses in order to attain national unity. To make people not differentiate with each other and inspire people and that creating opportunities to people were the real visions of the framers, and these aspects were added in the preamble as 'justice, liberty, equality and fraternity' as stated by Ambedkar. When people have these four fundamental rights in their own country with guarantee and safety assured to them a national unity was expected to emerge amongst them to the positive manner, and that was the socialistic and democratic vision of constitution maker Ambedkar (Cambridge University Press, 2022).

### **Subsidiary Provisions: Citizenship, Directive Principles, and Emergency Provisions**

In the historic debate on the draft Constitution on June 16, 1949, Ambedkar delivered his final speech in the Constituent Assembly, outlining the essence of both the Constitution and of India's fundamental, inalienable rights upon which the Constitution is based. "If I am asked to name any particular article in this Constitution as the most important," he remarked,

"I would without hesitation point out Article 32, which provides the right to constitutional remedies. It is the soul of the Constitution and the very essence of its democratic way of life, because the enforcement of the fundamental rights by the citizens is the foundation of the Constitution." Ambedkar further observed that "democracy is not only a form of government; it is essentially a form of social organisation" that entails equality, political liberty, and sovereignty of the people who have now become masters of their own country after the long struggle since the First War of Independence in 1857 (Rau, B. N., 2017).

### **The Final Stages: Adoption, Amendments, and the Limitations**

The drafting process took place from 1947 to 1949, culminating in the acceptance of the final draft on 26 November 1949. That day was marked by a mammoth assembly gathering, which saw Dr. Ambedkar deliver his final address. The Constitution-providing ceremony occurred the following day, becoming an occasion of national celebration. The document was signed that day and would come into force on 26 January 1950. The original Constitution was written in English and included eighty articles and twelve schedules. All forty-two amendments were added within three years of its adoption. The first amendment introduced a new clause in Article 19, while the forty-second amendment explicitly defined the term 'basic structure' in its preamble. This article identifies the Constitution as a means of governance, enshrining Dr. Ambedkar's vision.

On 26 January 1950, the country commemorated the inauguration of the Constitution, marked by the observance of the first Republic Day. The country acquired a new Constitution, adopted by the Constituent Assembly after prolonged deliberations. Ambedkar's deliberations on the Constitution and its interpretation made him the pivotal figure of Indian constitutionalism. The Constitution was drafted in the context of extensive and intensive debates, subject to succinct and cautious expression. Ambedkar exemplified exemplary articulation and persuasion, inspiring diverse and politically incompatible factions to converge on and accept a text broadly affording stability to the polity and social order (Noorani, A. G., 2000).

### **Ambedkar's Legacy in Constitutional Interpretation and Social Reform**

Ambedkar is one of the most invoked figures of the Indian Constitution, attributing to him one-of-a-kind stature as an apostle of social justice. His legacy as an architect of the Constitution and a crusader for the upliftment of the oppressed continues to exercise influence as much during constitution-making as it sustains the quest for a more just social order. The judicial discourse on the Constitution often cites his statements and propositions, projecting the vitality of his vision. Even more remarkable is the deliberation of the Supreme Court in the Kesavananda Bharati case when it reproduced entire paragraphs of a speech delivered by him in March 1955. The petitioners drew upon the much-discussed basic structure doctrine as desirable constraints on political authority; its endorsement by the highest authority of the realm demonstrated the veracity of the fundamental link between

Ambedkar's constitution-making efforts and prevailing dimensions of contemporary Indian constitutionalism (Joshi D., 2013).

## Conclusion

The adoption of the Indian Constitution not only marked the culmination of the freedom struggle against colonial rule but also represented a unique moment in modern world history. It carried immense significance, not only for the nation and its people but also for the oppressed, marginalized, and exploited across the globe and through the ages. Within the space of a few decades, a vast and diverse country that had been subject to colonial rule for nearly 200 years established a parliamentary democracy, a secular state, and a federal polity that promised social and economic justice, equality, and equity for all. Dr. B. R. Ambedkar, an outstanding social and political leader, played a pivotal role in the Constitution-making process and shaped the contours of the land's parliamentary democracy. The Constitution adopted in 1950 reflects the dreams and aspirations of the freedom struggle itself. It adequately embodies an enduring nation recognized globally. It stands tall as a truly universal document, asserting participatory democracy, checks and balances by distributing powers among diverse offices, uniform upliftment of all citizens, and strict prohibition against discrimination based on caste, creed, culture, language, religion, or sex. The socio-economic progress of the State remains equally important. The Constitution drafted during 1946-1949 remains the longest written Constitution globally. Ambedkar's extraordinary vision inspired profound and enduring changes that continue to shape contemporary India.

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