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B.R.AMBEDKAR AND REVIEW OF THE INDIAN CONSTITUTION

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ABSTRACT

The Constitution of India is the supreme law of India. It sets out the system characterizing crucial political standards, builds up the structure, strategies, forces and obligations of government establishments and sets out central rights, order standards and the obligations of natives. It is the longest composed constitution of any sovereign nation on the planet. B. R. Ambedkar, the executive of the Drafting Committee, is broadly thought to be its main designer.

It imparts constitutional supremacy and not

parliamentary supremacy, as it isn't made by the Parliament at the same time, by a constituent get together, and received by its kin, with a revelation in its introduction. Parliament can't abrogate the constitution.

It was received by the Constituent Assembly on 26 November 1949, and became effective on 26 January 1950. With its selection, the Dominion of India turned into the cutting edge and contemporary Republic of India supplanting the Government of India Act, 1935 as the nation's central overseeing report. To guarantee sacred autochthony, the designers of the constitution revoked the earlier Acts of the British Parliament by means of Article 395 of the constitution. India commends its coming into compel on 26 January every year, as Republic



Day.

It declares India a sovereign, communist, common, vote based republic, guaranteeing its subjects of equity, equity, and freedom, and tries to advance crew among them.

KEYWORDS:B.R.Ambedkar ,Indian Constitution , political standards.

INTRODUCTION:

Review of literature helps to understand current trends in the concerned literature project. A

Careful analysis of relevant literature can help to overcome various problems in the research endeavor. About importance of review of literature it has been observed that, frequently, an expletory study is concerned with an area of subject-matter in which explicit hypotheses have not been formulated. The researcher's task is to review the available material with an eye of developing hypotheses from it.¹ In this work study of Dr B. R. Ambedkar's state socialism reflected in Indian constitution has been carefully explore. Further it has been observed that, Professional organizations, research groups and voluntary organizations are a constant source of information about unpublished work in their social fields. ² All such deal have been gathered from different sources. Some peoples in the course of their day to day experience, by the virtue of their peculiar placement as officials, social workers, professionals, etc. are in a position to observe the effects of different policy actions and to relate these to problems, for example, different policy actions and to relate these to problem of human welfare.³ Here in this study interaction with social workers on the topic was conducted to support the review of literature.

Dr. Ambedkar's work "State and Minorities- what are their rights and how to secure them in the Constitution of Free India" can be described as a milestone in the field of socio economic reformation in modern India. The Memorandum defines Fundamental Rights; Minority Rights and Safeguards for the Scheduled Castes. Those who hold the view that the Scheduled Castes are not a minority might say that. in this matter I have gone beyond prescribed bounds. The view that the Scheduled Castes are not a minority is a new dispensation issued on behalf of the High and Mighty Hindu Majority which the Scheduled Castes are asked to submit to. The spokesmen of the Majority have not cared to define its scope and its meaning. Anyone with a fresh and free mind, reading it as a general proposition, would be justified in saying that it is capable of double interpretation. I interpret it to mean that the Scheduled Castes are more than a minority and that any protection given to the citizens and to the minorities will not be adequate for the Scheduled Castes In other words it means that their social, economic and educational condition is so much worse than that of the citizens and other minorities that in addition to protection they would get as citizens and as minorities the Scheduled Castes would require special safeguards against the tyranny and discrimination of the majority. ²⁷ This book echoes a number of progressive ideas that have reflected in the directive principles of state policy in the Constitution of India. Dr. Ambedkar advocated state socialism in the field of industry and also states ownership in the agriculture with a collectivized method of cultivation." ²⁸ Ambedkar's perspective was to remove inequality in the feudal society. It has been further observed that "Dr. Ambedkar was one of the few Indians who demanded nationalization of insurance before the Indian nationalized it." The purpose behind this was to control insurance as a security sector and he believed that common man must be benefitted through it. It is interesting to note that "the plan has two special features. One is that proposes state socialism in important fields of economic life, and the second special feature of the plan is that it does not leave establishment of state socialism to the will of the legislatures. It establishes state socialism by the law of constitution and thus makes it unalterable by any act of the legislature and the executive." The reportive studies suggested that still today the legislature failed to follow the thoughts of Dr. Ambedkar and it is required that the activists, followers of Dr. Ambedkar to bring this issue in public domain, and force the legislature to take up a Constitutional amendment by bringing agriculture to be a State Industry. It has been rightly observed that Dr. Ambedkar "was a believer in state socialism. He wanted agriculture to be a state industry with state ownership of land for being let out to villagers in such a manner that there would be no landlord no tenant and no landless laborer." It is true that "Dr. Ambedkar wanted to establish state socialism by the law of the constitution and to see that it is practiced through Parliamentary democracy." He implemented his ideas in the directive principles of state policy of Indian constitution. Dr. Ambedkar's concept of state socialism can be studied for

understanding his progressive ideas in the context of globalization. In the process of globalization survival of the fittest is the current trend and this state of conditions of minorities and weaker sections are suffering a great deal. Hence this work is mostly relevant for this study. It has been rightly observed that “Interestingly Dr. Ambedkar saw a vast difference between a revolution and real social change. A revolution transfers political power from one party to another or one nation to another. The transfer of power must be accompanied by such distribution of power that the result would be a real social change in the relative strength of the forces operating in society.” Ambedkar wanted to bring such change in a peaceful manner.

Dr Babasaheb Ambedkar was an intellectual giant of modern India. He had a comprehensive personality quite unique and distinct from so called great men of his times.⁴ To review works of such genius person is a challenging task. Since the aim of experience survey is to obtain insights into the nature of the problem and useful leads or clues to possible hypotheses and since the experience surveyor is looking for provocative ideas and useful insides, the cases are chosen on the basis of likelihood that that they will be able to contribute such ideas and insights.⁵ Some writer and social workers who have shared their ideas, their literature also documented here. It has been observed that, the best method of selecting informants may be to ask strategically placed administrators working in the field one desire to study, to point out the most experienced and informative people. The researcher has shared ideas with some scholars. On these grounds in this chapter review of concerned books and articles has been undertaken. In this chapter various literature and books on economic ideas written by Dr. Ambedkar have been reviewed. also the financial provisions including Indian constitution have been reviewed.

CLASSIFICATION OF LITERATURE:

The study of concerned literature can be systematically made by making classification of the literature under review. (A) Dr. Ambedkar’s own writings: In this category concerned works of Dr. Ambedkar have been reviewed. Dr. B. R. Ambedkar was a product of the London School of Economics where he completed his research work on the topic of the Evolution Of Provincial Finance In British India– A Study In The Provincial Decentralization Of Imperial Finance, which was published in the year 1925. This book is still useful in contemporary to understand the economy of Indian state in order to understand the federal nature of Indian economy; this was a first spade work that Dr Ambedkar had conducted on Indian State Finance. In this book he has pointed that, even when the treatment of a subject is analytical, a good analytical study often required an historical setting. Unfortunately no spade- work has been done in the field of Indian finance consequently the difficulties which beset a pioneer in that field are immense.⁶ This work has been useful for the present research, Dr. Seligman writes about this books, The character and importance of this various classes of expenditure and the relations between them are undergoing a continual change, due to the alteration in the functions of government.⁷ Such expert ideas reveal the significance of scholarly contribution made by Dr B. R. Ambedkar. Edwin Seligman appreciated Dr B. R. Ambedkar work he pointed that, the value of Dr Ambedkar’s contribution to this discussion lies in the objective recitation of the facts and the impartial of the interesting development that has taken place in his native country.⁸ Thus Seligman’s views amply testify the value of Dr. B. R. Ambedkars work and is important for the development of the native country

That, there is an inter-personal relationship between state finance and local finance and the studies regarding local finance have not yet been conducted. In the review published in the Economic Journal, The Journal Of The Royal Economic Society, even when the treatment of the subject is analytical; a good analytical study often requires an historical setting. Unfortunately no spade work has

been done in the field of Indian finance. Further, he has rightly pointed that there is an inter-personal relationship between state finance and local finance and the studies regarding local finance have not yet been conducted. In the review published in the Economic Journal, the journal of the royal economic society, W S Thatcher observed that Mr. Ambedkar has the facility of making forbidding subjects attractive and has produced a very readable.

SOCIO-ECONOMIC RIGHTS WITHIN THE CONTEXT OF THE CONSTITUTION:

Dr. Ambedkar tried to strengthen Indian economy by providing solution in the constitution to the Indian problem. Among the fundamental rights guaranteed to all persons under Part III of the Constitution are the rights to life the right to equality .Freedom of speech and expression, the freedom to assemble peacefully, the freedom to form associations, the freedom of movement and residence, and the freedom to practice any profession and to carry out any occupation, trade or business are also part of the chapter under fundamental rights. These are subject to reasonable restrictions on the grounds of sovereignty and integrity of the country, security of the State, public order, decency or morality. The right to equality under, the right against double jeopardy and self incrimination under the right to life under and the right to be informed of the grounds of arrest and the right to consult and be defended by a legal practitioner of one's choice under are available to all persons, while the freedoms enumerated under are available for enforcement only by the citizens. This is the State socialism reflected in the provisions of the Constitution. As to the first, I prefer freedom of India to the Unity of India Dr. Ambedkar's progressive ideas on states socialism have been rightly reflected in the various provisions made in Indian Constitution The remedy provided in the Constitution by Dr Ambedkar for violation of rights and against unlawful legislative and executive acts is to approach the High Court under and the Supreme Court under of the Constitution. Again in Peerless General Finance and Investment Co. Ltd. and another Vs. Reserve Bank of India, the Supreme Court observed that "Courts are not interfere with economic policy which is the function of experts. It is not the function of the Courts to sit in judgment over matters of economic policy and it must necessarily be left to the ex- pert bodies. In such matters even experts can seriously and doubtlessly differ. Courts can not be expected to decide them without even aid of experts..... ' The financial system satisfying these requirements will be in a position to provide an effective means for implementing monetary and other economic policies to achieve the desired socio-economic objectives." The above said decisions of the Supreme Court dealing which non interference with economic policies of the Government have been followed recently by Supreme Court in Union of India Vs. Hindustan Development Corporation.

NATURE OF INDIAN CONSTITUTION:

That features of Indian Constitution even though it has been prepared after ransacking all the non-constitution of the world and hence, Dr. Ambedkar in which were as follows :-

1. Before entering into a juridical interpretation of the clauses of the Constitution.
2. One likes to ask whether there can be anything new in a Constitution framed at this hour in the history of the world. More than hundred years have rolled when the first written Constitution was drafted. It has been followed by many other countries reducing their Constitution to writing... Given these facts, all Constitution in their main provisions must look similar. The only new things, if there be any, in a Constitution framed so late in the day are the variation made to remove the faults and to accommodate it to the needs of the country.
3. There was different view in the member of constituent assembly which was going to be adopted as a 'slavish imitation of the West' or criticize the constitution suited to the 'genius of the people. Many

apprehended that it would be unworkable. But the fact that it has survived for more than forty years,. While constitution has sprung up only to wither away in countries around us such as Burma and Pakistan, belies the apprehensions of the critics of the Indian Constitution. Appreciating the work of Dr. Ambedkar as a chairman of the drafting committee Dr. Rajendra Prasad pointed that “He had not only justified his selection but has added luster to the work which he has done.”⁷³ The provisions in the constitution have thus a long ranging value and these have certainly tried to rural dream of the people of India.

The Scope of Judicial Review in Indian Constitution

“... Even today, the basic structure case is at the core of our discussions about the proper place of judicial review in a constitutional democracy. What is to be remembered is that the understanding of democracy should not be blindly conflated with the will of the numerical majority. While the consent of the governed is an essential feature of representative government, even the same is limited by the Bill of Rights, the rule of law and an independent judiciary. It is not necessary that the intent of the architect of the Constitution corresponds to the will of the majority of the population at that time. In the Indian setting, it is often argued that the member of the Constituent Assembly was overwhelmingly drawn from elite backgrounds and hence, they did not represent popular opinions on several vital issues. Furthermore, the adoption of a Constitution entails a country’s precommitment to its contents and the same become binding on future generations. Clearly, the understanding and application of constitutional principles cannot remain static and hence, a constitutional text also lays down a procedure for its amendment The procedure is both rigid and flexible. It depends on circumstances in which the amendment is made There are of course several points of reference in the Indian constitutional experiences that enable us to reflect on the so-called tensions between constitutionalism and democracy. The most prominent challenge to the scope of ‘judicial review’ has occurred over the proper place of the “right to property” in the constitutional scheme. It must be borne in mind that there existed immense inequality in the land ownership in pre independent India, much of it corresponding to caste divisions. In the rural setting, most agricultural \lands were owned and controlled by dominant castes who received the patronage of the colonial government in return for ensuring the prompt collection of land revenue. Elaborate institutions of landed intermediaries (such as the Zamindari system) had become entrenched while cultivators from the lower caste either had very small land holdings or were forced to work as bonded laborers under the control of these Zamindars. After Independence, Parliament as well as the State Legislatures sought to tackle this institutionalized inequality by urgently pursuing a policy of agrarian land reforms, which often overlooked questions such as the payment of adequate compensation to the landowners whose property was acquired for public purposes as well as for redistribution among smaller cultivators. Such governmental excess prompted the land owning classes to repeatedly approach the courts to protect their “right to acquire, hold and dispose of property” which had been enumerated in Article 19 of the constitution. While the higher judiciary repeated defended the rights of landowners against the acquisition by the State, Parliament responded with legislative changes as well as constitutional amendments to address the same. In fact, legislations pertaining to agrarian land reforms were placed in Schedule IX to the constitution, a part which was immunized from scrutiny by the courts, and thus, formed a exception to the power of “judicial review” provided under Article The judicial record enables the citizens to act upon any law, if it is true with people’s interest or not. rest or not.⁷⁸ However, there was some inconsistency in identifying all the provisions of constituted this ‘basic structure’. While later decisions identified basic features such as democracy, secularism, federalism, judicial independence as

well as protection of life and liberty among others, many commentators have drawn attention to the “open textured” nature of this doctrine. “Secularism is a essence of our Democratic System.

CONSTITUTION OF INDIA

The Constitution of India is the supreme law of India. It lays down the framework defining fundamental political principles, establishes the structure, procedures, powers and duties of government institutions and sets out fundamental rights, directive principles and the duties of citizens. It is the longest written constitution of any sovereign country in the world. B. R. Ambedkar, the chairman of the Drafting Committee, is widely considered to be its chief architect.

Dr. Ambedkar’s Vision Behind Flexibility Of Constitution

I am all for a flexible Constitution and not a rigid Constitution. There is likely to arise a revolutionary situation in Asia in the near future. In order to meet that situation, the Government of India should not be fettered in any way whatsoever. There is another reason why I am in favor of a flexible Constitution, as opposed to a rigid Constitution. I hold the opinion that we are passing through a period of decadence. It is only with the establishment of a new social order that we will be in a position to sense the needs of the coming century. For heaven's sake do not make your Constitution rigid. 126 The constitution is flexible but the basic structure of the Constitution shall not be change, the provisions of the constitutions are amendable.

Indian court have expanded the meaning of rights.

Hon’ble Mr. K.G. Balakrishnan, Chief Justice of India, Address at Trinity College Dublin, Ireland – October 14, 2009 that Because of the flexibility in Constitution Indian court have expanded the meaning of rights. It can be postulated that the doctrine of ‘judicial review’ helps in binding a polity to its core constitutional principles. In the post World War II era, the memory of devastating conflicts and oppressive colonialism ensured that these principles were initially centered on the protection of basic civil-political rights such as free speech, assembly, association and movement as well as guarantees against abusive practices by state agencies such as arbitrary arrest, detention, torture and extra-judicial killings. The growth of Constitutionalism has also been synonymous with that of liberal values which privilege an individual’s dignity as well as collective welfare. In highly disparate and iniquitous societies, such a commitment also requires some counter-majoritarian safeguards.

Dr. Ambedkar’s State Socialism As Reflected In The Policy Of The Supreme Court

Ram Jethmalani & Ors. V/S Union Of India & Ors. Writ Petition (Civil) No.179 Of 2009 The Honble Supreme Court pointed out the vision of dr ambedkar Dr. Ambedkar, have been on account of the fact that man has been vile, and not the defects of a Constitution forged in the fires of wisdom gathered over eons of human experience. If the politico-bureaucratic, power wielding, and business classes bear a large part of the blame, at least some part of blame ought to be apportioned to those portions of the citizenry that is well informed, or is expected to be informed. Much of that citizenry has disengaged itself with the political process, and with the masses Dr. Ambedkar, have been on account of the fact that man has been vile, and not the defects of a Constitution forged in the fires of wisdom gathered over eons of man experience. If the politico-bureaucratic, power wielding, and business classes bear a large part of the blame, at least some part of blame ought to be apportioned to hose portions of the citizenry that is well informed, or is expected to be informed. Much of that citizenry has disengaged itself with the political process, and with the masses. Informed by contempt for the poor and the downtrodden,

the elite classes that have benefited the most, or expects to benefit substantially from the neo-liberal policies that would wish away the hordes, has also chosen to forget that constitutional mandate is as much the responsibility of the citizenry, and through their constant vigilance, of all the organs of the state, and national institutions including political parties.

The condemnation of the Constitution largely comes from two quarters, the Communist Party and the Socialist Party. Why do they condemn the Constitution? Is it because it is really a bad Constitution? I venture to say no'. The Communist Party want a Constitution based upon the principle of the Dictatorship of the Proletariat. They condemn the Constitution because it is based upon parliamentary democracy.

Dr.Ambedkar's view on future of this country :

On 26th January 1950, India will be an independent country (Cheers). What would happen to her independence? Will she maintain her independence or will she lose it again? This is the first thought that comes to my mind. It is not that India was never an independent country. The point is that she once lost the independence she had. Will she lost it a second time? Dr.Ambedkar's stated that, defend our independence with the last drop of our blood.(Cheers) Will history repeat itself? It is this thought which fills me with anxiety. This anxiety is deepened by the realization of the fact that in addition to our old enemies in the form of castes and creeds we are going to have many political parties with diverse and opposing political creeds.

SUMMARY:

Thus all these discussions bring us to the conclusion that Dr. Ambedkar himself has made interesting contributions to state socialism. Further number of other scholars have also written their books and articles on the topic. The concept of state socialism being significant in political economy has affected the constitutional personality of India. The study of provisions made in Directive Principles of State Policy have approved that they have aimed to establish India as a welfare state. Dr. Ambedkar's genius scholarship has clearly reflected in the making of Indian constitution. The spirit of state socialism was infused effectively in Indian constitution due to rigorous and persistent efforts made by Dr. Ambedkar. The study of constituent assembly debates amply testifies this phenomenon.

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