Mahatma Gandhi emerged as leader of the Nation after 1920. All activities of freedom movement were going on under the leadership of Congress party. Congress party was completely under the control of Gandhi. Ambedkar did not show any inclination to take part in freedom movement. He was appointed to the Executive Council of the Governor-General of India in July 1942 as Labour Member. He held the post till July 1946. It was the period of the ‘Quit India’ movement. The last battle against British Imperialism was in full swing. Decisive constitutional developments and the formation of the All-India Scheduled Castes Federation took place.
During the visit of the Cripps Mission to India in 1942, Ambedkar and M.C. Rajah saw Sir Stafford Cripps on March 30 and April 1. The British Government had sent Sir Stafford with concrete proposals to end the deadlock in India. Ambedkar and Rajah complained that the Cripps Proposals were calculated to do the greatest harm to the Depressed Classes and were sure to place them under an unmitigated system of Hindu rule. They sought an assurance from Sir Stafford that the Depressed Classes would be included in the racial and religious minorities for whose protection a special treaty was to be signed between the British Government and the Constituent Assembly. Cripps explained that the provisions of the proposed treaty would be ‘along the lines of the League of Nations Minority Treaties’. Ambedkar and Rajah were not satisfied.¹

Ambedkar told the Governor of Bombay that he felt bitterly disillusioned and humiliated because Cripps not only went back on the August 1942 declaration but behaved as if none except the Congress and the League mattered. In his report to the Viceroy Lord Linlithgow, Lumley (Governor of Bombay) pointed out that Ambedkar had been disgruntled since his non-inclusion in the Executive Council in the previous year and was also facing serious financial difficulties. He recommended his inclusion in the Council.²

On July 2, 1942, Ambedkar’s name was included in the Executive Council of the Viceroy making the strength of 14 Indians as against 5 Europeans. Sir C.P. Ramaswami Iyer, Sir Muhammad Usman and Sir
J.P. Srivastva were his new colleagues. It was the first time in the history of the country that an untouchable Hindu had been appointed a Member of the Executive Council of the Government of India. He received hundreds of congratulatory messages from leaders including M.C. Rajah and several other admirers. According to him, it was a death-blow to Brahminism. Ambedkar had raised himself from dust to doyen. He telegraphically took charge of Labour Portfolio on the morning of July 20, 1942, from Nagpur. A number of organizations held receptions in his honour and felicitated him for his great gifts, force of character, patient industry, spirit of sacrifice and dynamic personality.

He accepted the post of Labour Member of the Viceroy's Executive Council with a view to capturing posts of authority. 'If it is not done' he said, 'then the untouchables will not be a ruling race'. He made it clear that he would endeavour to see that no restraint was placed on the liberties of any class of people, for all time. In all battles between employers and workers he gave the assurance that he would be on the side of labour. He said that labour ought to work for the establishment of a Labour Government in India. It was not enough that India should get Swaraj; it was more important in whose hands the Swaraj would be. It is observed here that swaraj should not be in the hands of few sections or few hands. But it should be in the hands of all people. This is the view of Ambedkar.

On November 13, 1942, Ambedkar made a speech from the Bombay Station of All India Radio. He said that the Second World War was not a
war for the division of the world's territories. He urged labour to fight for victory over Nazism. He said that to abolish war, the war must be won and a just peace established. In a paper which he wrote for the Pacific Relations Committee, he appealed to the American people not to be misled by the Congress Hindu propaganda. It indicates he felt that the congress party was under the control of Hindus.

On May 7, 1943 the third meeting of the Standing Labour Committee set up by the Tripartite Labour Conference met at the Bombay Secretariat under the presidency of Ambedkar. The setting up of Joint Labour Management Committees (on the model of the U.K. and the U.S.A.) in factories and industrial units, employed in war work, was considered. The second question was the establishment of Employment Exchange.

The second session of the Tripartite Labour Conference was held at New Delhi on September 6 and 7, 1943. In his presidential speech, Ambedkar emphasised the need to set up a machinery to investigate questions of wages and earnings, and to plan a policy of social security for labour. He remarked that he had secured eight and one third per cent appointments for the Depressed Classes, reserved seats for technical education of Depressed Classes students in London and one more seat in the Central Assembly. One seat was created for them in the Council of States.

In April 1944, Ambedkar moved an amending Bill proposing holidays with pay for Industrial workers employed in 'perennial' factories. He justified compulsory conciliation or arbitration as it was advantageous to
labour. He hoped to make that principle a permanent feature of the Labour Code.

The Seventh Indian Labour Conference met in Delhi on November 27, 1945. In his presidential address, Ambedkar said that labour should ask the capitalists why they did not spend money on the raising of labour's standard.

In the first week of December 1945, in his inaugural address to the Conference of Regional Labour Commissioners, Ambedkar suggested some solutions towards establishing industrial peace. According to him, a conciliation machinery, amendment of the Trade Disputes Act and minimum wage legislation were necessary. He said that industrial peace was possible on the basis of law, but not certain; just on the basis of power, it was not possible. It could be hoped for if it could be based on social justice. A triangular approach could be suitable. He observed that by elimination of exploitation by labour welfare and by maintaining proper industrial relations industrial peace can be guaranteed. The services rendered by Ambedkar as the Labour Member of the Viceroy's Executive Council are note-worthy. He proved himself as an efficient and a purposeful Labour Member.

Ambedkar resigned membership of the Viceroy's Executive Council in the last week of May 1946. The Viceroy had declared that the British Government decided to set up a new Government with representatives of the successful legislative parties.
One important phase of Ambedkar's life ended.

QUIT INDIA MOVEMENT

The All India Congress Committee met at Bombay on August 7, 1942. On August 8, it adopted the working Committee's resolution, popularly known as the 'Quit India' Resolution. The session concluded with a moving exhortation by Gandhiji to 'Do or Die'. Early next morning, all the Congress leaders including Gandhiji, were arrested. Every front-rank leader was behind bars. All strata of the nation were left stunned and dazed. All that they knew and remembered was Gandhiji's clarion call of 'Do or Die'. And tens of thousands of them 'did' and many 'died', in consequence. They knew that this was the final struggle.

Ambedkar described Gandhiji's all-out open rebellion as both irresponsible and insane, and a bankruptcy of statesmanship. He thought that if the forces of democracy won, no one could stand in the way of India's independence. The Congress papers in a bitter criticism, stated that Ambedkar justified the British Government's policy, as a return gift for the Labour Membership of the Viceroy's Executive Council? After the August struggle, the Viceroy's Executive met immediately and resolved that the decision of the Congress was a challenge to Government. The Ambedkarites, like the Muslim Leaguers and the Hindu Mahasabhaites, kept aloof from the struggle and concentrated their efforts on militarization.
Gandhiji started a twenty-one-day fast on February 10, 1943. M.S. Aney, H.P. Modi, and N.R. Sarkar, the three members of the Viceroy’s Executive Council resigned, but Ambedkar and I.P. Srivastava remained unmoved.

Replying to the address of the Ahmedabad Municipality, Ambedkar remarked that the drastic action taken by the Government in August 1942 was justifiable; otherwise India would have been overrun by the Japanese and the Germans. This justification of the repression of the Government of the ‘Quit India’ movement roused the sentiment of the people and added to their earlier prejudices. It was the main cause of the unbridgeable gap that separated the Depressed Classes from the rest of the people during the years of the struggle for freedom.

CONSTITUTIONAL DEVELOPMENTS

Gandhiji was released from internment in the Aga Khan Place in Poona. Ambedkar in his letter to Gandhiji observed that in addition to the settlement of the Hindu-Muslim problem the settlement of the problem of the Hindu-untouchables was necessary, if the Indian political goal was to be achieved. In his letter dated August 6, 1944, Gandhiji replied that with him the question of the Depressed Classes was connected with religious and social reform.

At the end of August 1944, replying to the address of the Scheduled Castes organizations in Calcutta, Ambedkar said that the new constitution
would make India a dominion. He declared that it was good on the part of
the Viceroy to tell Gandhiji that for the transfer of power a tripartite
agreement was necessary among the Hindus, Muslims and the Depressed
Classes. He said that he would join any political organization which
conceded his demands. Replying to an address by Madras Municipal
Corporation, Ambedkar said that history did not warrant the assumption
that once a parliamentary Government was established on adult suffrage, it
would end all sufferings. He added that the capture of political power was
far more important than organizing trade unions.

During the latter part of 1944, the Sapru Committee was busy preparing
proposals to solve the Indian deadlock. Ambedkar refused to cooperate
with it as some of the members of the Committee, he thought, did not
inspire any confidence in him.

Leaders of different parties were trying to solve the political deadlock.
Ambedkar unfolded his plan on May 6, 1945 in the annual session of the
Scheduled Castes Federation (S.C.F.) at Parel in Bombay. He proposed
another scheme for constitutional reforms based on the following
principles—(1) majority rule is untenable in theory and unjustifiable in
practice; (2) the Hindus could not claim absolute majority of representation
on the basis of their numbers, at best, they could look forward to a relative
majority; (3) the ‘relative’ majority representation to the Hindus should not
be so large as to enable them to establish their rule with the help of small
minorities; (4) at the same time a combination of major minorities should
not have such representation as to enable them to secure an absolute majority; (5) the weightage taken from the majority should be distributed among the minorities in inverse proportion to their social standing, and (6) all minorities put together should have absolute majority of representation in the legislatures'.

On the basis of these proposals Ambedkar recommended that in the Central Assembly, 40 per cent representation should go to the Hindus, 32 per cent to the Muslims, 20 per cent to the Scheduled Castes, 3 per cent to the Christians, 4 per cent to the Sikhs and 1 per cent to the Anglo-Indians. In other words, he wanted to go back to the Minorities Pact entered into, under the leadership of the Aga Khan, during the Round Table Conference in the nineteen thirties. He proposed weightages to be given to the minorities communities in their representation in the legislatures. He proposed a united India. According to him, his plan promised Muslims better security and safety from the fear of Hindu domination. According to him, the aboriginals were not to get any representation, because, he thought, that they had no political maturity. He hoped that the S.C.F. would act as the balancing party. He opposed the proposal for the Constituent Assembly, because, he thought that such a proposal might be dangerous as it would lead the country into civil war. His plan rejected the Sapru Committee Report. He proposed that the Prime Minister and other caste Hindu Ministers should be elected by the representatives of the minorities, while the representatives of the minorities in the Ministry were to be elected
by the minorities themselves. He defended Dominion Status as against Independence as he thought Dominion Status, according to International Law, connoted perfect sovereignty.

The Wavell Plan in June 1945 was followed by the Simla Conference. Ambedkar being a member of the Viceroy's Executive Council, could not participate in the deliberations, but he prepared the case for the Scheduled Castes. He was of the view that the Scheduled Castes should have three seats in the Central Executive on the basis of population if the Muslims have five. The Congress insisted on Muslim nominees of its own. The Simla Conference broke up on the problems of the personnel of the interim Ministry.

Lord Wavell announced general elections. All parties started election campaigns. Ambedkar commenced his election work at a meeting in Poona on October 4. He stressed that the Scheduled Castes should not believe in the Congress leadership, because, the latter was a tool in the hands of the capitalists and those socially indifferent. Congress leadership never tried to remove the disabilities and grievances of the untouchables. He urged the latter to develop themselves into a ruling race. He expected that the Constitution-making body would be elected by the provincial legislatures.

The British Parliamentary Delegation interviewed Ambedkar on January 10, 1946. He declared that if Swaraj meant government by majority, with the cooperation and consent of the minorities, he would welcome such a Swaraj.
The British Cabinet Delegation reached New Delhi on March 24, 1946. Ambedkar was interviewed on April 5. He placed a memorandum before the Cabinet Mission recommending separate electorates for the Scheduled Castes. The memorandum included safeguards such as a new settlement, appointment of a settlement commission and adequate representation in the legislatures and executives, public services and public service commissions. The memorandum urged that money should be earmarked for the education of the Depressed Classes. The ‘State Paper’, issued by the Commission had no reference to the demands of the Scheduled Castes.

In September 1946, Ambedkar went to England to plead for constitutional safeguards for the untouchables, after withdrawal of the British from India, which he visualized in the near future. He felt such safeguards alone could rectify the wrong done to the untouchables by the Cabinet Mission.

Ambedkar’s main function was to demand ‘separateness’ from the caste Hindu fold. M.R.Jayakar in a letter to Sapru (dated April 7, 1941) wrote: The Depressed Classes, under Ambedkar’s guidance, are becoming more conscious of their separateness and not of their unity with Hinduism, and perhaps, in a short time, a cry will go up for Maharstan.

SCHEDULED CASTES FEDERATION

Since the departure of Cripps, Ambedkar worked furiously to impress upon the country and the British Government that the Depressed Classes
were an important element and demanded a recognized place in the social, economic and political structure of Indian society. That was the long and short of his whirlwind propaganda; and his arguments won the Viceroy over.

Describing this growing struggle of the Depressed Classes, *The Times of India* in a balanced and brilliant editorial said; “Gandhi’s country-wide demonstration of friendliness with the Depressed Classes were more spectacular than real. Experience unfortunately proved that the temporary flood of goodwill was more a demonstration of regard for the Congress leader than an expression of genuine concern.” The editorial added that reforms like temple entry, opening of wells and common cremation grounds barely touched the fringe of the problem and any attempt to sidetrack the issue would in the long run prove disastrous to the country’s interest.

After his taking over the labour Portifolio, a conference of the Depressed Classes was organized to congratulate Ambedkar on his membership of the Viceroy’s Executive Council. The speeches therein revealed the necessity for organizing an all-India political party of Depressed Classes. The old Indian Labour Party was transformed into the All-India Scheduled Castes Federation (AISCF) in 1942. N.Sivaraj was chosen as the president of the conference. Ambedkar remarked that if the government granted political rights to the Hindus, they would exploit the untouchables. He equated one party democracy to despotism. To him, despotism, native or alien, was antithetical to freedom. The conference put
forth the demand of the Depressed Classes for the establishment of separate village settlements at the cost of the government. The 'Hindu' of Madras criticized that it might perpetuate untouchability.

The annual session of the Scheduled Castes Federation was held in Kanpur on January 29, 1943. N.Sivaraj, the President, said that the Depressed Classes were not against the transfer of power provided the demands of the Depressed Classes set forth at the Nagpur session in July 1942 were conceded. In his speech, Ambedkar said that if the Depressed Classes did not get a proper share in the conduct of the national Government, they would launch a struggle to achieve that objective. The Working Committee of the All-India Scheduled Castes Federation met at Madras on September 23, 1944 under the presidency of N.Shivraj. The meeting was attended by Ambedkar. The Committee passed a number of resolutions and communicated copies of the resolutions to the Government of India. A parallel All-India Organisation, with the name of the 'The All-India Depressed Classes Association' was also in existence at that time. But that Organisation was inclined to the Congress Party. Both these All-India Organisations were different and distinct and each was following its own way.

The manifesto of the Scheduled Castes Federation enunciated the following principles: religious, economic and political freedom, right to equality of opportunity; State responsibility to make every Indian free from want or fear; maintenance of liberty, equality and fraternity; redemption
from oppression and exploitation of man by man, of class by class and of nation by nation; and the parliamentary system of Government.

The Scheduled Castes Federation started election propaganda. A provincial conference was called at Ahmedabad on November 29 and 30, 1945. In the election campaign, Ambedkar made speeches in every province. In his speeches, he emphasised that any constitution without their approval would not be binding on them. He emphasised equal rights and no patronage. He declared that he was ready to abide by the verdict of an impartial International Tribunal. Sardar Patel commented that Ambedkar’s aspirations were legitimate but his ways were wrong. Scheduled Castes people sent letters in hundreds to Sardar Patel stating how the Poona Pact had proved a curse to them.

The elections were held early in the year 1946. But contrary to the fond hopes of the Federation candidates, they were utterly defeated along with Ambedkar. The Congress Party had spent lots of money on the election propaganda and whereas the Federation had to fight the elections without any propaganda and without funds against the Scheduled Castes nominees of the Congress Party. The fight between the Federation candidates and the Congress Party candidates for the reserved seats was like a fight between a mob and an army. The Congress owed its existence from the year 1920 due to the financial aid of the capitalists and the other moneyed people in the country. Even after the year 1946, the Congress Governments might be termed as Capitalists Governments and the Governments had to depend
upon capitalists at all times. So the other Political Parties in the country could not compete with the Congress Political Party for a long time. With the utter rout of his Party candidates, Ambedkar was rudely shaken and terribly disappointed. The Congress defeated not only the candidates of the Federation but those of the Hindu Maha Sabha. But the Muslim League candidates routed the Congress Party nominees for the reserved seats of the Muslims. As most of the caste Hindus were in favour of the Congress Party at that time and as the caste Hindu votes had very much outnumbered those of the Scheduled Castes, the Federation candidates could not poll the enough number of votes and hence they got defeated. But Ambedkar advanced some other reasons for the defeat of his Party candidates at the polls. He thought that, on account of the Poona Pact, the real representatives of the community could not get elected. He jumped into the ready conclusion that it was on account of Poona Pact that he and his lieutenants got defeated at the elections against the Congress Party nominees.

The trial of the I.N.A. prisoners in the months of November and December 1945 at the Red Fort in Delhi, and the widespread strike by the Royal Indian Navy in Bombay materially contributed to the rising tide of Indian nationalism, and to the growth of suspicion and conflict between the Indian people and the British Government. It became obvious that political subjugation of India could not be continued any longer.
The Cabinet Mission arrived in New Delhi on March 24, 1946. The Congress was opposed to any executive or legislative machinery for a group of provinces or units of the federation. It was also opposed to parity of representation as between groups of provinces in the Union Executive or Legislature. The Muslim League demanded parity of representation between two groups of provinces in the Union Executive or Legislature. It also demanded two constitution-making bodies for two groups of provinces; one for the Pakistan and the other group consisting of the remaining provinces. The Simla Conference failed to achieve its objectives and broke up on May 12, 1946.

The object of the Mission was, it was stated, not to lay down the details of the constitution but to set up a Constituent Assembly—a machinery whereby a constitution could be framed by Indians for Indians. The Mission recognized only three main communities in India—General, Muslim and Sikh. The League accepted it in principle, but 'the sovereign Pakistan' remained the objective of the Muslims in India. The Congress was opposed to 'parity' in any form. Jinnah insisted on 'parity'.

The Viceroy, in concurrence with the Cabinet Mission put forward proposal for and Interim Government consisting of 14 members of whom 6 were to come from the Congress including a Scheduled caste member, 5 from the Muslim League, 1 Sikh, 1 Parsee and 1 Indian Christian. The proposal was more in the nature of an award than a recommendation. Pandit Nehru asserted that the Congress had agreed only to join the
Constituent Assembly. The League decided to stay out from the Interim Government.

On August 16, 1946, the Muslim League declared ‘Direct Action Day’; it was Jinnah’s reply to Wavell’s invitation to Jawaharlal Nehru to form the Government. Violence against Hindus spread to East and West Bengal and the Hindus retaliated against the Muslims in Bihar and U.P.

The new Government took office on September 2, 1946. Jinnah informed the Viceroy on September 13, 1946 of the intention of the League to join the Interim Government. But, shortly after the representatives of the Muslim League had joined the Interim Government, Jinnah declared that the League adhered to its demand for Pakistan and two Constituent Assemblies. Having joined the Government, the representatives of the Muslim League repudiated joint responsibility and obstructed the work of the Government. The Congress members of the Interim Government threatened to resign. “If these things continue, a struggle on a large scale is inevitable”. Said Pandit Nehru.10

Ambedkar’s own proposal was that the tasks envisaged for the Constituent Assembly should be divided into two classes: (1) constitutional and (2) communal Constitutional questions should be referred to a commission presided over by an eminent constitutional lawyer from the Great Britain or the U.S.A. The other members should be one Hindu and one Muslim. The terms of reference should be the Government of India Act, 1935. Communal questions should be referred to conference of the
leaders of the different communities. If the conference failed to arrive at an agreed solution, His Majesty's Government should make an award. He claimed that before they left, the British must ensure that the new constitution guaranteed to the Scheduled Castes the elementary human rights of life, liberty and pursuit of happiness and that it restored their separate electorates and gave them the other safeguards which they demanded. Jagjivan Ram, Congress Harijan leader, added that they were opposed to Ambedkar's claims to represent the Scheduled Caste people. In a statement, Ambedkar said that the Cabinet Mission's decisions constituted a departure from established policy. The recognition of untouchables in the Round Table Conference, the Communal Award, the 'August' offer and the speeches of Amery and Wavell had been turned down. He wanted to press His Majesty's Government: (1) to declare that it regarded the untouchables as a minority; (2) to declare whether it would institute machinery, to examine whether the safeguards for minorities, framed by the Constituent Assembly, were adequate and real; (3) to declare if it would insist upon the Constitution, framed by the Constituent Assembly, containing clauses circumscribing the power of the future Indian Legislature to do away with minority safeguards by a bare majority.

The Members of the Mission argued that Ambedkar's following was confined to the Scheduled Castes in the Bombay Presidency and the Central Provinces only. Ambedkar claimed that his party had all-India support.
In August 1946, Ambedkar and N. Shivaraj went to London and explained to Attlee how the Cabinet Mission has trampled over the assurances given by the Government to the Scheduled Classes.

As per the Act of Indian Independence passed by the British Government on July 15, 1947, India would be declared as an Independent Dominion on August 15, 1947 and so the names of the Ministers of the First Cabinet were in the air. On the advice of Gandhi, Nehru was to head the new Cabinet and he was directed to offer two posts of the Ministers to non-congressmen, one to Ambedkar and the other to Shyam Prasad Mookerjee of the Hindu Maha Sabha. After the preliminaries were over, Nehru called Ambedkar to his chambers and asked him whether he would join the new Cabinet of Free India Government as the Minister for Law, Nehru promised that he would give him the portfolio of Planning or Development at a later date. Ambedkar agreed. It was an act of magnanimity on the part of Ambedkar to agree to co-operate with the Congress Party when none of the Political Leaders in the country thought that Ambedkar would join hands with the Congress Party in this regard. Nehru went to bhangi colony where Gandhi was staying and presented the final list of nominees to Gandhi for his approval. He too nodded his assent. On August 3, 1947, the names of the Cabinet Ministers were announced, Ambedkar's name being one of them. Ambedkar's friends and admirers and the whole press showered their good wishes and congratulations on his success that was a feat from dust to doyen. A great day dawned in the
history of the world on August 15, 1947 when India became a free nation. A
great force was released in Asia in the form of Indian Independence. He
was the first untouchable Hindu Minister in the Central Cabinet of India.

The dreams of the great seers of the nationalist movement like Dadabhai
Naoroji, Tilak, Gokhale, Lajpat Rai, B.C.Pal, Gandhiji, Nehru, Subhas Bose
and others and the sacrifice of innumerable martyrs became a reality. The
British flag was lowered for ever and in its place the tri-colour was
unfurled. But the happiness of independence was marked by communal
violence.

Ambedkar saw the new situation and he forgot his anti-Congress and
anti-Gandhi attitude. He rose to the occasion. He was elected a member of
the Constituent Assembly from Bengal, but after partition he lost his seat.
He was chosen by the Bombay Legislative Congress Party in place of
Dr. M. R. Jayakar who had resigned earlier.

HINDU CODE BILL

According to Ambedkar, the country had for practical purposes a Civil
Code, but as regards marriage and succession, the Civil Law was
ineffective. He agreed with the view that Muslim personal law was
immutable and uniform throughout the whole of India. He said that Shariat
Law was not applicable to the North-West Frontier Province up to 1935.
That region followed the Hindu Law in succession. In 1939, the Central
Legislature applied the Shariat Law to North-West Frontier Province. The
Legislature had to intervene in 1937 and to pass an enactment applying the Shariat Law to the rest of India. In North Malabar, Muslims followed Matriarchal Law. Ambedkar said, "...it would not be open to any Muslim to say that the framers of the Civil Code had done great violence to the sentiments of the Muslim community. The fear is nullified."\(^{13}\)

The Hindu Code introduced only four new points in the existing law. These were: (1) abolition of the doctrine of rights by birth; (2) absolute rights over property given to women; (3) a share was given to the daughter and (4) provisions for divorce. These provisions were new, but there was nothing anti-religious or anti-social in them.\(^{14}\) The Hindus Law was not uniform for all Hindus. In these circumstances codification was the only solution. The great jurists favoured codification. Dr. P.V. Kane also supported it. It was a necessity. It aimed at the consolidation of Hindu society. Ambedkar contended that the enactment of the present code was a natural consequence of the adoption of the Constitution of India.

The Hindu Code was consistent with the Constitution of India. Article 15 stated, "The State shall not discriminate against any citizen on the ground of place of birth." Ambedkar contended that the present system of Hindu Law was inconsistent with the provisions of the Fundamental Rights in the Constitution. The Code aimed at making it consistent with the Constitution.

Tracing the history of the Hindu Code Bill, we come across a Hindu Law Committee appointed by the Government of India in 1941 with Shri
B.N. Rau as Chairman. The Rau Committee recommended the codification of Hindu Law in gradual stages. The Draft Bill was introduced in the Central Legislature in 1943 and 1947 but it had to face fierce opposition from orthodox Hindus.

Ambedkar regarded the codification as a continuation of the Indian Constitution. Ambedkar and 16 others were members of the Select Committee. The Report of the Committee to amend and codify certain branches of the Hindu Law was presented to the Constituent Assembly of India (Legislative) on August 12, 1948. The Report contained the following parts—Preliminary, Marriage and Divorce, Adoption, Minority and Guardianship, joint Family Property, Women’s Property, Succession, Maintenance and Miscellaneous.

Ambedkar revised and submitted the Report to the Constituent Assembly (Legislative) in October 1948. The Bill was opposed by different sections of the Hindus. Nehru declared that he would resign if the Hindu Code Bill was not passed by Parliament. Sardar Patel declared his opposition to the Bill.

Amidst such an atmosphere, Ambedkar introduced the Hindu Code Bill on February 5, 1951. He said that the Hindu Code would be uniform throughout India. On the point of secularism, he said that the idea of a Secular State in the Constitution did not mean that they could abolish religion. He rejected the suggestion for a referendum on the ground that Parliament was sovereign and competent to make and unmake laws. The
debate continued for three days and the consideration of the Bill was postponed to the next session which was to meet in September 1951. Ambedkar desired to pilot the Hindu Code Bill through Parliament before the General Elections (1952). Nehru suggested that the Divorce and Marriage part of the Bill should be treated as a separate Bill. The Bill was let down in a tragic manner and in the words of Ambedkar “it was killed and buried, unwept and unsung, after four clauses were passed.”

Ambedkar was disappointed. This was one of the reasons for his resignation from the Nehru Cabinet.

**AMBEDKAR'S RESIGNATION**

The News of Ambedkar's resignation flashed in the newspapers. Ambedkar resigned from the Nehru Cabinet on September 27, 1951. He did not submit his speech in writing in Parliament and he walked out. In his letter of resignation he wrote to the Prime Minister thus, “For a long time, I have been thinking of resigning my place in the Cabinet. But I waited all this time to give effect to the Hindu Code Bill before the life of the Parliament came to an end. I even agreed to break up the Bill and restricted it to Marriage and Divorce parts so that so much of my labour may bear fruit. But even that Part of the Bill was killed. As such, I see no purpose in my continuing as a Member of your Cabinet.”

Some well-meaning Political Leaders requested Ambedkar to continue in the Cabinet without criticizing the Government as regards their apathy.
towards the Scheduled Castes. It was because they held an opinion that he would continue to render monumental services to the country in general and to his people in particular if he continued to serve as the Law Minister. At that time, Srimathi Dakshyani Velayudhan, a Scheduled Castes Congress M.L.A. from Madras made the following appeal to Ambedkar. “Let me make a personal appeal to Dr. Ambedkar to join the Nationalist Forces of this country. He is the only Leader of the Scheduled Castes in the country and his co-operation with the Nationalist Forces will enhance the emancipation of the Scheduled Castes. Here is a unique opportunity for him to place his services before the country. I therefore humbly request him not to resign from the Cabinet.” But Ambedkar did not pay attention to the words of advice of anybody. He however voiced the following opinion to his people. “The Congress is a big organization and if we enter the Congress, we will be a mere drop in the ocean. Congressmen have great pride and we cannot raise ourselves by joining their Organization. We will increase the strength of our enemies by joining the Congress”. But soon after he entered Nehru’s Cabinet in the year 1947, he had advised his people that they should give up their political aloofness and co-operate with the Congress Government to strengthen the newly-won freedom. He also added that, upto the year 1947, they were narrow-minded. Some Political Leaders in the country however held an opinion that Ambedkar was determined to resign from the Cabinet on one plea or other with a view to contest for a reserved seat in the Lok Sabha as a candidate of the Scheduled
Castes Federation in the general elections of the year 1952. In a Press statement he made clear all his differences with the Cabinet: (1) Nehru kept him out of every Cabinet Committee; though he had promised him the Planning Department, he offered him the Law Ministry. (2) According to him, Government had exhibited apathy towards the Scheduled Castes (3) Difference over the Kashmir issue. Ambedkar advocated partition of Kashmir; he said that the Hindu and the Buddhist parts should be given to India and the Muslim part to Pakistan. (4) Ambedkar remarked that the foreign policy of India was incorrect since it had made more enemies rather than friends. Increase in the defence expenditure was the result of foreign policy. (5) Nehru's policy in regard to the Hindu code Bill.

Nehru said that the statement was not that what he had expected from a resigning Minister.

The Demand for a Constituent Assembly elected by the people of India was affirmed from time to time by political leaders. The failure of the Round Table Conference convinced Indians that the Constitution of India must be framed by Indians through a Sovereign Constituent Assembly. In 1934 the Swarajya Party declared that applying the Principle of self-determination it was necessary “to convene a Constituent Assembly, representative of all sections of the Indian people, to frame an acceptable constitution.” The Congress at its Faizpur session in December 1936 declared that a genuine democratic State of India, with its political power transferred to the people as a whole, could only come through a Constituent
Assembly elected by adult suffrage and invested with the power to frame the Constitution of the country. In November 1939, the Congress Working Committee declared the same policy. Gandhiji also supported the idea of a Constituent Assembly.¹⁶

The Muslim League after its Lahore Resolution on Pakistan in March 1940, demanded two Constituent Assemblies in accordance with its demand for two separate States in the country. The Cripps Proposals and the Sapru Committee also upheld it. But Ambedkar opposed this demand and regarded it as a most dangerous project which might involve this country in a civil war. In his interview with the Cabinet Mission on April 5, 1946, Ambedkar opposed the idea of Constituent Assembly as he feared it would be dominated by the caste Hindus. If Scheduled Castes joined it they would be no more than a small minority which could always be outvoted.

Though Ambedkar and his party opposed the Constituent Assembly and regarded it as dangerous, in the changed circumstances, they thought that there was no other way but to take active part in it. Ambedkar visualized that the Britons were determined to withdraw from India and the ensuing Constituent Assembly would be a sovereign one, that the pattern of future Constitution should suit Indian conditions and the interests of the Depressed Classes were wedded to the general interests of the rest of the population.

Ambedkar was elected to the Constituent Assembly of India by the members of the West Bengal Legislative Assembly, though he was defeated in Bombay. He was elected on the Drafting Committee and later appointed...
its Chairman. The other members were N. Gopalaswami Ayyangar, Sir Alladi Krishnaswami Ayyar, K. M. Munshi, Sir Muhammad Sadulla, N. Madhav Menon and D. P. Khaitan. B. N. Rau was the constitutional adviser.

Ambedkar was a relentless opponent and an uncompromising critic of the Indian National Congress in its policies towards his community. At the opening session of the Assembly he was one of the very few who opposed the Objectives Resolution moved by Pandit Nehru. But subsequent developments culminating in the partition of the country made him realize that political realism demanded a moderate attitude on his part towards those who had in their hands effective political power. The Congress responded to this gesture so generously that they elected him the Chairman of the Drafting Committee.

His main objective in entering the Constituent Assembly was to safeguard the interests of the Scheduled Castes. He was surprised when he was elected to the Drafting Committee and, moreover, as its Chairman. He realized that 'the course of political events was changed now'. He changed his strategy. Instead of opposition, he adopted the policy of cooperation with the Congress leadership.

An Untouchable who was kicked out from carts and segregated in schools in his boyhood, who was insulted as a professor, and ousted from hotels, hostels, saloons and temples in his youth as a despicable Mahar, and who was cursed as a British stooge, despised as a heartless politician and
devil, hated as a reviler of the Mahatma and decried as an Executive Councillor, became now the first Law Minister of a free nation and the chief architect of the Constitution to define the will, aim and vision of India! It was a great achievement and a wonder in the history of India. India chose, in amends for her age-long sin of Untouchability, her Law-giver, new Manu, and new Smritikar from among a caste which had been dehumanized, demoralized and devitalized for ages. New India entrusted the work of framing her new laws to a man who had a few years before burnt the Manusmriti, the Code of the Hindu! Was it the goddess of Nemesis that played the trick? Or was it a whirligig of time? 19

On April 29, 1947, the Constituent Assembly declared to the world: “Untouchability in any form is abolished and the imposition of any disability on that account shall be an offence.” It was the good fortune of Sardar Patel to move the Clause. It was a glorious day in the history of India when the ruling power in India declared its will to wash out the stigma of untouchability. The world Press described this event as the freedom of the Untouchables, the day of emancipation of the outcastes, a historic act outlawing untouchability and a victory for human freedom! The New York Times said: “The advance toward wiping out their ancient stigma has been matched in modern times only by our own abolition of slavery and the freeing of the Russian serfs.” The New Chronicle, London, praised it as one of the greatest acts of history. The New York Herald
Tribune described it as one of the fresh and clean beams of light in the post-war world.\textsuperscript{20}

In this connection, special mention may be made of Article 17 of the Constitution which abolishes the practice of untouchability in any form. In a simple and brief way this article abolished this age-old anachronism of our society. Ambedkar was the man who was destined to emancipate his unfortunate brethren.

It has been pointed out that Article 17 did not create any particular right and privilege.\textsuperscript{21} Ambedkar was aware of this fact. But it was the only effective way in which the determination to eradicate this evil, root and branch, could be expressed emphatically.

Untouchability was one of the greatest disabilities suffered mutely by nearly one-sixth of the country’s population. If a right meant a remedy against a disability, the fundamental right created in Article 17 definitely proved a greater charter for deliverance to these people.

The main object of Ambedkar’s life was to bring about a social revolution by breaking the caste system so that everybody could have the opportunity of self-development. For this, he adopted democratic and constitutional means. His thinking was, therefore, dominated by democratic and constitutional ideologies. He wanted to transform political democracy into a social democracy. He should therefore, be remembered for all times to come, as a great social reformer, a patriot, a vigorous champion of justice, freedom and a great Constitution maker.
At the outset, he declared that the Constitution emanated from the people. He remarked that Indian sovereignty did not derive from the sovereignty of the British Parliament. The Preamble indicated the source from which our Constitution derived its authority and also stated the objects which the Constitution sought to promote. He defended Indian federalism. According to him, it was not a league of states nor were the states administrative units or agencies of the Union Government. His concept of federalism meant that the state was a federation in normal times but unitary in an emergency. He defended a strong Central Government. Of all the rights, he regarded equality of opportunity for all citizens as the most important right. He emphasised the Article on constitutional remedies, and characterized it as the very soul of the Constitution, and the very heart of it. The Directive Principles were meant to ensure social and economic democracy, in addition to political democracy, which was secured by the provision of Fundamental Rights in a written Constitution. According to Ambedkar, they were nothing but obligations imposed by the Constitution upon the various Governments in this country. He first stigmatized the villages as dens of superstition and ignorance but afterwards he embodied in the Directive Principles the salutary provision for village panchayats. He stressed that the Directive Principles were more important and the Fundamental Rights were subservient to the Directive Principles. He preferred the Cabinet system of Government as prevailing in England. It
was preferable in India to the Presidential system of Government as existed in the U.S.A.

The Constitution on the whole incorporated some of the latest features of the working of other Constitutions in the world today: nationalism, centralization, a strong executive, secularism and a welfare state. It provided not only for Governmental machinery but also for an effective instrument for orderly social change. It aimed at the blending of political democracy with economic and social democracy. According to Ambedkar, the executive authority should be co-extensive with legislative authority. He added that the principles embodied in this constitution were as good as, if not better than, the principles embodied in any other parliamentary Constitution. He remarked that however good or bad a constitution might be, whether it would turn out good or bad would ultimately depend on the men who worked it. In his speech in the Rajya Sabha, he remarked, “the Constitution was a wonderful temple we built for the gods, but before they could be installed, the devils have taken possession.”

LABOUR AND CONSTITUTION

The Central Government would have the authority not merely to make laws but would have the authority to administer them.

A Constitution which is politico-socio-economic, besides prescribing the nature of the various organs of the State, also proceeds to prescribe a particular form of economic organization for the society. That is to say it
prescribes the ownership and the management of the instruments of
production and distribution of the income among members of the society.
The U.S.S.R. Constitution broke new ground. It prescribed a political
structure for the U.S.S.R. society; it also prescribed, in its Constitution, the
economic structure. Ambedkar remarked that to prescribe the shape of the
economic life of society was to take away the liberty of the individual. But
again he maintained that safeguarding of individual liberty required that the
Constitution should prescribe the economic shape of society.

According to Ambedkar, political democracy rested on four premises:
(1) the individual is an end in himself; (2) the individual has certain
inalienable rights which must be guaranteed to him by the Constitution; (3)
the individual shall not be required to relinquish any of his Constitutional
rights as a condition precedent to the receipt of a privilege; (4) the State
shall not delegate powers to private person to govern others. The
unemployed are compelled to relinquish their fundamental rights for the
sake of securing the privilege to work and to subsist. He further remarked
that the liberty from the control of the State resulted in dictatorship of the
private employer. He said that fulfillment of a fundamental purpose could
not be left to the mercies of majority rule. According to him, labour must
have liberty and equality and a constitution which balanced both. He
preferred socialism. He remarked that Indian Labour must insist that the
Indian Constitution must not merely be political instrument but must also be
an economic instrument.
Ambedkar said with great fervency: "On January 26, 1950, we are going to enter into a life of contradictions. In politics, we will have equality and in social and economic life, we will have inequality.... We must remove this contradiction at the earliest moment, or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up."

In the end, he appealed to the Indians to be a nation in the social and psychological sense of the word by discarding castes, which brought about separation in social life and created jealousy and antipathy between caste and caste.

The House listened to his forty-minute lucid, eloquent and prophetic speech spellbound, punctuating it with cheers. Members later described it as a graphic and realistic appraisal of the political conditions prevailing in India. The next day newspapers published his speech with great joy and pride, and showered eulogies on his words of wisdom and warning.

On November 26, 1949, the Constituent Assembly, in the name of the people of India, adopted the Constitution with its 395 articles and 8 schedules. In his concluding speech Dr. Rajendra Prasad, the President of the Constituent Assembly, said: "Sitting in the chair and watching the proceedings from day to day. I have realized as nobody else could have, with what zeal and devotion the Members of the Drafting Committee and especially its Chairman Dr. Ambedkar in spite of his indifferent health, have worked (Cheers.) We could never make a decision, which was or could be..."
ever so right as when we put him on the Drafting Committee and made him its Chairman. He has not only justified his selection but has added luster to the work which he has done.”22

The Constituent Assembly worked strenuously for two years eleven months and seventeen days. There were over 7600 amendments of the Draft Constitution, but of these 2473 were moved and disposed of.

A weekly of Gandhian persuasion compared Dr. Ambedkar with Upali who was chosen to rehearse the Vinaya to the Buddhists convocation that met three months after the Mahaparinirvana23 of the Buddha.

The main feature of the Constitution is that sovereignty resides in the people, and Parliament as the representative of the people carries that sovereignty. The directive principles lay down that our ideal is social and economic democracy; and as observed by K.C. Wheare in his Modern Constitutions24 the Indian Constitution strikes a good balance in respect of the amending process.

Ambedkar gave due credit to the organized Congress Party. He said, “It is because of the discipline of the Congress Party that the Drafting Committee was able to pilot the Constitution in the Assembly with the sure knowledge as to the fate of each article and each amendment. The Congress Party is entitled to all the credit for the smooth sailing of the Draft Constitution in the Assembly.”25 Shri B. Shiva Rao also remarked that the Congress Party never yielded to temptation of attempting to carry any of its provisions or of imposing any of its ideas through the weight of its party

On the whole, "his speeches were invariably characterized by a bold and forthright approach. On two points—the question of a strong Centre with plenary powers and the amplitude of Fundamental Rights—his unequivocal support was very helpful."²⁶

**CONSTITUTION—MAKER**

Tributes were paid to Ambedkar for his zealous and arduous task of piloting the Constitution of free India in the Constituent Assembly. It was expressed by some that Ambedkar as a signatory of the Poona Pact became happy by giving equal opportunities to all classes and sections of the people who inhabited India. A Harijan Member from Madras felt proud that Ambedkar's capacity has now been recognized not only by the Harijans, but by all communities. His 'learned speeches' praised by many and 'particularly words fail to convey the gratitude for the legal acumen, the untiring industry, the consummate skill and the firmness, tempered with moderation with which the Chairman of the Drafting Committee has piloted this Constitution.'²⁷ It was expressed that he has secured for himself a high position in the hearts of all and requests were made by Thakurdas Bhargav that he should not consider himself the leader of the Scheduled Castes but join Congress and thereby be able to enter the circle of Congress High Command—a position which was much more significant and important
H.J. Khandekar, a Harijan Member, became very glad to see that Ambedkar worked very hard and not only worked, but given up the idea of separate electorates and voted for the joint electorates in the meeting of the Advisory Sub-Committee.

Ambedkar was described as 'the Modern Manu' by many members. His contribution dispelled all doubts and fears and he was considered to be one of the best patriots of this country. S. Sahaya said, "The achievement of independence would go to the credit of Mahatmaji and its codification to one of Mahatmajis worst critics, viz. the great architect of our great Constitution, Dr. Ambedkar." He said further, "He deserves the gratitude not only of this Assembly, but of this Nation... and his masterly way of piloting will ever be remembered not only by this generation, but by the posterity with gratitude." Alladi Krishnaswamy Ayyar, a member of the Drafting Committee, concluded his speech by saying "I would be failing in my duty if I do not express my high appreciation of the skill and ability with which my friend, the Hon. Dr. Ambedkar, has piloted this Constitution and his untiring work as the Chairman of the Drafting Committee." G.B. Pant called him 'Pandit' saying that "his scholarship is evinced in preparing the Draft of the Constitution and in making a logical exposition of "its provision in the house." Dr. Pattabhi Sitaramayya said, "I should have liked to tell Dr. Ambedkar what a steam-roller intellect he brought to bear upon this magnificent and tremendous task: irresistible, indomitable, unconquerable levelling down all palms and short poppies; whatever he felt
to be right he stood by, regardless of consequences.\textsuperscript{33} Pandit Kunzru paid tribute to the Drafting Committee for the efficiency and thoroughness with which it dealt with its task.\textsuperscript{34}

Dr. K.V.Rao was of the opinion that Ambedkar was not 'father' but 'mother' of the Constitution. According to him, Ambedkar had no part in making decision, and far from germinating ideas, he had to compromise his own, fail in his purpose and finally accept and advocate the ideas of others. He advocated Presidential Executive, but later on, he had to oppose it in the Constituent Assembly. Dr.K.V.Rao remarked that Nehru and Patel might be called "Father of the Nation" but he preferred to call them 'Presiding Deities'—the real sources and makers of the Constitution. Ambedkar might be called the 'mother” of the Constitution.\textsuperscript{35}

Dr. Pylee in his book gave Ambedkar’s estimate as a Constitutionalist. He said, "Ambedkar brought to bear upon his task a vast array of qualities, erudition, scholarship, imagination, logic, eloquence and experience. Whenever he spoke in the House, usually to reply to criticisms advanced against the provisions of the Draft Constitution, there emerged a clear and lucid exposition of the provisions of the Constitution. As he sat down, the mist of doubts vanished as also the clouds of confusion and vagueness. Indeed he was a \textit{Modern Manu} and deserves to be called the father of the Chief Architect of the Constitution of India."\textsuperscript{36}

Whenever Ambedkar became the Minister of Law in the Central Cabinet of free India then on words, he became leader of the nation. Till now he
had been acknowledged as leader of the one session of the country. Whenever he became Chairman of the Drafting Committee of the Constituent Assembly, he became director of destiny of this country. Ambedkar occupied honourable position with his dint of tireless efforts and constant and continuous struggles. He added new pages to the history of India.
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