

*Dr. B.R. Ambedkar—  
The Man  
and  
His Message*

*A Commemorative Volume*



**Dr. B.R. AMBEDKAR**  
**The Man and His Message**

A Commemorative Volume

*Edited by*

SUDARSHAN AGARWAL  
*Secretary-General, Rajya Sabha*

**Prentice-Hall of India Private Limited**

New Delhi-110001

1991

Rs. 125.00

**Dr. B.R. AMBEDKAR—The Man and His Message:**  
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PRENTICE-HALL INTERNATIONAL, INC., Englewood Cliffs.  
PRENTICE-HALL INTERNATIONAL, INC., London  
PRENTICE-HALL OF AUSTRALIA, PTY. LTD., Sydney  
PRENTICE-HALL CANADA, INC., Toronto  
PRENTICE-HALL OF JAPAN, INC., Tokyo  
PRENTICE-HALL OF SOUTHEAST ASIA (PTE.) LTD., Singapore  
EDITORIA PRENTICE-HALL DO BRASIL LTDA., Rio de Janeiro  
PRENTICE-HALL HISPANOAMERICANA, S.A., Mexico City

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**ISBN-0-87692-634-0**

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Published for the Rajya Sabha Secretariat, New Delhi.

Phototypeset and Printed by Mohan Makhijani at Rekha Printers Private Limited, New Delhi-110 020 and Published by Prentice-Hall of India Private Limited, M-97, Connaught Circus, New Delhi 110 001.



राष्ट्रपति  
भारत गणतंत्र  
**PRESIDENT  
REPUBLIC OF INDIA**



## Message

Dr. B.R. Ambedkar's is a household name in India—whether in his home state or in the far-flung areas of India, the intelligentsia as well as the humble folk look up to his memory with admiration and respect. His portrait adorns not just the walls of our legislatures and public buildings, but also those of countless humble dwellings in factory premises, workers' linerooms and *busties* all over the country. The people of India have perceived in Babasaheb Ambedkar a man who felt in his own arteries the pulsations of his poor brethren.

Bhimrao Ambedkar was born in the oppressed community of *Mabars* and was personally witness to the many humiliating privations which were being heaped upon the so-called untouchables of India. During his school days, young Bhimrao realised what the stigma of untouchability meant. The story is told of how, when Bhimrao and his brother were once going to Goregaon from Masur railway station, they secured a bullock cart. Hardly had the cart gone a few yards when the cartman learnt that the two boys in the cart were 'untouchables'. The cartman promptly got off the cart. Bhimrao's elder brother had to drive the cart while the cartman followed the cart on foot, for fear of pollution! Also, they could not get drinking water for the whole journey for the same reason.

Being an 'untouchable', Bhimrao was also forced, while at school, to sit apart from the rest. He could not fraternise with other boys or play games with them. The teachers, it is said, would not touch his notebook, while some of them would not even put questions to Bhimrao and others of that caste for fear of being polluted. When they felt thirsty in the school, they were not given glasses of water; instead they were required to raise their heads and cup their mouths so that somebody could funnel drinking water towards their lips. But, most galling of all, they were prohibited from learning Sanskrit. To Bhimrao, this was the indignity that perhaps rankled the most. For who has the right to put a lock on people's *minds*?

But, as the saying goes, "Where there is a will there is a way". Bhimrao Ambedkar overcame all the disabilities, humiliations and poverty by the sheer quality of his intellectual calibre and determination. Before long, his outstanding abilities came to be recognised. Thanks to the foresight of the progressive Maharaja Sayaji Rao of Baroda, Bhimrao was able to enter Elphinstone College in Bombay and after graduation join the Baroda State Service. Shortly thereafter, the Maharaja, who was sending some students to the USA for higher studies at the Columbia University, included Bhimrao among them. Professor Seligman, the well-known economist, was his teacher there. In 1915, Bhimrao obtained Master's degree for his thesis, "Ancient Indian Commerce". In May 1916, he presented a paper on "The Castes in India: Their Mechanism, Genesis, and Development", at the Anthropology Seminar sponsored by Dr. Goldenweiser. In June 1916, he submitted his Ph.D. thesis entitled "National Dividend for India: A Historic and Analytical Study", which was published eight years later under the title: *The Evolution of Provincial Finance in British India*. Bhimrao dedicated the book to Maharaja Sayaji Rao. In his introduction to the book, Prof. S.A. Seligman stated: "Nowhere to my knowledge, has such a detailed study of the underlying principles been made." Bhimrao was, thereby, launched in academics. He studied Economics, Law and Political Science in America and, later, at the London School of Economics and Bonn University, where he wrote *The History of Indian Currency and Banking*.

One trait marked Babasaheb during his student days and, in fact, throughout his life: He was a voracious reader. He had an insatiable thirst for books. He bought books by curtailing his daily needs. In New York he is said to have purchased about 2,000 old books. And it is recorded that at the time of the Second Round Table Conference in London, he bought so many books that they had to be sent to India in 32 boxes.

It is important to record here one major influence on Dr. Ambedkar. While in the USA, he was drawn to the fourteenth amendment of the Constitution of the USA which gave freedom to the Black Americans. He saw at once the parallel of the situation for the Depressed Classes in India. On returning home, Babasaheb came to be greatly influenced by the life-work of Mahatma Phule, the votary of a classless society and women's uplift. The need as well as the feasibility of reform impressed itself on Babasaheb's mind and he decided to devote all his time and talents for the amelioration of his underprivileged brethren. Newspapers started by him such as the *Mooknayak*, *Bahishkrit Bharat* and *Samata* were at once recognised as authentic voices of the Depressed Classes. Likewise, institutions set up by him such as the *Hitakarini Sabha* and the Independent Labour Party of India became vehicles of change. During the same period, Gandhiji was pioneering his epic reform of Indian society which included the uplift of the Depressed Classes whom Gandhiji had termed *Harijans*. Babasaheb's work did not form part of the programmes of the Indian National Congress led by Gandhiji.

But we can now see from the vantage point of history that both Gandhiji and Babasaheb represented different facets of the same awakening. Not many are aware that when Gandhiji started his new weekly, *Harijan*, he requested Babasaheb Ambedkar to send a message for the first issue. Babasaheb sent a statement for publication in the magazine which said:

The outcaste is a bye-product of the caste system. There will be outcastes as long as there are castes. Nothing can help to save Hindus and ensure their survival in the coming struggle except the purging of the Hindu faith of the odious and vicious dogma.

Publishing these words in his weekly, Gandhiji paid a remarkable tribute to Dr. Ambedkar, and I quote from Gandhiji's words as published in the *Harijan*:

Dr. Ambedkar is bitter. He has every reason to feel so. He has received a liberal education. He has more than the talents of the average educated Indian. Outside India he is received with honour and affection, but in India, among Hindus, at every step he is reminded that he is one of the outcastes of Hindu society. . . . This is the caste Hindus' shame, not his, but I would like him to feel that there are today thousands of caste Hindus who would listen to his message with the same respect and consideration that they would give to that of any other leader and that in their estimation there is no person high and no person low.

The differences between Gandhiji and Babasaheb on the question of separate electorates were marked. Babasaheb signed the famous Poona Pact with misgivings. He was to declare later that the Pact had

“resulted in disenfranchising 60 million untouchables.” And yet, for all his discontent, Babasaheb Ambedkar never allowed his emotions to turn into cynicism. He believed in constructive action and used every opportunity that was available to him to embody his ideals in constitutional programmes.

Babasaheb was elected to the Bombay Legislative Assembly in the elections under the Constitution of India Act, 1935. The Congress had declared that it was entering the legislatures to wreck that Constitution. Babasaheb was determined to make it work. The objective was the same, although the techniques differed. Babasaheb made effective contributions to the debates in the Assembly on a variety of subjects. His flair for legislative work became evident to the whole nation.

Soon the Constituent Assembly of India afforded Dr. Ambedkar the opportunity to give the most notable and permanent shape to his social philosophy and to his undying faith in the dignity of human beings. Babasaheb was not in the Congress, but it must be said to the credit of the farsighted and objective leadership of the Indian National Congress that it requested Dr. Ambedkar to serve on the Drafting Committee of the Constituent Assembly and made him its Chairman.

As Chairman of the Drafting Committee, Dr. Ambedkar anticipated every conceivable requirement of the new polity. Drawing from the examples and experiences of other nations and the distinctive needs of our own society, he raised, brick by brick, the magnificent edifice which now stands as the Fundamental Rights in the Constitution of India. There were, of course, other luminaries on the Committee like Alladi Krishnaswami Ayyar, K.M. Munshi and N. Gopalaswami Ayyangar who also made vital contributions to the process of Constitution-making. But if there is one person who will be remembered as the pilot of the various provisions of the Indian Constitution, it will surely be Dr. B.R. Ambedkar. It devolved on Dr. Ambedkar to explain (to the Assembly), with a combination of tact and frankness, and utmost patience, the meaning and scope of the different provisions of the Draft Constitution. He had the rare gift of unravelling the most complicated legal concepts in a language which the laymen understood. Dr. Ambedkar, aided by the indefatigable Constitutional Adviser, B.N. Rau, performed this task matchlessly.

Dr. Ambedkar had a clear perception of the mutuality of the three pillars of State—the legislature, the executive, and the judiciary. He realised that the jurisdiction of each should be clear and untrammelled. At the same time, he had a sense of the limitations of these three pillars of democracy and of the importance of the role of citizens.

The following observation he made is significant:

The Constitution is a fundamental document. It is a document which defines the position and power of the three organs of the State—the executive, the judiciary and the legislature. It also defines the powers of the executive and the powers of the legislature as against the citizens, as we have done in our chapter dealing with Fundamental Rights. In fact, the purpose of a Constitution is not merely to create the organs of the State but to limit their authority, because, if no limitation was imposed upon the authority of the organs, there will be complete tyranny and complete oppression.

Jawaharlal Nehru chose Dr. Ambedkar to be the first Law Minister of independent India. This was a recognition of Dr. Ambedkar's skills in the field of law and legislation as also a tribute to his vision of social justice—a vision which was sought to be infused into the new Indian polity. But above all, this was a tribute to the success of Babasaheb Ambedkar's own campaigns against social injustice. Who could have dreamt that one born to a *Mahar* family would one day become not only a Law Minister but a Law-maker and be hailed as the modern Manu?

In the four decades and more since Independence, much progress has been achieved in providing equality of opportunities to the people. Members of the Scheduled Castes find doors which had been closed to them for centuries being opened. No legal bars exist today for self-expression or self-advancement. They are enrolling themselves in institutes of higher learning and entering public services. They have come to occupy high offices of State, both at the Centre and in the States. Judges, ambassadors and governors have been drawn from their ranks. And they have acquitted themselves creditably in all these positions of responsibility.

And yet, much remains to be done on the social plane. The Annual Reports of the Commissioner for Scheduled Castes and Scheduled Tribes list several violations of the law and several instances where, notwithstanding the statute book, members of the Scheduled Castes have been discriminated against. Babasaheb Ambedkar's work will be truly complete only when social discrimination is completely eliminated from our society.

Babasaheb Ambedkar always stressed the importance of constitutional methods to achieve social objectives. In an interesting observation, he once described the methods of civil disobedience, non-cooperation and *satyagraha* as the “grammar of anarchy”. The observation assumes importance in the context of public agitations in free India. It is one thing to utilise these methods in a struggle against an alien power. The right to rebellion is recognised against a government without people's consent, be it alien or national dictator-

ship, but not in a democracy based on free and fair elections. Misdirected and volatile, such agitations invariably result in the loss of lives and public property.

In commemorating Babasaheb Ambedkar, we shall do well to remember that the methods for the redressal of grievances available in a parliamentary democracy are efficacious and must be used, eschewing other methods. The march towards a casteless and classless society should be through dialogue and discussion, education and legislation. This requires not just statesmanship but sagacity.

About 2500 years ago the Buddha had questioned the caste divisions in India. He said "The only valid divisions are the divisions between those who are noble and wholesome and those who are ignoble and unwholesome." The Tamil poetess Avvai had said, similarly, that there are only two castes in the world, namely, the charitable who give and are superior, and the misers who do not and are, therefore, inferior. Throughout the course of Indian history, great sages and saints exposed the hollowness of these divisions and sought to bring all the communities of India together in a creative partnership. But caste, by virtue of its power structure, showed itself to be firmly entrenched.

Under the policy of "Divide and Rule", the British rulers exaggerated caste distinctions and divided the people of India further to strengthen their hegemony over us. It was given to two great Indians of our time, Mahatma Gandhi and Babasaheb Ambedkar, to repudiate caste and to proclaim the oneness of the Hindu community. Gandhiji did so by reminding the higher castes of their duty towards the Depressed Classes. Babasaheb Ambedkar did the same by reminding them of their inherent rights to equality with the higher and more powerful castes. One stressed the duties, the other stressed the rights; together, they brought about a veritable revolution in social thought.

In course of time, Babasaheb embraced Buddhism. It is important to remember that this act of Babasaheb Ambedkar was the result of deep thinking. He was drawn to the concept of *dukkha* in Buddhism, for he was aware of the sorrows of human society. He was drawn to the classless concept of the Buddhist *sangha*, for collectivism as opposed to social fragmentation had been his aim. Babasaheb's lecture in Kathmandu on "The Buddha and Marx" is a classic of its kind. It shows how Babasaheb was working towards a revolution through peaceful, inner change.

When Babasaheb passed away, in December 1956, Jawaharlal Nehru made a moving reference in the Lok Sabha. Describing Babasaheb as "a symbol of revolt", he said:

I have no doubt that, whether we agreed with him or not in many matters, that perseverance, that persistence and that, if I may use the word, sometimes virulence of his opposition to all this did keep the people's mind awake and did not allow them to become complacent about matters which could not be forgotten, and helped in rousing up those groups in our country which had suffered for so long in the past. It is, therefore, sad that such a prominent champion of the oppressed and depressed in India and one who took such an important part in our activities, has passed away.

There can be no doubt that the day is not far off when Babasaheb Ambedkar's dream of *samata* will become a reality.

New Delhi  
October 1, 1990



[R. VENKATARAMAN]



PRIME MINISTER




### *Message*

The contribution of Dr. Ambedkar in the building of modern India will long be remembered. His work as one of the prime architects of our Constitution, the bedrock upon which the Indian nation rests, is of lasting importance. The work of Dr. Ambedkar was a source of inspiration not only to his own generation but the generations which have followed.

Dr. Ambedkar's life was a relentless struggle in the cause of the downtrodden. His sustained efforts and indomitable spirit have left their imprint on history and continue to inspire us in our present day endeavours to secure for the weaker sections their rightful place in society.

I am happy to learn that the Rajya Sabha Secretariat are publishing a commemorative volume on Dr. Ambedkar. This is a tribute worthy of a great son of India whose struggle to secure justice for the downtrodden has continued to give courage and strength to all those who stand for a more just society.

New Delhi  
January 2, 1991

  
[CHANDRA SHEKHAR]



सत्यमेव जयते

**SPEAKER, LOK SABHA**



### *Message*

I am glad to learn that the Rajya Sabha Secretariat is bringing out a commemorative volume to mark the Birth Centenary of Dr. Babasaheb Bhimrao Ambedkar, the architect of our Constitution.

An erudite scholar, a legal luminary, a great statesman and a champion of Depressed Classes, Babasaheb has carved out a permanent niche for himself in the hearts of our countrymen. To quote the Father of Nation, Mahatma Gandhi, he was a "patriot of sterling qualities."

The Constitution of India, to the framing of which he contributed so much and every page of which has his imprint, truly reflects the hopes and aspirations of our people. It is indeed a tribute to his sagacity, wisdom and legal acumen that the basic philosophy and ideals enshrined in the Constitution of India have withstood the test of time and helped in preserving the unity, integrity and democratic fabric of the country. Therefore, he has been aptly described as the *Modern Manu*.

Today, when the grateful nation celebrates the Birth Centenary of this distinguished son of our motherland, the only befitting tribute that we, the people of India, can pay to him is to rededicate ourselves to the lofty ideals which Babasaheb always held so dear.

New Delhi

*Rabi Ray*  
[RABI RAY]



## *Foreword*

Dr. Babasaheb Ambedkar was one of the most remarkable leaders who shaped the polity of India in the nascent years of our freedom. He was a thinker, revolutionary, and a champion for human rights and human dignity.

In the centenary year of the birth of this great son of India, whom history will progressively recognize as a universal man, I felt it would be appropriate that a commemorative volume should be brought out by the Rajya Sabha Secretariat as a mark of gratitude and respect towards Dr. Ambedkar; the need to do so was reinforced by the fact that Dr. Ambedkar had graced the Rajya Sabha as a Member.

I am particularly happy that exceedingly fine contributions, illuminating various significant aspects of the personality, the life and work of Dr. Ambedkar, have been integrated in this volume, and made available to the reading public on the 101st anniversary of his birth.

Pt. Jawaharlal Nehru, in a tribute to Dr. Ambedkar, had said of him: "The way he will be remembered most will be as a symbol of the revolt against all the oppressive features of . . . society. He rebelled against something against which all ought to rebel."

In the perspective of a profoundly significant tradition of seers and reformers in India, Dr. Ambedkar helped the people of India to open their eyes and become aware of many cruel distortions and injustices that had become institutionalized over the centuries—encrusting and debilitating Indian society. Dr. Ambedkar's struggle may be seen as a missionary effort by an enlightened guide persevering in the noble task of leading a vast and ancient nation to the right path of humanism, peace, brotherhood and progress. The Constitution of India bears the impress of Dr. Ambedkar's thought as a key instrument for national reconstruction. In an important way, Dr. Ambedkar thus gave expression to an inner need in India for a just social condition; on such basis alone can national well-being be secured in tune with our ancient ideals.

I sincerely hope that this commemorative volume—representing a centennial tribute—would also encourage further studies concerning Dr. Babasaheb Ambedkar, his ideals, his struggle and achievements, and induce ever-widening individual and institutional effort for the attainment of the goals he so clearly defined.

New Delhi  
14 April 1991

*S. K. Sharma*  
[SHANKER DAYAL SHARMA]  
*Vice-President of India, and  
Chairman, Rajya Sabha*

## Preface

Dr. Babasaheb Ambedkar, whose Birth Centenary is being celebrated this year, was a towering personality of our time. He was a Member of the Rajya Sabha from May 1952 till his death on 6 December 1956.

From the depths of despair Dr. Babasaheb Ambedkar emerged as a colossus in the Indian political arena to champion the cause of the Depressed Classes and uphold human dignity. A versatile genius, he played a crucial role in the political, social, economic, religious and other spheres to attain his objectives. As the architect of our Constitution, he has contributed immensely to build up Parliamentary institutions and worked for their consolidation. For, he believed that these institutions were the central lever of social engineering which can herald a better tomorrow for the suffering millions.

As a Member of the Rajya Sabha, Dr. Ambedkar displayed great debating skill and spoke authoritatively on various issues. He spared no effort in criticising the Government on policy matters whenever he felt that the latter was following a wrong path. His thought-provoking suggestions and succinct summaries used to evoke admiration of the entire House. While speaking on the floor of the House, he used to touch on issues like a true statesman and firmly placed the interest of the nation above everything else. As an eminent parliamentarian, he was genuinely concerned about the role of Parliament in ameliorating the lot of the people, particularly the underprivileged. On the floor of the Rajya Sabha, he had declared that unless Parliament took care of the welfare of the people within a reasonable time, it would be treated with utter contempt by the public.

His respect for the Chair was unquestionable. Not being swayed by the heat and passion of the moment, he used to follow strictly the time-tested rules and conventions.

A democrat par excellence, he firmly believed that "democracy means a form and method of government whereby revolutionary changes in the economic and social life of the people are brought about without bloodshed." Therefore, he urged the people to adopt constitutional methods and abandon the path of violence to bring about radical changes in society.

Freedom and development of society for Dr. Ambedkar meant the guaranteeing of better conditions for all strata of society in general and

positive action for the Depressed Classes in particular. Being a victim of the social evils that were inflicted on the so-called untouchables for centuries, Dr. Ambedkar could not obliterate the traumatic experiences from his conscious mind. Therefore, all his life his efforts were oriented towards the uplift of the people who were kept servile. The various provisions enshrined in our Constitution for the amelioration of weaker sections reflect in ample measure his ideas and efforts.

Dr. Ambedkar's ideas not only emphasised the central theme of ameliorating the conditions of the Depressed Classes but also encapsulated the points, on the basis of which India could be reconstructed. The attainment of political independence was interpreted by Dr. Ambedkar as not a sufficient condition for the regeneration of our society. He stressed the need for the economic emancipation of the underprivileged people. He firmly believed that political freedom cannot be sustained without the infrastructure that guarantees the minimum needs of the people. Therefore, extensive industrialisation, progressive agrarian restructuring, State ownership of industries and the principle of State management were emphasised by him as the crux of the developmental process. Dr. Ambedkar also underlined the need for reduction in the defence budget so that scarce resources could be channelised for productive purposes. In the prevailing world of increased strategic tensions and the existence of flashpoints in many parts of the globe, there is an increasing emphasis on the need to reduce military expenditure and to create confidence-building measures. The idea of Dr. Ambedkar is, therefore, all the more relevant in the present-day context.

This commemorative volume has been brought out in loving remembrance of this great son of India. It attempts to reflect on the contribution of Dr. Ambedkar in various spheres of life. The Vice-President of India and Chairman, Rajya Sabha, Dr. Shanker Dayal Sharma, was a constant source of inspiration to us in undertaking this task. His encouragement and guidance have enabled us to complete the work in a very short time. We also express our gratitude to all those who have devoted their valuable time in contributing stimulating and thought-provoking articles to this volume. We wish to thank the publishers, Prentice-Hall of India, for the meticulous processing of the manuscript and for bringing out the volume within a remarkably short period. Finally, we wish to acknowledge the sincere efforts, the generous cooperation and the dedicated service of the officers and staff of the Research and Library Service of the Rajya Sabha Secretariat.

This commemorative volume is a humble homage of the Rajya Sabha Secretariat to Dr. Ambedkar who worked tirelessly and ceaselessly to build a new India of his dreams.

New Delhi

SUDARSHAN AGARWAL  
*Secretary-General, Rajya Sabha*

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## Introduction

### Dr. Bhimrao Ramji Ambedkar: The Man and His Message\*

Bhimrao Ramji Ambedkar, affectionately known as Babasaheb, was born in a community which suffered oppression for centuries. The social oppression and disability attached to him on the ground that he was born to *Mahar* parents could not prevent him from realising his dreams. His love for learning led him to obtain the highest academic degrees available to any person during those days. Dr. Ambedkar graduated from Bombay University in 1912. Thereafter, he went abroad to pursue higher studies. Dr. Ambedkar was one of the most qualified persons of his time who had such high academic distinctions to his credit as M.A. and Ph.D. from the Columbia University, and M.Sc. and D.Sc. degrees in Economics from the London School of Economics. He also studied law at Grays Inn, London, and visited the famous University of Bonn.

Dr. Ambedkar ranked high among the intellectuals of his time. He was a versatile genius who wrote on such diverse subjects as Anthropology, Sociology, Economics, Philosophy, Religion, Law, History and Politics. His burning passion to fight against injustice made him a natural leader of the oppressed and the downtrodden sections of Indian society who were persecuted for centuries.

He tried his hand in journalism also by floating Marathi fortnightlies. As a social activist, he floated the Bahishkrit Hitkarni Sabha in July 1924. He was also the founder of Samaj Samta Sangh which was preaching social equality among the 'untouchables' and the caste Hindus.

Dr. Ambedkar did not remain content with writing and inspiring people through his writings. He was a man of action. In 1919 he had tendered evidence before the Southborough Committee, claiming political rights for the Depressed Classes of India. He suggested large constituencies for the Depressed Classes. In a written statement of evidence he offered a vivid account of the plight of 'untouchables' in these words:

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The untouchables are usually regarded as objects of pity but they are ignored in any political scheme on the score that they have no interests to protect. And yet their interests are the greatest. Not that they have large property to protect from confiscation. But they have their very *persona* confiscated. The socio-religious disabilities have dehumanized the untouchables and their interests at stake are therefore the interests of humanity. The interests of property are nothing before such primary interests.<sup>1</sup>

To remain only as a leader of the underprivileged was not the final destiny for him. He had many higher things to do and, therefore, he naturally fitted into the varied roles that he was to play later in Indian social and political life. After returning from England, he started legal practice at the Bombay High Court where he established himself as an able barrister and as the champion of the cause of the weaker sections of society.

Dr. Ambedkar entered the Bombay Legislative Council in 1927. He was renominated to it in 1932. In 1937 he was returned to the Bombay Legislative Assembly. During this period he spoke on several occasions on subjects like education, labour, and welfare of peasants and 'untouchables'. An educationist that he was, Dr. Ambedkar realised the importance of education in alleviating the sufferings and improving the overall status of the poor and the deprived. He wanted more financial allocation for primary education. He was also alarmed by the drop-out rate of the school-going children. Out of every hundred children that entered a primary school, only eighteen reached the fourth standard. In his speech in the Bombay Legislative Council, he urged upon the Government to spend sufficient amount of money for the spread of education. He also urged the government to see that every child that entered a school reached at least the fourth standard. He was against commercialisation of education. Education, in his opinion, was to be brought within the reach of everyone.

Dr. Ambedkar's fame as the leader of the socially weaker sections of the society led him to be nominated as a delegate to the Round Table Conference which took place in London. There he served in some of the important Committees also. In the Round Table Conference he took the view that the problem of untouchability was a political problem. In the plenary session of the First Round Table Conference, Dr. Ambedkar made himself adequately clear when he said:

We are often reminded that the problem of the Depressed Classes is a social problem and that its solution lies elsewhere than in politics. We take strong exception to this view. We hold that the problem of the Depressed Classes will never be solved unless they get political power in their own hands. If this is true, and I do not think that the contrary can be maintained, then the problem of Depressed Classes is I submit eminently a political problem and must be treated as

such. We know that political power is passing from the British into the hands of those who wield such tremendous economic, social and religious sway over our existence. We are willing that it may happen, though the idea of *Swaraj* recalls to the mind of many of us the tyrannies, oppressions and injustices practised upon us in the past and fear of their recurrence under *Swaraj*. We are prepared to take the inevitable risk of the situation in the hope that we shall be installed, in adequate proportion, as the political sovereigns of the country along with our fellow countrymen. But we will consent to that on one condition and that is that the settlement of our problems is not left to time.<sup>2</sup>

He envisaged a *new social order* for independent India when he added:

*We must have a Government in which men in power, knowing where obedience will end and resistance will begin, will not be afraid to amend the social and economic code of life which the dictates of justice and expediency so urgently call for. This ROLE the British Government will never be able to play. It is only a Government which is "of the people, for the people and by the people" that will make this possible.*<sup>3</sup>

In the Second Round Table Conference, Dr. Ambedkar expressed himself clearly against Mahatma Gandhi's approach to the rights of the 'untouchables'. In fact, from the very beginning of his political career, Dr. Ambedkar could not reconcile himself to Gandhi's policy towards the cause of Depressed Classes.

Dr. Ambedkar also founded two important political organisations, namely, the Independent Labour Party of India which he set up in 1936 and the Scheduled Castes Federation which was launched in April, 1942 as an all India political party. In the polls held in 1937, the Independent Labour Party achieved spectacular success by winning 15 of the 17 seats it had contested for the Bombay Legislative Assembly. He was the Leader of Opposition till the Assembly came to an abrupt end in November 1939.

Another honour was done to him when he was appointed Labour Member in the Viceroy's Executive Council in July 1942. This certainly was a recognition of his talents as a labour leader. After nearly four years of distinguished service he resigned in June 1946 because a caretaker Government was to be set up soon. During this period, a number of landmark labour legislations were initiated by him, which provided not only for the much needed welfare measures for the workers but also launched several important institutions of far reaching importance. His concern for the labour welfare was largely due to the fact that the majority of the labourers came from those sections of society whose liberation and well-being was so dear to him.

Jawaharlal Nehru recognised the talents of Dr. Ambedkar. He

knew that Dr. Ambedkar was a man of progressive ideas. He therefore wanted to use Dr. Ambedkar's talents for the service of the nation, particularly at a time when the edifice of democracy was being built in the country. Thus Nehru chose Dr. Ambedkar as the Law Minister in his first Cabinet.

Dr. Ambedkar was intimately associated with the framing of the Indian Constitution. As a Member of the Constituent Assembly, Dr. Ambedkar contributed significantly to the framing of the Constitution. As the Chairman of the Drafting Committee, he was mainly responsible for preparing the Draft of the Constitution which was to be considered and adopted later by the Constituent Assembly. Even before he was appointed the Chairman of the Drafting Committee, he was one day unexpectedly called by the President of the Assembly, Dr. Rajendra Prasad, to speak on the amendment of another Member of the Constituent Assembly, Dr. M.R. Jayakar, a well known lawyer and constitutional expert, to the passing of the Objectives Resolution which was earlier moved in the Constituent Assembly by Jawaharlal Nehru. Dr. Jayakar had preferred the postponement of further consideration of the Objectives Resolution to a later date on the ground that the Muslim League Members and most of the Indian States had not joined the Assembly.<sup>4</sup> Many Members of the Assembly objected to this. They wanted that the Resolution be passed immediately. Dr. Ambedkar was certainly not aware that the President of the Assembly would call him unexpectedly to speak on the matter. This indeed was a great opportunity for Dr. Ambedkar to put forth his ideas before the august body which was entrusted with the task of making the Constitution. In his well reasoned speech Dr. Ambedkar said:

I know today we are divided politically, socially and economically. We are a group of warring camps and I may go even to the extent of confessing that I am probably one of the leaders of such a camp. But, Sir, with all this I am quite convinced that given time and circumstances nothing in the world will prevent this country from becoming one.<sup>5</sup>

Dr. Ambedkar in his impassioned speech supported Dr. Jayakar. He, however, told the Members that they should not take too legalistic a view in the matter. It would be in the interest of the unity of the nation, he said, to enlist the cooperation of the Muslim League. He thus pleaded for conciliation and appealed to the Members belonging to the Congress Party that they should not hesitate in making some concessions to the people who were governed by certain prejudices owing to which they were not prepared to march together. He was against using force for solving the Hindu-Muslim problem which existed then. He remarked in the Constituent Assembly:

If there is anybody who has in his mind the project of solving the Hindu-Muslim problem by force, which is another name of solving it by war, in order that the Muslims may be subjugated and made to surrender to the Constitution that might be prepared without their consent, this country would be involved in perpetually conquering them. The conquest would not be once and forever. . .

I will conclude by again referring to Burke. Burke has said somewhere that it is easy to give power, it is difficult to give wisdom. Let us prove by our conduct that if this Assembly has arrogated to itself sovereign powers it is prepared to exercise them with wisdom. That is the only way by which we can carry with us all sections of the country. There is no other way that can lead us to unity. Let us not have any doubt on that point.<sup>6</sup>

On 29 August 1947, the names of the Members of the Drafting Committee were announced in the Constituent Assembly.<sup>7</sup> It was headed by Dr. B.R. Ambedkar and included such legal luminaries as Alladi Krishnaswami Ayyar, N. Gopalaswami Ayyangar, K.M. Munshi, Saiyid Mohd. Saadulla, B.L. Mitter and D.P. Khaitan. The Drafting Committee was subsequently reconstituted when N. Madhava Rau was appointed to replace B.L. Mitter, and T.T. Krishnamachari to fill the vacancy caused by the death of D.P. Khaitan. In the great task of the framing of the Constitution, Dr. Ambedkar's association was close at all levels. He took keen interest in the framing of the Rules of Procedure of the Constituent Assembly which helped in conducting its business on sound parliamentary principles. The President and the other Members of the Constituent Assembly looked to him for guidance whenever there was any procedural wrangle or when any Member had posed a difficult constitutional conundrum which required immediate answer. The Draft Constitution was introduced by Dr. Ambedkar for the consideration of the Assembly on 4 November 1948. When this Draft was being debated in the Assembly, Dr. Ambedkar, as the Chairman of the Drafting Committee, had to answer many points raised by the Members. Being a man of vast political experience, he spoke with authority and was heard with rapt attention by the Members of the Assembly. He spoke elaborately on the various provisions made in the Draft and on the various amendments moved by the Members. He was always ready to answer points raised by the Members. The President of the Constituent Assembly, Dr. Rajendra Prasad, would often turn to him and say, "Would you like to comment", "Would you like to throw light on this issue", or "Dr. Ambedkar will now reply". In fact, it would not be wrong to say that he had the final say in all matters concerning the Constitution during the debates in the Constituent Assembly. He would often intervene in the debate to explain the provisions contained in the Draft. Sometimes he would himself move certain amendments to the Draft. It was not that the Members always praised the provisions contained in the Draft.



Many of them criticised the Draft Constitution and moved amendments. If Dr. Ambedkar was convinced, he would accept those amendments, but if he was not in favour of a particular amendment, he would say, "Sir, I said, I oppose it". Dr. Ambedkar was well versed in the constitutional theories and, therefore, while speaking in the Assembly he would not only provide answers to objections raised by the Members but would also explain to them the philosophy behind those provisions.

Dr. Ambedkar wanted to give such a Constitution to India as would help establish a *new social order* based on the lofty principles of social, economic and political justice. Whenever any question arose about the weaker sections of the society, his heart would go out for them and he would try to secure maximum political advantage and protection for them. This was indeed natural for him because he had fought for the uplift of these sections of society during his entire political career. He never concealed this fact from anyone. In fact, he once acknowledged that he had entered the Constituent Assembly solely to protect the interests of the downtrodden people when he said:

I came into the Constituent Assembly with no greater aspiration than to safeguard the interests of the Scheduled Castes. I had not the remotest idea that I would be called upon to undertake more responsible functions. I was therefore greatly surprised when the Assembly elected me to the Drafting Committee. I was more than surprised when the Drafting Committee elected me to be its Chairman. There were in the Drafting Committee men bigger, better and more competent than myself such as my friend Sir Alladi Krishnaswami Ayyar. I am grateful to the Constituent Assembly and the Drafting Committee for reposing in me so much trust and confidence and to have chosen me as their instrument and given me this opportunity of serving the country.<sup>8</sup>

In the drafting of the Constitution Dr. Ambedkar played the key role. The great constitutional expert that he was, he performed his role with great dexterity and skill. Apart from the Drafting Committee, there were a number of other Committees and sub-Committees, and it was on the basis of the reports of these Committees that the Draft Constitution was to be formulated. Dr. Ambedkar was fully conscious of the fact that the Constitution which he was going to draft was to serve a nascent democracy like India where many divergent interests and conflicting opinions prevailed. It was indeed a difficult task to produce a code which could effect reconciliation among these forces. Credit for accomplishing this marvel really goes to Dr. Ambedkar who gave us a Constitution which has stood the test of time.

The Constitution of a country, no doubt, is essentially a legal document, but by incorporating the principles of socio-economic

justice along with political and civil rights which are of fundamental character, Dr. Ambedkar, in fact, sought to make the Indian Constitution an effective medium of social change. He knew that to ensure justice the Fundamental Rights were of immense importance. To make the Fundamental Rights really effective, it was essential to ensure that every citizen be in a position to claim those rights and that they be binding on every authority. In fact, he wanted the Fundamental Rights to be binding on every authority which had been created by law and which had certain powers to make laws, to make rules and to make by-laws. Fundamental Rights, he believed, were essential for the development of the individual and for the flowering of his personality and, therefore, they were of paramount importance. These rights, however, cannot be absolute in nature. All rights, he thought, should necessarily be attended by corresponding duties. He, therefore, held the view that certain reasonable restrictions should be imposed on these rights in the interests of the State which ultimately served the interests of the individuals. For example, when the very life of the State is threatened, it would be pertinent to impose certain restrictions on the Fundamental Rights enjoyed by individuals. Explaining this concept in the Constituent Assembly, Dr. Ambedkar said:

There can be no doubt that while there are certain fundamental rights which the State must guarantee to the individual in order that the individual may have some security and freedom to develop his own personality, it is equally clear that in certain cases where, for instance, the State's very life is in jeopardy, those rights must be subject to a certain amount of limitation. Normal, peaceful times are quite different from times of emergency. In times of emergency the life of the State itself is in jeopardy and if the State is not able to protect itself in times of emergency, the individual himself will be found to have lost his very existence.<sup>9</sup>

November 29, 1948 was indeed a great day in the history of the Constitution-making because on that day draft article 11, which abolished the most abominable practice of untouchability, was adopted by the Constituent Assembly amidst the chant of *Mahatma Gandhi ki Jai*. Dr. Ambedkar thought that the problem of untouchability was of such magnitude that it would be unwise to leave it to be tackled by the Parliament or the State Legislature by enacting separate laws and, therefore, abolition of untouchability was made part of the Fundamental Rights.

Dr. Ambedkar made strenuous efforts to incorporate into the Constitution such provisions as would help establish a new social order. He believed that some kind of equality should be established as part of the Fundamental Rights. Therefore, under draft article 10, it was provided that the State could make special provisions for the advancement of any socially and educationally backward classes of

citizens or for the Scheduled Castes and Scheduled Tribes. In this article Dr. Ambedkar had to reconcile certain conflicting views. Three views had emerged in the Constituent Assembly. One view was that there should be equality of opportunity for all citizens. Another view was that if this principle of equality was to be made fully operative, there ought to be no reservation of any sort for any class or community. There was then a third view which was in favour of making reservation for certain communities which had hitherto remained neglected. In article 10, Dr. Ambedkar tried to reconcile the view of those who were in favour of equality of opportunity with the demand of certain communities who remained neglected in the past and who now wanted to have a share in the administration. But while reconciling this demand, he was clear in his mind that the concept of equality which is the very basis of democracy should not be compromised or violated. Explaining his views on the matter he said:

Supposing, for instance, we were to concede in full the demand of those communities who have not been so far employed in the public services to the fullest extent, what would really happen is, we shall be completely destroying the first proposition upon which we are all agreed, namely, that there shall be an equality of opportunity. Let me give an illustration. Supposing, for instance, reservations were made for a community or a collection of communities, the total of which came to something like 70 per cent of the total posts under the State and only 30 per cent are retained as the unreserved. Could anybody say that the reservation of 30 per cent as open to general competition would be satisfactory from the point of view of giving effect to the first principle, namely, that there shall be equality of opportunity? It cannot be in my judgment. Therefore the seats to be reserved, if the reservation is to be consistent with sub-clause (1) of Article 10, must be confined to a minority of seats.<sup>10</sup>

It was a difficult question before the Assembly as to how to identify the backward communities. Dr. Ambedkar, referring to the language of the draft article, explained that the backwardness of a community could be determined by each local Government. A backward community, in his view, was a community which was backward in the opinion of the Government. T.T. Krishnamachari, a colleague of Dr. Ambedkar in the Drafting Committee, once asked him whether the rule determining the backwardness of a community would be justiciable. Dr. Ambedkar found it difficult to give any categorical answer to the question. Giving his personal view he, however, felt that it could be a justiciable matter. If the local Government included in the category of reservation such a large number of seats, Dr. Ambedkar thought, one could very well go to the judiciary and say that the reservation was of such a magnitude that the rule regarding equality of opportunity had been destroyed and the court would then

come to the conclusion whether the local Government or the State Government had acted in a reasonable or prudent manner.<sup>11</sup>

If Chapter Three of the Constitution on Fundamental Rights provides for the political and civil rights of individuals, Chapter Four enshrines Directive Principles of State Policy which deal with the concept of socio-economic justice. Directive Principles, which are given in the Constitution immediately after the Fundamental Rights, in fact, complement the latter. They aim at directing the State to ensure social and economic justice to individuals. Needless to say, the Directive Principles present a novel feature of the Indian Constitution. The only other Constitution of a parliamentary democracy which embodies these principles is that of Ireland. The Directive Principles were criticised by Members of the Constituent Assembly. They described them as "only pious declarations having no binding force". All this criticism was found to be superfluous by Dr. Ambedkar because the Constitution itself had declared them to have no binding force. Answering the charge Dr. Ambedkar said:

If it is said that the Directive Principles have no legal force behind them, I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all. Nor am I prepared to concede that they are useless because they have no binding force in law.

The Directive Principles are like the Instrument of Instructions which were issued to the Governor-General and to the Governors of the Colonies and to those of India by the British Government under the 1935 Act. Under the Draft Constitution it is proposed to issue such instruments to the President and to the Governors. The texts of these Instruments of Instructions will be found in Schedule IV of the Constitution. What are called Directive Principles is merely another name for Instruments of Instructions. The only difference is that they are instructions to the Legislature and the Executive. Such a thing is to my mind to be welcomed. Wherever there is a grant of power in general terms for peace, order and good government, it is necessary that it should be accompanied by instructions regulating its exercise.<sup>12</sup>

Inclusion of Directive Principles in the Constitution was further justified by Dr. Ambedkar on the ground that being a democratic country, in India it would be the people who would be electing their Government. Whoever came to power would not be free to do what he liked because of the existence of Directive Principles. In the exercise of power he would be respecting these Instruments of Instructions. While a Government might not have to answer for the breach of the Directive Principles in a Court of Law, it certainly would have to answer for them before the electorate during the elections.

Article 44 of the Constitution states that the "State shall endeavour to secure for the citizens a uniform civil code throughout the territory

of India". When this article was under discussion in the Constituent Assembly, Dr. Ambedkar made it clear: "I do not propose to touch on the merits of the question as to whether this country should have a Civil Code or it should not".<sup>13</sup> On the question of uniform civil code, answering various Members, Dr. Ambedkar said that there was already in the country a uniform code of laws covering almost every aspect of human relationship. To support his contention, he quoted a number of laws which operated throughout the territory of India. According to him, the only area where the civil law had not been able to invade so far was marriage and succession. He, therefore, found nothing wrong in incorporating certain portions of the Hindu law in formulating new civil code applicable to all citizens. These provisions, in his view, would be incorporated not because they were contained in the Hindu law but because they were found to be the most suitable. Expressing concern at the sentiments of the Muslim community in the matter, he declared in the Assembly:

I quite realise their feelings in the matter, but I think they have read rather too much into Article 35, which merely proposes that the State shall endeavour to secure a civil code for the citizens of the country. It does not say that after the Code is framed the State shall enforce it upon all citizens merely because they are citizens. It is perfectly possible that the future Parliament may make a provision by way of making a beginning that the Code shall apply only to those who make a declaration that they are prepared to be bound by it, so that in the initial stage the application of the Code may be purely voluntary.<sup>14</sup>

On 2 December 1948 when draft article 13 was under discussion in the Assembly, Dr. Ambedkar again made himself clear on the question of personal law. He was of the view that the personal law cannot be put under the saving clause because such an act would disable the Legislature from initiating any social measures whatsoever. He said in categorical terms:

The religious conceptions in this country are so vast that they cover every aspect of life, from birth to death. There is nothing which is not religion and if personal law is to be saved, I am sure about it that in social matters we will come to a standstill. I do not think it is possible to accept a position of that sort. There is nothing extraordinary in saying that we ought to strive hereafter to limit the definition of religion in such a manner that we shall not extend beyond beliefs and such rituals as may be connected with ceremonials which are essentially religious. It is not necessary that the sort of laws, for instance, laws relating to tenancy or laws relating to succession, should be governed by religion. In Europe there is Christianity, but Christianity does not mean that the Christians all over the world or in any part of Europe where they live, shall have a uniform system of law of inheritance. No such thing exists. I personally do not understand why religion should be given this vast

expansive jurisdiction so as to cover the whole of life and to prevent the legislature from encroaching upon that field. After all, what are we having this liberty for? We are having this liberty in order to reform our social system, which is so full of inequities, so full of inequalities, discriminations and other things, which conflict with our fundamental rights. It is, therefore, quite impossible for anybody to conceive that the personal law shall be excluded from the jurisdiction of the State.<sup>15</sup>

He, however, felt that in such matters, the State was only claiming the power to legislate. There was no obligation on the State to do away with personal law. It was only giving a power. Therefore, one must not feel that if the State had the power, it would immediately proceed to exercise that power in a manner that might be found to be objectionable by the Muslims or by the Christians or by any community in India. He reminded the Members, particularly those belonging to the Muslim community, that sovereignty was always limited. He said:

No Government can exercise its power in such a manner as to provoke the Muslim community to rise in rebellion. I think it would be a mad Government if it did so. But that is a matter which relates to the exercise of the power and not to the power itself.<sup>16</sup>

Democracy is not something new to India. Democratic institutions had functioned in this country successfully for a very long time in the ancient past. Dr. Ambedkar highlighted this fact in the Constituent Assembly. He even told Members that India had known, in the ancient time, Parliament and parliamentary procedure. There was an elaborate system of rules regarding seating arrangements, motions, resolutions, quorum, whip, counting of votes, etc. These rules of parliamentary procedure were applied by the Buddha to the meetings of the *Sanghas* and he must have borrowed them from the rules of the political assemblies functioning in the country in his time. But subsequently India lost this democratic system. What really concerned Dr. Ambedkar was the question: "Will she lose it a second time?" To protect democracy, to maintain it not merely in form but also in content, what must be done according to Dr. Ambedkar was as follows:

The first thing in my judgment we must do is to hold fast to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, non-cooperation and *satyagraha*. When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the Grammar of Anarchy and the sooner they are abandoned, the better for us.

The second thing we must do is to observe the caution which John Stuart Mill has given to all who are interested in the maintenance of democracy, namely, not "to lay their liberties at the feet of even a great man, or to trust him with powers which enable him to subvert their institutions." There is nothing wrong in being grateful to great men who have rendered lifelong services to the country. But there are limits to gratefulness. As has been well said by the Irish Patriot Daniel O'Connell, no men can be grateful at the cost of his honour, no woman can be grateful at the cost of her chastity and no nation can be grateful at the cost of its liberty. This caution is far more necessary in the case of India than in the case of any other country. For in India, *Bhakti* or what may be called the path of devotion or hero-worship, plays a part in its politics unequalled in magnitude by the part it plays in the politics of any other country in the world. *Bhakti* in religion may be a road to the salvation of the soul. But in politics, *Bhakti* or hero-worship is a sure road to degradation and to eventual dictatorship.<sup>17</sup>

On 4 November 1948, Dr. Ambedkar introduced the Draft Constitution in the Constituent Assembly for consideration. While moving the motion for consideration of the Draft, in his well-reasoned speech he dwelt at length on the advantages of parliamentary system over the presidential system. After presenting a well-balanced analysis of the two systems, he advocated parliamentary system for India mainly on the ground that this system was more responsible. He observed:

The Parliamentary system differs from a non-Parliamentary system inasmuch as the former is more responsible than the latter but they also differ as to the time and agency for assessment of their responsibility. Under the non-Parliamentary system, such as the one that exists in the U.S.A., the assessment of the responsibility of the Executive is periodic. It takes place once in two years. It is done by the Electorate. In England, where the Parliamentary system prevails, the assessment of responsibility of the Executive is both daily and periodic. The daily assessment is done by members of Parliament, through Questions, Resolutions, No-confidence motions, Adjournment motions and Debates on Addresses. Periodic assessment is done by the Electorate at the time of the election which may take place every five years or earlier. The daily assessment of responsibility which is not available under the American system is, it is felt, far more effective than the periodic assessment and far more necessary in a country like India. The Draft Constitution in recommending the Parliamentary system of Executive has preferred more responsibility to more stability.<sup>18</sup>

Again, speaking on the constitutional theory, Dr. Ambedkar clarified that a modern constitution could make provision either for parliamentary system of Government or might opt for a totalitarian or dictatorial form. But in India, he maintained, we had exercised the choice for parliamentary democracy. Delving deep into this aspect he said:

If we agree that our Constitution must not be a dictatorship but must be a Constitution in which there is Parliamentary democracy where government is all the time on the anvil, so to say, on its trial, responsible to the people, responsible to the judiciary, then I have no hesitation in saying that the principles embodied in this Constitution are as good as, if not better than, the principles embodied in any other Parliamentary constitution.<sup>19</sup>

To preserve democracy, Dr. Ambedkar felt that the "future Government will have to be responsive to the public opinion". Independence was, no doubt, a matter of joy but it had cast upon the Government greater responsibility. After independence the Government would not be able to put the blame on the British for its faults. "If things go wrong Government will be responsible for such errors and mistakes". He warned the future Governments of the country by saying:

Times are fast changing. People including our own are being moved by new ideologies. They are getting tired of Government by the people. They are prepared to have Government for the people and are indifferent whether it is Government of the people and by the people. If we wish to preserve the Constitution in which we have sought to enshrine the principle of "Government of the people, for the people and by the people", let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer Government for the people to Government by the people, not to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better.<sup>20</sup>

Dr. Ambedkar regarded the Constitution as a fundamental document. He was, therefore, not in favour of providing for an easy process of making changes in it. Dr. Ambedkar viewed the Constitution as a document which defined the position and power of the Executive, the Judiciary and the Legislature. It also, in his opinion, defined the powers of the Executive and of the Legislature as against the citizen. This was evident from the Chapter dealing with the Fundamental Rights. Explaining this further, he said:

In fact, the purpose of a Constitution is not merely to create the organs of the State but to limit their authority, because if no limitation was imposed upon the authority of the organs, there will be complete tyranny and complete oppression. The legislature may be free to frame any law; the executive may be free to take any decision; and the Supreme Court may be free to give any interpretation of the law. It would result in utter chaos.<sup>21</sup>

Dr. Ambedkar knew that the Constitution is a powerful instrument which could be wielded to improve the lot of the people and to ensure their well-being. But he was fully alive to the limitations of the Constitution because there is always a mind which operates behind the Constitution. If men who are wielding the Constitution are good,

the Constitution is bound to create better impact. If they do not live up to the expectations, the Constitution is bound to cause dissatisfaction. Therefore, it is not so much the Constitution but the human element which is more important. This Dr. Ambedkar made clear when he said in the Constituent Assembly:

If they adopt the revolutionary methods, however good the Constitution may be, it requires no prophet to say that it will fail. It is, therefore, futile to pass any judgment upon the Constitution without reference to the part which the people and their parties are likely to play.<sup>22</sup>

Dr. Ambedkar wanted to ensure that the Draft Constitution produced by the Drafting Committee suited the needs of the people. The Committee itself had suggested certain amendments to improve the Draft Constitution. But taking into consideration the debates in the Constituent Assembly, Dr. Ambedkar felt encouraged to say that the Constitution as drafted by the Drafting Committee was good enough to make a beginning. In his own words:

I feel that it is workable, it is flexible and it is strong enough to hold the country together both in peace time and in war time. Indeed, if I may say so, if things go wrong under the new Constitution, the reason will not be that we had a bad Constitution. What we will have to say is, that Man was vile.<sup>23</sup>

Dr. Ambedkar wanted to incorporate into the Constitution all such provisions as would help establish a new social order in which no person would be discriminated against on grounds of caste, creed, religion, sex and social status. The ingenuity of his approach, therefore, lay in adopting certain progressive elements of other Constitutions in such a way as to make them adequately serve the need of the resurgent Indian society. While incorporating the good elements of the Constitutions of other countries, Dr. Ambedkar did not merely copy those provisions and incorporated them into the Constitution but adopted them by making suitable modifications so that they might suit the Indian conditions. Answering his critics who accused him of copying the Constitutions of other countries, Dr. Ambedkar remarked:

The charge of producing a blind copy of the Constitutions of other countries is based, I am sure, on an inadequate study of the Constitution. I have shown what is new in the Draft Constitution and I am sure that those who have studied other Constitutions and who are prepared to consider the matter dispassionately will agree that the Drafting Committee in performing its duty has not been guilty of such blind and slavish imitation as it is represented to be.<sup>24</sup>

Dr. Ambedkar contributed significantly to the framing of the Indian Constitution. No one can grudge the claim for him that he was the *chief architect* of the Indian Constitution. He was, in fact, the main

guiding force behind the Drafting Committee. This was highlighted by T.T. Krishnamachari who was himself a Member of the Drafting Committee when, in one of his speeches in the Constituent Assembly, he said:

The House is perhaps aware that of the seven members nominated by you, one had resigned from the House and was replaced. One died and was not replaced. One was away in America and his place was not filled up and another person was engaged in State affairs, and there was a void to that extent. One or two people were far away from Delhi and perhaps reasons of health did not permit them to attend. So it happened ultimately that the burden of drafting this Constitution fell on Dr. Ambedkar and I have no doubt that we are grateful to him for having achieved this task in a manner which is undoubtedly commendable.<sup>25</sup>

Even the President of the Assembly, Dr. Rajendra Prasad, himself praised his services as the Chairman of the Drafting Committee when he observed:

Sitting in the Chair and watching the proceedings from day to day, I have realised 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. 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 lustre to the work which he has done.<sup>26</sup>

The social reform movement pre-dated the movement for independence. The political struggle that was being waged by the national leaders reached its culmination on 15 August 1947 when India got independence. Efforts which were aimed at reforming the society could now be easily provided with further impetus because of the political freedom and the new awakening which had come to the people in the wake of independence. A sizeable section of the national leadership wanted to initiate changes of fundamental character in society in order to ensure equality to individuals — men and women — in their social relationship. Men like Jawaharlal Nehru and Dr. Ambedkar were the torch-bearers of the reform movement that was to take place in independent India. Being Law Minister in the first Cabinet under the Premiership of Jawaharlal Nehru, important Bills of far reaching social consequences were introduced by Dr. Ambedkar in the Constituent Assembly (Legislative) and Provisional Parliament. The orthodoxy and inequalities that existed in the Hindu religion were sought to be removed by Dr. Ambedkar through the new Hindu Code on which he worked assiduously.

On 9 April 1948, Dr. Ambedkar, as Law Minister, moved the Motion in the Constituent Assembly (Legislative) for referring the

Hindu Code Bill to a Select Committee. While moving the Motion, he outlined the importance of the measure before the House. The aim of the Bill, he said, was to codify the rules of Hindu law which were scattered in innumerable decisions of the High Courts and the Privy Council. Later in the day while replying to the points raised by the various Members who participated in the debate, Dr. Ambedkar said about the Bill that its purpose was not to destroy the existing customs. He said:

We are not destroying existing customs. The existing customs we are recognising because the rules of law which are prevalent in Hindu society are the result of customs. They are born out of custom and we feel that they have now grown so sturdy that we can indeed give them flesh and life in the body politic by our Legislation.<sup>27</sup>

The concept of liberty, equality and fraternity was sought to be given a concrete shape by Dr. Ambedkar through the Hindu Code. He stood for perfect equality between sexes. He knew about the various inequalities that exist between men and women in our society and to remove such inequalities the Hindu Code Bill was the remedy he suggested.

Speaking once on the inequalities which naturally exist in sacramental marriage in the Hindu society, Dr. Ambedkar remarked in Parliament:

Now so far as your sacramental marriage is concerned, forgive me, I am quite convinced in my own mind that no man who examines that institution in a fair, honest and liberal spirit can come to the conclusion that our sacramental marriage satisfies either the ideal of liberty or of equality. What is the sacramental ideal of marriage? Sacramental ideal of marriage, described in as few words as possible, is polygamy for the man and perpetual slavery for the woman.<sup>28</sup>

Dr. Ambedkar was fully conscious of the fact that law alone cannot change human societies. He had all praise for the adaptiveness and spirit of assimilation which existed in the Hindu society and culture but what really concerned him was the inequality which was structured in the social attitude of the followers of Hinduism. To make the society move, to ensure equality in society, law has to provide an ideal; it has to provide a new norm. Dealing with this theme in Parliament on 22 September 1951, Dr. Ambedkar commented on the Hindu society and emphasised the role that law can play in modernising the society:

We have for long number of years waited to see whether Hindu society would, as a result of the absorption of the doctrines preached by great men who have been born in this country or great men born outside the country, change its social structure. Most of us, speaking for myself, have been completely disappointed. Whatever else

Hindu society may adopt, it will never give up its social structure for the enslavement of the *sudra* and the enslavement of women. It is for this reason that law must now come to their rescue in order that society may move on.<sup>29</sup>

Dr. Ambedkar believed that "unless law makes society move, this society will not move".<sup>30</sup>

While the Hindu Code Bill was being discussed in the House, some Members felt that the Bill should be made applicable to non-Hindus also. They said that the new Code was discriminatory in nature because the right of the Hindus to marry more than one woman was being taken away, while the right of the Muslims who could marry four women was allowed to remain unaffected. Answering this charge Dr. Ambedkar referred to Art. 25 of the Constitution and drew the attention of the Members to the words "the right freely to profess, practise and propagate religion". He said in the House:

... in our country, fortunately or unfortunately, the profession of a particular religion carries with it the personal law ... You cannot get away from that position. Similarly, when you say to a Muslim that under the Constitution he is free to profess and practise his religion, we are practically giving him the right to practise his personal law. In view of the fact that the Constitution allows different communities to practise their religion and incidentally also to have their personal law, there is nothing discriminatory in allowing one community to have their own law or to modify it in the way they like and to treat the law of the other community in a different way or to modify it.<sup>31</sup>

Moreover, on the Bill neither any committee nor the Government at any time consulted the Muslim community. Since no such step had ever been taken, Dr. Ambedkar therefore felt that "it would be not only unwise but a most tyrannical piece of political action to subject the Muslim community to any such provision without their being consulted beforehand."<sup>32</sup>

Dr. Ambedkar viewed Parliament as a potent instrument of social change. Customs prevailing in the society are, no doubt, important but customs are not static. They keep on changing. Obviously, in a democracy Parliament can play an important role in changing customary law. In earlier days when the institution of Parliament was non-existent, people regulated their life by making their own customs. But today this work rightfully belongs to Parliament and to no one else. Parliament could effect changes in customary law, Dr. Ambedkar believed. He said categorically:

But to say that nowhere custom should be altered, amended, changed is really to abrogate the authority of Parliament and I am very doubtful that any such proposition would be accepted by Parliament and that is a matter about which I have considerable doubt.<sup>33</sup>

Though there was a good deal of opposition to the Hindu Code Bill both inside and outside Parliament, Dr. Ambedkar was keenly interested in its passage. In 1951 he was not keeping good health and was told by his doctors that he would be under their treatment for about a month. This absence would have caused delay in the passage of the Bill in Parliament. To avoid this delay, Dr. Ambedkar wrote to Jawaharlal Nehru in his letter of 10 August 1951:

I am most anxious that the Hindu Code Bill should be disposed of before I put myself in the hands of my doctors. I would, therefore, like to give the Hindu Code Bill a higher priority by taking it up on the 16th of August and finish it by the 1st of September if opponents do not practice obstructive tactics. You know I attach the greatest importance to this measure and would be prepared to undergo any strain on my health to get the Bill through. But if the strain could be avoided by getting through the Bill earlier I am sure you will have no objection.<sup>34</sup>

Dr. Ambedkar who so laboriously worked to see the Hindu Code through, could not, however, get the Code passed, during his tenure as Law Minister. In fact, he was a sad man when in 1951 he realised that the Bill could not be passed due to lack of sufficient political will among important sections of the society. He was totally disillusioned and submitted his resignation from the Council of Ministers.

Today we have in our statute book such laws as the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Minority and Guardianship Act, 1956, and the Hindu Adoption and Maintenance Act, 1956. These laws have indeed ensured equality between men and women.

Dr. Ambedkar contested the first general elections in 1952, but he lost. The same year he was elected to the Council of States. Again, in order to enter the House of the people, Dr. Ambedkar contested a bye-election in 1954, which he lost. He, however, continued to be a Member of the Council of States. From 1952 till his death in 1956, he virtually functioned as the Leader of the Opposition in the Council of States where he displayed his parliamentary and debating skills with consummate ease.

After resigning from the Cabinet in 1951, Dr. Ambedkar was a disillusioned man. The failure to get the Hindu Code passed, on which he had set his heart, was a great setback for him. There were other political developments in the country which were not to his liking. He disliked many of the policies of the Government. In some cases he became a bitter critic of Prime Minister Jawaharlal Nehru and his Government.

However, despite his differences with the then leadership of the country, no one can deny that he was a true statesman and patriot. In the Constituent Assembly, as the Chairman of the Drafting Committee,

he spoke with full authority on various provisions of the Constitution and on the philosophy of the Constitution. On the floor of the Rajya Sabha also he spoke with equal brilliance and exuded tremendous confidence.

In the Rajya Sabha, Dr. Ambedkar spoke on various subjects and everytime when he spoke, he was offering his wise counsel like a true statesman who had the interest of nation uppermost in his mind. He was frank and forthright in his assertions and did not spare the Government for its follies or wrong policies. In the early fifties India was facing a terrible food crisis. Speaking on the Motion of Thanks on the President's Address, he touched upon this problem. He was fully aware of the fact that when the British had left, they left this country as an empty shell. But the Government could not always take shelter in this argument. He cautioned the Government:

No hungry man is going to be sympathetic to a critic who is going to tell him "My dear fellow, although I am in power, although I am in authority, although I possess all legal power to set matters right, you must not expect me to do a miracle because I have inherited a past which is very inglorious." If this Government will not produce results within a certain time, long before the people become so frustrated, so disgusted with Government as not to have any Government at all, a time will come when I suppose unless we in Parliament realise our responsibilities and shoulder the task of looking after the welfare and good of the people within a reasonable time, I have not the slightest doubt in my own mind that this Parliament will be treated by the public outside with utter contempt. It would be a thing not wanted at all.<sup>35</sup>

Speaking on the budget the same year Dr. Ambedkar gave various reasons for the failure of the Government's strategy of "grow more food". The whole budget was criticised by him on the ground that it did not care for the welfare of the people. He was highly critical of the increasing military expenditure. He said:

Our revenue today has grown to Rs. 404 crores, and our military expenditure has also grown to nearly Rs. 200 crores. It is an extraordinary thing that as your revenue rises, your military expenditure also rises. My view was that the reverse should be the process, that your military expenditure ought to go down. If you can reduce the military expenditure by a modest sum of Rs. 50 crores, how much good we can do to our people?<sup>36</sup>

Dr. Ambedkar differed with the foreign policy pursued by Jawaharlal Nehru. He believed that India should adopt a pragmatic approach to international relations.<sup>37</sup>

On the Untouchability (Offences) Bill, he spoke with great conviction and drew the attention of the House to the responsibility created by certain articles of the Constitution on the Government. In

his speech Dr. Ambedkar cited many anachronistic Acts which were against the spirit of the Constitution. Those Acts were the legacy of the past. He wanted that those Acts should be declared void under Arts. 13 and 372 of the Constitution. While mentioning various Acts which should be scrapped immediately, he said:

If I had remained as Law Minister, it was my intention to carry out these reforms, but I think it is the duty of any Law Minister and particularly of the Home Minister to look into our laws and to find out to what extent the laws are in conflict with the Fundamental Rights.<sup>38</sup>

Participating in the discussion on the Report of the Commissioner for Scheduled Castes and Scheduled Tribes, Dr. Ambedkar spoke touchingly on the problem of the downtrodden sections of the Indian society. Explaining the position of the backward classes he remarked:

The backward classes are all subject people. They have no authority in any place. None whatever. They have no place in Administration — they have no place in the Executive and the Executive and the Administration is entirely monopolised by the higher classes. They are monopolising it by reason of the fact that they have been able to get the highest education. Why not examine all the Secretaries of your Departments in the Government of India? The son and daughter of every Secretary in the Government is to be found in Cambridge or Oxford. Twice and thrice they have made journeys in order to lodge their children there because they have the amplest means. The backward class man's son cannot get even primary education. This sort of revolution in the two different classes is going on for centuries — it is an intolerable business because we cannot allow one class to rule forever. For some time they may but they must see that the other classes also become educationally qualified in order that they too may hold the reins of government. We are not going to be subject people all the time.<sup>39</sup>

He also dealt with in his speech the question of untouchability. Describing untouchability as "a kind of mental disease of the Hindus", he elaborated further:

... every Hindu believes that to observe untouchability is the right thing. I do not understand how my friend is going to untwist the twist which the Hindus have got for thousands of years; ... Therefore, let us understand what we talk and what we are doing. Besides, all must realise that untouchability is founded in religion. There is no doubt about it and let us not be ashamed of realising it. Manu, in his law book, very definitely prescribes untouchability. He said that the untouchables shall live outside the village, that they shall have only earthen pots, that they shall not have clean clothes, that they shall beg for their food and so on and I cannot see how you blame the Hindus. For thousands of years, by the teaching of this dirty law they have got inculcated in their mind the doctrine that untouchability is a most sacred thing.<sup>40</sup>

To eradicate the malady of untouchability, Dr. Ambedkar suggested that it would be quite proper to employ young graduates who had modern outlook or had developed some public conscience in the matter to work for its elimination. They could be given reasonable salary and other related facilities and might be asked to go round the villages to hold public meetings, address the people on the question of untouchability and to tell them that it was something which was going to bring disgrace upon India. Of course, economic emancipation is the very foundation on which rest the social progress of the Scheduled Castes. He, therefore, said:

Obviously the economic emancipation of the Scheduled Castes will depend upon the opportunity that they get for what might be called entry into gainful occupation. Unless and until doors are open to them where they can find gainful occupation, their economic emancipation is not going to take place. They are going to remain slaves, if not slaves, serfs of the land-owning classes in the villages. There can be no doubt on that point at all.<sup>41</sup>

The problem of Scheduled Tribes, according to Dr. Ambedkar, was different from that of the Scheduled Castes. The Scheduled Castes were already within the pale of civilisation; they were not outside it. Their struggle, in the opinion of Dr. Ambedkar, was to achieve equality of opportunity and equality of status. In case of tribal people the problem was totally different. They were outside the Hindu civilisation and the question that had to be considered with regard to them was whether they want to come within the fold of Hindu civilisation and then acquire equality of status and equality of opportunity.

Dr. Ambedkar was an able parliamentarian. He took his parliamentary duties seriously. He would always come prepared to the House and would speak on the subject with great authority. His analysis used to be incisive, and the Members, including his staunch critics, used to respect his viewpoints. He would quote statistics and relate instances from history to support his arguments. Sometimes in the heat of the moment he would go to the extent of saying:

People always keep on saying to me "Oh, you are the maker of the Constitution". My answer is I was a hack. What I was asked to do, I did much against my will.<sup>42</sup>

Once in a moment of anger he said in the House:

Sir, my friends tell me that I have made the Constitution. But I am quite prepared to say that I shall be the first person to burn it out. I do not want it. It does not suit anybody.<sup>43</sup>

Dr. Anup Singh, a Member from Punjab, referred to this remark of Dr. Ambedkar while the latter was speaking on the Constitution



(Fourth Amendment) Bill on 19 March 1955. To faithfully reflect the mind and thought of Dr. Ambedkar, a part of the debate is reproduced here:

DR. ANUP SINGH: Last time when you spoke, you said that you would burn the Constitution.

DR. B. R. AMBEDKAR: Do you want a reply to that? I would give it to you right here. My friend says that the last time when I spoke, I said that I wanted to burn the Constitution. Well, in a hurry I did not explain the reason. Now that my friend has given me the opportunity, I think I shall give the reason. The reason is this: We built a temple for a god to come in and reside, but before the god could be installed, if the devil had taken possession of it, what else could we do except destroy the temple? We did not intend that it should be occupied by the *Asuras*. We intended it to be occupied by the *Devas*. That is the reason why I said I would rather like to burn it.

SHRI B.K.P. SINHA: Destroy the devil rather than the temple.

DR. B.R. AMBEDKAR: You cannot do it. We have not got strength. If you will read the *Brahmana*, the *Sathapatba Brahmana* you will see that the gods have always been defeated by the *Asuras*, and that the *Asuras* had the *Amrit* with them which the gods had to take away in order to survive in the battle.<sup>44</sup>

Dr. Ambedkar had sparkling wit. He was very quick in response. Once in the Rajya Sabha when he was speaking on the Estate Duty Bill, Dr. Ambedkar lamented over the fate of the Hindu Code. What followed later was an interesting repartee in which the Chairman, Dr. Radhakrishnan also participated. Following are the excerpts from that debate:

DR. B.R. AMBEDKAR: . . . the Hindu Code was hanging fire for four years—and nobody knows how long it is going to hang fire, probably permanently and perpetually—and no one is sorry for that except myself . . .

DR. SHRIMATI SEETA PARMANAND: The Hon. Member is not the only Member who is sorry, but there are other Members also.

DR. B.R. AMBEDKAR: I know that women Members are very helpful. I must say that last time when I was on tenter-hooks, I called some of the ladies—I mean the more bulky ones—and I suggested to them that if anyone of them went on threatening a fast unto death, probably we might get the Hindu Code through. Sir, I tell you . . .

KHWAJA INAIT ULLAH: You are again giving a hint.

MR. CHAIRMAN: You were encouraging *satyagraha*, Dr. Ambedkar!<sup>45</sup>

Dr. Ambedkar scrupulously followed the rules of procedure and was meticulous in observing the customs and traditions of the House. He held the Chair in high esteem. He would always abide by the rulings and decisions of the Chair. On 21 May 1952, Dr. Ambedkar was speaking on the Motion of Thanks on the President's Address

when the Chairman, Dr. Radhakrishnan, said: "Your time is up. You can take one or two minutes more". To him replied Dr. Ambedkar:

I have something else to say. It will not be possible for me to finish within the one or two minutes that you are very gracious to give me. I will stop here.<sup>46</sup>

And then without completing his speech he resumed his seat.

In the Provisional Parliament also once Dr. Ambedkar made certain comments on a particular judgment handed down by the Supreme Court. When a Member rising on a point of order objected to the comments made by Dr. Ambedkar, he clarified that there was no disparagement of the learned judges at all and ultimately when the Speaker said, "I am afraid the Hon. Minister will not be in order to pass any such strictures on any judgment expressed by the Supreme Court", Dr. Ambedkar said immediately, "I am very sorry".<sup>47</sup>

This shows Dr. Ambedkar's respect for the Chair, his respect for the institutions created by the Constitution, and his humility to accept his mistake when he erred.

It is really very difficult to say whether it was Dr. Ambedkar's ready wit or it was some kind of premonition that he predicted his death in the Rajya Sabha on 1 May 1956. Speaking on the States Reorganisation Bill, addressing the Home Minister Govind Ballabh Pant, he said:

. . . as my friend Mr. Pant knows—I may be wrong—I suppose he is the last of the veterans. Who will succeed him—can he tell me? Who will succeed him as a Minister? I don't see anybody. Certainly I don't see anybody in the rank and file of the Congress. If any Minister of the towering personality of my friend Mr. Pant had to be looked for, it would have to be someone outside the Congress ranks. I am sure of that.

On hearing this, another Member, H.P. Saksena, commented thus: "You, for instance". To this replied Dr. Ambedkar:

I shall die pretty soon. Don't enrol me.<sup>48</sup>

Nearly after seven months of this incident Dr. Ambedkar bade his final farewell.

Dr. Ambedkar's quest for equality led him finally to embrace Buddhism along with his wife. On 14 October 1956, he led two lakh members belonging to the Scheduled Castes, which included 20,000 women, to embrace Buddhism at a mass ceremony organised by the Nagpur Branch of the Bhartiya Buddh Jan Samiti. Dr. Ambedkar had studied Buddhism and found that it was in this religion he could find true solace. On the day when he embraced Buddhism, he declared:

By discarding my ancient religion which stood for inequality and oppression today I am reborn. I will discard the caste system and

spread equality among human beings. I will strictly follow the eight-fold path of the Buddha. Buddhism is a true religion and I will be guided by the three principles of knowledge, right path and compassion.<sup>49</sup>

On the fateful night of 5 December 1956, Dr. Ambedkar had in his mind and thought the Buddha when before retiring to bed he worked on the manuscript of his book *The Gospel of Buddha*. It was on that day he completed the last portion of the book on which he was working for several years. This proved to be his last assignment. Buddha reigning supreme in his mind he surely reached his *Mahaparinirvana* on the morning of 6 December. His death was mourned by the entire nation. Both Houses of Parliament adjourned for the day as a mark of respect to the memory of Dr. Ambedkar after the question hour after passing glowing tributes to him. The news of his death was indeed shocking to the Members because two days before his death he had attended the session of the Rajya Sabha. Prime Minister Jawaharlal Nehru was the first to speak in each House and referred in his speech to the part played by Dr. Ambedkar in the making of the Constitution and later in the Hindu Code Bill. Paying tributes to Dr. Ambedkar in the Lok Sabha, the Prime Minister said that Dr. Ambedkar would be remembered most as "a symbol of revolt against all the oppressive features of Hindu society".<sup>50</sup> Recalling Dr. Ambedkar's contribution in the making of the Constitution, Jawaharlal Nehru said in the Rajya Sabha:

We in Parliament remember him for many other things and more particularly for the very prominent part he played in the making of our Constitution, and perhaps that fact will be remembered even longer than his other activities.<sup>51</sup>

In the death of Dr. Bhimrao Ramji Ambedkar the *Harijans* and the Depressed Classes had lost a peerless champion. His death was mourned by all, the poor and the rich, the educated and the uneducated. In several parts of Maharashtra, particularly in Nagpur, workers in the textile mills observed a *hartal* on hearing the news of the death of Dr. B.R. Ambedkar. Most of the shops in the Nagpur area remained closed. In Bombay hundreds of labourers working in mills and factories came out as the news spread of the death of their beloved Babasaheb. India lost a great scholar and a towering intellectual who fought for the cause of the Depressed Classes. His body was carried in a procession from his residence at Alipore Road in Delhi to the airport and was flown in a special plane to Bombay. On both sides of the road the mourners were standing silently, tears streaming down their faces to pay their last homage to the departed leader. At the airport distinguished persons, Members of Parliament, representatives of the Scheduled Castes Federation and the Buddhist

*Bhikkus* were present in the midst of the holy chant of *Buddham Sharnam Gachhami*.

In its editorial the *Hindustan Times* rightly commented on the next day:

Now that he is no more, the old scores will be forgotten. What will remain is a recollection of his great services to his country and the impression left on his contemporaries of vivid, arresting and a versatile personality.<sup>52</sup>

Dr. Ambedkar indeed had become the true follower of *Bodhisatva* by his actions and deeds.

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## Dr. B.R. Ambedkar: A Dreamer of Social Liberation

*Madhu Dandavate*

It might be in your interest to be our masters, but how is it in our interest to be your slaves?

*Abraham Lincoln*

Dr. B.R. Ambedkar was undoubtedly one of the chief architects of the Indian Constitution. But he was much more: he was a social rebel who raised the banner of revolt against the inequitable caste-ridden society. As a rationalist he never encouraged any personality cult. He was an iconoclast who demolished the clay-footed idols that were built on the unstable foundations of blind worship and superstition.

Dr. Ambedkar took up the arduous task of awakening the conscience of the downtrodden sections of society like the Scheduled Castes and Scheduled Tribes. Even among sections of the Scheduled Castes there was a fatalist outlook that if they were the victims of social inequality and tyranny, it was because of the sins of their ancestors, and if they suffered in silence without any grudge, in the spirit of atonement for the past sins, at least after their death they would be liberated in their next life after rebirth.

Dr. Ambedkar roused their frozen conscience and brought new consciousness among them. He asked them to forget all about the 'sins' of their ancestors and strongly pleaded with them not to wait for their fictitious rebirth for the alleviation of their sufferings. He urged them that their social liberation must be ensured in this very life and that too as their legitimate right as free citizens.

Many orthodox elements were greatly disturbed when Dr. Ambedkar publicly declared his intention to burn Manu's scriptures. However, these angry orthodox men forgot that Manu had refused to the *Shudras* the right even to listen to the recital of the holy scriptures of the Hindus, and in case they dared to do it, he had prescribed that molten lead should be poured into their ears. With such appalling punishment recommended in Manu's scriptures, could

Dr. Ambedkar's indignation against Manu be considered as a misplaced wrath?

Those who complained against the bitterness aroused by Dr. Ambedkar's writings and speeches hardly realized what humiliations he had to suffer in his own life just because he happened to belong to the Scheduled Caste.

When Dr. Ambedkar returned from England securing the rare distinction in those days of becoming the "Bar-at-Law", he accepted the post of professorship in the Government Law College at Bombay. The learned doctor was acclaimed as a competent professor with erudite scholarship. But in the sacred temple of learning that could not qualify him to draw drinking water from the utensil from which the caste Hindu professors were taking out water in the teachers common room. He had to make his own arrangements for a separate earthen pot for drinking water.

When Dr. Ambedkar went to Baroda to start his legal practice, the driver of a *Tonga* asked him to get down at the entrance of that city lest orthodox caste Hindus conspicuously noted the *Tonga* being hired by a person belonging to the Scheduled Caste, thereby adversely affecting the clientele of the *Tonga* driver.

The climax of humiliation came when Dr. Ambedkar was a Member of the Viceroy's Executive Council in the pre-Independence days. At the request of the Viceroy and his wife, Dr. Ambedkar went to see the ancient architecture of a prominent Hindu temple in eastern India. As Dr. Ambedkar put his foot on the very first step of the temple, the priest of the temple came down running and allowed the Viceroy and his wife, who belonged to a different country and religion to enter the temple, but prevented entry to Dr. Ambedkar on the plea that he was an 'untouchable'. If this was the humiliation suffered by a Member of the Viceroy's Executive Council, one could only imagine as to what must have been the plight of the ordinary members of the Scheduled Caste community at the lowest village level.

Dr. Ambedkar did not believe in merely propagating his progressive views regarding eradication of untouchability. He tried to back his professions by resolute action. As a token of revolt against the injustice perpetrated on 'untouchables', Dr. Ambedkar organized a conference of his Scheduled Caste followers at Mahad in Maharashtra in February 1927 and he led them to the Chawdar Tank exclusively reserved for the caste Hindus and made them drink water from the tank to proclaim their right to equality. This momentous *Satyagraha* brought a new wave of awakening among the poor Scheduled Caste villagers drawn from different parts of Maharashtra. Enraged by this *Satyagraha*, the orthodox sections in Mahad spread the rumour that Dr. Ambedkar was planning to commit 'aggression' on their temples.

The provoked caste Hindus attacked the 'untouchables', but braving all these attacks the followers of Dr. Ambedkar maintained calm and exercised restraint, and returned to their villages with their eyes glittering with a new vision of equality.

Dr. Ambedkar's approach to the caste problem in India was most radical. It was forcefully and rationally expressed in his monumental work *Annihilation of Caste*. This work was originally designed to be his presidential address at the conference of the *Jat-Pat-Todak Mandal* which was scheduled to be held at Lahore in 1936. However, even the organizers of this conference were frightened by the unconventional and uncompromising approach of Dr. Ambedkar with his forthright attack on the very basis of the caste system in India. As a result, they refused to allow Dr. Ambedkar's presidential address in its original form. They requested him to expunge derogatory references to the *Vedas* and the Hindu scriptures. However, Dr. Ambedkar was not willing to change even a comma in his speech. He was not prepared to dilute his frontal attack on the Hindu society based on *Chaturvarna* which accepted in practice not the division of labour but stratification based on birth. Dr. Ambedkar had, therefore, to cancel the programme of the Lahore conference. His undelivered speech will, however, remain an address to the entire Indian nation on the evils of the caste system. As we go through the pages of the work *Annihilation of Caste*, we realize the freshness of the analysis of Dr. Ambedkar on this crucial subject.

Many Hindus were perturbed by the decision of Dr. Ambedkar to advise his followers to have mass conversion to Buddhist faith. Can one feel surprised at this decision of Dr. Ambedkar? It was claimed by some of the liberal Hindus that casteism and untouchability were not the integral ingredients of Hindu religion, culture and tradition. On this ground these liberals had thrown a challenge to the Sankaracharya of Puri to establish with evidence that their contention was wrong. However, in reality the 'untouchables' could judge Hinduism not from the platitudes of the holy scriptures of the Hindu religion and the teachings of its saints, but from their day-to-day experience at the hands of the orthodox Hindus in the remotest villages of India. Dr. Ambedkar's decision to leave the fold of Hindu religion along with his followers in essence meant that the Scheduled Castes wanted to revolt against the tradition-bound Hindu religion as they saw it in practice. Even after conversion to Buddhism the attitude of orthodox Hindus towards the converts has not changed. They are now described as "untouchable Buddhists". So the stigma of untouchability has stuck to these persons even when they have embraced another religion, viz. Buddhism. However, one must view their act of conversion as an expression of dissent and revolt against the social injustice suffered by them.

It was not an accident that Dr. Ambedkar was a great educationist. He believed that no democratic process could be complete unless the masses were properly educated. He therefore considered true education as the solvent for many hardened problems. Once he remarked that "changes in the human society can be brought about neither by mere counting of heads nor by breaking of heads, but by appealing to head as well as heart". He believed that even the experiment of parliamentary democracy would founder on the rock of ignorance and glaring social inequalities. He had sounded this warning in his last speech in the Constituent Assembly during the debate on the Draft Constitution of India.

It was because of this perspective that Dr. Ambedkar took active part in founding a number of educational institutions in Bombay and the backward region of Marathwada.

Dr. Ambedkar's greatest contribution to our social and political life has been that he made the socially oppressed sections like the Scheduled Castes to challenge orthodox sections society with the probing question which Abraham Lincoln had asked: "It might be in your interest to be our masters, but how it is in our interest to be your slaves?". To the extent this question finds its echoes in the remotest corners of India with the requisite follow-up action, Dr. Ambedkar's life-long dream of ensuring social liberation of the oppressed and the downtrodden will be translated into reality.

## An Echo Beyond the Heart: *Dalits*— Dr. Ambedkar and Ahmedabad

*Yogendra Makwana*

The 'untouchables' of India have been treated as the beast of burden since the time of the law-giver Manu or even earlier. Thanks to the efforts of the Government of independent India as well as the concerned individuals and organizations to eradicate untouchability, today the common man has come to realize that this nation cannot afford to remain divided on the narrow caste and community lines. Here I only wish to point out that both Dr. Babasaheb Ambedkar and Mahatma Gandhi are relevant even today in developing ideologies and strategies to build a nation based on the principles of freedom, equality, and social justice. I shall touch upon Dr. Babasaheb Ambedkar's visit to Ahmedabad in 1931 and show that his visit had an electrifying effect on the local *Dalits* in developing the spirit of militancy in their crusade against untouchability. In order to understand this phenomenon, I shall provide a brief account of the Gandhian approach to this problem and then show the relevance of Dr. Babasaheb Ambedkar's visit to the city of Ahmedabad.

### **I. Ahmedabad's Political Culture in the Pre-Gandhian Period**

Ahmedabad represented political attitudes that were largely motivated by business considerations. The local businessmen and middle-class professional were the firm supporters of the British rule. Politically an obscure inland city in the pre-Gandhian period, it was, nevertheless, a renowned manufacturing and trading centre. Its business and cultural ethos was shaped not by the *Brahmins* or the *Rajputs* but by the rich and influential *Banias* belonging most predominantly to the *Jain* and the *Vaishnava* castes.<sup>1</sup> Businessmen are pragmatic everywhere and the Ahmedabadi businessmen were no exception. Ever since the establishment of the British rule in Ahmedabad, this mercantile class cooperated with the middle class intellectuals in order to fight against the social evils like child marriage, superstitions and caste-regimenta-

tion. The reform movement between 1885 and 1914 was closely associated with the rising nationalist aspirations of the younger generation of university educated reformers like Dadasaheb Mavalankar and Indulal Yagnik.<sup>2</sup>

But the underlying ethos of the reformers was limited to the caste Hindus. The 'untouchables' remained outside the sphere of the reformist activities. For instance, the *Bhangi* sweepers declared a strike in September 1911 in protest against the delay in the payment of their wages by the local municipality. None of the reformers took trouble to inquire into the circumstances leading to the strike and the eventual one month rigorous imprisonment of the striking leaders.<sup>3</sup> *Jagadguru* Shankaracharya declared in Ahmedabad in 1910: "A garlic will not cease to stink even after rubbing it with *Kasturi* (musk). Similarly, an untouchable will not cease to be impure even after educating him."<sup>4</sup> Another instance is that of a *Bhangi* who went to a shop to enter into certain transactions. He hid his caste. But when the *Bania* came to know about it, he called the police and got him imprisoned for his "crime of hiding his caste"<sup>5</sup>. In fact, some of the businessmen, 'reformers', and lawyers organized a big public rally in 1912 in support of untouchability.<sup>6</sup>

These instances show beyond doubt that the elites, intellectuals, professionals, religious heads, bureaucrats and the judges were powerfully organized against the 'untouchables'. Ironically enough, the caste Hindus were, at the same time, protesting against the racial and the *apartheid* policies of the British.

This was the socio-political and cultural setting of Ahmedabad when Mahatma Gandhi settled down there in 1915.

## II. Emergence of Mahatma Gandhi

One of the first major acts of Gandhiji after his return from South Africa was the setting up of the *Satyagrah Ashram* (also called *Harijan Ashram*) in Ahmedabad in May 1915. In his autobiography Gandhiji has written:

I had a predilection for Ahmedabad. Being a Gujarati I thought I should be able to render the greatest service to the country through the Gujarati language. And then, as Ahmedabad was an ancient centre of handloom weaving, it was likely to be the most favourable field for the revival of the cottage industry of hand-spinning. There was also the hope that, the city being the capital of Gujarat, monetary help from its citizens would be more available here than elsewhere.<sup>7</sup>

These words of the Mahatma show why he preferred to settle down in Ahmedabad. Being himself a *Bania*, brought up in the

politics of plots and counter-plots in the native State of Kathiawad, he understood the value of money in conservative sections of the society. Gandhiji did not bother himself with the issues which had confronted his predecessors. Some of the hurdles such as the ban on foreign travel had almost been overcome. Castes had become less rigid with regard to commensal norms. The marriageable age had gone up. Keeping in view the distances covered by the earlier movements and his own experiences in South Africa and India, he took up the basic issues—the organizational problems of mass education and untouchability—with a national rather than provincial perspective. He had absolutely no doubt that without the solution of these two basic problems no speeches or writings or emotional outbursts would bring about a real unity and harmony among people. His goal was, above all, national integration. He used simple Gujarati language to communicate his views.

Gandhiji's genius lay in his ability to interpret and bring the scriptural ideals and injunctions to the realm of personal and social morality. He would not accept any religious injunction unless it stood the acid test of morality and justice. It was his moral strength which enabled Gandhiji to attack the practice of untouchability. No scripture, he asserted, ever preached untouchability. He declared that he would cease to be a Hindu the moment it was established that untouchability was an integral part of Hinduism.<sup>8</sup> His sister, a staunch *Vaishnavite*, had to leave the Sabarmati Ashram for refusing to conform to the commensality norms which expected every inmate of the Ashram to dine with the 'untouchables'.<sup>9</sup> The highest ideal of Hinduism is personal salvation and not social service. Gandhiji's concept of *seva* was thus innovative.

The implementation of this concept was no less innovative. Gandhiji organized a band of loyal and dedicated young reformers like Thakkar Bapa, Parikshitlal Majmundar and Mamasahab Fadke who toured throughout Gujarat, particularly the rural areas, to educate the people against untouchability. Gandhiji and his dedicated followers made ceaseless efforts to set up schools for the 'untouchables', dig up wells and tanks for drinking water for them, and also for their entry into temples.

Gandhiji's efforts created a great moral impact on the people of Ahmedabad and Gujarat. But it must be said that his efforts did not succeed to a great extent. This was because he depended too much on his ideal of 'change of heart'. One of the major limitations of the Gandhian method was his aversion to resort to law even in the cases of beatings and burnings of *Harijans* by the caste Hindus.<sup>10</sup> He preferred to resort to the moral force on the exploiting caste Hindus. Also, Gandhiji kept the *Harijan* leaders at an arms-length from the

organizational leadership of the Harijan Sevak Sangh after its establishment in 1932. On one occasion, a *Harijan* requested Gandhiji to appoint a few *Harijan* leaders on the executive committee of the Harijan Sevak Sangh. He pleaded that some of them were highly educated and efficient and their appointment to the executive committee would boost the moral courage of the *Harijans* and also give them a sense of self-respect. Gandhiji replied to him that the *Sangh* was meant to help the *Harijans* and was *not* a *Harijan* organization.<sup>11</sup> This explains why the leadership among the *Harijans* themselves did not emerge throughout the freedom struggle.

### III. The Spirit of Dr. Babasaheb Ambedkar

It was Dr. Babasaheb Ambedkar who really tried to tackle the problem of untouchability. Of course, it was not roses all the way for him. Among the Depressed Classes themselves, there were social gradation: there were socially superior and socially inferior groups among them. This made the problem further complicated. But Dr. Ambedkar became the spokesman of their sufferings and disabilities and a passionate fighter for their elementary human rights. The All India Depressed Classes Association and All India Depressed Classes Federation were the principal organizations of these classes. The All India Depressed Classes Federation was founded and led by Dr. Ambedkar.<sup>12</sup> He declared that unless the oppressed 'untouchables' organized themselves for a common cause, no amount of moral pressure on the caste Hindus will ever improve their condition. He asked them to forget about their own differences and social gradations and to "Organize, Educate and Agitate". Dr. Babasaheb Ambedkar believed that unless the Indian people secure political power and that power did not concentrate in the hands of socially oppressed sections of the Indian society, it was not possible to completely wipe out all social, legal and cultural disabilities, from which the oppressed sections were suffering. He said:

Nobody can remove your grievances as well as you can, and you cannot remove these unless you get political power into your hands . . . . We must have a Government in which men in power will not be afraid to amend the social and economic code of life which the dictates of justice and expediency so urgently called for. This role the British Government will never be able to play. It is only a Government which is "of the people, for the people and by the people", in other words, it is only the *Swaraj* Government that will make it possible.<sup>13</sup>

Cherishing these political and social values, Dr. Babasaheb Ambedkar visited Ahmedabad on 28 June 1931. He was invited by the

*Ahmedabad Navyuvak Mandal*, whose young leaders and workers were influenced by the ideology propagated by him. The organizers like Swami Sevak Sevanand, Mohanbhai Dunganbhai Parmar, Ramabhai Bhanabhai, Keshavji Waghela and Sadhu Premdas had established close links with the Bombay-based organizations set up to propagate the ideology of Dr. Babasaheb Ambedkar. Thousands of *Dalits* from Ahmedabad and the surrounding villages gathered together at the railway station to welcome their beloved leader. The local Gandhian leaders, however, rushed to the railway station and created a scene. Some children and young people, as previously planned, demonstrated with black flags and shouted slogans like "Ambedkar go back". Since Gandhiji had already created a powerful base for his *Harijan* activities in Ahmedabad and other parts of Gujarat, this demonstration was bound to take place. Although numerically not so strong, the followers of Dr. Babasaheb Ambedkar were his determined soldiers who had lost faith in Gandhiji's approach to the problem of untouchability. They detested the claims of the Mahatma to be their sole spokesman.

Dr. Babasaheb Ambedkar, while addressing a huge public meeting, appreciated the role of Mahatma Gandhi in the nationalist movement. He agreed that Gandhiji's contribution to the nationalist movement and also his mass leadership was a unique phenomenon in Indian history. But in the same speech he declared:

You untouchables, have you ever realised that even at the height of the freedom struggle, you have been treated worse than the animals? Have you realised that the doors of the schools and educational institutions are all closed for you? Are you allowed to fetch water from the village-well or tank? Even roads and streets are not meant for you. If this is your real condition, what makes you to identify yourself with the nationalist struggle?<sup>14</sup>

He became emotional and stopped for a while, then raised his voice and said:

My Dalit friends, think for a while and ask yourself a question. Does this country really belong to you? Freedom for what? And freedom for whom?<sup>15</sup>

Dr. Babasaheb Ambedkar was not a demagogue. As an 'untouchable', he had himself suffered insults and humiliations. Educated in USA and England, he had developed a sense of individual dignity and self-respect and he wanted his fellow sufferers to breathe this spirit. The speech of Dr. Babasaheb Ambedkar had a magnetic effect on his audience. Later events show that a large number of 'untouchables' in Ahmedabad and other parts of Gujarat became his followers.

### Conclusion

The foregoing discussion shows that the struggle of the 'untouchables' passed through different phases during the course of our freedom struggle. The first phase was marked by the total indifference on the part of the caste Hindus towards the problems of the Depressed Classes. In fact, this phase witnessed the attitude of hostility towards them. The emergence of Mahatma Gandhi started a new phase. Gandhiji tried to give them a sense of religious and national identity. He reminded his countrymen that the 'untouchables' who lived in the outskirts of the cities and villages were part of this country and were not outsiders. He made a unique contribution by releasing moral force and creating a band of dedicated grass-root workers for the *Harijans'* cause. Dr. Babasaheb Ambedkar gave another thrust when he asked his countrymen to make some introspection on the problem of untouchability. He asked the basic question: "Does the motherland really belong to the untouchables?"

Dr. Babasaheb Ambedkar had already thought about this disturbing problem and he had also thought about its remedies. The remedies, however, were equally harsh. These required the *Dalits* to develop the spirit of rebellion against the established religious and social institutions which had exploited them over the centuries. He exhorted the *Dalits* not to be carried away by the wave of nationalist upsurge but to be cautious about their own fate and concentrate single mindedly on the issues which affected their very existence. He asked them to fight for their self-elevation, self-help and self-respect. In this respect he differed from Gandhiji. Gandhiji's appeal was directed to the *hearts* of the caste Hindus. Dr. Babasaheb Ambedkar, on the other hand, appealed to the untouchables not to waste their time and energy on changing the heart of the caste Hindus, which was bound to be an exercise in futility. He was more realistic and pragmatic than Mahatma Gandhi in this matter. He appealed to them to organize, educate and to fight for justice. He invoked the Jeffersonian spirit when he declared on one occasion: "Give me liberty or give me death". His was an echo beyond the heart.

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## A Tribute to Dr. B.R. Ambedkar

*K.R. Narayanan*

Dr. B.R. Ambedkar was a many-splendoured personality—a jurist with encyclopaedic knowledge, an astute thinker, a prolific writer, a constitutional *pandit*, and a political leader with a charismatic personality. It would, however, be as a militant reformer, a compassionate social rebel, and as a liberator of the downtrodden masses that he would be long remembered.

The social challenge that Dr. Ambedkar posed transcended the confines of the specific and sizeable section of people known by the clumsy phrase 'Scheduled Castes', and touched the basic structure of the cunningly stratified Hindu society based on conceptual as well as operational inequalities. He was one of those in our long history who had the courage to challenge the caste system in a fundamental sense and had the insight to trace to it the root cause of our downfall and the main obstacle to democracy and progress. In one of his speeches in the Constituent Assembly, he remarked with asperity that our political democracy erected on the inequalities and injustices of traditional Indian society was like "a palace built on cow-dung", and warned that unless these contradictions were removed "those who suffer from inequality will blow up the structure of democracy which this Assembly has so laboriously built up". At the same time, he believed passionately in the possibility of bringing about social change and working a democratic system in India. Today, when caste, communal and other social divisions are assailing our political process, this belief of Dr. Ambedkar is a beacon light for us to follow.

Education, radical reforms in the land system and acquisition of political power by the Scheduled Castes through organized exercise of the new right of universal adult suffrage, were seen by Dr. Ambedkar as the methods of bringing about the required social change in India. He stated:

Political power is the key to all social progress and the Scheduled Castes can achieve their salvation if they captured this power by organising themselves into a third party and holding the balance of power between the rival political parties...

Dr. Ambedkar had entertained radical ideas about the use of land. In respect of the Scheduled Castes he made a specific suggestion in 1950's that all wasteland in the country, estimated at that time over 98 million acres, should be put in List-1 of the Constitution (*i.e.* within the purview of the Union Government) settling Scheduled Castes people on them. He added a rather sacrilegious suggestion that for raising funds for this settlement salt-tax could be reintroduced. Funds could, of course, have been raised by other methods also. But the idea of using wasteland as he suggested was socially ingenious and eminently practicable, though we have not managed to accomplish this even today. What is important is that while he demanded reservations and other such protective devices for the Scheduled Castes, he was directing attention on basic things—land, education, political power, social reforms—for solving their problems. He was a social revolutionary in the real sense.

Dr. Ambedkar's nationalism and devotion to the unity of India is often overlooked in the face of his crusade on behalf of the underprivileged minorities. In those critical days when the British were trying every means of dividing Indian political opinion, he could have played a different game but for his nationalism. As early as in the 1930's he had taken the following position on the minorities question:

To say that the country is divided by castes and creeds and it cannot be one united self-governing community unless adequate safeguards for protection of minorities are made as part of the Constitution, is a position to which there can be no objection; but the minorities must bear in mind that although today we are riven by and atomised by caste our ideal is a united India. That being so, it follows that every minority in formulating the safeguards it needs must take care that they will not be incompatible with the realization of this great ideal.

Later in the Constituent Assembly, he pointed out that "minorities are explosive forces" which can "erupt the whole fabric of society", but that "the moment the majority loses the habit of discriminating against the minority" that problem will vanish. He even envisaged, a little idealistically, that "majorities and minorities (will) merge one day into one".

Dr. Ambedkar was an ardent nationalist who exhorted that "we must be determined to defend our independence to the last drop of our blood". But he knew that only through a thoroughgoing social revolution that a united and strong India—a socially, politically and emotionally united and strong India—could be built up. It is to the arduous tasks of this unfinished revolution that the attention of the nation should be focussed in this Birth Centenary Year of Dr. B.R. Ambedkar.

## Babasaheb: The Great Liberator

*M.S. Gurupadaswamy*

Dr. B.R. Ambedkar, popularly known as Babasaheb, was an eminent educationist, a great economist, an able administrator and a radical social and political thinker of his time. He is remembered as a messiah of the millions of 'untouchables' and other oppressed sections of society in the country. Dr. Ambedkar wanted social justice and demanded constitutional safeguards to be used as a lever for their social and economic uplift.

Bhimrao Ambedkar was born in an 'untouchable' community known as *Mabar*, on 14 April, 1891 at Mhow in Madhya Pradesh. His father Ramji retired from the Army as Subedar-Major in 1893. Maharaja Sayaji Rao of Baroda, a progressive ruler, sent Bhimrao to Columbia University in July, 1913 for higher studies as a Gaekwad Scholar, from where he obtained his M.A. and Ph.D. degrees. He joined the London School of Economics as a graduate student in June, 1916 and also the Gray's Inn for doing Bar-at-Law. But he had to come back to India because of the termination of his scholarship. In July, 1917 he was appointed Military Secretary to the Maharaja of Baroda. However, his fellow orthodox Hindu staff humiliated him so much that he left Baroda and came back to Bombay in November, 1917. He joined the Sydenham College, Bombay as Professor of Political Economy but here too, due to the stigma of untouchability, the treatment given to him by the students and fellow professors was humiliating. He appeared before the Southborough Commission in 1919 and started *Mook Nayak*, a fortnightly paper in January, 1920. Dr. Ambedkar went to London again in September, 1920, to resume his studies at the London School of Economics and also at Gray's Inn to qualify as a barrister.

He came into prominence when he organized the Mahad Tank *Satyagraha*, the burning of *Manusmriti* in 1927 and the Kala Ram Temple entry at Nasik in 1930. The Governor of Bombay nominated Dr. Ambedkar to the Bombay Legislative Council in 1927, where he introduced several Bills of social importance. During 1930-32, his fame and influence became widespread when he advocated the cause

of Depressed Classes by demanding political safeguards for them under the self-governing Constitution of India. As a Member of the Viceroy's Executive Council between 1942-46, he worked for the uplift of the Scheduled Castes and other weaker sections of society.

In his several speeches, notes, debates, memoranda and representations made during a period of 35 years, as a Member of the Bombay Legislative Council, a delegate to the Indian Round Table Conference, a Member of the Viceroy's Executive Council, and as the Law Minister in Pandit Nehru's Cabinet, he assiduously fought for the rights of the Depressed Classes and for their greater representation in services—Police, Military and Civil. He advocated for the establishment of a Federal Court, Public Service Commissions, Indianization of Army, better placement of Indians in the ICS, provincialization of State services, and more and more recruitment of Depressed Classes. Throughout his life, he fought for social justice and political safeguards for the Scheduled Castes.

Dr. Ambedkar strove to provide, through the Constitution, a number of basic socio-political rights to the people of India in the shape of Fundamental Rights and Directive Principles. As the chief architect of the Indian Constitution, he championed the cause of the Scheduled Castes and other weaker sections of society.

Dr. Ambedkar was also a legal luminary and a constitutional expert. The proceedings of the Indian Round Table Conference and the reports of its various sub-committees, specially the report of the Indian Franchise Committee, the Transfer of Power Volumes, and the Constituent Assembly Debates contain ample testimony to his knowledge, ability, character, and inclination.

Dr. Ambedkar's life-long mission was to bring about a social revolution, particularly among the Hindus. He stood against orthodoxy in Hinduism and the prevailing caste system in the contemporary society. He was opposed to majority rule which suppressed minorities specially the Scheduled Castes. He thus played a crucial role in the emancipation of the downtrodden sections of society who were treated like slaves for centuries. He fought single-handedly for getting social justice for them.

During the Birth Centenary year of Dr. Ambedkar, his social philosophy, his life-long struggle for the emancipation of the oppressed, and his constant efforts for establishing democratic norms and traditions in this country, and his ceaseless fight for a broad-based Constitution of free India—all need to be judged in the broad socio-political perspective. He was indeed a great man, who made history and changed the entire course of the socio-political trends in this vast country.

## डॉ० बाबासाहेब आंबेडकर

### अटल बिहारी वाजपेयी

भारत माता के महान सपूत डॉ० बाबासाहेब आंबेडकर अपने विराट व्यक्तित्व और कालजयी कृतित्व के कारण सदैव ही आदर के साथ स्मरण किए जाएंगे। उनका प्रखर पांडित्य, उनकी पारदर्शी प्रामाणिकता, उनकी विलक्षण वागविदग्धता, उनकी असाधारण संगठन कुशलता और अन्याय के विरुद्ध लोहा लेने की उनकी वज्र संकल्पबद्धता, उन्हें सहज ही एक महान इतिहास पुरुष के रूप में प्रतिष्ठित कर देती है।

डॉ० आंबेडकर दलित के रूप में जन्मे, दलितों के लिए जिए, दलितों के लिए जूझे और अंतिम क्षण तक दलितों का हित चिंतन करते हुए निर्वाण को प्राप्त हुए। किंतु इस आधार पर उन्हें दलित या हरिजन नेता कहना उनके साथ बड़ा अन्याय करना होगा। वे हमारे महान राष्ट्रीय नेताओं में थे और उनकी गणना, मार्टिन लूथर किंग की तरह, मानवमुक्तिदाता के रूप में की जाएगी।

बहुत लोगों को यह बात ज्ञात नहीं है कि जब डॉ० आंबेडकर को स्वतंत्र भारत के प्रथम मंत्रिमंडल में शामिल किया गया तो वे आर्थिक नियोजन का मंत्रालय सम्हालना चाहते थे। किंतु उन्हें विधि मंत्रालय मिला। डाक्टर की उपाधि प्राप्त करने के लिए डॉ० आंबेडकर ने जो शोधप्रबन्ध लिखा था उसका विषय था—“दू प्राब्लम आव दू रूपी”। वह इतना प्रभावशाली था कि सुप्रसिद्ध समाजवादी विचारक श्री हैराल्ड लास्की ने उस पर टिप्पणी करते हुए कहा कि इसका लेखक “बड़ा रैडिकल” है। अर्थ और विधि संबंधी विषयों पर उनका गहन अध्ययन था। इस संबंध में उनका चिंतन दो पुस्तकों के रूप में सामने आया, जो उन्हें सहज ही एक अर्थशास्त्री के रूप में मान्यता प्राप्त करा देता है।

यह धारणा भ्रामक है कि डॉ० आंबेडकर स्वराज्य की प्राप्ति के बारे में उतने उत्सुक नहीं थे जितने दलितों के उद्धार के बारे में। वस्तुस्थिति यह है कि वे सब के लिए स्वराज्य चाहते थे। स्वराज्य संपूर्ण हो, सब के लिए हो, वह मुट्ठीभर हाथों में केन्द्रित न हो, यह उनकी इच्छा थी। उन्हें यह भी लगता था कि जब तक दलित समाज जागृत और संगठित नहीं होता और अपने अधिकारों के लिए संघर्ष करने को तैयार नहीं होता तब तक स्वराज्य, यदि मिल भी गया तो, वह शोषकों तक सीमित रह जाएगा। एक बार उन्होंने कहा था कि यद्यपि हमारे यहां सामाजिक अन्याय है, किंतु वह हमारा आंतरिक प्रश्न है, हम उसका हल निकालेंगे, किंतु अंग्रेजों को यह कहने का नैतिक अधिकार नहीं है कि जब तक हिंदू समाज में सामाजिक अन्याय है तब तक हम आपको स्वराज्य कैसे दे सकते हैं। स्पष्टतः डॉ० आंबेडकर दलितों के हितों की रक्षा के लिए किसी भी सीमा तक जाने के लिए तैयार होते हुए भी, अंग्रेजों की फूट डालो और राज करो की नीति का कभी मोहरा नहीं बने।

डॉ० आंबेडकर एक महान राजनीतिज्ञ थे किंतु उनकी राजनीति सिद्धान्तों से जुड़ी थी। अस्पृश्यता को वे अभिशाप मानते थे और उनके उन्मूलन के लिए उन्होंने जीवन भर संघर्ष किया, किंतु उनका

संघर्ष सदैव शांतिपूर्ण रहा। कतिपय सवणों द्वारा जब महाड के सत्याग्रह में कुछ भड़कानेवाले कार्य हुए तब भी डॉ० आंबेडकर ने अपने अनुयायियों को संयम से काम लेने के लिए तैयार किया और उसमें उन्हें सफलता भी मिली। उन्हें अस्पृश्य शब्द स्वीकार नहीं था, किंतु वे गांधी जी द्वारा दिए हरिजन शब्द को भी पसन्द नहीं करते थे। उनका कहना था कि हरिजन शब्द में उपकार करने की भावना झलकती है जो उनके द्वारा दी गई स्वाभिमान, स्वावलंबन तथा आत्मोद्धार की त्रिसूत्री के विरुद्ध थी। वे ब्राह्मणों के विरुद्ध नहीं थे, ब्राह्मणवाद के विरुद्ध थे।

स्वतंत्र भारत के संविधान के शिल्पकार के रूप में डॉ० आंबेडकर के योगदान को राजनीति और विधिशास्त्र के विद्यार्थी सदैव ही बड़े गौरव के साथ स्मरण करेंगे। संविधान स्वतंत्र भारत की आधुनिक स्मृति है। इस दृष्टि से डॉ० आंबेडकर को आधुनिक मनु कहा जा सकता है। भारत में समय समय पर स्मृतियां बनती और बदलती रही हैं। हिन्दू समाज में युग के अनुकूल अपने को परिवर्तित करने की असीम क्षमता है। डॉ० आंबेडकर उस क्षमता के पुंजीभूत प्रतीक थे। लोकतंत्र में उनकी अदृष्ट निष्ठा संविधान परिषद् में उनके भाषणों से पूरी तरह प्रकट होती है। लोकतंत्र की मान्यताओं और उसकी परम्पराओं के उल्लंघन से किस तरह के संकट उत्पन्न होंगे, उन्होंने इस बारे में स्पष्ट चेतावनियां दी थीं। उन चेतावनियों को पढ़कर आज ऐसा लगता है कि डॉ० आंबेडकर भविष्य को भेदकर दूरगामी काल को देखने की अपूर्व क्षमता रखते थे।

साम्यवाद की विचारधारा और मुस्लिम समाज की मानसिकता के संबंध में डॉ० आंबेडकर का विश्लेषण बड़ा सटीक और युक्तिसंगत है। उन्होंने साम्यवाद के दर्शन को अमान्य कर दिया था। मुस्लिम समाज में व्याप्त कट्टरता भी उन्हें पसन्द नहीं थी। वे सच्चे लोकतंत्रवादी और सुधारवादी थे। अन्याय और अधिनायकवाद पर आधारित उन्हें कोई व्यवस्था मान्य नहीं थी। तिब्बत पर चीन की सार्वभूमता स्वीकार करने की नीति पर सरकार से उनका तीव्र मतभेद था। वे भारत सहित दक्षिण पूर्व एशिया के बौद्ध धर्म प्रभावित देशों को मिला कर एक सांस्कृतिक राष्ट्र मंडल बनाने के पक्ष में थे। वे समाज में धर्म के महत्व को स्वीकार करते थे। उन्हें भारतीयता और भारतीय संस्कृति से गहरा प्रेम था।

जीवन के संघा काल में जब डॉ० आंबेडकर ने नई उपासना पद्धति अपनाने का निर्णय किया तो उनकी दृष्टि बौद्ध धर्म पर टिकी। वे भगवान बुद्ध की करुणा के संदेश से बहुत प्रभावित हुए थे। आज हमारे समाज की सबसे बड़ी समस्या यह है कि वह करुणाविहीन होता जा रहा है। न व्यक्ति के अन्तःकरण में करुणा की धारा है और न समाज के आचार-व्यवहार में ही कहीं करुणा का परिचय मिलता है। बौद्ध धर्म स्वीकार करते हुए डॉ० आंबेडकर ने जो भाषण दिया वह उनके भारत-प्रेम को पूरी तरह उजागर करता है। उन्होंने कहा—

मैंने एक बार अस्पृश्यता के प्रश्न पर गांधी जी से चर्चा करते हुए कहा था कि अस्पृश्यता के सवाल पर भले ही मेरे साथ आपके मतभेद हों, जब समय आएगा तो मैं देश को कम से कम क्षति पहुंचाने वाला मार्ग स्वीकार करूंगा। आज बौद्ध धर्म स्वीकार करके मैं देश का अधिक से अधिक हित साधन कर रहा हूँ। कारण यह है कि बौद्ध धर्म भारतीय संस्कृति का ही एक भाग है। इस देश की संस्कृति, इतिहास तथा परम्परा को कोई आघात न लगे, यह सावधानी मैंने बरती है।

आज जब सारा देश डॉ० आंबेडकर की जन्म शताब्दी का समारोह बड़े उत्साह से मना रहा है, तब उनके व्यक्तित्व और कृतित्व से प्रेरणा लेकर हम यह संकल्प करें कि हम स्वतंत्रता को अमर बनाएंगे, लोकतंत्र को अक्षुण्ण रखेंगे और आर्थिक शोषण तथा सामाजिक अन्याय को समाप्त कर ऐसे भारत की रचना करेंगे जो डॉ० आंबेडकर के सपने के अनुरूप हो।

## Dr. B.R. Ambedkar: Messiah of the Depressed

*Saroj Khaparde*

Dr. Babasaheb Bhimrao Ambedkar has created a unique place for himself in the history of India by the sheer dint of his scholarly brilliance, untiring zeal and tenacious efforts for the uplift of the downtrodden. In the Kanpur Session of the All India Scheduled Castes Federation in March, 1944, he said: "Attempts to uplift my community rather than win the *Swaraj* for the nation is my goal." Later, he categorically declared:

It is my solemn vow to die in the service and cause of those downtrodden people among whom I was born, I was brought up and I am living.

His social thought was thus dominated by his urge to lift the 'untouchable' community, and break the shackles of casteism and *Brahmanism*. He is naturally, therefore, looked upon as a great emancipator of those who had been suppressed for centuries.

Dr. Ambedkar's social thinking was a result of his total dissatisfaction with the humiliating treatment meted out to the members of his community by the so-called higher caste Hindus. His philosophy, therefore, had the objectives of the attainment of social amelioration, political enlightenment, and spiritual awakening for his community. Due importance to the economic well-being of the masses was essential for this. To him, political thought embodied a social dynamism with equal rights for man and woman. His deep faith in the Fundamental Rights, the dignity of the individual, social and economic justice, the promotion of social progress, and better standards of life with peace and security in all spheres of human life, enriched his political philosophy. Dr. Ambedkar's role as a saviour of the weaker sections of the society is no less than that of any reformer of the Hindu religion throughout the centuries. He doggedly fought against the two principal inhuman malpractices in the Hindu Society: *untouchability* and *casteism*.

Dr. Ambedkar had himself seen and experienced the treatment meted out to the Depressed Classes by the higher sections of the society who had monopolized and wielded all the power and position. He thus came to the conclusion that the problem of untouchability and casteism could not be solved without economic reconstruction. He held that the caste system must be eliminated because it was inhuman and detrimental to the upward march of the 'untouchables'. All his efforts were, therefore, directed towards removal of the social disabilities that became associated with them through provision of education and opportunities for economic progress. He also realized in the beginning of his career that the lot of the downtrodden could not be improved without providing them a share in the political power. He did not visualize education merely as a means of livelihood but as a powerful weapon to liberate the *Dalits* from ignorance and to strengthen their fight against injustice and humiliation. He considered education as a prerequisite for any kind of organization and movement of *Dalits*. In this context, his popular slogan "*Unite-Educate-Agitate*" becomes significant.

Dr. Ambedkar forcefully advocated for according an independent status to the Scheduled Castes at the Round Table Conference in London in 1930-31 (his underlying idea being that those who were socially segregated must be politically segregated) and the British Government had acceded to his demand through the Communal Award. Yet being a true patriot he retraced his steps and concluded the famous Poona Pact in 1932 with Mahatma Gandhi, voluntarily giving up the demand for separate electorates. Needless to say, this bold step saved the Hindu society from disintegration. The Pact was thus the biggest testimony of his patriotism and sagacity.

After Independence, Dr. Babasaheb Ambedkar became a Member of the Constituent Assembly of India and, as a recognition of his wisdom and knowledge on constitutional matters, was elected to the Drafting Committee and even made its Chairman. That this happened despite persons whose social bearings he had all along opposed speaks volumes of the high esteem he was held in by the national leaders who had passed through the fire of the freedom struggle. But primarily, Dr. Ambedkar considered himself to be a social reformer. In the course of his memorable speech in the Constituent Assembly on 25 November, 1949, he had said: "I came into the Constituent Assembly with no greater aspiration than to safeguard the interest of the Scheduled Caste. . ." and added: "The first thing in my judgment we must do is to hold fast to constitutional methods of achieving our social and economic objectives." That he had imbibed the tenets of non-violence preached by Mahatma Gandhi is clear from what he said in continuance: "It means that we must abandon the bloody methods

of revolution." But when he further added: "It means that we must abandon the method of civil disobedience, non-cooperation and *Satyagraha*", obviously his intention became clear: "When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for these unconstitutional methods." He affirmed: "These methods are nothing but the Grammar of Anarchy and the sooner they are abandoned, the better for us."

Dr. Ambedkar wanted social reforms not as a gesture of concession but as a matter of right. His intense desire was to create a new society through inculcation of the spirit of independence and self-realization among the 'untouchables'. In other words, he wanted them to stand on their own feet in an age no longer governed by the laws of Manu. Dr. Ambedkar fought many struggles for the realization of his goal of social equality. At Malad he led the *Satyagraha* campaign against the unjust ban on the use of water in a lake. The waging of a battle against social bans was regarded by him as his religion. At Kala Ram Mandir at Nasik he tried to get the gates of the temple opened for the 'untouchables'.

In the course of his activities, Dr. Ambedkar realized the utter lack of suitable media to voice the grievances of the downtrodden. So, he started as many as four periodicals, viz., *Mook Nayak*, *Bahishkrit Bharat*, *Equality* and *Janata* to achieve the purpose. He also helped start a number of organizations of the Scheduled Castes, the first being *Bahishkrit Hitkarini Sabha* in 1924. The *Samaj Samata Sangh* or the Social Equality Society was also founded to create the spirit and outlook of equality among the Scheduled Castes. In August, 1936 he formed a new political party, the Independent Labour Party, on the eve of the General Elections in 1937 held in the wake of the Provincial Autonomy under the Government of India Act, 1935. The All India Scheduled Castes Federation founded in 1942, which constituted his main political platform, however, found its conversion into the Republican Party of India before the Second General Elections. Dr. Ambedkar had, in fact, planned the birth of the new party to infuse young blood into politics, but before his dreams could fructify, he expired in 1956. Obviously, he died a sad and disillusioned man, particularly after the Hindu Code Bill prepared by him so laboriously, was almost shelved, and he was left with no alternative but to resign from Pandit Nehru's Cabinet as Law Minister.

The Depressed Classes in the country would certainly remember Dr. Ambedkar as their saviour or messiah but all the Indians are, in fact, beholden to him for giving the country its constitutional framework with the basic human rights inserted therein. It is, therefore, incumbent on us that suitable long-term on-going programmes be

chalked out during his Birth Centenary Year not only towards fulfilment of his dreams and perpetuating his memory but also to focus on his multifaceted personality by way of holding seminars and symposia and bringing out publications. This would surely help in bringing to light the myths about the contradictions in his personality supposedly attributed to him.

# Babasaheb Ambedkar: Indefatigable Crusader of Social Revolution

*B.P. Maurya*

It has been an article of faith with me that there can be no just or equitable basis for any social, economic or political life in any polity where a person is to be punished or rewarded on the basis of his birth. Unfortunately, in India, from ancient times up to the day of Independence, certain classes of persons had been segregated from the mainstream of the society on the basis of their birth and thrown into an abyss of moral degradation. As a consequence of this callous segregation and degrading humiliation, these classes had been victims of untold sufferings and injustices. In their own land of birth they were declared to be 'untouchables'. It is hard to conceive of an indignity more inhuman or of a humiliation more mortifying than this.

A society which is caste-ridden cannot hope to become a united and an integrated social organism. From the national point of view, there can be no greater danger to the unity and integrity of a nation than the existence of a caste system. Castes are anti-national. They bring about widespread separateness in the social life and divide it into hostile groups; they generate jealousy and antipathy. The concept of caste is the antithesis of fraternity. If caste system is allowed to continue in a nation, fraternity in its real sense can never be achieved. And where there is no fraternity, there can be no equality in the real sense of the word.

The founding fathers of our Constitution were poignantly aware of this horrible curse which had afflicted the nation, and in their own way, they had made an attempt to enshrine in the Constitution certain provisions which they thought would remove this terrible affliction from our polity. During the past four decades, the working of these provisions has been watched with anxious attention by all the well-wishers of the nation. A realization has gradually grown that these provisions in the Constitution have not been able to achieve in any adequate measure the objectives for which they were framed, or to fulfil the lofty aims by which they were inspired. The time is now ripe

to have a second look at these provisions in the Constitution in the light of their working during the past four decades and to recast them so that the desired objectives and purposes do not remain just a mirage.

The Birth Centenary of Babasaheb Bhimrao Ramji Ambedkar which is being currently celebrated at both official and other levels with great fanfare, zest and zeal, is really a solemn occasion to recollect the life struggle of this great Indian patriot, who was an indefatigable crusader of social revolution, as well as an eminent jurist and constitutional expert. It is also an occasion to reflect upon the ideas, principles and values for which he struggled throughout his life and dedicate ourselves to the building of a strong India of his dreams free from economic exploitation and social oppression of all kinds.

Paying homage to Dr. Babasaheb Ambedkar in the Lok Sabha on 6 December 1956, Pandit Nehru said:

Dr. Ambedkar, as every Member of this House knows, played a very important part in the making of the Constitution of India, subsequently in the Legislative part of the Constituent Assembly and later in the Provisional Parliament. . . . He is often spoken of as one of the architects of our Constitution. There is no doubt that no one took greater care and trouble over Constitution making than Dr. Ambedkar. . . . The way he will be remembered most will be as a symbol of the revolt against all the oppressive features of Hindu society. . . . he rebelled against something against which all ought to rebel. . . . The virulence of his opposition did keep the people's mind awake and did not allow them to become complacent about matters which could not be forgotten and helped in rousing up those groups in our country which had suffered for so long in past.

Dr. Babasaheb Ambedkar, by championing the cause of the down-trodden, made an indelible mark on public affairs and the national scene. It is a recognition of the great contribution that he made to the awakening of the oppressed masses that even those sections of political opinion who opposed him during his lifetime are today vying with each other to pay their tributes to him. Thus Ambedkar after death has become more powerful than while he was alive.

Dr. Babasaheb Ambedkar's speech delivered in the Constituent Assembly on 25 November 1949 at the time of adoption of our Constitution contained a prophetic warning to the future political rulers of the country. He stressed that we must not be content with mere political democracy, but make our political democracy a social democracy as well. He clearly warned that political democracy cannot last unless social democracy lies at its base. In fact, his approach was that the principles of liberty, equality and fraternity must not be treated as separate items but looked upon as an integral whole.

Dr. Babasaheb Ambedkar was fully aware of the challenges posed to the ideal of equality in India on both social and economic planes. He warned:

On the 26th January 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. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.

Dr. Babasaheb Ambedkar condemned the monopoly of a few over political power as he poignantly put it in his speech in the Constituent Assembly cited above when he said:

The many are not only beasts of burden, but also beasts of prey. These down-trodden classes are tired of being governed. They are impatient to govern themselves.

He believed that if the downtrodden are allowed to realize their aspirations without any delay, the country and the people as a whole would benefit, thereby strengthening the independence and the democratic structure of the country.

With a view to making India's democratic structure strong and lasting, Dr. Babasaheb Ambedkar wanted the monopoly of a few over political power to be abolished and the downtrodden masses to be made the real rulers of the country. Babasaheb, it is pertinent to note, was opposed not merely to social inequality and caste oppression; he was equally opposed to economic inequality and exploitation by the capitalists and the feudals. To usher in a free society having social and economic equality, he advocated nationalization of agricultural land and supported collective farming in one of his letters to Pandit Nehru. To strengthen the financial system of the country, he favoured nationalization of banks, life and general insurance and other important financial institutions. He also supported political reservation for the Scheduled Castes and Scheduled Tribes in the State and Central Legislatures to ensure them an adequate representation on these important bodies. But soon he discovered to his grief that this political reservation only helped to induct into the legislative bodies such representatives on the Scheduled Castes and Scheduled Tribes who were not their real representatives but were there because of their political bosses.

It is an irony of history that Dr. Babasaheb Ambedkar was defeated in the elections to Parliament (Lok Sabha) from reserved seats in Bombay and Bhandara in 1952 and 1954, respectively, at the hands of obscure Scheduled Caste candidates sponsored by the Congress Party.

There is no gainsaying the fact that Babasaheb was a towering figure and a political giant of incomparable stature. He was the main architect of the Indian Constitution. A highly qualified man with an impressive array of academic degrees, a barrister of repute, a great orator and a political leader of the first order, Dr. Ambedkar will be remembered more as a social revolutionary who worked ceaselessly in the service of the Scheduled Castes and Tribes. And yet he was defeated by persons who were nonentities as compared to him. Dr. Ambedkar's defeat demonstrated, unmistakably, that political reservation is a great impediment in the way of real representatives of the weaker sections getting elected to the legislatures. The party bosses see to it that the real champions of the downtrodden are defeated by their own 'show-boys'.

If the leaders of the national political parties of India do honestly feel that political reservation is a genuine historical necessity for the Scheduled Castes and Tribes, then they should take the necessary steps to ensure that only those with a proven record of service to these weaker sections are nominated by them as candidates. In the ultimate analysis, this would be possible only if the Scheduled Castes and Tribes voters alone are given the right to vote in the reserved constituencies.

Reservation in the Parliament and State Legislatures provided for the Scheduled Castes and Scheduled Tribes through Articles 330 and 332 of the Constitution was initially to remain operative for a period of 10 years. Article 334 provides this 10 year duration which has been extended four times since 1960 when it first expired. The very fact that this term for political reservation for the Scheduled Castes and Tribes had to be extended four times shows that there is something basically wrong with this system of reservation which has failed to achieve its objective even after four decades. The plight of these sections of society has further worsened and their problems have remained largely unsolved. What is worse, most of the representatives of the Scheduled Castes and Tribes who got elected on reserved seats have seldom raised their voice in the Parliament and the State Legislatures against the daily increasing atrocities on these weaker sections of society. In many cases the representatives of the Scheduled Castes and Tribes elected on reserved seats are virtually the hand-picked nominees of the dominant classes and are subservient to them. Time has, therefore, come when the entire question of political reservation is re-examined with an open mind. Perhaps, it would be better to go

in for double-member constituencies with the Scheduled Caste and Scheduled Tribe voters having two votes, one each for both the general and reserved seats and the non-Scheduled Caste and non-Scheduled Tribe voters exercising their franchise for the general seats only. This will enable the Scheduled Castes to elect their real representatives independently without interference from the dominant classes. In any case, this reservation should remain in force during the last decade of the twentieth century only and should not be extended to the twenty first century. On 27 December 1955, Babasaheb Dr. Ambedkar himself had spoken against reservation (Political Reservation) of seats in the State and Central Legislatures for Scheduled Castes and Scheduled Tribes. The aim of reservation as envisaged by Dr. Ambedkar was to abolish the caste system from our society rather than to perpetuate it. Reservations are useful only up to a point and for a limited duration, he felt. Their repeated extensions only indicate that the job is not being done honestly. Similarly, it is high time that the authorities looked at giving economic reservation, i.e. reservation in government jobs and services ensured by Article 335 of the Constitution which unlike political reservation is not time-bound as it is not governed by Article 334. With all the agitation about Scheduled Caste and Scheduled Tribe candidates getting preference over upper caste candidates in government and public sector jobs on account of reservation, the official statistics reveal an entirely different picture. Thus on 1 January 1984, as against their reservation of 22.5 per cent, the Scheduled Castes and Scheduled Tribes had a share of only 1.34% among officers and 2.95% among clerks in the nationalized banks including the State Bank of India and its subsidiaries and other financial institutions. Even among subordinate staff their share was little short of 4%. In the public sector undertakings/Industry (on 1 January 1984), the representation of the Scheduled Castes was 3.93% and 5.38% for A and B category jobs, respectively, and the representation of the Scheduled Tribes 0.89% and 1.60% only. There was no significant improvement either by January 1987 when the share in category A jobs was 8.23 per cent for the Scheduled Castes and 2.05 per cent for the Scheduled Tribes; and 10.40 per cent for the Scheduled Castes and 1.92 per cent for the Scheduled Tribes in category B jobs. Their representation in Central Government services as on 1 January 1983 was equally inadequate. In A and B categories it was just 6.71 per cent and 10.16 per cent, respectively for the Scheduled Castes and 1.41 per cent and 1.46 per cent, respectively for the Scheduled Tribes. (Latest figures are not available.)

Obviously, this reservation policy has failed to make any appreciable difference in the material conditions of these weaker and socially oppressed sections of society. Not only has it completely failed

to achieve its objective of improving the economic conditions of the down-trodden people, it has also resulted in increased atrocities on them. The casteist elements have often exploited it to divert the frustration of the upper caste unemployed youth to commit atrocities against the helpless Scheduled Castes and Scheduled Tribes. In its present form this reservation policy helps only a handful of Scheduled Caste and Scheduled Tribe families and has become discriminatory against the vast poor masses belonging to these categories whose children obviously cannot successfully compete with the scions of such families as have improved their socio-economic and cultural level by taking advantage of reservation for more than one generation. It is, therefore, only appropriate to restrict job reservation to persons belonging to only poor families of the Scheduled Castes and Scheduled Tribes.

To ensure that the benefits of reservation percolate down to the poorest sections of the Scheduled Castes and Tribes, the economic criteria should be introduced. To this end the definition of backward classes as given in Article 15(4) of the Constitution, viz., "socially and educationally backward classes", must be changed to: socially, educationally and *economically* backward classes.

It is indeed gratifying that this stand of mine has found support from a judgment of the Supreme Court. In *Kumari K.S. Jayasree and another v. the State of Kerala and others*, decided on 17 August 1976, the Supreme Court observed:

Social backwardness is the result of poverty to a very large extent. Caste and poverty are both relevant for determining the backwardness. But neither caste alone nor poverty alone will be the determining test.

Fortified by these observations of the Supreme Court, I would like to say that the time has now come when benefits of reservation should not be extended to those sections of the Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBCs) who are economically quite well off. These concessions should be utilized only for the uplift of the poorer sections of these people. This is also necessary if we desire to save the country from the fury of a meaningless caste war.

The Government should now adopt this new two-fold criterion in the matter of giving concessions and benefits to the Scheduled Castes and Tribes and Other Backward Classes. Rules should be framed and instructions issued to all concerned that the facilities, concessions or benefits available to the members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes would henceforth be given only to those who, in addition to being members of these castes and tribes, are living below a specified economic level. This principle should preferably be embodied in an appropriate statute.



To conclude, the constitutional provisions concerning reservation for the Scheduled Castes and Tribes in their present form have proved to be rather counter-productive and ineffective and need a reappraisal in the light of the experience of their working for a period of almost four decades.

Therefore, I strongly feel that Article 335 which provides reservation for Scheduled Castes and Scheduled Tribes in Government services and posts should be amended or better recast.

Efforts should be made to impart high quality education to the children belonging to the Scheduled Castes and Scheduled Tribes. Adequate financial subsidies and loans must be made available to enable them to free themselves from the clutches of poverty, hunger, disease and ignorance. Keeping them as supplicants forever and luring them into an illusory world of promised prosperity through reservation is neither good for them nor for the nation.

As the nation celebrates the Birth Centenary of one of its great sons, Babasaheb Dr. Ambedkar, our heads hang in shame with the daily reports of rape of women belonging to the Scheduled Castes and Scheduled Tribes, subjecting landless labourers to forced labour and bonded slavery, and even burning them alive. The caste frenzy has reached an unprecedented level with several political leaders openly fanning caste hatred and bitterness in order to consolidate their political power. Such an approach will destroy the unity and integrity of the country which Babasaheb Dr. Ambedkar cherished deeply and for which he worked ceaselessly and tirelessly. Only through our sincere rededication to the ideals of a casteless and classless democratic India and a commitment to work wholeheartedly for its realization can we pay our real tribute to Babasaheb.

During the year 1956, Babasaheb Dr. Ambedkar became conscious of the fact that his journey of life was coming to an end. But he was determined to lay the foundation of *Prabuddha Bharat* — a nation of his dream based on casteless and classless society, a Sovereign Democratic Republic to secure to all its citizens:

JUSTICE, social, economic and political;  
LIBERTY of thought, expression, belief, faith and worship;  
EQUALITY of status and of opportunity;  
and to promote among them all  
FRATERNITY assuring the dignity of the individual and the unity of  
the nation.

He had, successfully, in the name of Preamble of the Constitution of India, made them the guiding factor for the Executive, the Legislature and the Judiciary. Non-violence was his faith and peace was his aim.

In order to fulfil these ideals, he embraced Buddhism at an historical ceremony at *Diksha Bhoomi*, Nagpur on 14 October 1956 (*Asbok Vijay Dashmi*), with one million of his followers. A journey which was started on 14 April 1891 from Mhow (Madhya Pradesh—the then Central Province) came to an end in everlasting sleep in the night of 5/6 December, 1956, at his residence 26 Alipur Road, Delhi. We Buddhists do believe that our Leader achieved *Mahaparinirvan*.

## Dr. B.R. Ambedkar and His Contribution in the Constituent Assembly and Parliament

*S.L. Shakdher*

The Constituent Assembly met on 9 December 1946, for the first time. On 13 December 1946, Pandit Jawaharlal Nehru moved his Objectives Resolution. It was adopted unanimously by the Constituent Assembly on 22 January 1947. A Drafting Committee was appointed on 29 August 1947 to scrutinize the draft of the text of the Constitution prepared by the Constitutional Advisor and to submit to the Assembly for consideration the Draft Constitution as revised by the Committee.

Dr. B.R. Ambedkar was elected to the Constituent Assembly by the members of the West Bengal Legislative Assembly. He was elected to the Drafting Committee and later appointed its Chairman. His thorough knowledge of the Constitutions of the major countries as well as of the working of the Government of India Act, 1935 stood him in good stead in his role of piloting the Draft Constitution. His enunciation of the principles underlying specific provisions in the draft could conveniently and convincingly counter criticism from any quarter in the Assembly. Dr. M.V. Pylee, the well-known Constitutional historian and author, has this to say about Dr. Ambedkar's contribution to the framing of our Constitution:

In the Constituent Assembly none else was so forceful and persuasive in arguments, clear and lucid in expression, quick and arresting in debate. And yet, he had always the generosity to concede the credit to a critic who made a valid point and to frankly acknowledge it. Ambedkar's contribution to the Constitution is undoubtedly of the highest order. Indeed, he was a modern Manu and deserves to be called the father or the chief architect of the Constitution of India.<sup>1</sup>

The motive force for Dr. Ambedkar to enter the Constituent Assembly was his anxiety to safeguard the interests of Scheduled Castes. There cannot be a better assessment of his contribution in this regard than the words of Prime Minister Jawaharlal Nehru in his

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tribute in the Lok Sabha on 6 December 1956 on Dr. Ambedkar's sudden demise:

... the way he will be remembered most will be as a symbol of the revolt against all the oppressive features of Hindu Society. . . he rebelled against something against which all ought to rebel and we have, in fact, rebelled in various degrees. This Parliament itself represents in the legislation which it has framed, its repudiation of those customs or legacies from the past which kept down a large section of our people from enjoying their normal rights.<sup>2</sup>

Communalism is a rancour which we have not been able to wipe out even after over four decades of our Independence. There was some criticism of the Constitution for the special safeguards that were provided for the minorities and the socially and educationally weaker sections of the society. But Dr. Ambedkar could see years ahead the wisdom behind the provisions. He said in the Constituent Assembly:

Speaking for myself, I have no doubt that the Constituent Assembly has done wisely in providing such safeguards for minorities as it had done. In this country both the minorities and the majorities have followed a wrong path. It is wrong for the majority to deny the existence of minorities. It is equally wrong for the minorities to perpetuate themselves. A solution must be found which will serve a double purpose. It must recognize the existence of minorities to start with. It must also be such that it will enable majorities and minorities to merge someday into one. The solution proposed by the Constituent Assembly is to be welcomed because it is a solution which serves this twofold purpose. To diehards who have developed a kind of fanaticism against minority protection I would like to say two things. One is that minorities are an explosive force, which, if it erupts, can blow the whole fabric of the state . . . The other is that minorities in India have agreed to place their existence in the hands of the majority. . . . It is for the majority to realize its duty not to discriminate against minorities. . . . The moment the majority loses the habit of discriminating against the minority, the minorities can have no ground to exist. They will vanish.<sup>3</sup>

Freedom of the Press is a topic heard recently everywhere. Our Constitution does not specifically provide for it. There was criticism about this omission at the time of adoption of the Constitution, as in fact heard even recently in connection with the Defamation Bill. Countering the belief that it was a lapse on the part of the Drafting Committee, Dr. Ambedkar stated on behalf of the Committee:

The Press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity. The editor of a press or the manager of the press are all citizens and, therefore, when they choose to write in newspapers they are merely exercising their right of expression and in my judgment, therefore, no special mention is necessary for the freedom of the Press at all.<sup>4</sup>

This should set at rest the doubt whether or not the words "freedom of speech and expression" are enough to cover freedom of the Press and for that matter, freedom of expression through such other media as the radio, television, and cinema.

Dr. Ambedkar and his colleagues on the Drafting Committee were highly complimented for their contribution to the drafting of the Constitution. The President of the Constituent Assembly Dr. Rajendra Prasad 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. 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 lustre to the work which he has done . . .<sup>5</sup>

With the intellectual honesty that he had in abundant measure, Dr. Ambedkar passed on the credit for the Draft Constitution to the Constitutional Advisor, to his colleagues on the Drafting Committee, to Shri S.N. Mukherjee, whom he called "the Chief Draftsman of the Constitution", and the members of his staff. He also complimented the Congress Party and 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, therefore, entitled to all the credit for the smooth sailing of the Draft Constitution in the Assembly.<sup>6</sup>

Looking to the future working of the Constitution, Dr. Ambedkar expressed his honest opinion that the working of the Constitution did not depend wholly upon the nature of the Constitution. He went on to add:

The Constitution can provide only the organs of State such as the Legislature, the Executive and the Judiciary. The factors on which the working of these organs of the State depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics . . .<sup>7</sup>

Dr. Ambedkar was the Minister of Law in Jawaharlal Nehru's Cabinet till he resigned in September 1951. He was elected to the Council of States in March 1952. He passed away suddenly on 6 December, 1956. In the words of Prime Minister Jawaharlal Nehru, Dr. Ambedkar "played a very important part in the making of the Constitution of India, subsequently, in the Legislative Part of the Constituent Assembly and later, in the Provisional Parliament."

Dr. Ambedkar will also be remembered for his efforts in Parliament towards the reform of the Hindu personal law. He desired to pilot the Hindu Code Bill through Parliament before the first General Elections in 1952. The Bill was, therefore, passed only in parts during his lifetime. There were some among his contemporaries who felt that the principles he had embodied in his original draft were better in many respects.

I came in personal contact with Dr. Ambedkar right from the time he began his work in the Drafting Committee of the Constituent Assembly, through the offices of Shri M.N. Kaul, the then Secretary of the Central Legislative Assembly and successively Secretary of the Constituent Assembly (Legislative), Provisional Parliament and Lok Sabha. Dr. Ambedkar would consult him frequently on provisions relating to Parliament. I along with M.N. Kaul would visit him and talk to him frequently on the various draft articles. With the approval of Speaker G.V. Mavalankar we were able to advise on the provisions in the Constitution relating to the President's address to Parliament, Joint Sittings of the two Houses of Parliament, Privileges of Parliament, Financial Procedures, Appropriation Bill, Secretariat of Parliament, and many other allied matters. We would collect a lot of material relating to such matters in various Parliaments of the world and discuss it with him. He was a man of genial temperament who was tolerant of arguments, a good listener, a learned critic, and a synthesizer of different ideas. He was clear in his thinking and speech and was adept in legal and technical terms. He was also precise and concise in drafting. I remember many evenings spent in his company when all these provisions were discussed and thrashed out threadbare.

Later, as Secretary, Department of Parliamentary Affairs, again I came in touch with him, when he functioned as Chairman of the Cabinet Committee on Legal and Parliamentary Affairs. As Secretary, I had to arrange lists of businesses in both Houses of Parliament and I recall how correct he was in piloting in the House his Bill on Hindu Code, which was so dear to him. He had a great passion for it and was literally thinking of it every minute. He was a great reader of vast literature on any subject which came under his consideration, be it Constitution or the Hindu Code or any other Bill. He was always surrounded by books, and it was a great pleasure to see him imbibing old and invoking new ideas.

The Parliament of India has appropriately honoured this constitutionalist and parliamentarian by installing his statue at a prominent place in the Parliament House Estate. Ambedkar Jayanti is also being celebrated every year at this site for many years now.

NOTES AND REFERENCES

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3. CAD, 4 November 1948, Vol. VII, p. 39.
4. CAD, 2 December 1948, Vol. VII, p. 780.
5. CAD, 26 November 1949, Vol. XI, p. 994.
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## Dr. B.R. Ambedkar: His Role in the Constituent Assembly

*P.N. Krishna Mani*

To write about Dr. B.R. Ambedkar's role in the Constituent Assembly is to write about the history of the evolution of free India's Constitution. Speaking in the Assembly in the closing stages of its deliberations extending three years, Dr. B. Pattabhi Sitaramayya, the veteran Congress historian, referred to the "steam-roller intellect" that Dr. Ambedkar brought to bear upon "this magnificent and tremendous task (of framing the Constitution): irresistible, indomitable, unconquerable, levelling down tall palms and short poppies, whatever he felt to be right he stood by, regardless of consequences". Many were the compliments showered upon Dr. Ambedkar by the Members of the Assembly. They were warm-hearted and spontaneous. A senior *Harijan* leader from the South likened him to Nandanar and Thiruvalluvar, the great Tamil philosophers. Dr. Rajendra Prasad, the President of the Constituent Assembly, paying his tribute, referred to the zeal and devotion with which Dr. Ambedkar, in spite of his indifferent health, had worked, and observed:

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.

Dr. Ambedkar himself had expressed his surprise at his election to the Drafting Committee. He said:

I came into the Constituent Assembly with no greater aspiration than to safeguard the interests of the Scheduled Castes. I had not the remotest idea that I would be called upon to undertake more responsible functions. I was, therefore, greatly surprised when the Assembly elected me to the Drafting Committee. I was more than surprised when the Drafting Committee elected me to be its Chairman. There were in the Drafting Committee men bigger, better and more competent than myself such as my friend Sir Alladi Krishnaswami Ayyar. I am grateful to the Constituent Assembly and the Drafting Committee for reposing in me so much trust and confidence and to have chosen me as their instrument and given me this opportunity of serving the country.

As a member of the staff of the Constituent Assembly Secretariat, I had the unique opportunity of being present at the meeting of the Drafting Committee from day to day and the meetings of several of its other Committees. I was also privileged to be at the Table and attend the sittings of the Constituent Assembly from its first meetings on December 9, 1946, till it adjourned *sine die* on January 24, 1950.

Dr. Ambedkar, before being elected as Chairman of the Drafting Committee, had functioned as a Member of the Advisory Committee on Minorities and Fundamental Rights and its two Sub-Committees, and the Union Constitution Committee. He was also a Member of the Committee on the Functions of the Constituent Assembly under the Indian Independence Act, 1947. The other important Committees directly related to Constitution-making were the Provincial Constitution Committee, the Union Powers Committee, the Expert Committee on Financial Provisions, and the Sub-Committee on Tribal Areas. There was also a Commission on the question of creation of linguistic provinces appointed on the recommendation of the Drafting Committee. The reports of these several Committees received Dr. Ambedkar's close scrutiny and attention, both when they came for discussion in the Constituent Assembly and in his capacity as Chairman of the Drafting Committee.

Dr. Ambedkar was generous in his appreciation of the cooperation he had received from the Members. He referred in this context to the presence of the Congress Party inside the Assembly. He complimented the Party for bringing into the Assembly's proceedings "a sense of order and discipline". The proceedings, he said, would have been very dull if all Members had yielded to the rule of party discipline:

Party discipline in all its rigidity would have converted the Assembly into a gathering of 'Yes' men. Fortunately, there were rebels. They were Mr. Kamath, Dr. P.S. Deshmukh, Mr. Sidhva, Prof. Saksena and Pandit Thakur Das Bhargava. Along with them I must mention Prof. K.T. Shah and Pandit Haridev Nath Kunzru. The points they made were mostly ideological. That I was not prepared to accept their suggestions, does not diminish the value of their suggestions nor lessen the service they have rendered to the Assembly in enlivening its proceedings. I am grateful to them. But for them, I would not have had the opportunity which I got for expounding the principles underlying the Constitution which was more important than the mere mechanical work of passing the Constitution.

Participating in the discussion in the Drafting Committee were his eminent colleagues, Alladi Krishnaswami Ayyar, K.M. Munshi, N. Gopalaswamy Ayyangar, Mohd. Saadulla, N. Madhava Rau and T.T. Krishnamachari. Besides, the Committee had the assistance of B.N. Rau, the Constitutional Adviser to the Constituent Assembly.

Himself an eminent Judge and Jurist, B.N. Rau had prepared all the ground-work for the Constituent Assembly, including study material for Members, and provided the Drafting Committee for its detailed consideration a first draft of the Constitution, embodying mostly the principles earlier adopted by the Assembly. His knowledge of Constitutions and Constitutional law was widely respected. At the meetings of the Drafting Committee, Dr. Ambedkar was a picture of confidence. He would not proceed from one clause to another unless all the aspects of the principles embodied in that clause were fully discussed. He would send for the latest books by well-known authorities to post himself with the latest trends in Constitutional development. At the close of each day's meeting of the Committee, he would do a neat summing-up, and this enabled the draftsman to prepare a revised draft, where necessary, for discussion and approval at the next meeting.

In discharging his responsibility of piloting the Constitution through the Constituent Assembly, Dr. Ambedkar received invaluable assistance, notably from three colleagues of his on the Drafting Committee: Alladi Krishnaswami Ayyar, K.M. Munshi and T.T. Krishnamachari. Alladi Krishnaswami Ayyar was looked upon as an authority on Constitutional law. The speeches of these three scholarly men were listened to with respect and close attention and helped in lightening the task of Dr. Ambedkar. Reference, however brief, must also be made to the important and decisive roles of Jawaharlal Nehru and Sardar Vallabhbhai Patel. Through the Objectives Resolution, which he himself drafted and moved in the Constituent Assembly on 13 December 1946, four days after its first sitting, Jawaharlal Nehru set forth in clear terms the philosophy behind the Constitution, its basic features and the goals to be achieved. Sardar Patel had the formidable task of integrating the several hundreds of Indian States into the Indian Union and bringing them within the Constitutional framework. He played a crucial role in removing the doubts, suspicions and misgivings of the minorities and giving them confidence that they would get a fair deal. He also ensured, through his unique personality, the necessary cohesion and discipline among the Congress Party members. A little known fact that may be mentioned in this connection is that, when some Congress Party members persisted with a pet idea of theirs and would not fall in line, a meeting of these members was arranged at Sardar Patel's residence, with Dr. Ambedkar being present. K.M. Munshi arranged these meetings and Sardar Patel presided. When the meeting ended, everyone appeared pleased and satisfied: Jawaharlal Nehru and Sardar Patel were Chairmen of important Committees which settled fundamental principles of the Constitution. Their participation in the debates of the Assembly lent

added weight and authority. Dr. Rajendra Prasad presided over and conducted the proceedings of the Constituent Assembly with dignity, deep insight and rare personal charm.

Dr. Ambedkar's presentation of the basic features of the Constitution was masterly. His speeches on some of its more important provisions, even at this distant date, read like class-room or text-book expositions. Every clause, every amendment, and indeed every suggestion for change or modification received his personal and most careful scrutiny. He would meticulously note down each point made by the Members in the course of the debates in the Assembly, and in his reply would make sure that he had dealt with all those points. As the debates of the Constituent Assembly will show, his ability to marshal facts was remarkable. He was unruffled all the time, would buttress a point by quoting a well-known authority, and, where necessary, also introduce a sense of humour. Several examples could be given from the proceedings of the Assembly to illustrate all this. But, in a brief article like this, one cannot do justice to the subject.

When a clause became a subject of keen controversy, Dr. Ambedkar had a remarkable way of presenting the case before the Assembly. One such instance concerned the use of the expression 'procedure established by law' in the present Article 21 of the Constitution. Some Members had favoured, through notices of amendments, the use of the expression 'due process of law'. K.M. Munshi was among the supporters of 'due process'. Alladi Krishnaswami Ayyar supported the retention of the expression 'procedure established by law'. He argued that the verdict of three or five gentlemen, sitting as a court of law and stating what exactly was 'due process' according to them in any particular case, after listening to long discourses and arguments of briefed counsel on either side, could not be regarded as more democratic than the expressed wishes of the legislature or the action of an executive responsible to the legislature. A lot of discussion on the subject had taken place earlier in Committees also. B.N. Rau had communicated to the Drafting Committee the opinion of Justice Frankfurter of the United States Supreme Court (after personal discussion) that the power of review implied in the 'due process' clause was not only undemocratic because it gave a few judges the power of vetoing legislation enacted by the representatives of the nation, but also threw an unfair burden on the judiciary. Sensing the mood of the Assembly, and having regard to the strong feeling the Members had given expression to, Dr. Ambedkar summed up neatly the two sharply divergent points of view and the difficulties inherent in each of them. The Assembly, he said, was faced with two difficult positions. One was to give the Judiciary the authority to sit in judgment over the will of the legislature and to

question the law made by the legislature on the ground that it is not good law, in consonance with fundamental principles. The second position was that the legislature ought to be trusted not to make bad laws. He expressed difficulty in coming to any definite conclusion:

For myself I cannot altogether omit the possibility of a legislature packed by partymen making laws which may abrogate or violate what we regard as certain fundamental principles affecting the life and liberty of an individual. At the same time, I do not see how five or six gentlemen sitting in the Federal or Supreme Court examining laws made by the legislature and by dint of their own individual conscience or their bias or their prejudices be trusted to determine which law is good and which law is bad. It is rather a case where a man has to sail between Charybdis and Scylla and I therefore would not say anything. I would leave it to the House to decide in any way it likes.

Though ultimately the vote in the Assembly went against including the expression 'due process', it did not finally set the controversy at rest. A large number of Members of the Assembly, including Dr. Ambedkar, were greatly dissatisfied with the wording of the article. Even outside the Assembly, it evoked considerable amount of public criticism, and the fear was expressed that the article as adopted gave to Parliament a *carte blanche* to provide for the arrest of any person under any circumstances it deemed fit. Then came a new article (present Article 22) by which, in the words of Dr. Ambedkar, they were making "compensation" for what was done in passing Article 15 (present Article 21).

In his very first speech in the Constituent Assembly on December 17, 1946, much before he became Chairman of the Drafting Committee, Dr. Ambedkar gave expression to his firm faith in a united India. (He was participating in the debate on the historic Objectives Resolution moved by Jawaharlal Nehru.) He said:

... I have got not the slightest doubt in my mind as to the future evolution and the ultimate shape of the social, political and economic structure of this great country. I know today we are divided politically, socially and economically. We are a group of warring camps and I may go even to the extent of confessing that I am probably one of the leaders of such a camp. But, Sir, with all this I am quite convinced that given time and circumstances, nothing in the world will prevent this country from becoming one. With all our castes and creeds, I have not the slightest hesitation that we shall in some form be a united people.

Speaking two years later, on November 4, 1948, moving for the consideration of the Draft Constitution, Dr. Ambedkar said that the use of the word 'Union' in the description of India as a "Union of States" in Article 1 of the Constitution was deliberate. The Indian federation, he

said, is a Union because it is *indestructible*. Though the country and the people may be divided into different States for convenience of administration, "the country is one integral whole, its people a single people living under a single *imperium* derived from a single source". He added:

The Americans had to wage a civil war to establish that the States have no right of secession and that their federation was indestructible. The Drafting Committee thought that it was better to make it clear at the outset rather than to leave it to speculation or to dispute.

It is a matter of concern that even after forty years and more of the coming into force of the Constitution, there should exist threats to the unity and integrity of our country. The happenings in Punjab, Kashmir and parts of Assam are rude reminders.

The Prime Minister, Shri Vishwanath Pratap Singh, told the Rajya Sabha recently that Government would bring forward a Constitution Amendment Bill to reserve 40 per cent of the seats in Parliament and State Legislatures for the poorer sections of society. He repeated the proposal in his Independence Day Address on 15 August 1990. The reason the Prime Minister gave for this proposal was that in his opinion the poor could not be uplifted economically unless they had a share in political power. When the Constituent Assembly took the decision to provide for reservations for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and in the State Legislative Assemblies for a period of ten years, Dr. Ambedkar, while faithfully carrying out what was the mandate of the Assembly, left the Members in no doubt that his own conviction was that reservations would be needed for a longer period and he quoted Edmund Burke's famous saying "large Empires and small minds go ill together". The reservations have come to stay. The country is currently witnessing a new controversy—the controversy relating to the Mandal Commission's recommendations for reservation of jobs for backward classes. The controversy is threatening to assume serious proportions in different parts of the country. The fear is expressed that this would lead to further divisions in society.

Winding up the debate on the Motion for passing of the Constitution, Dr. Ambedkar, in an emotion-filled speech on November 15, 1949, gave expression to some of his reflections on the tasks that lay ahead. He said we cannot be content with mere political democracy: political democracy cannot last unless there lies at the base of it social democracy. Posing the question, "what does social democracy mean?", he said: "it means a way of life which recognizes liberty, equality and fraternity as the principles of life". "On the social plane we have in India", he pointed out, "a society based on the

principle of 'graded inequality which means elevation for some and degradation for others'." On the economic plane, the society consisted of "some who have immense wealth as against many who live in abject poverty". He went on:

On the 26th January 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. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.

Then, pointing out that we are wanting in the recognition of the principle of fraternity, Dr. Ambedkar posed the question, "what does 'fraternity' mean?" Fraternity meant, according to him, "a sense of common brotherhood of all Indians — of Indians being one people. It is the principle which gives unity and solidarity to social life." He referred in this connection to the existence of "several thousands of castes in India". The castes, he stated categorically, were "anti-national" because in the first place they brought about separation in social life. They were anti-national also because they generated jealousy and antipathy between caste and caste. These difficulties, he said, must be overcome "if we wish to become a nation in reality."

These reflections of Dr. Ambedkar came on a most solemn occasion. Free India's Constitution was about to be heralded. For the Constituent Assembly, it was a moment of unparalleled achievement. It is now four decades and more since the Constitution came into force. How far have we, as a nation, progressed during this period towards removing the contradictions in our social and economic life so eloquently stated by Dr. Ambedkar? His reflections have a contemporaneous relevance.

I am conscious that in a brief article like this it is not possible to bring out or present adequately Dr. Ambedkar's role and his contribution in the making of our Constitution. Reading his speeches in the Constituent Assembly is liberal education not only for the student of the Constitution and Constitutional law, but also for all those interested in gaining first-hand knowledge of the deep study and thinking that went into the making of India's Constitution. After Dr. Ambedkar resigned from the Central Cabinet, he (as a Member of the Rajya Sabha) used to spend often some time in my office room in

Parliament House. I was then an official of the Rajya Sabha Secretariat. I had entertained in my mind, in those days, an ambition to bring out, in discussion with Dr. Ambedkar, an edited volume of his speeches. This, regretfully, was not to be. Dr. Ambedkar passed away in December 1956. He was a great lover of books, and reading was among his most favourite occupations. He died in sleep with a book in hand. Among the great and illustrious personalities who moulded the political destiny of our nation, Dr. Ambedkar has a permanent place.

## Dr. B.R. Ambedkar: Scholar, Revolutionary and Statesman\*

*N.G. Ranga*

Dr. B.R. Ambedkar was a rare combination of a scholar, revolutionary and statesman that we rarely come across in democratic societies. His political career found its early triumph because he fought relentlessly against the caste system and untouchability prevalent in Hindu society. In his struggle against the caste system, he disagreed completely even with Mahatma Gandhi, the noblest national leader. For Ambedkar, the uplift of the downtrodden, particularly of the Depressed Classes, was a mission. He thought that it was imperative that India adopt humane and progressive social standards to justify her claim for *Swaraj*. His position as Law Minister, his acknowledged scholarship in law, and his championing, for decades, of the cause of the suppressed classes, were responsible for his choice as the Chairman of the Drafting Committee of the Constituent Assembly and for piloting the Draft Constitution of Free India. Thus Dr. Ambedkar became the instrument of Indian history to set its seal upon the Indian Constitution as the new Manu attacking against the wrong charters of rights allowed to upper classes and inhuman denial of rights to lower classes sanctified by the ancient *Manu Smriti*.

Dr. Ambedkar, like so many of us, reposed his faith in adult franchise and included it in the Constitution. Ironically, he was defeated by the same people who got their right to vote from that social charter of progress and equal political authority in the very first election held under adult franchise. Today after that gross misuse, the masses have been awakened to new political consciousness by the ennobling social instrument of adult franchise and are hastening to raise statues and hold celebrations in his honour.

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\* Taken from the author's *Distinguished Acquaintances*, Vol. I, Desi Book Distributors, Hyderabad, 1976. Published with some modifications, and with the kind permission of the author.



I came to appreciate the profound scholarship and originality of Dr. Ambedkar as an economist in 1928, when I read his book on the *Problem of the Rupee*. Later, I admired his writings on the problems of "federation" and "states rights".

His speeches in the First Round Table Conference brought him prominently into the arena of Indian politics. We then realized how great a leader he was. Unlike other leaders of the *Harijans* and other backward classes, he did not oppose the demand for national freedom lest it perpetrate the centuries-long supremacy of richer classes and higher castes. He complained that the 1857 proclamation of Queen Victoria and the consequent British policy of non-interference in our social and religious matters were responsible for the continued suppression of all the lower castes and depression prevailing in their minds and their status. So he boldly declared that the sooner national freedom came and the British left, the better it would be for all the millions of the suppressed and backward classes of India.

The British Government chose him as a delegate to the Round Table Conference and failed to invite me to it because they assumed that he would oppose the national demand for *Swaraj* like other leaders of the Depressed Classes whereas they knew my pronounced pro-Congress views. Once he was in the Round Table Conference, he shocked the rulers by his independent approach and demand for immediate and full freedom. I attacked the British in my Assembly speech for going ahead with the Round Table Conference without the Congress while keeping Gandhiji in jail. Then I went to England to campaign for the Congress demands.

The historic speech of Dr. Ambedkar in the Round Table Conference brought us together. It was exactly for similar reasons that I had persuaded myself to join the Congress struggle for freedom and had abstained from joining the anti-Brahmin movements and platforms. Thereafter, we met frequently in London and found how much we had in common regarding our thoughts, readings of history, and political understanding.

We felt that the *socialist* approach would be best for India. We wanted Fundamental Rights, equal social and political privileges for all the people and ban on forced labour and untouchability. He felt that Gandhiji might stand between the underprivileged people and their all-round emancipation and social progress because he believed in *Sanathan Dharma*. I argued that irrespective of many of his sayings which merely echoed our traditional social beliefs, Gandhiji was essentially a social revolutionary and he would not hesitate to oppose many of the *Puranic* edicts and faiths, if he found them to be obstacles to the social liberation of the masses. Dr. Ambedkar would not agree with me. Yet, we continued to meet and gained each others confidence because we were kindred spirits.

Dr. Ambedkar's criticisms of Gandhiji's campaign against untouchability and *Harijan* uplift were perhaps uncharitable. It would seem that his attack on Gandhiji's insistence on keeping *Harijans* (then known as *Panchama* or *Adi-Dravida*) within the fold of Hindus, i.e. within the joint electorates, was intemperate and unwarranted. His insistence on acceptance of Ramsay MacDonald's award in favour of separate electorates for Scheduled Castes during Gandhiji's fast against the award hurt the feelings of all nationalists although, ultimately, it forced the orthodox leaders of Hindus to yield to his demands for protection of Scheduled Castes through reservation of seats within joint electorates. In the end, he won the generous approval of Gandhiji and the admiration of Rajaji, to whom he presented the pen with which he signed the famous Poona Pact. I had quite a painful time in defending his basic stand to my fellow politicians in Vellore jail. In the end, Gandhiji's life was saved and joint electorates were accepted; all were pleased with that powerful champion of the *Harijans*.

Dr. Ambedkar forced the British Government, during the War, to invite him to join the Viceroy's Council by openly and boldly demanding such recognition, not only on behalf of the Scheduled Castes but also by virtue of the political standing he had achieved. He distinguished himself as the Labour Member in Viceroy's Council.

When freedom came, I had the good fortune to plead successfully with our national leaders to invite Dr. Ambedkar to join the Cabinet. I lent my support also when later the decision was taken by them to invite him to take charge of our work in the Constituent Assembly. It was remarkable that while Dr. Ambedkar clamoured for recognition of his rights for a place in the Viceroy's Council, he kept scrupulously silent during the post-independence period, leaving the national leaders free to make up their mind about their *Dharma*. Fortunately, Jawaharlal Nehru, Sardar Patel, Rajaji and Rajendra Prasad met the challenge in a noble manner, and invited Dr. Ambedkar to play his noble role in that historic period of Constitution-making.

He did much research in Indian mythology and epics like his fellow Barrister Ramaswamy of Andhra and came to similar conclusions. He was convinced that *Brahmanical* Hinduism was imposed on Buddhist masses in the same way as *Aryans* imposed themselves upon *Dravidian* masses, i.e. through conquest, and powerful ideological and religious propaganda. He was aghast at the way the self-respecting and brave *Dravidians* and more ancient tribal peoples were politically suppressed by the conquering *Aryans* and their allies and reduced to lower status and painful slavery or full or semi-chattelism. He was furious at the evil turn of history which made

those defeated and suppressed masses accept their degraded, pitiful economic and social status and loss of political power as part of their *Karma*, and as the God-ordained rule of their collective and individual existence.

He was determined, as were Barrister Ramaswamy of Andhra, and E.V. Ramaswamy Naicker and Annadurai of Tamilnadu, to do his best to arouse the masses against this terrible state of affairs and make them rise in revolt against that social order. It was because of that volcanic impatience of theirs that these three great social revolutionaries felt so dissatisfied even with the constructive, albeit revolutionary, work of Gandhiji and which compelled so many of us to make the so-called *Sanatanists* themselves to review their social faiths and religious edicts and accept our political cult of humanism, in which there could be no untouchability, no slavery, no *Karma*-sanctioned beliefs in social, economic or political superior or inferior status or privileges for some and disabilities for others.

It stands to the great credit of Dr. Ambedkar that neither Viceroy's Executive Councillorship nor Cabinet Ministership could induce him to abandon his studies and writings in the cause of social awakening, religious revolt and reconstruction of the mind of the masses of India, especially the *Harijans* and other Depressed Classes. His masterly thesis on *Shudras*, which was prepared and placed before the people when he was in high positions of Government, is a challenge to the traditional historians and *Puranic Shastris*.

He realized, like most of us, that the centuries-old sense of inferiority had dwarfed the mind and social status of Depressed Classes and could be hardly banished through mere cultural and intellectual enlightenment and counter-brain washing. So he concluded that both economic and political rights would have to be conferred upon them. Hence his enthusiastic support for the Congress proposals for Fundamental Rights and Directive Principles.

Dr. Ambedkar sincerely felt that it would be impossible for him as well as for many others to liberate the Indian masses from the all-pervading and ideologically overwhelming *Puranic* atmosphere of Hinduism as long as they were allowed to remain Hindus. So he decided to lead them out of the Hindu fold and help them to accept the Buddha and Buddhism as their ideal and best alternative religious and social approach. He himself became a Buddhist and persuaded a large number of *Harijans*, principally among Maharashtrians, to embrace Buddhism. He thus achieved spiritual liberation and socio-political satisfaction — so sincere he was in his beliefs and revolutionary urges.

Many of us agreed with most of the readings into history that Dr. Ambedkar, Ramaswamy, E.V. Ramaswamy Naicker and Annadurai had

done, and the revolutionary forces they released. We cooperated with them while working along Gandhian lines. But we could not give up either Hinduism, or our faith in God. We wished that the success of the social revolution that we were all hoping and working for, should not be jeopardized or complicated by additional struggles against Hinduism as such or people's faith in God. Dr. Ambedkar felt otherwise. Though in this revolutionary tactic, there was much common ground between him and the Communists, he was totally opposed to their extra-territorial loyalties and their barrel-of-the-gun approach. So his labour unions refused to toe the line of the Communist-dominated All India Trade Union. In this, we both agreed with each other and worked together on the labour and trade-union fronts.

He hated the historical injunction of separate quarters for *Harijans* in our villages, which, in towns, had taken the shape of American ghettos for Negroes. He protested against social separation. When Gandhiji tried to overcome that social stigma by offering to reside in the *Bhangi* colonies and persuaded his followers to do the same, Dr. Ambedkar reacted unfavourably, by warning *Harijans* against such reformist moves. Thanks to his outcry against that historical segregation, the Planning Commission is now trying to develop cosmopolitan housing colonies for the poor.

Dr. Ambedkar realized that for a very long time to come, most of the *Harijans* and Depressed Classes are bound to be wage-earners and in the lower middle classes. Their interests could be protected through measures which improved the general conditions of labouring classes. Hence his convinced and passionate championship of labour unions and legislations.

Dr. Ambedkar worked for years for labour welfare in the Bombay city. He knew how I had been devoted to the cause of industrial and agricultural labour, how I had been pleading that the ILO should work for the protection of agricultural labour, and how I had worked more or less successfully for the abolition of forced labour and contract labour. When he was the Executive Councillor for labour, he sought my cooperation on the Tripartite Labour Conference. He encouraged our villager and my associate *Harijan* the late B. Manikya Rao, a technician who was trained in England.

Both Dr. Ambedkar and I failed to get elected to the first Lok Sabha because we had rebelled against Jawaharlal Nehru and the Congress monopoly of political power even long after *Swaraj*. We were dissatisfied with Jawaharlal's neglect of the claim of the masses for first priority to employment, housing, health, education, and lands. So we went into the Rajya Sabha on the strength of our non-Congress followers in our Assemblies. A number of independent MPs sought his advice as to which parliamentary groups they should join. He told

them he was unwell and could not undertake party responsibilities in the Rajya Sabha. As he was not going to form a group, he advised them to join me, if I chose to form one since I was nearest to his ideals and political ideologies. When I formed a group on behalf of *Krishikar Lok Party* (KLP), he persuaded three of his followers, including an ex-Minister, to join the KLP. He then told me how glad he was that we could develop an independent parliamentary platform, in spite of all that Jawaharlal had done to defeat us. Though he continued to be an independent MP, he offered his support through his speeches, whenever I needed it for the cause of peasants and workers and treated me as his comrade. To the last, he was very affectionate towards me.

He was growing weak in health even before he resigned from Congress and stood for election to the Lok Sabha as an Independent. He fell ill a few months after he came to the Rajya Sabha. He had to return in haste from the USA because of arthritis, after receiving honorary LL.D. from Columbia University, his *Alma Mater*. Just a few days before he breathed his last, he exclaimed to me, as he was slowly going out of the House, "Ranga, I am a dying man, I am too ill". Such was the unique courage of that great scholarly, revolutionary statesman.

Dr. Ambedkar was a unique phenomenon. He was truly a colossus, humane and progressive. He is an ideal for the younger generation of India to follow.

It is true that the Constitution of India was the work of many wise democrats who genuinely wished for the rapid progress of the masses of India. Its legal framework and phraseology was the handiwork of many a distinguished jurist like Alladi Krishnaswami Ayyar, K.M. Munshi and others. Yet, the discerning social revolutionaries and political progressives would be able to realize, if they study the many scholarly and feeling speeches Dr. Ambedkar made in the Constituent Assembly, how erudite, independent and far-sighted his contributions were to the shaping of our Constitution. He was a true democrat, and so he sponsored the clauses as framed by the majority of us in the Constituent Assembly. But he was bold enough to express his own views, whenever he disagreed with the proposed clauses or their phraseology. Truly was he hailed as the modern Manu, especially because, he, a scion of the defeated peoples who were banished from touch, sight, and even hearing of 'cultured' people, as sanctioned by the injunctions of ancient Manu, came to be the official draftsman and spokesman for the Constitution of free India, which was a reversal of India's inhuman social heritage. He lived thus as a humane pointer to the future social democracy of independent India.

## Dr. B.R. Ambedkar: A Social Revolutionary

*Renuka Ray*

The Constituent Assembly met by the end of 1946. It was set up to give permanent expression to some of the cherished values of the freedom movement inspired by Mahatma Gandhi. A majority of Members including Pandit Nehru were elected by the Assemblies. Gandhiji, Pandit Nehru and others felt that not only those who were in the Assemblies but eminent men and women from different walks of life should be given their due place in the Constituent Assembly so that it would include not only those who were in the forefront of the freedom movement but would indeed be a representative body of the country as a whole. This meant the inclusion of a large number of persons who held positions of eminence in different walks of life outside the sphere of politics. Amongst them, perhaps the most notable was Dr. Ambedkar, a man of great personality, whose contribution as Chairman of the Drafting Committee was singular.

Dr. Ambedkar was a man of iron-will and could not be easily deflected from what he considered to be right and just. Belonging to the Scheduled Caste community, Dr. Ambedkar, in spite of his rank and position, was filled with bitterness of unjust treatment meted out to the downtrodden sections of society due to the caste system. While he fully agreed with Gandhiji that there should be no caste distinction and all citizens be treated alike, he felt that the Gandhian approach would not be enough to achieve the ideal of equality since the rigid and narrow caste system had been prevailing in India through the centuries. He believed that the only way of bringing equality for the so-called lower castes would be to discard the orthodox Hindu religion and embrace Buddhism which was rational and treated all human beings on equal level. I personally think that the conception was absolutely correct and, had the rational doctrine of Gautam Buddha been accepted in its pristine form in India, our subsequent history might have been different. It is one of the tragedies of the country that his contribution was not given due regard in his own land, the land of his birth. Buddhism travelled to some of the

neighbouring countries where it received respect but its inherent values were somewhat changed according to local customs. Even at that late stage, had the brilliant idea of social equality enunciated by Dr. Ambedkar, which was clearly inspired by Buddhism, been accepted not only by those who were downtrodden and were treated as outcast but by the country as a whole, a number of undesirable incidents which are now taking place frequently, particularly in the treatment of Scheduled Castes and women, and the general unrest could have been avoided.

Dr. Ambedkar was not only the leader of the Scheduled Castes or the architect of the Indian Constitution, but he was one of the leaders whose national outlook would be of considerable help in today's predicament.

I first met him after he had expounded his theory on Buddhism to those who were oppressed because they belonged to particular castes. But it was much later when the Constituent Assembly was formed that I came to know him. I had great respect for his versatility and was able to have a deep understanding of his approach towards the drafting of the Constitution. Although he was a man of strong determination, he also played a significant role to bring about some amount of compromise in the diverging views expressed. And in this sense, he was helpful to Pandit Jawaharlal Nehru who was mainly responsible for bringing about compromise even in some of the most difficult situations. After all, we must remember that the Constituent Assembly was composed of persons belonging to different shades of opinion.

The Preamble to the Constitution of India contained objectives, according to which the various chapters in the Constitution were drawn up. Because of the divergent views expressed and the various shades of opinion, some of the most important items were provided for in the Directive Principles of States Policy. It is, however, a different matter that even the most important of the Directive Principles have not yet been enacted into laws after almost 40 years. Dr. Ambedkar and many other legal experts were of the opinion that unlike the Criminal Code which was already established, the Civil Code needed some time to prepare before it could be operative. This would have meant that the enactment of the Constitution was delayed to that extent. But as most Members were impatient for the Constitution to be ready as quickly as possible, they were not willing to let more time elapse. Incidentally, the Constitution was actually adopted in October 1949, but because the Hindi version was not ready due to the wrangle between two sections of Hindi experts, it could be finally adopted only on 26 January 1950.

Dr. Ambedkar, in a magnificent speech, pointed out that *gram panchayat*, as Gandhiji and other leaders visualized, had through the

years deteriorated so much that today it was an embodiment of the worst type of conservatism where certain persons, mostly *Brabmins* and the so-called upper classes, held sway. He pointed out that some of the decisions taken by the *Panchayat* were unjust not only to the underprivileged castes but to the women in particular. We went into the subject of *gram panchayat* in detail and all woman Members of the Constituent Assembly and even Jawaharlal Nehru and other progressives felt that Dr. Ambedkar had made a very pertinent point. The question of *gram panchayat* was left aside for the time being. I remember a discussion about *Panchayats* with Gandhiji. He suggested that we should be able to build the *Panchayati Raj* into a proper representative institution in which all the people should be able to take serious decisions for the welfare of the society as a whole and decisions should not be arbitrarily imposed to prevent the progress either of the Scheduled Castes or of women. But as this could not be done all at once, the Constituent Assembly decided not to proceed to take any action immediately. After considerable amount of discussion, *Panchayat* was eventually placed in Article 40 in the Directive Principles of State Policy, which reads as follows:

The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

Of course, at the time when the Constituent Assembly was having a debate on the desirability of the Directive Principles, Members of the Constituent Assembly never realized that the Directive Principles of State Policy would not even be considered for bringing in major reforms. However, recently the previous Government of Rajiv Gandhi brought in the idea of strengthening the village *panchayat* by introducing a Bill on *Panchayati Raj* which, however, could not be passed. It is hoped that the modified legislation to strengthen the institution of *Panchayati Raj* would soon be enacted by the present Government. It will be absolutely essential to make backward and underprivileged classes self-reliant if *Panchayati Raj* is to work successfully. It has become very important for women to be able to shoulder responsibility, as conditions in the country have deteriorated to a great extent. The work that had been taken up by the pioneers seems to be losing its momentum, and women are not only unsafe but even the laws which give them equal opportunities in recent years are far from effective.

Dr. Ambedkar took a leading part in introducing the Hindu Code Bill which included equality in marriage rights and property rights for women. During those years when the Hindu Code was being discussed and debated, the nation was guided by Dr. Ambedkar and in this he had the full support of Prime Minister Jawaharlal Nehru. Yet

the Code could not be passed during the Provisional Parliament. Dr. Ambedkar, however, was steadfast in pursuing the Hindu Code and did his best with the help of woman Members and other progressives to get the Code enacted, but due to the 'filibustering' by some important Members it became apparent that the time for the Provisional Parliament would expire before Dr. Ambedkar and other determined persons who supported the Bill could get it through. At this time Durgabai and I had a talk with Pandit Nehru, and after thinking over the matter he said: "Do you agree that I want equal rights for women?" So we said, "Yes, of course". He then said: "It would be easier for us to make it a part of our election manifesto and if we win then nobody will be able to stop the introduction of women's equal rights of marriage and property for the Hindu women". Dr. Ambedkar and most of us did not like the postponement but there was no alternative. Later, the Hindu Code was divided into two separate Bills, one on marriage and the other on property rights, and both these Bills were enacted in the first Parliament. The women of India owe a tremendous debt to Dr. Ambedkar not only for the manner in which he drew up the Hindu Code but also for bringing to their notice the fact that *Panchayati Raj* at that time would have been disastrous.

Dr. Ambedkar had many other qualities, but undoubtedly his contribution as Chairman of the Drafting Committee which prepared within two years the Indian Constitution—which is one of the finest and a model for others—will be particularly remembered.

As mentioned at the outset, I was impressed by Dr. Ambedkar's personality long before I had the good fortune to work with him in the Constituent Assembly. He was indeed a remarkable man with a determined approach to problems. And it must be remembered that as a person belonging to the Scheduled Caste he too had to suffer indignity, but the quality of this man was such that no action nor any indignity could ever be an obstacle towards the strength and power that he possessed. I am indeed glad that his dominant personality is being given its due recognition. He played as important a part as some of the leaders to whom we pay honour because they were in the vanguard of the freedom struggle. The fight that this remarkable man put up against the tortuous system of caste domination and injustice to individuals is one which must find its rightful place in the history of India.

## Dr. Ambedkar and Indian Federalism

*P. Upendra*

### Introduction

For more than four decades before Independence, the Indian political scene was dominated by several leaders and illustrious men. Dr. B.R. Ambedkar was one of them. He played a crucial role in the emancipation of the downtrodden people of India. In the words of the Father of the Nation:

(Dr. Ambedkar) . . . has carved out for himself a unique position in society. Whatever label he wears in future, Dr. Ambedkar is not the man to allow himself to be forgotten<sup>1</sup>.

As if to justify Gandhiji's words, the Government of India have honoured Dr. B.R. Ambedkar, though belatedly, in 1990 with the highest award of the nation, the *Bharat Ratna*.

Dr. Ambedkar was a distinguished scholar, social reformer, political thinker, parliamentarian and a constitutionalist of high order. Dr. Ambedkar's name in Indian politics was to be reckoned with right from 1930's. He was invited to attend the Round Table Conference, held in London during 1930-32, in spite of his being a bitter critic of the British Raj. Starting from 1919, till 1946, he consistently fought for the rights of the Depressed Classes. He was successful in his mission to some extent when many of his demands were incorporated in the Government of India Act, 1935. In 1942, he joined the Viceroy's Executive Council as a Labour Member and worked for the poorer sections and neglected classes. He laid the foundation and basic structure of the Government's labour policy. He advised the British Rule in India to provide economic and educational facilities and adequate jobs to the 'untouchables'.

Thereafter, the political situation in India changed rather rapidly and along with transfer of power, formation of an Interim Government and Constituent Assembly became a reality. Dr. Ambedkar changed his strategy and decided to enter the Constituent Assembly. He was elected to the Constituent Assembly of

India from West Bengal. Leaders like Jawaharlal Nehru, Sardar Patel and Gandhiji were greatly impressed by the oratory and parliamentary skill of Dr. Ambedkar from the beginning, and this helped him to be elected as the Chairman of the Drafting Committee of the Constituent Assembly. Dr. Ambedkar presided over the meetings of this Committee with rare distinction and was successful in providing the Draft Constitution, which was debated and passed by the Constituent Assembly.

### The Chief Architect of the Indian Constitution

The Constitution of free India, as it emerged from the Constituent Assembly, was chiefly the handiwork of Dr. B.R. Ambedkar. His role in its making and adoption can be appreciated fully by considering, in an objective way, the nature of the political society he provided for free India, and secondly, the legal and constitutional restraints on the State's authority in the form of Fundamental Rights. Finally, it is also necessary to examine the provisions relating to the minorities. The best way to do it is to assess Dr. Ambedkar's contribution in the light of his own pronouncements and the position he took in respect of these provisions provided in the Constitution.

It should be noted, at the outset, that the Constituent Assembly had appointed a number of sub-committees on important aspects of the framing of the Constitution and the reports submitted by these committees formed the basis for the Drafting Committee to prepare the Constitution of free India. Ambedkar, as the Chairman of the Drafting Committee, had the stupendous task of incorporating into the Draft the recommendations of these various committees and producing a coherent and acceptable draft of the Constitution. It was not only to be acceptable to the Members of the Constituent Assembly but had to be so evolved as to serve the special and immediate needs of an infant democracy and also to stand the test of time. The Constitution was to be an enduring document. Whatever might be the justification for some flexibility in the Constitution, it had to be sacrosanct to the extent it was necessary to make it a document worthy of its name. In this task lay the importance of the role of the Drafting Committee in general, and that of Dr. Ambedkar in particular.

### The Society and the Frame of the Constitution

The Constitution of India contains an excellent preface in the form of an admirable and precious *Preamble*. The *Preamble*

provides a clear clue to the understanding of the spirit and philosophy—the political, economic, and social—that pervades all through the document and the provisions contained in it. For example, it proclaims India to be a "SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC". Since the Preamble is mainly based on the "Objectives Resolution" which was moved by Pandit Nehru in the Constituent Assembly, it not only indicates the source of the Constitution, but primarily lays down the nature of the polity of free India. Though Indian polity is federal in nature, the Constitution does not make even a mention of the word 'Federation'. Article 1 of the Constitution calls India a "Union of States". The federal character of the polity is, therefore, implied, though not explicitly mentioned.

"Federalism" and related terms such as 'federal' or 'Union' are used, most broadly, to describe the mode of political organisation which unites separate polities within an overarching political system so as to allow each to maintain its fundamental political integrity. "Federal systems do this by distributing power among general and constituent governments in a manner designed to protect the existence and authority of all governments. By requiring that the basic policies of the country be made and implemented through negotiations, it enables all to share in the system's decision-making and decision-executing process".<sup>2</sup>

The Constitution declares India to be a Democratic Republic. Madison defines 'a Republic' as "a government which derives its powers, directly or indirectly, from the great body of the people and is administered by persons holding their offices during its pleasure for a limited period, or during good behaviour. It is essential for such a government that it be derived from the great body of the society, not from a favoured class. . ." (*The Federalist*, No. 39). In other words, such a democratic form of government has been provided for in our Constitution.

James Bryce described the US polity as "a Commonwealth of Commonwealths, a Republic of Republics, a State which, while one, is nevertheless composed of other States".<sup>3</sup> This description suits the Indian context too. For example, Article 1 of the Constitution states "India, that is Bharat, shall be a Union of States". Many Members of the Constituent Assembly were interested in calling India a 'Federation' instead of a "Union of States". In fact, amendments were moved in the Constituent Assembly to this effect. But Dr. Ambedkar had his own justification to call our polity a "Union of States". He said:

\* Italicized words inserted by the Constitution (42nd Amendment) Act, 1976.

... though India was to be a Federation, the Federation was not the result of an agreement by the States to join in a Federation and that the Federation not being the result of an agreement, *no state has the right to secede from it*. The Federation is a Union because it is *indestructible*. Though the country and the people may be divided into different States for convenience of administration, the country is one integral whole, its people a single source. The Americans had to wage a civil war to establish that States have no right of secession and that their Federation was indestructible. The Drafting Committee thought it better to make it clear at the outset rather than to leave it to speculation or to dispute.<sup>4</sup>

The indestructible character of our Union was assumed in the wording of Article 1. In his speech in the Constituent Assembly moving the Draft Constitution, Dr. Ambedkar touched upon the differences between the proposed Federation for India and other Federations in the world. According to Dr. Ambedkar, a federal polity is marked by (i) the existence of a central polity and subsidiary polities side by side, and (ii) each sovereign being in the field assigned to it. In other words, Federation means the establishment of a dual polity. The proposed Constitution was federal in character, insofar as it envisaged a dual polity. "The dual polity", said Dr. Ambedkar, "will consist of the Union at the Centre and States at the periphery, each endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution".<sup>5</sup> The Indian polity, however, was not a dual polity in the American way beyond a point. To Dr. Ambedkar, the differences that distinguish them are more fundamental and glaring. The differences are in respect of citizenship and the degree of autonomy enjoyed by the States in both the Constitutions. Dr. Ambedkar was quite alive to the fact that the Draft Constitution was not set in a "tight mould of federalism", as other Federations had been, and he took pains to explain this special feature to the Members of the Constituent Assembly. He said:

... all federal systems including the American are placed in a tight mould of federalism. No matter what the circumstances, it cannot change its form and shape. It can never be unitary. On the other hand, the Draft Constitution can be both unitary as well as federal according to the requirements of time and circumstances. In normal times, it is framed to work as a federal system. But in times of war it is so designed as to make it work as though it was a unitary system. Once the President issues a Proclamation which he is authorised to do under the Provisions of Article 275\*, the whole scene can become transformed and the State becomes a unitary state.

\* Article 352 of the Constitution.

Dr. Ambedkar drew the attention of the Members of the Constituent Assembly to this fundamental point of difference and referred to another important aspect of federalism, when he said:

Federalism is described as a weak if not an *effete* form of Government. There are two weaknesses from which Federation is alleged to suffer. One is rigidity and the other is legalism. A federal Constitution cannot but be a written Constitution and a written Constitution must necessarily be a rigid Constitution. A federal Constitution means division of sovereignty by no less sanction than that of the law of the Constitution between the Federal Government and the States, with two necessary consequences: (1) that any invasion by the Federal Government in the field assigned to the States and *vice versa* is a breach of the Constitution and (2) such breach is justiciable matter to be determined by the judiciary only. This being the nature of federalism, a federal Constitution cannot escape the charge of legalism. These faults of a federal Constitution have been found in a pronounced form in the Constitution of the United States of America.<sup>6</sup>

Dr. Ambedkar, it appears, was keen on reducing these faults of "legalism" and "rigidity" in the Indian Constitution as the circumstances in the country would not permit such a frame of political society in view of the changes that were to be brought about in this infant nation. He also claimed to have tried to secure the greatest possible elasticity in federalism which is supposed to be rigid by nature. A special feature of the Draft Constitution in this regard, which was an innovation, was that it "added new ways of overcoming the rigidity and legalism inherent in federalism." Dr. Ambedkar referred to the relevant provisions and said that the first special feature was the power given to Parliament to legislate on exclusively State subjects in normal times. The second feature adopted to avoid rigidity and legalism was the provision for amendment of the Constitution. There was yet another special feature of the Indian Federation which distinguished it from other Federations: attempts were made to eliminate the inherent diversities of a dual polity. A Federation, as we know, is based on divided authority, resulting in diversities in laws of the States and the Union. Up to a point, diversity may be tolerated. "But this very diversity", said Dr. Ambedkar, "when it goes beyond certain point, is capable of producing chaos and has produced chaos in many federal States". Such a state of affairs not only weakens the State but becomes intolerant to the citizen who moves from State to State only to find that what is lawful in one State is not lawful in another. The Draft Constitution has sought to forge means and methods whereby India will have Federation and, at the same time, will have uniformity in all basic matters which are essential to maintain the

unity of the country. The means adopted by the Constitution are three: (i) a single judiciary, (ii) uniform fundamental laws, civil and criminal; and (iii) a common All India Civil Service to man important posts.<sup>7</sup>

It was Dr. Ambedkar's hope that with a single judiciary for the entire country and by providing for a Concurrent List of subjects, and finally by providing for an All India Civil Service (which would man most of the important posts) recruited on an all-India basis, with common qualifications and uniform scale of pay, it would be possible to achieve the required degree of unity in the life of the newly born Republic. These were, of course, technical and also circumstantial justifications that he could give to clarify the doubts in the minds of the Members of the Constituent Assembly as to the nature of our Constitution and polity.

### Overcentralisation

The federal character of our system has been described differently by different political and constitutional experts. The political scientist K.C. Wheare called the Indian Federation as "quasi-federal" which established a unitary State, with subsidiary federal features, rather than a federal State with subsidiary unitary features,<sup>8</sup> while D.K. Sen opines that it is a decentralised unitary State.<sup>9</sup> K. Santhanam expressed the view that the Indian Constitution embodies the federal principle in such a substantial measure that it is truly a federal constitution.<sup>10</sup>

It is true that the form of the Constitution we are provided with is neither federal nor just confederal. It is something more than confederal and something less than federal. It is one that was evolved to suit the social and political conditions of a new nation emerging, as it did, under very special circumstances. Dr. Ambedkar's reply to the critics was:

However much you may deny powers to the Centre, it is difficult to prevent the Centre from becoming strong. Conditions in modern world are such that centralisation of powers is inevitable. One has only to consider the growth of the Federal Government in the USA which, notwithstanding the very limited powers given to it by the Constitution, has outgrown its former self and has overshadowed and eclipsed the State Governments. This is due to modern conditions. The same conditions are sure to operate on the Government of India and nothing that one can do will help to prevent it from being strong. On the other hand, we must resist the tendency to make it stronger . . . it would be a folly to make it so strong that it may fall by its own weight.<sup>11</sup>

In providing for a less rigid form of federalism, Dr. Ambedkar

was guided by the principle that a Constitution is, after all, the expression of the will and the needs of a people at a given time, and it would be fatal if one were to be guided strictly by the constructions of Constitutional principles and patterns as, for example, the pattern of federalism. He was alive to the fact that no system of federation functioning in the world was an ideal or perfect one. Each Constitution provides for a federal system that suits the needs of the society most. A Constitution is a mechanism providing for a system of Government that will serve the needs of a people. To Dr. Ambedkar, the Constitution was merely a mechanism for regulating the work of the various organs of the State. Therefore, one need not be a slave to a system, but can modify it to suit the requirements of the country. According to Dr. M.V. Pylee:

Federalism is like any other idea in government, and the correct approach to it should be empirical. The search for its beneficial results is more important than any insistence on rigidity in its form. Hence, theoretical definitions of federalism which ignore the historical evolution of federalism and its potentialities as a dynamic idea for future experimentation are of little value.<sup>12</sup>

Dr. Ambedkar's distinct contribution in this regard lies in the fact that he could overcome the temptation to be guided by rigid principles, and provide a system that would suit and work in the Indian situation.

There are many advocates of a unitary form of Government in our country today. It is not because the federal frame provided in the Constitution has completely failed, but because of certain tendencies developing in our body-politic that need a stronger Centre. There is a feeling in some sections of politicians that a strong and a unified Central Government alone can bring in the desired degree of political, administrative and emotional integration amongst our people. At the same time, there is also another group of politicians which is pleading for more autonomy to different States and that could be made possible only in a truly federal system.

### Emergency Provisions in Indian Constitution

No part of the Constitution of India was subjected to more acrimonious attacks from critics as the part dealing with Emergency Provisions. It is said that the Constituent Assembly witnessed one of its most agitated scenes during the discussion on these provisions in the Draft Constitution. Many prominent Members of the Constituent Assembly are on record as having



opposed the inclusion of these provisions, and rather reluctantly agreed to the inclusion of these provisions as a precautionary measure against possible disruptive forces which may attempt to destroy the established Union.

The Constitution provides for three different categories of emergencies, and in each case the President is empowered to make the Proclamation. These are:

1. Emergency due to external aggression or internal disturbance (covered by Article 352)
2. Constitutional Emergency in the States (covered by Article 356)
3. Financial Emergency (covered by Article 360).

#### *War Emergency*

If the President of India is satisfied that a grave emergency exists whereby the security of India or any part of its territory is threatened by war or external aggression or armed rebellion, he may proclaim a state of Emergency. The Proclamation, if not revoked subsequently, should be laid before Parliament. If Parliament does not approve of it within one month, it will become ineffective. The power of the President to issue a Proclamation may be made use of even before the actual aggression takes place if he is satisfied that there is imminent danger thereof.

The actual effect of the Proclamation is covered by Articles 353 and 354 of the Constitution. In other words, as soon as the Emergency is proclaimed, the federal provisions of the Constitution cease to function in the area specified in the proclamation order. This enables a two-fold expansion of the authority of the Union. Firstly, the executive power of the Union will extend to giving of any directions to any State executive. Secondly, Parliament's law-making power will extend to the subjects enumerated in the State List. Further, the President will be empowered to restrict or prohibit, by order, the distribution of revenues that are normally to be assigned entirely to the States under the financial provisions of the Constitution. However, such orders should be placed before the Parliament for its approval. The combined effect of the operation of these provisions is the emergence of a full-fledged unitary form of government.

#### *Constitutional Emergency*

This aspect is governed by Article 356 of the Constitution. This is one of the most controversial aspects contained in the Indian

Constitution. It has been the most used (rather abused) provision of the Constitution.

Under the provisions of Article 356, if the President is satisfied, on receipt of a report from the Governor *or otherwise*, that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution, he may assume to himself all or any of the functions of the State or he may vest all or any of the functions in the Governor or any other executive authority; he may declare that the powers of the State Legislature shall be exercised by Parliament; and he may make any other identical or consequential provisions necessary to give effect to the objects of such Proclamation. The President, however, cannot assume to himself the powers vested in a High Court. The constitutional emergency will have to be approved by the two Houses of Parliament within two months of its Proclamation. The Proclamation ceases to operate six months after the parliamentary approval. The Proclamation can be repeated successively, if necessary, so as to allow the period of Emergency to continue for a maximum of three years.

The suspension of Fundamental Rights during the period of Emergency is governed by Articles 358 and 359 of the Constitution. During the period of Emergency, as declared under War Emergency, the State is empowered to suspend the Fundamental Rights guaranteed under Article 19 of the Constitution. The President of India is empowered to suspend any of the Fundamental Rights (except those granted under Articles 20 and 21) during the Emergency period. However, such orders should be placed before the Parliament for approval.

#### *Financial Emergency*

The third category of Emergency contained in the Constitution is Financial Emergency. This is governed by Article 360 of the Constitution. According to the provisions contained in this Article, if the President is satisfied that a situation has arisen whereby the financial stability or credit of India or of any part of it is threatened, he may declare a Financial Emergency. The Proclamation in this case also should be approved by Parliament as in the other two cases. During the Financial Emergency, the executive authority of the Union shall extend to the giving of directions to any State to observe such canons of financial propriety as may be specified in the direction. Such directions may include those requiring the reduction of salaries and allowances of government employees and even those of the judges of the Supreme Court and High Courts.

Many Members of the Constituent Assembly characterised the Emergency provisions as too sweeping and autocratic. K.T. Shah stated:

I fear one cannot but notice two distinct currents of thought underlying and influencing throughout the provisions of this chapter. On the one hand, there is a desire, it seems to me, to arm the executive, arm the Centre, arm the Government, against the legislature, against the units, and even against the people on the score of a possible threat to internal peace, a possible danger of war or external aggression, or even any local disturbance. Looking at all the provisions of this Chapter particularly, and scrutinising the powers that have been given in almost every article, it seems to me, Sir, that the name only of Liberty or Democracy will remain under this Constitution.<sup>13</sup>

H.V. Kamath expressed apprehensions that by the chapter on Emergency

we are seeking to lay the foundation of a totalitarian State, a police State, a State completely opposed to all ideals and principles that we have held aloft during the last few decades, a State where the rights and liberties of millions of innocent men and women will be in continuous jeopardy, a State where if there be peace, it will be the peace of the grave and the void of the desert.

According to H.N. Kunzru, the provision of financial emergency was a serious threat to the financial autonomy of States.

While the whole chapter on emergency provisions was the subject of severe criticism, two articles in the chapter were its special targets. They were Articles 358 and 359 which dealt with the suspension of the freedoms guaranteed under Article 19 and the suspension of the provision of the enforcement of Fundamental Rights through the courts, including the Supreme Court.

All these criticisms are serious and they reflected the fears of many Members of the Constituent Assembly as well as large sections of the public. An analysis of these criticisms becomes easier now since the working of the Constitution during the last 40 years have demonstrated certain clear trends. For such an analysis, an in depth study of the Constitution is called for.

However, these criticisms can be grouped into the following heads:

1. The federal character of the Constitution will be destroyed and the Union will become all powerful.
2. The powers of the State—both the Union and the Units — will be entirely concentrated in the hands of the Central Government (Union Executive).

3. The financial autonomy of the States may be nullified.
4. Fundamental Rights may become meaningless and the democratic foundations of the Constitution may be destroyed.

The Proclamation of President's rule in the State is one of the points which lends substance to some of these fears. Except in few cases, the provisions of Article 356 have been used for political ends, making a mockery of Indian 'Federalism'.

Thus, it is not too much to suggest that a serious study of the use of this provision by different governments be made so as to evolve acceptable norms regarding proper use of this article.

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# Babasaheb: The Crusader Against Caste System

*Chaturanan Mishra*

While moving the condolence resolution in Parliament after the death of Dr. Ambedkar, Pandit Nehru stated:

Dr. Babasaheb Ambedkar was a symbol of revolt against all oppressive features of the Hindu Society.

Untouchability which was religiously practised during Dr. Ambedkar's time was the most inhuman and cruel practice. Gandhiji gave a new name, *Harijan*, to the 'untouchables'. Without annihilating casteism, Hindus cannot be a modern society—a civilised one—nor can there be democracy in the real sense of the term in which human rights are well protected. And that is why in our Constitution there is a special provision against untouchability. Dr. Ambedkar made a thorough study of the caste system which has been an intractable problem of the Hindu Society. Differing with western scholars like Senart, Nesfield and Risley on the issue of caste system, Dr. Ambedkar noted that in spite of the composite make-up of the Hindu population there is a deep cultural unity and that classes have become castes through imitation and excommunication.<sup>1</sup> The Brahmins first started rigidity in caste system by introducing the custom of endogamy (but not in the same *Gotra*), enforced widowhood, *Sati*, and minor-girl marriage which was sanctioned through such aphorisms as—अष्ट वर्षा भवेत् गीरी etc. Persons belonging to the other castes followed the rituals observed by Brahmins to get a respectable place in society and later on such customs and practices got codified in the *Manusmriti* and the other *Sastras* through which the practice of untouchability was perpetuated in its worst form. Dr. Ambedkar did not keep himself confined to academic researches. He was a great fighter and an able organiser. He organised *Harijans* to fight the menace of untouchability to get respectable place in society.

Dr. Ambedkar was of the firm belief that Hinduism can be saved only by annihilating the caste system. He was so uncompro-

missing on this question that he differed even with Mahatma Gandhi and sharply criticised him. It so happened that in 1936 the annual conference of *Jat-Pat-Todak Mandal* was organised by social reformers. When Dr. Ambedkar was approached to preside over the session of the conference, he agreed to do so on the condition that his written address would be printed and distributed among the delegates, to which the organisers agreed initially. But when the address was sent to them, they wanted deletion of certain portions of the text. Dr. Ambedkar refused to do this. Consequently, the conference itself was cancelled. Later on Dr. Ambedkar himself got it published under the title *Annihilation of Caste*. Dr. Ambedkar felt that unless the belief in the *Sastras* was removed, the caste system could not be annihilated. Religion compels the Hindus to treat isolation and segregation of castes as virtue. Starting with *Chaturvarna* of the *Vedas*, he quoted different *Sastras* to prove this thesis.

In the *Annihilation of Caste*, Dr. Ambedkar even criticised Dr. S. Radhakrishnan for his Views expressed in the book *Hindu View of Life*. Dr. Radhakrishnan, praising the Hindu civilisation, underlined the fact that it was one of the great civilisations because it had weathered many vicissitudes. He wrote:

It has stood the stress and strain of more than four or five millenniums of spiritual thought and experience. Though peoples of different races and cultures have been pouring into India from the dawn of History, Hinduism has been able to maintain its supremacy and even the proselytising creeds backed by political power have not been able to coerce the large majority of Hindus to their views.<sup>2</sup>

But Dr. Ambedkar did not take comfort in this opinion expressed by Dr. Radhakrishnan. If the Hindus had survived this long, certainly it was not the proof of their fitness to survive. He wrote:

It seems to me that the question is not whether a community lives or dies; the question is on what plane does it live. There are different modes of survival. But all are not equally honourable. For an individual as well as for a society, there is a gulf between merely living and living worthily. To fight in a battle and to live in glory is one mode. To beat a retreat, to surrender and to live the life of a captive is also a mode of survival. It is useless for a Hindu to take comfort in the fact that he and his people have survived. What he must consider is what is the quality of their survival.<sup>3</sup>

Gandhiji first published this essay of Dr. Ambedkar in the *Harijan* dated 11 July 1936 and then gave his comments in the same paper on 18 July 1936. Gandhiji wrote: The *Vedas*,

*Upanishads*, *Smritis*, and the *Puranas* including the *Ramayana* and the *Mahabharata* are the Hindu Scriptures. Nor is this a finite list. Every age and every generation has added to the list. It follows, therefore, that everything printed or even found handwritten is not scripture. . . . Thus, many of the texts that Dr. Ambedkar quotes from the *Smritis* cannot be accepted as authentic. The scriptures, properly so-called, can only be concerned with eternal verities and must appeal to any conscience, i.e. any heart whose eyes of understanding are opened. Nothing can be accepted as the word of God which cannot be tested by reason or be capable of being spiritually experienced. Gandhiji stated that a religion that was professed by Chaitanya, Jnyandeo, Tukaram, Ramkrishna Paramahansa, Raja Ram Mohan Roy, Vivekanand, etc. cannot be so utterly devoid of merit as made out in Dr. Ambedkar's address.<sup>4</sup> He further opined:

. . . the profound mistake that Dr. Ambedkar has made in his address is to pick out the texts of doubtful authenticity and value and the state of degraded Hindus who are no fit specimens of the faith they so woefully misrepresent.<sup>5</sup>

Dr. Ambedkar sent a long and strongly worded rejoinder challenging Gandhiji, in which he stated that the annihilation of caste is more important than *Swaraj*<sup>6</sup> and that "political tyranny is nothing compared to social tyranny". Dr. Ambedkar confronted Gandhiji in the Round Table Conference with the problems of *Harijans* and the inhumane treatment likely to be given to them even after *Swaraj*.<sup>7</sup>

Dr. Ambedkar did not spare even the socialists on this point and posed a question to them:

Can you have economic reform without first bringing about a reform of the social order? The Socialists of India do not seem to have considered this question.<sup>8</sup>

Dr. Ambedkar concluded that Hinduism cannot be reformed. Later, he embraced Buddhism along with millions of his followers as he found it the only alternative.

I want to confess here that I myself took him for an obstructionist to *Swaraj*, but when I find that according to the reports of the Scheduled Castes and the Scheduled Tribes Commissioner every year hundreds of *Harijans* are being murdered and atrocities on them committed in thousands and that even after 43 years of Independence they are compelled to do menial tasks such as carrying night soil on their heads, I feel convinced that Dr. Ambedkar was more correct in the assessment of future of India than anybody else. Alas! Gandhiji is not with us

to fulfil the task of giving respectful place to *Harijans* in the society.

On another occasion Dr. Ambedkar saved India from one more division that might have created a *Harijanistan*. This proves his patriotism and shows that his loyalty to the unity of India was second to none. The incident occurred in the year 1932 when the then British Prime Minister, Ramsay Macdonald announced the Communal Award. The British Government in pursuance of their policy of Divide and Rule wanted to introduce separate electorates for several minorities and Depressed Classes which would have paved the way for another nation like Pakistan. As a protest against the Communal Award, Gandhiji went on "fast unto death" on 26 September 1932. This was immediately after the confrontation that Dr. Ambedkar had with Gandhiji at the Round Table Conference. This fast created a nationwide sensation, and eminent persons of India and leaders of different castes and classes met and signed an agreement which came to be known as the *Poona Pact*. Consequently, the Government had to drop the proposal for a separate electorate for *Harijans*. Thus India was saved from one more perpetual communal confrontation. This Pact could not have been signed but for the cooperation of Dr. Ambedkar. The Poona Pact was a national commitment which is of considerable relevance even today. When I find people agitating against reservation for *Harijans*, I wish the Government made provisions of this national agreement known to the people, particularly to the younger generation, through the mass media effectively to enlighten them about a national commitment which preceded our Independence.

However, the main question whether the Hindu religion can be reformed and the caste system abolished is still alive. With the spread of education among *Harijans* and other backward castes, persons belonging to these communities have been able to acquire important positions in the political and administrative set-up but still there are caste prejudices against this less fortunate section of society, particularly in villages and rural areas. Even caste riots, so far unknown, are now taking place in several parts of the country. We have recently seen the massive outcry against the decision that the Government took to implement the recommendations of the Mandal Commission. All this suggests that we need one more Gandhi and one more Ambedkar to really work for alleviating the sufferings of this downtrodden section of our society.

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## Bharat Ratna Dr. Bhimrao Ambedkar

*B.A. Masodkar*

"Suffering is sin; the system that spins off suffering and sustains it, deserves to be broken", thundered Dr. Bhimrao Ambedkar before the mass of the men assembled to listen to him at the Town Hall of Nagpur. Bewildered at his elan, they all heard him with rapt attention. In his words there was magic. Like a roaring lion, trying to break the very bars of castes in the cage of social system, he called upon the people to free themselves from the age-old shackles and be human beings. He exhorted:

Are you the dumb herds of animal-species that can only be roused by the strokes of whips? Are you so insensitive that you suffer all insults, all ignominy, all that oppressive menace let loose by generations of so-called civilised men perpetuating this unjust social order? Can you not be free from this slavish subjection? Think of freedom, of liberty, of human dignity! Let us march out towards those humanistic goals, leaving the sickening fold of this degenerated Hinduism!

So he appealed to his followers, ushering themselves into the free stream of Buddhism. That was a visionary's vista, the call of a liberated soul, a dream of an enlightened mind. And it became a reality. Lakhs of people left Hinduism and embraced Buddhism.

On October 14, 1956 Dr. Ambedkar embraced, along with his followers numbering about two lakhs, the Buddhist religion. He himself initiated, as it were, new and modern tenets of his newly embraced religion and shaped a new social order. On that historic occasion he said:

Religion instils hope and drives man to activity. Hindu religion has watered down the enthusiasm of the downtrodden and, therefore, I find it necessary to change my faith and embrace Buddhism.

I stood by the corner of the main road that abuts on the sprawling Town Hall Square, watching in wonder, this unprecedented event. The entire area was virtually flooded with people. Thousands of people, illiterate, poor, many of them in rags, and without footwear or headwear, had overflowed the open space so

as to listen to this great apostle of New Faith. Never before had the city of Nagpur, which lies in the heartland of India, witnessed such an upsurge. Saffron clad *Bhikkus* administered to Dr. Ambedkar the *Sarans* under *Buddha*, *Dhamma* and *Sangha*. History was being made, nay repeated. A new era of liberty, of hope, of sense of human dignity was being launched, which would be free from all the ills of suffocating oppressions.

Hundreds of years before, exactly the same enlightened path was chosen by Lord Buddha and for almost similar reasons. Buddhism as a philosophy was, in fact, a revolt against the age-old traditional Hinduism. So also was Dr. Ambedkar's belief in egalitarianism and humanism. His decision to renounce Hinduism was neither a sporadic reaction nor an enterprising adventure. It was a calm and well-thought out decision to liberate the millions of people held in the traditional superstitious bondage of caste that made birth decisive in human life. By reason of their birth, people were considered downtrodden and condemned to a way of life determined by a pernicious caste structure. Living under the fold of caste meant mental and spiritual torture and social suffering. In course of time, bondage was hardened and people thought of it as natural and divine. It affected the basic spirit of liberty and freedom, making men live abominable lives of misery, want, and non-creativity.

Almost since three decades before his death, Dr. Ambedkar rose in revolt against this social tyranny let loose in the name of religion. His outpourings were clear in message and effect. A person endowed with gifts of knowledge and erudition, an acknowledged scholar with a social philosophy of his own, Dr. Ambedkar had himself experienced sufferings and witnessed the insulting humiliations heaped on men by men. He engineered a balanced socio-religious change, so as to achieve the goal of human dignity. His heart was full of agony and his tongue full of fire, while he deposed before the Statutory Commission stating that 'untouchables' were entities by themselves and should not be regarded as part of Hindus. He asserted that they were unwilling to be reconciled to the membership of that fold which had kept them at an arm's length and poured hatred on them and assigned dishonourable positions. To these people he offered salvation from socio-religious subjection. Throughout, his effort was to lift man to "honourable positions" and his search was for a system that assured freedom of thought and action, conferring status, honour and enlightenment. From that perspective he perceived the religions of the world and eventually discovered a corrective mechanism ever consistent with human dignity.

Whether as a Member of the Legislative Council or as a witness before the Simon Commission, or as the founder of the Independent Labour Party or as Viceroy's Councillor or as a Minister in Nehru's Cabinet, he never lost touch with his people and their problems. Redressal of their grievances was his prime concern.

As India became free, Dr. Ambedkar was called upon to spearhead the framing of its Constitution. One of the noblest makers of that national document, he perceived the whole Indian scene in depth, so as to spell out the basic, organic and original tenets of Fundamental Rights, meant to offer dignity and status to human beings. He was largely responsible for making "abolition of untouchability" a constitutional obligation. While the Constitution did abolish untouchability, the socio-economic milieu did not. The Constitution promised equality and equity, whereas the Hindu society faltered. The Constitution heralded an era of equality, social justice and practice of equity; yet, turbulence, trauma and inhuman practices persisted as an unfailing curse. He, therefore, thought of political isolation and demanded a separate preserve for Scheduled Castes. He had once toyed with the idea of joining the Christian or Muslim faith for providing the desired reliefs but eventually gave up the idea. With an all-pervasive vision of socio-religious realities, he struck upon the path of Buddhism and ignited the spirit of men for the attainment of equality and liberty simultaneously. Buddhism recognises the path of compassion and peace to mitigate sufferings and pain. Everyone is equal, equally entitled to enlightenment. In Buddhism, social ethos is made up of equity and non-violence, both in practice and thought. There is freedom from pain and relief from suffering. There is relief to everyone who follows the path of equanimity. Closer to human needs and bolder in belief, Buddhism eventually became his choice, as well as for all his followers.

A student of political and moral philosophy, of sociology and economics, of commerce and law, Dr. Ambedkar had his advanced education in the United States and Europe. A very well-rewarding academic career, along with a natural gift of leadership, shaped his thought and activated his social and political life.

Dr. Ambedkar's words and deeds rocked the traditionalists and his rebellion at once ushered in a new era. His words and actions were elegant and eloquent enough for millions of men who were till then dumb and toiling. His revolution was peaceful and for peace; it was for equality and social justice; indeed it was epoch-making. Human society would ever remain indebted to this revolutionary. The undoubted and undaunted maker of that

revolution however, breathed his last, just after two months on December 6, 1956. Buddha, in modern, undying and imperishable form, passed in sleep and attained the stage of *Mahanirvana*, a phase of total liberation. He would ever be remembered in human history as a noble liberator and a path-finder for all those who strive for revolutionary ethos and creative, free spirit of man.

## Dr. B.R. Ambedkar: The Architect of the Indian Constitution

*M.L. Dwivedi*

Dr. Babasaheb Ambedkar made a significant contribution to the Hindu religion by giving it a new direction: He attacked the inequitable caste system which was considered and practised as a major tenet of Hinduism by orthodox Hindus. He emphasized the need for having equality and fraternity among the different castes with no distinction between the high and the low. His contribution in this regard became more significant when he gave us a Constitution which sought to establish fraternity based on justice, liberty, equality, unity and integrity.

The Constitution of India has many outstanding features as compared to the Constitutions of several other countries of the world. For example, the Constitution of the United States of America empowers the President to declare even a war without consulting the Congress. It is the constitutional convention of the United Kingdom that only the King or the Queen or their children would be the Head of the State. One could find several such anomalies in other Constitutions also. Naturally, therefore, many countries are impressed by the ideals laid down in our Constitution.

The Constituent Assembly could draw on the knowledge of great intellectuals, eminent jurists and legal luminaries and experienced statesmen, such as Jawaharlal Nehru, Sardar Patel and Dr. B.R. Ambedkar, who were Members of the Assembly. Dr. Ambedkar was born in an exploited caste called the *Mahar*. Right from his childhood, he had to bear with the humiliating treatment meted out to him by the higher castes. Because of the stigma of untouchability attached to his community, he was made to sit at a distance from others in his classroom at the school. Other students would not touch him for it was against their religious precept. The barber would not cut his hair. He could not enter public places and temples. Thus he had to face so many indignities due to the prevalence of caste system and the practice of untouchability among the Hindus. Ambedkar as a child

was, however, endowed with great talent and intelligence. He passed his High School examination with very good marks. It was uncommon indeed for an 'untouchable' to pass the Matriculation examination during those days.

The Maharaja of Baroda, recognizing the talent in young Ambedkar, granted him a scholarship for higher education with which he was able to continue his studies without much financial strain. With the help of the Maharaja, he secured admission in the University of Columbia from where he obtained his M.A. and Ph.D. degrees. After coming back to India, he was appointed Military Secretary to the Maharaja of Baroda. Subsequently, he became a Professor in Sydenham College, Bombay. However, everywhere he suffered discrimination at the hands of the people belonging to higher castes. This made him very sad and angry. He, therefore, decided to fight against such discrimination and engaged himself with social reforms. He felt insulted at the practice of untouchability prevailing in the contemporary Hindu society, the root cause of which, according to him, was the caste system. He, therefore, plunged himself into the task of fighting the caste system, the eradication of untouchability and amelioration of the conditions of the poor.

It is possible that at the earlier stages of the evolution of Hindu society, the division of castes was based on the work and profession adopted by the individuals; the division between *Brahmin*, *Kshatriya*, *Vaishya* and *Shudra* was not based on birth. It appears that with the passage of time, a major segment of Hindu society started treating a minor segment as 'untouchable' and even deprived them of human rights and dignity available to others. During the freedom struggle, some of the leaders decided to root out this inhuman social evil. Mahatma Gandhi and Dr. Ambedkar were the two most prominent leaders who worked ceaselessly to eradicate this evil. Gandhiji knew that it would be very difficult, if not impossible, to eradicate the caste system from Indian society and, therefore, he started the programme of uplifting the 'untouchables'. Dr. Ambedkar, on the other hand, thought that the root cause of all the evils was the caste system and, therefore, the central thrust of his struggle was towards the eradication of the caste system. Although he could not succeed in his efforts, he made a great contribution by securing reservation in Government services and public undertakings for the Scheduled Castes and Scheduled Tribes.

Dr. Ambedkar played a crucial role in the framing of the Indian Constitution. He was first made the Member of the Drafting Committee and then, the Chairman of the Committee. Thus, he had the onerous responsibility of presenting, piloting and defending the Draft Constitution in the Constituent Assembly. He accomplished this

task with remarkable ability and skill for which he received high appreciation. He dedicated himself to the task of maintaining the unity of the country; his several speeches, full of patriotic sentiments, are a testimony to this. The Constitution envisaged a strong Centre as he was of the opinion that if more powers were given to the States, there was a possibility that the country would disintegrate. He fought for the individual freedom and equality and continued his struggle for the exploited and the poor and, in fact, died fighting for their cause. Dr. Ambedkar is highly respected by all and is placed today among the foremost progressive leaders of the nation.

The Constitution of India is a testimony of his Constitutional and legal expertise. He listened to the ideas put forward and the suggestions made by the Members of the Constituent Assembly and incorporated those which he thought were useful and practicable into the Draft. With his great parliamentary skill, he was able to get the Draft Constitution approved by the Assembly. It is also to be noted that the decisions taken by the Congress Party, which was the largest party in the Constituent Assembly, as also the ideas held by eminent leaders like Sardar Vallabhbhai Patel and Pandit Jawaharlal Nehru, were incorporated into the Draft by Dr. Ambedkar. He was an effective orator and was endowed with such an argumentative skill that he managed always to get his proposals accepted by the Assembly. He is rightly remembered as the *chief architect* of the Indian Constitution.

In his book *States and the Minorities*, he has said that the Fundamental Rights were of no use unless they were backed by financial protection. He believed that parliamentary democracy was such a system where revolutionary changes can take place without bloodshed in economic and social spheres.

He once said in the Constituent Assembly that a secular Government meant that any institution which was funded by the Government should not impart religious education even if such instructions were issued by the Government itself. About language he said that the official language of each State should be the same as that of the Central Government. In other words, there should be only one official language for the entire country. He was firmly of the opinion that one official language could enforce national unity and that language was Hindi. It was dangerous to reorganize States on the basis of separate languages. If this was done, he believed, States could become separate nations.

It was largely due to the relentless fight of Dr. Ambedkar for the cause of the downtrodden and the underprivileged that the Government implemented several Constitutional provisions for the welfare of the Scheduled Castes, Scheduled Tribes and other weaker sections of society.



Dr. Ambedkar was an eminent scholar, economist, educationist, statesman, effective orator, constitutional expert, able administrator, a strong supporter of revolutionary changes and a fearless crusader for the cause of the depressed people. I present my humble tribute to him in his Birth Centenary Year.

## Dr. Babasaheb Ambedkar and Reorganisation of States

*Prakash Ambedkar*

The reorganisation of States started the process of Indianisation. The question whether this task has completely been fulfilled remains unanswered in the light of the events that have taken place after Independence. The States Reorganisation Commission was formed to look into this aspect and suggest ways and means of achieving the objective. The Report of the Commission was controversial. Dr. Babasaheb Ambedkar dealt with several issues mentioned in the report; his views on the formation of linguistic States came as a critique of this report. The Commission examined the following questions pertaining to States Reorganisation:

1. Preservation and strengthening of the unity and integrity of India.
2. Linguistic and cultural homogeneity.
3. Financial, economic and administrative considerations.
4. Successful working of the national Five-Year Plans.

For the reorganisation of States, the principles laid down by Dr. Ambedkar were:

1. The concept of mixed State should be abandoned.
2. One State one language.
3. Smaller States should be created because these will meet the requirements of efficient administration and the specific needs of different areas. This will also satisfy local sentiments.
4. In smaller States the danger of majority practising tyranny over the minority would also be minimised.

Before examining the work of the Commission and the principles enunciated by Dr. Ambedkar on the question of reorganisation of States, let us understand what nationality and nation mean. *Nationality* denotes a group of people who speak the same dialect or closely related dialects, who cherish a

common historical tradition and constitute or think to constitute a distinct cultural society. When nationality acquires power to back up their aspirations, they become a nation, i.e. when they become sovereign.

Dr. Ambedkar advocated the theory of linguistic States, for such States could be built on the feeling of corporate sentiment of oneness which makes those who are charged with it feel that they are closely related. This feeling is double edged: it is at once a feeling of fellowship for one's own kith and kin and anti-fellowship for those who are not one's kith and kin. It is a feeling of "consciousness of kind" which binds together those who have it so strongly, that it overrides all differences arising out of economic conflict and social gradation.

"One State one language" is the principle adopted in other countries also for the creation of States. Wherever a departure from this rule was made, the States faced a danger. The unilingual States are usually stable. The existence of fellow-feeling is the foundation of a stable and democratic State, and this can come only when States are organised on unilingual basis.

In mixed States there is friction, and factional fights would mar the success of democracy.

Dr. Ambedkar, however, was also alive to the disadvantages of such linguistic States. "A linguistic State with its regional language as its official language may easily develop into an independent nationality", felt Dr. Ambedkar. He further said:

The road between an independent nationality and an independent State is very narrow. If this happens, India will cease to be the modern India we have and will become the medieval India consisting of a variety of States indulging in rivalry and warfare.

This danger, though inherent in the creation of linguistic States, is certainly less than the other danger that the nation would be encountering, if we do not carve out our States on linguistic basis. The danger of a mixed State was greater and beyond the control of a statesman, felt Dr. Ambedkar. He had also suggested ways to avert the danger involved in the creation of linguistic States. He said:

The only way I think of meeting the danger is to provide in the Constitution that the regional language would not be the official language of the State. The official language of the State shall be Hindi and until India becomes fit for this purpose, English. Will Indians accept this? If they do not, linguistic States may become a peril.

The Commission had taken the view that the creation of one State for all people speaking one and the same language was the

only rule to be observed. By following this principle, disparities have been created on two fronts. One is the disparity amongst the States in the matters of area, population and hence representation. The second is the disparity between the North and the South. The disparity between the North and the South is best illustrated when one looks at the map of India. By the creation of new States of Madhya Pradesh and Rajasthan and leaving Bihar and U.P. untouched, a new problem of North versus South has been created. The North is Hindi speaking; the South is non-Hindi speaking. Most people are not aware of the size of the Hindi speaking population: its population is about 48% of the total population of India. This has led to consolidation of the North and balkanisation of the South. Dr. Babasaheb Ambedkar mentioned that the South differs from and dislikes the North. It was demonstrated when the question of official language was put to vote in a meeting of the Congress Party when the Draft Constitution was being debated. The split of votes was 78 for and 78 against. To make his point clear, Dr. Babasaheb Ambedkar reported about the discussion which he had with Shri C. Rajagopalachari. Referring to the kind of Constitution the Constituent Assembly was making, Shri Rajagopalachari said:

You are committing a great mistake. One federation for the whole of India with equal representation for all areas will not work. In such a federation the Prime Minister and the President of India will always be from the Hindi speaking area. You should have two federations. One federation of the North and one federation of the South and a confederation of the North and the South with three subjects for confederation to legislate upon and equal representation for both the federations.

Dr. Ambedkar believed that in creating a consolidated North and a balkanised South the Commission did not realise that it was dealing with a political and not merely a linguistic problem. If not removed, these disparities are too great and are likely to create suspicion and resentment between the North and the South, which would generate forces that may endanger the federal structure of the country in times to come.

The subject which the Commission did not take into consideration, according to Dr. Ambedkar, was that of majority versus the minority. In India, social structure is based on caste system which is the special feature of the Hindu civilisation. The caste system has the following characteristics:

1. Castes are so distributed in a given area that one caste is major while the others are small. The latter are subservient to the major caste (which owns most of the land) and are economically dependent upon them.

2. The caste system is marked not merely by inequalities but is affected by the system of graded inequalities. There is a kind of ascending scale of hatred and descending scale of contempt.

3. The caste has all the exclusiveness and pride which a nation has.

Due to these peculiarities of caste system what one observes is the following: (i) The voting is always communal: the voter, instead of voting for the best candidate, prefers a candidate of his own caste. (ii) The majority community carries the seat by sheer communal majority. (iii) The minority community is always forced to vote for the candidate of the majority community. (iv) In the graded system of inequality, the minority will be discriminated and will be denied equal opportunities in public life.

Dr. Ambedkar stated that the caste is a nation and India is a collection of nations, but the rule of one caste over another may not be said to be the same as the rule of one nation over another. Even if the argument is not carried too far, still the question remains as to what right the majority has to rule over the minority. But what is normally said to justify majority rule is that what the majority does is right and, therefore, minorities cannot complain on that score. But here again, what is to be remembered is that majorities are of two sorts: one is the political majority, and the other is the communal majority. The political majority is changeable in its class composition. The admission to political majority is open, whereas the communal majority is born. The doors to communal majority are closed. Political majority is desired. Communal majority is a tyranny.

To solve the problem, Dr. Ambedkar suggested not only the creation of linguistic States but also creation of smaller States. In his own words:

The consequences of too large a State on the minority living within it are not understood by many. The larger the State the smaller the proportion of the minority to the majority.

Another safeguard suggested by Dr. Ambedkar was making provision for representation in the legislature.

In order to ease the tension among States and between the North and the South, it is necessary to divide the States of Uttar Pradesh, Bihar and Madhya Pradesh into smaller States. The principles suggested for creation of these States as mentioned earlier are: (i) the requirement of efficient administration; (ii) the specific needs of different areas; (iii) the sentiments of people in different areas; and (iv) the proportion between the minority and majority. On the basis of these principles, Uttar Pradesh may be

divided into three States with Meerut, Kanpur and Allahabad as capitals. Bihar may be divided into two States with Patna and Ranchi as the capitals. Madhya Pradesh may be divided into Northern Madhya Pradesh and Southern Madhya Pradesh.

For the integration of the South and the North, Dr. Ambedkar suggested that there should be a second capital for India which could be located around Hyderabad, Secunderabad and Bolarum. While suggesting these places, he had kept in mind the distance between the various States and their capitals. Secondly, even from the security point of view, these three areas were ideal.

The remedial measures to deal with the tyranny of the communal majority as it existed during the pre-Independence days and after Independence are:

1. Each State should be small.
2. There should be a system of plural member constituencies with cumulative voting in place of single member constituency.
3. Under no circumstances should the separate electorate system be adopted.

On the language issue, Dr. Ambedkar suggested that official language should be made part and parcel of the formation of linguistic States. Today, we find that the time has already slipped away. Let us wait and see whether people are ready to learn from what Emerson said:

Consistency is a virtue of an ass. No thinking human being can be tied down to the views once expressed in the name of consistency. More important than consistency is the responsibility. A responsible person must learn to unlearn what he has learned. A responsible person must have the courage to rethink and change his thought.

With the growing demands for the creation of new States and granting autonomy to the existing States, it seems what Dr. Ambedkar said once is proving true. He said:

God seems to have laid a heavy curse on India and Indians saying "Ye Indians are always, shall always remain divided and ye shall always be slaves".

#### REFERENCE

1. Dr. B.R. Ambedkar, *Writings and Speeches*, Vol. I. Education Department, Government of Maharashtra, 1989, pp. 141-71.



Dr. Ambedkar proceeding to attend a protest Conference on 3 February 1945 against the Cripps Proposals.



As Minister of Law in 1949, Dr. Ambedkar is seen with Hon'ble Begum Rasul and Shri S.N. Mukerjee, Joint Secretary, Constituent Assembly.



Dr. B.R. Ambedkar (sitting extreme left) with the Central Cabinet on 31 January 1950.



Dr. Ambedkar in a Conference on the Hindu Code Bill, which he inaugurated in New Delhi on 21 April 1950.



Dr. Ambedkar in his library at 1, Tilak Marg, New Delhi on 14 April 1950 with two Buddhist Monks from Sri Lanka.



The body of Dr. Ambedkar laid at rest at his residence in 26 Alipur Road, Delhi on 6 December 1956.



Dr. Ambedkar's statue inside Parliament House Estate.



Vice-President and Chairman, Rajya Sabha, Dr. Shanker Dayal Sharma, Speaker, Lok Sabha, Rabi Ray, former Prime Minister V.P. Singh, and Savita Ambedkar, wife of Dr. Ambedkar, standing before the portrait of Dr. Ambedkar, after it was unveiled in the Central Hall of Parliament on 12 April 1990.

## Dr. B.R. Ambedkar: The Chief Architect of the Indian Constitution

*D.C. Ahir*

Dr. Ambedkar was a parliamentarian par excellence. He was nominated to the Bombay Legislative Council in 1927. He proved his mettle in the Council and impressed all with his remarkable ability and devotion to the cause of the downtrodden. His services and efforts for the uplift of the oppressed were recognized and he was selected to represent the 'untouchables' in the Round Table Conferences held in London during 1930-32. He did laudable work in the Round Table Conference in general and in the Federal Structure Committee in particular. When in 1937 the country went to the polls in pursuance of the Government of India Act, 1935, Dr. Ambedkar was elected to the Bombay Legislative Assembly. His constructive role as leader of the newly formed Independent Labour Party added lustre to the proceedings of the Bombay Legislative Assembly.

In 1942 when India was passing through the last phase of her freedom struggle, Dr. Ambedkar ascended yet another ladder of success. That year he was appointed as Labour Member of the Viceroy's Executive Council. Dr. Ambedkar's appointment to this high office was welcomed by all. True to the expectations of all, Dr. Ambedkar tackled the knotty problems of labour with utmost efficiency and won esteem and respect from the employees and the employers alike.

On 16 May 1946, the Cabinet Mission sent by the British Government to resolve the political deadlock announced their decision recommending, *inter alia*, the formation of a Constituent Assembly and an interim Government. Following this decision, a caretaker Government headed by Jawaharlal Nehru was formed on 29 June 1946. The elections to the Constituent Assembly followed soon thereafter. In spite of stiff opposition from the Congress, Dr. Ambedkar was elected to the Constituent Assembly from Bengal. The Constituent Assembly held its first meeting on 9 December 1946 and elected Dr. Rajendra Prasad its President. The Assembly commenced its historic

work of framing the Constitution for free India on 13 December when Prime Minister Nehru moved the historic Objectives Resolution in a magnificent speech. Dr. M.R. Jayakar moved an amendment to this resolution suggesting postponement until the Muslim League representatives came into the Constituent Assembly. This irritated the Congress Members. Amidst such tense atmosphere, Dr. Ambedkar delivered his maiden speech in the Constituent Assembly on 17 December 1946, and made a passionate plea for unity amongst all Indians. In a voice choked with emotion, he said:

Now Sir, I have got not the slightest doubt in my mind as to the future evolution and the ultimate shape of the social, political and economic structure of this great country. I know today we are divided politically, socially and economically. We are a group of warring camps and I may go even to the extent of confessing that I am probably one of the leaders of such a camp. But, Sir, with all this, I am quite convinced that given time and circumstances nothing in the world will prevent this country from becoming one. With all our castes and creeds, I have not the slightest hesitation that we shall in some form be a united people.<sup>1</sup>

This forthright declaration of his faith in the ultimate unity of India convinced even his critics that Dr. Ambedkar was a fervent nationalist and that love for the country was uppermost in his mind. This speech raised Dr. Ambedkar very high in the estimation of all. More and more people turned to him for counsel. On his part, Dr. Ambedkar devoted all his time, talent, and energy to his work in the Constituent Assembly. As a Member of the Flag Committee, he was instrumental in persuading the Committee to adopt the tri-colour flag with *Dharmachakra* (Buddhist Wheel of Law) as the national flag.

Of all the leaders of his time, Dr. Ambedkar was the most educated. Besides his M.A., M.Sc., Ph.D., D.Sc., and Bar-at-Law degrees and vast experience as educationist, parliamentarian and administrator, he had a mastery over such diverse subjects as Arts, Philosophy, Science, Logic, Sociology, Economics, Finance and Law. Prime Minister Jawaharlal Nehru seems to have been impressed by the erudition and scholarship of Dr. Ambedkar and invited him to join the first Cabinet of free India, and offered him the portfolio of Law. This reflected the healthy and appreciative mood of the Congress leaders. Apparently, they felt convinced that without Dr. Ambedkar's services the consolidation of freedom would not be easy. Dr. Ambedkar too reciprocated the sentiment and agreed to join the Cabinet. Thus, even though throughout his life Dr. Ambedkar had differed with Congress Members and pursued an independent path, when occasion arose for united effort, he gladly cooperated in the larger interests of the country. His view was that, "in deciding the destinies of a people, the dignity of the leaders or men or parties ought to count for nothing".

Soon after his appointment as the first Law Minister of independent India, the nation bestowed upon Dr. Ambedkar another honour by appointing him as the Chairman of the Constitution Drafting Committee. There were six other Members of the Drafting Committee. However, the major burden of drafting and piloting the Draft Constitution through the stormy debates in the Constituent Assembly fell on the shoulders of Dr. Ambedkar.

The Draft Constitution was formally moved for consideration in the Constituent Assembly by Dr. Ambedkar on 4 November 1948. While presenting the Draft Constitution, he outlined the salient features of the new Constitution, and commended it to the Constituent Assembly and the people of India for acceptance saying:

I feel that it is workable, it is flexible and it is strong enough to hold the country together both in peace time and in war time. Indeed, if I may say so, if things go wrong under the new Constitution, the reason will not be that we had a bad Constitution. What we will have to say is, that Man was vile.<sup>2</sup>

Let us now see how some of the articles of the Constitution came to be finally framed by the Constituent Assembly. Here, we shall confine ourselves to the two most important features of the Constitution, viz. the Preamble and the Fundamental Rights.

### **Preamble**

The Preamble is not an integral part of any Constitution; at the same time, it is an essential ingredient of a Constitution as it broadly highlights the purpose and objects that the Constitution seeks to achieve. The Preamble is also considered a sort of 'key' to the intentions of the framers of the Constitution. The Preamble to the Constitution of India as adopted by the Constituent Assembly was as follows:

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;  
and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY... do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

The Preamble was based on the Objectives Resolution adopted by the Constituent Assembly in January 1947. While giving final shape to it, the Drafting Committee made two important changes which made

the Preamble more meaningful and reflective of the aspirations of the people. The Committee replaced the word 'independent' by the word 'democratic', and added a new clause dealing with 'fraternity' which was not to be found in the Objectives Resolution.

As independence is usually implied in the word 'sovereign', the Drafting Committee felt that there was no need to add the word 'independent'. So it replaced it by the word 'democratic'. The Committee also felt it necessary to embody in the Preamble the need for promoting fraternal unity and goodwill among the people in order to ensure the fruits of liberty and equality to all.

The adoption of the word 'democratic' and the clause relating to 'fraternity' clearly indicates the faith of the Chairman of the Drafting Committee in democracy and universal brotherhood. It is worth noting here that Dr. Ambedkar was the first leader in India who emphasized, as early as 1927, the importance of "liberty, equality and fraternity". Speaking about his philosophy of life, he once said: "My philosophy may be said to be enshrined in three words, 'liberty, equality and fraternity' ". He further said that his philosophy had roots in the teachings of his master, the Buddha. In his philosophy, liberty and equality had a place, but he added that unlimited liberty destroyed equality, and absolute equality left no room for liberty. According to him, law was meant as a safeguard against the breach of liberty and equality, but he did not believe that law can be a guarantee for breach of liberty and equality. He gave the highest place to fraternity as the only real safeguard against the denial of liberty or equality.

The Preamble was considered by the Constituent Assembly on 17 October 1949. In the course of the debate, some Members expressed doubts whether the words, "We, the people of India" were appropriate in the Preamble since the Constituent Assembly had not been elected on the basis of adult franchise. Some Members, therefore, wanted to delete these words, while some others wanted to make the words "the people of India" more explicit by substituting them by the clause: "We, on behalf of the people of India from whom is derived all power and authority of this Independent India". Dr. Ambedkar did not agree with both the viewpoints. Replying to the debate, he said:

The point under debate is this: Does this Constitution or does it not acknowledge, recognize and proclaim that it emanates from the people? I say, it does... I personally myself, do not understand, unless a man was an absolute pedant, that a body of people 292 in number, representing this vast continent, in their representative capacity could not say that they are acting in the name of the people of this country... I say that this Preamble embodies what is the

desire of every Member of the House that this Constitution should have its root, its authority, its sovereignty from the people. That it has. Therefore, I am not prepared to accept the amendment.<sup>3</sup>

Two other important points raised during the debate on the adoption of the Preamble were that the word 'God' and the name of Mahatma Gandhi be inserted in the Preamble. Amendments to this effect were given notice of by some Members. Since a majority of the Members were averse to such a reference, Dr. Rajendra Prasad, the President of the Assembly, tried to persuade the movers not to press for the amendments saying that "neither God nor Mahatma Gandhi admits a discussion in this House". Thereupon, the amendment relating to Mahatma Gandhi was withdrawn, but H.V. Kamath, mover of the amendment relating to the insertion of the word God, insisted on a division. When put to vote, his amendment was rejected by an overwhelming majority.

Thus the Preamble, as given in the Draft Constitution, was adopted by the Constituent Assembly without any modification. Judged by any standard, the Preamble to the Indian Constitution is one of the best of its kind ever drafted. It is the most brilliant analysis of the spirit of the Constitution and embodies the determination of the Indian people to maintain the unity of the nation.

### **Fundamental Rights**

The Fundamental Rights are a must in any modern Constitution. The idea behind these provisions is to ensure certain basic rights to the citizens so that they are not at the mercy of the shifting opinions of legislators.

The basic plan of the Fundamental Rights guaranteed in the Constitution was prepared by the Advisory Committee on Fundamental Rights. A number of memoranda were submitted to this Committee by eminent Members like K.M. Munshi, K.T. Shah and others, but the Fundamental Rights, as finally adopted by the Constituent Assembly, are far more proximate to the suggestions of Dr. Ambedkar than to the suggestions of any other Member of the Assembly. A close look at Art. II Sec. I of his Memorandum\* and the Constitution reveals that, of the 19 articles dealing with the Fundamental Rights, as many as 15 articles can be traced to the suggestions put forward by Dr. Ambedkar. To make the position clear, here is a comparative statement:

\* Titled: "States and Minorities, What are Their Rights and How to Secure Them in the Constitution of Free India".



Sl. No.	Subject	Article of the Constitution	Clause of Art. II, Sec. I of the Memorandum
1.	Equality before law	14	3
2.	Prohibition of discrimination	15	4 & 5
3.	Equality of opportunity	16	6
4.	Abolition of untouchability	17	1
5.	Right to freedom	19	7 & 12
6.	Protection in respect of conviction for offences	20	13
7.	Protection of life and personal liberty	21	2
8.	Protection against arrest and detention	22	2
9.	Prohibition of traffic in human beings and forced labour	23	9
10.	Prohibition of employment of children in factories	24	9
11.	Freedom of conscience and free profession, practice and propagation of religion	25	14
12.	Freedom to manage religious affairs	26	18 & 19
13.	Freedom as to payment of taxes for promotion of any particular religion	27	20
14.	Freedom as to attendance at religious instruction or religious worship in certain educational institutions	28	15
15.	Remedies for enforcement of Fundamental Rights	32	21 and Cl. (1) of Sec. II

The remaining four articles which did not find place in Dr. Ambedkar's Memorandum relate to: Abolition of titles (Art. 18); Cultural and educational rights of minorities (Arts. 29 and 30); and Right to property (Art. 31).

The discussion on the Fundamental Rights began in the Constituent Assembly on 25 November 1948. Replying to the critics of the wide definition of the word 'State' used in draft Art. 7, which later became Art. 12 of the Constitution, Dr. Ambedkar emphasized the two-fold objectives of the Fundamental Rights and their universal application:

The object of the Fundamental Rights is two-fold. First, that every citizen must be in a position to claim those rights. Secondly, they must be binding upon every authority—I shall presently explain what the word "authority" means—upon every authority which has got either the power to make laws or the power to have discretion vested in it. Therefore, it is quite clear that if the Fundamental Rights are to be clear, then they must be binding not only upon the Central Government, they must not only be binding upon the Provincial Government, they must not only be binding upon the Governments established in the Indian States, they must also be binding upon District Local Boards, Municipalities, even village *panchayats*

and *taluk* boards, in fact, every authority which has been created by law and which has got certain power to make laws, to make rules, or make by-laws.<sup>4</sup>

Some Members in the Constituent Assembly took exception to the use of the word 'backward' by the Drafting Committee in Art. 10 (now Art. 16). This article confers equality of opportunity in matters of employment under the State on all citizens, but permits the State to make reservation of appointments or posts in favour of any 'backward' class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. The word 'backward' did not exist in the report of the Advisory Committee on Fundamental Rights which was adopted by the Constituent Assembly in May 1947. Justifying the insertion of the word 'backward' in the Draft Constitution, Dr. Ambedkar said that the Drafting Committee had taken care to safeguard the principle of equality of opportunity and, at the same time, to satisfy the demand of communities which had not been represented in the services under the State. He further asserted that unless some such qualifying word as 'backward' was used, the exception in favour of reservation would "ultimately eat up the rule altogether". His view was accepted. But some Members suggested that the word 'backward' be replaced by some other word, such as 'depressed class' or 'scheduled class'. To make the provision in the article very clear, Dr. Ambedkar, however, maintained that the relevant clause (now Cl. (4) of Art. 16) as devised by the Drafting Committee was the best. So, the article was adopted, without any change, by the Constituent Assembly on 30 November 1948.

Draft Art. 13 guaranteeing the seven freedoms was as follows:

(1) Subject to the other provisions of this article, all citizens shall have the right:

- (a) to freedom of speech and expression;
- (b) to assemble peaceably and without arms;
- (c) to form associations or unions;
- (d) to move freely throughout the territory of India;
- (e) to reside and settle in any part of the territory of India;
- (f) to acquire, hold and dispose of property; and
- (g) to practise any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law or prevent the State from making any law, relating to libel, slander, defamation, sedition or any other matter which offends against decency or morality or undermines the authority or foundations of the State.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law, or prevent the State from making any law, imposing, in the interests of public order, restrictions on the exercise of the right conferred by the said clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law, or prevent the State from making any law, imposing, in the interests of the general public, restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (d), (e) and (f) of the said clause shall affect the operation of any existing law or prevent the State from making any law, imposing reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of any of the aboriginal tribes.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law, or prevent the State from making any law, imposing, in the interests of public order, morality or health, restrictions on the exercise of the right conferred by the said sub-clause and in particular prescribing or empowering any authority to prescribe the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business.

When the Draft Constitution was circulated for public opinion, the provisions relating to this article received, by far, the most critical comments from some sections of the society. Fully conscious of the importance of these provisions, Dr. Ambedkar, while introducing the Draft Constitution on 4 November 1948, replied to the critics in these words:

The most criticized part of Draft Constitution is that which relates to fundamental rights. It is said that Article 13\* which defines fundamental rights is riddled with so many exceptions that the exceptions have eaten up the rights altogether. It is condemned as a kind of deception. In the opinion of the critics fundamental rights are not fundamental rights unless they are also absolute rights. The critics rely on the Constitution of the United States and on the Bill of Rights embodied in the first ten Amendments to that Constitution in support of their contention. It is said that the fundamental rights in the American Bill of Rights are real because they are not subjected to limitations or exceptions.

I am sorry to say that the whole of the criticism about fundamental rights is based upon a misconception. In the first place, the criticism in so far as it seeks to distinguish fundamental rights from non-fundamental rights is not sound. It is incorrect to say that fundamental rights are absolute while non-fundamental rights are not absolute. The real distinction between the two is that non-fundamental rights are created by agreement between parties while fundamental rights are the gift of the law. Because fundamental rights are the gift of the State, it does not follow that the State cannot qualify them.<sup>5</sup>

When this article came up for discussion in the Assembly, over a hundred amendments were proposed. Of these, only three were

\*Art. 19 of the Constitution.

accepted by Dr. Ambedkar. The first one was moved by Mihir Lal Chattopadhyay. Through this, the words: "subject to the other provisions of this article" at the beginning of Cl. (1) were omitted. Through the second amendment moved by K.M. Munshi, in Cl. (2) the word 'sedition' was omitted and the words "undermines the authority or foundation of the State" were replaced by the words "undermines the security or tends to overthrow the State". Thakur Das Bhargava suggested the insertion of the word 'reasonable' before the word 'restrictions' in Cls. (3)–(6) so as to make the Supreme Court the ultimate arbiter of the liberties of the people. Dr. Ambedkar accepted it by elaborating it further by stating that the existing laws would be saved only in so far as they imposed reasonable restrictions.

In addition to the above, Dr. Ambedkar himself proposed some changes in Cls. (4)–(6).

All the above modifications were accepted by the Assembly and draft Art. 13, as modified, became Art. 19 of the Constitution.

Among approximately 100 amendments rejected by the Assembly, one was moved by H.V. Kamath. He suggested that a new sub-clause in Cl. (1) be inserted in order "to guarantee the right to keep and bear arms subject to restrictions imposed by law in the interests of public order, peace and tranquility". Replying to the debate, Dr. Ambedkar said that it would indiscriminately give the right to every citizen including the criminal tribes and habitual criminals, to possess arms. With patriotic fervour in his tone, Dr. Ambedkar added that it should not be forgotten that after Independence the circumstances had changed very much and that in independent India, what needed to be insisted upon was not the right of an individual to bear arms but his duty to bear arms when the stability and security of the State were endangered.

Articles 25–28 deal with Fundamental Rights of citizens regarding religion. Article 25(1) states that "all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion". In the Constituent Assembly there was acrimonious debate on the right to 'propagate' religion. An amendment moved by Tajamul Husain sought the deletion of the word 'propagate' from Cl. (1) on the ground that religion was a private affair and there was no need for anyone to propagate it. The arguments advanced by this Member and others in favour of the amendment were effectively countered by T.T. Krishnamachari and K.M. Munshi who favoured the retention of this right. Dr. Ambedkar too favoured the inclusion of this right in the Constitution. In fact, in his Memorandum submitted earlier he had suggested inclusion of the words "right to preach and to convert" in the Constitution. Ultimately, the Assembly rejected the amendment of Tajamul Husain and decided to adopt the

article as proposed by the Drafting Committee. Before adoption, however, the Assembly made two minor changes in the article as it accepted two amendments, one moved by Dr. Ambedkar to replace the word 'preclude' appearing in Cl. (2) by the word 'prevent', and the other by Shrimati Durgabai to replace the words 'any class or section' by the words 'all classes or sections' appearing in the same clause. All the other amendments moved by the Members were negated by the Assembly.

The Fundamental Rights enshrined in the Constitution of India have been made justiciable. Article 32(2) states: "the Supreme Court shall have power to issue directions or orders or writs, including writs in the shape of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari* whichever may be appropriate, for the enforcement of any of the rights conferred by this Part". The provision of this constitutional remedy, which follows almost literally the provision suggested by Dr. Ambedkar in Cl. (1) of Sec. II, Art. II of his Memorandum, is the most effective guarantee for enforcing the Fundamental Rights. But for this provision, the insertion of Fundamental Rights in the Constitution would have been meaningless as rights are real only if they are accompanied by remedies. Dr. Ambedkar described the importance of Art. 32 in these terms on the floor of the House:

I am very glad that the majority of those who spoke on this article have realized the importance and significance of this article. If I was asked to name any particular article in this Constitution as the most important—an article without which this Constitution would be a nullity—I could not refer to any other article except this one. It is the very soul of the Constitution and the very heart of it and I am glad that the House has realized its importance.<sup>6</sup>

### The Finale

On 17 November 1949, the Constituent Assembly began the third reading of the Constitution Bill. Dr. Ambedkar replied to the nine-day debate in the afternoon of 25 November 1949. Speaking with a feeling of great relief, he gave a graphic picture of the work done by the Drafting Committee and the Assembly. He also thanked the Assembly for having given him an opportunity for serving the country. Then Dr. Ambedkar turned his thoughts to the future of the country and expressed his anxiety in these words:

Here I could have ended. But my mind is so full of the future of our country that I feel I ought to take this occasion to give expression to some of my reflections thereon. On 26 January 1950, India will be an independent country. 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 lose it a second time? It is this thought which makes me most anxious for the future. What perturbs me greatly is the fact that not only India has once before lost her independence but she lost it by the infidelity and treachery of some of her own people. In the invasion of Sind by Mohammed-Bin-Kasim, the military commanders of King Dahar accepted bribes from the agents of Mohammed-Bin-Kasim and refused to fight on the side of their King. It was Jaichand who invited Mahommed Gohri to invade India and fight against Prithvi Raj and promised him the help of himself and the Solanki Kings. When Shivaji was fighting for the liberation of Hindus, the other Maratha noblemen and the Rajput Kings were fighting the battle on the side of Moghul Emperors. When the British were trying to destroy the Sikh Rulers, Gulab Singh, their principal commander, sat silent and did not help to save the Sikh kingdom. ...

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. Will Indians place the country above their creed or will they place creed above country? I do not know. But this much is certain that if the parties place creed above country, our independence will be put in jeopardy a second time and probably be lost forever. This eventuality we must all resolutely guard against. We must be determined to defend our independence with the last drop of our blood.<sup>7</sup>

He further said:

On 26 January 1950, India would be a democratic country in the sense that India from that day would have a "government of the people, by the people and for the people". The same thought comes to my mind. What would happen to her democratic Constitution? Will she be able to maintain it or will she lose it again? This is the second thought that comes to my mind and makes me as anxious as the first.<sup>8</sup>

Concluding his historic speech, Dr. Ambedkar, the chief architect of the Indian Constitution, said:

These are my reflections about the tasks that lie ahead of us. They may not be very pleasant to some. But there can be no gainsaying that political power in this country has too long been the monopoly of a few and the many are not only beasts of burden, but also beasts of prey. This monopoly has not merely deprived them of their chance of betterment, it has sapped them of what may be called the significance of life. These downtrodden classes are tired of being governed. They are impatient to govern themselves. This urge for self-realization in the downtrodden classes must not be allowed to devolve into a class struggle or class war. It would lead to a division of the House. That would indeed be a day of disaster. For, as has been well said by Abraham Lincoln, "a House divided against itself

cannot stand very long." Therefore, the sooner room is made for the realization of their aspiration, the better for the few, the better for the country, the better for the maintenance of its independence and the better for the continuance of its democratic structure. This can only be done by the establishment of equality and fraternity in all spheres of life. That is why I have laid so much stress on them.

I do not wish to weary the House any further. Independence is no doubt a matter of joy. But let us not forget that this independence has thrown on us great responsibilities. By independence, we have lost the excuse of blaming the British for anything going wrong. If, thereafter, things go wrong, we will have nobody to blame except ourselves. There is great danger of things going wrong. Times are fast changing. People including our own are being moved by new ideologies. They are getting tired of Government by the people. They are prepared to have Government for the people and are indifferent whether it is Government of the people and by the people. If we wish to preserve the Constitution in which we have sought to enshrine the principle of "Government of the people, for the people and by the people", let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer Government for the people to Government by the people, not to be weak in our initiative to remove them. That is the only way to serve the country. I know of no better.<sup>9</sup>

After listening to the most befitting and meaningful finale to the debate on the third reading, the Assembly adjourned till the next day. On 26 November 1949, Dr. Rajendra Prasad delivered his Presidential Address, concluding which he announced:

It now remains to put the motion, which was moved by Dr. Ambedkar, to the vote of the House. The question is: "That the Constitution as settled by the Assembly be passed".<sup>10</sup>

Then the motion was adopted amid prolonged cheers.

Thus the Constituent Assembly, which began its deliberations on 9 December 1946, accomplished its historic task of framing India's Constitution in two years, eleven months, and seventeen days.

The Constituent Assembly met for the last time for a day on 24 January 1950 in order to sign the Constitution. Two days later, the Constitution of India became the law of the land and ushered in a new era of hope, peace and prosperity.

### Conclusion

To produce the Constitution, with its 395 articles and 8 schedules, the Constituent Assembly sat for 165 days in 11 sessions, out of which 114 days, spread over five sessions, were devoted to the finalization of the Draft Constitution introduced by Dr. Ambedkar on 4 November 1948. The proceedings of the last five sessions of the Constituent Assembly are printed in five volumes (Vol. VII-XI) and cover more than 4600

pages. How minutely the Draft Constitution was scrutinized by the Members of the Assembly is evident from the large number of amendments to which they had given notice. As many as 7,635 amendments were tabled and 2,473 were actually moved in the House, the rest being withdrawn after some discussion. A study of the voluminous debates reveals that Dr. Ambedkar, the chief architect of the Constitution, was closely questioned on each and every provision being made in the Constitution, and he was always found ready to answer all sorts of doubts and queries of the Members. Though a good number of the amendments moved by the Members were accepted by the Constituent Assembly, no amendment was accepted by the House unless it was acceptable to Dr. Ambedkar.

It needs no emphasis that in drawing up and finalizing the Constitution of India, which is the longest of all the written Constitutions of the world, Dr. Ambedkar's erudition in Law and Jurisprudence was of immense help. His qualities of head and heart, and his untiring efforts, devotion and dedication to the task assigned to him were fully appreciated and acknowledged by his colleagues in the Assembly which prepared this historic document. During the course of the third reading of the Constitution, Member after Member expressed his appreciation of the work done by the Drafting Committee and praised Dr. Ambedkar for successfully piloting the Constitution of independent India. Some Members hailed him as the modern Manu (law-giver), while others addressed him with other epithets and showered upon him the choicest words of praise.

Summing up the sentiments expressed by various Members, Dr. Rajendra Prasad, President of the Constituent Assembly, paid glowing tributes to Dr. Ambedkar for his zeal and devotion in helping the Assembly to accomplish the Herculean task of framing a worthy Constitution for free India's governance. In Dr. Rajendra Prasad's own words:

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. We would 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 lustre to the work which he has done.<sup>11</sup>

Truly, it can be said that but for Dr. Ambedkar it would not have been possible for the Constituent Assembly to achieve what it did and give a worthy Constitution to the country in the shortest possible time.

NOTES AND REFERENCES

1. CAD, 17 December 1946, p. 100.
2. CAD, 4 November 1948, p. 44.
3. CAD, 17 October 1949, pp. 455-456.
4. CAD, 25 November 1948, p. 610.
5. CAD, 4 November 1948, p. 40.
6. CAD, 9 December 1948, p. 953.
7. CAD, 25 November 1949, pp. 977-978.
8. *Ibid.*, p. 978.
9. *Ibid.*, pp. 980-981.
10. CAD, 26 November 1949, p. 995.
11. *Ibid.*, p. 994.

## Dr. B.R. Ambedkar: A Pen Portrait

*J. Eshwaribai*

Babasaheb Ambedkar was one of the great sons of India. He was a great leader, writer, educationist, statesman, and crusader for social and economic equality. He was a social revolutionary who championed the cause of the teeming millions belonging to the weaker sections of society. He was a great patriot and a constitutional expert.

Dr. Ambedkar always fought for the rights and privileges of the downtrodden and the underprivileged. After the Round Table Conference in London, the British Government granted the Communal Award. Fearing that this would separate millions of 'untouchables' from the Hindu fold, Gandhiji started fast-unto-death. The people all over the country were upset. Dr. Ambedkar stood firm on his ground in spite of the danger to Gandhiji's life, since he felt that separate electorate would provide the Scheduled Castes proper representation in political institutions, paving the way for their equality. However, when Gandhiji was almost on his death bed due to the fast, Dr. Ambedkar, knowing that Gandhiji's life was precious for the independence of the country, signed the historic Poona Pact, and thus the fast was broken. This was one of the greatest sacrifices of Dr. Ambedkar for the freedom of the country and the people.

Dr. Ambedkar, one of the great opponents of the Congress Party, agreed to become the Law Minister after independence when requested by the national leaders. This illustrates Dr. Ambedkar's love for the people and the country.

When the Constituent Assembly was set up for drafting the Constitution, he was elected as one of the Members and later made the Chairman of the Drafting Committee. It was a tremendous task to draft the Constitution for this great country where exist innumerable religions, castes, sub-castes, languages and above all superstitious beliefs. Yet he undertook the task and drafted the Constitution in a short time, which was approved and appreciated by the entire Constituent Assembly. Although there were very eminent leaders in the Drafting Committee, the major burden of drafting the Constitution

had actually fallen on the shoulders of Dr. Ambedkar. He is, therefore, rightly called the *chief architect* of the Indian Constitution.

As a social revolutionary, Dr. Babasaheb Ambedkar championed the cause of 'untouchables' who were oppressed for centuries; they were kept out from practically all human activities—educational, social, economic, cultural and political. Such discrimination was unknown in any other country of the world.

For centuries, millions of toiling masses were made 'untouchables' by exploiting religion to protect the interest of the 'haves'. Dr. Babasaheb Ambedkar, therefore, as a symbol of protest, openly burnt the *Manu Smriti* which was instrumental in introducing the inequitable caste system.

If hundred long years were needed for the national leaders with all the support of the people to get freedom from two hundred years of foreign rule, one could imagine how long it would take to uplift those who were oppressed and suppressed for thousands of years. Dr. Ambedkar's fight against social discrimination through agitations as well as his writings, and his sacrifices brought enlightenment to the teeming millions who largely constitute the 'untouchables'.

Several safeguards introduced in the Constitution by Dr. Ambedkar were instrumental in the all-round development of the weaker sections of society. The underprivileged would have made much progress if the constitutional safeguards were implemented in letter and spirit. However, it is heartening to note that these provisions have enabled people belonging to weaker sections of society to make definite progress and fight for their rights, privileges and representation on equal footing.

Buddhism preaches equality, liberty and fraternity and it was this religion which raised the banner of revolt against untouchability and all other social evils which existed in the Indian society. Buddhism is against property because it is the root cause of all sorrows and sufferings of the people. Rightly, therefore, Buddha renounced his kingdom and all riches. Dr. Babasaheb Ambedkar had given rebirth to Buddhism by embracing it with lakhs of his followers, with a view to ensuring equality among the people.

Recognizing his services and sacrifices for the people and the country, the Government rightly conferred on Dr. Ambedkar the *Bharat Ratna* award. In this year when the Birth Centenary of Dr. Ambedkar is being celebrated, we should strive to follow the ideals and causes for which he so relentlessly fought throughout his life.

## Dr. B.R. Ambedkar: The Architect of India's Republican Constitution

*E.M.S. Namboodiripad*

Dr. B.R. Ambedkar, the Minister of Law in the first Government formed by Jawaharlal Nehru, made his impress on the history of Indian polity as the Chairman of the Drafting Committee of the Constituent Assembly which engaged itself in the preparation of free India's Republican Constitution. His speeches in the Assembly, elucidating various provisions of the Constitution, were quoted times without number by those who were eager to defend the Constitution against authoritarianism.

This, however, was only the last phase of the great leader's long life. He began his activities as a political leader fighting the oppressive caste system. Belonging as he did to what were then called Depressed Classes (today's *Harijans*), he fought long and uncompromising struggles against social oppression. He had no hesitation in denouncing even Mahatma Gandhi when the latter went on a hunger-strike protesting against the provision for separate electorates for the Harijans in the communal award given by the British Government. He was, therefore, characterized as an enemy of the freedom movement.

His subsequent life, however, proved that he was not against the freedom movement but only against the attempt of the high caste gentry to assert themselves as leaders of the freedom movement.

Dr. Ambedkar championed the cause of the oppressed community in which he was born. He, therefore, had sympathies for all sections of the downtrodden in Indian society. Although couched in caste terms, his agitation against social oppression helped the cause of the toiling masses' struggle against class oppression. His initiative for the mass conversion of the Depressed Classes from the Hindu community to Buddhism was an act of political revolt against the caste Hindu dominated polity.

It is true that, in this period, he saw in the then British rulers the 'deliverers' of the Depressed Classes from caste Hindu oppression. The intellectual and democrat in him, however, saw before long that

the liberation of the Depressed Classes from caste Hindu domination was inextricably linked with the political struggle of the Indian people for freedom from British rule and the liberation of the toiling people of all castes and communities from bourgeois-landlord oppression. That was how he came in his later life to be associated with the Congress Party which developed into the ruling Party of free India.

The monumental work Dr. Ambedkar did as the Chairman of the Constituent Assembly's Drafting Committee cannot be seen in isolation from his whole personality, for he was an uncompromising fighter against all forms of social oppression.

## Dr. B.R. Ambedkar: Scholar and Revolutionary

*Baharul Islam*

Dr. Ambedkar was a multifaceted personality. However, more than anything else, he will be remembered for his outstanding contributions as a scholar and social revolutionary.

A major contribution of Dr. Ambedkar was in the framing of the Indian Constitution. He was the Chairman of the Drafting Committee of the Constituent Assembly, which consisted of a galaxy of legal luminaries and constitutional experts. It was Jawaharlal Nehru, the first Prime Minister of India, who discovered his talents and vast erudition. Nehru made him the first Law Minister of independent India. As Chairman of the Drafting Committee of the Constituent Assembly, Dr. Ambedkar had to pilot the Constitution and get it passed in the Constituent Assembly. The Indian Constitution, which came into full operation on January 26, 1950, is one of the finest in the world.

A perusal of the relevant provisions of the Constitution shows how fairly the rights of the Scheduled Castes that include the so-called untouchables (as well as most of the minorities) have been secured. They have the equality before, and equal protection of, the laws (Art. 14); discrimination, *inter alia*, on the ground of caste has been prohibited (Art. 15); discrimination, *inter alia*, on the ground of caste in public employment has been prohibited (Art. 16). Article 17 abolishes untouchability itself. Further, special facilities for promotion of education of the Scheduled Castes have been provided for (Art. 46); and reservation of seats in Parliament, State Legislatures and in public appointments for them have been secured (Arts. 330, 332 and 335).

Three men in Indian history have shaken the Hindu society to its foundation; for, despite the noble and egalitarian teachings of the *Gita* and the *Upanishads*, a section of its population was being treated as 'untouchables', inferior even to animals, by the caste Hindus. Their very touch, even their very sight, 'polluted' the high castes. Ceremonies and rituals rather than the substance of religion governed the lives of a large section of the society.

The first rebel against such a society in India was Gautama, the Buddha, whom Edwin Arnold called "Light of Asia", but who, indeed, may, more appropriately be called the "Light of the World". Buddha had the courage to attack popular religion, superstition, ceremonials and priestcraft and all vested interests that are associated with them. He did not attack the caste directly, but in his own order there was no place for castes. Buddha had sown the seeds of revolt against the conventional practice of the religion of his day.

The second jolt to the fabric of the caste system entailing untouchability in the Hindu society was given by Mahatma Gandhi. Gandhiji roused the conscience of the sensible sections of society to realize that the 'untouchables', whom he called the *Harijans*, were treated as sub-human, and inferior even to lower animals. Gandhiji realized that untouchability and caste system were two cancers of the Hindu society and they, albeit deep-rooted, must be removed to save the society and make it healthy. Before Gandhiji, several eminent social workers attempted to remove them but failed. Some social scientists remarked that a revolution, more powerful than the French Revolution, will be necessary to remove untouchability and the caste system from the Hindu society. But thanks to Gandhiji's unique ways—he identified himself with the 'untouchables', stayed in the *Harijan* colony, did services which normally only the *Harijans* do, and resorted to fast-unto-death—the rigidity of castes diminished and untouchability disappeared from the society. The doors of temples opened to the 'untouchables'.

But the desired results were not yet obtained in full. The 'untouchables' did not enjoy the same social status as their other brethren of the Hindu society. Economically they were deprived, they had no education. Because of lack of education, they were so ignorant that they were not even conscious of their lot. Dr. Ambedkar, himself being born an 'untouchable', had his cup full of indignities and hatred and insult from his higher caste co-religionists. He fathomed the abysmal depth of the plight of his caste men and women, thanks to his very high education and high intelligence. Dr. Ambedkar was a great social revolutionary. But unlike Gandhiji he was not much touched by emotion; he was a rationalist.

Again, unlike Gandhiji, Dr. Ambedkar was not a religious man with any spiritual overtones. He was a rationalist, a logician. He believed that there would be outcastes as long as there are castes. And nothing can emancipate the outcastes except the destruction of the caste system of the Hindu society. If untouchability is to be dismantled, the caste system itself had to be dismantled, he thought. He argued:

The religion which regards the recognition of man's self-respect as sin is not a religion but a sickness. The religion which allows one to touch a foul animal but not a man is not religion but madness. The religion which says that one class may not acquire wealth, may not take up arms, is not a religion but a mockery of man's life. The religion which teaches that the unlearned should remain unlearned, that the poor should remain poor, is not a religion but a punishment.

In this respect Dr. Ambedkar had sharply divergent views with Gandhiji. Gandhiji admitted that untouchability was the "greatest blot on Hinduism". But he argued that the whole caste system need not be pulled down, but only untouchability should be eradicated.

Being convinced that there will be no social justice and equality of status for his caste men and women in the caste-ridden Hindu society, Dr. Ambedkar with his followers, particularly of the Maharashtra State to which he belonged, ultimately renounced Hinduism and accepted Buddhism in 1956. But, alas, his goal was not achieved. True, his followers were socially liberated in the new order, but educationally and economically, they were not. Change of religion does not necessarily bring about a change in the economic and educational condition of a people. Ambedkar died a frustrated man at the age of sixty five.



## Dr. B.R. Ambedkar: An Eminent Educationist

*M.L. Shahare*

Dr. B.R. Ambedkar was a great scholar and an eminent educationist. He carried out his studies in India and abroad. In the early twentieth century, when most of the Scheduled Castes people received hardly any education, Dr. Ambedkar received the best possible education and obtained an array of degrees from reputed universities abroad. As a scholar, he participated in seminars and presented papers, wrote articles for journals and authored several books.

He started his career as a teacher and was also Principal in the Government Law College, Bombay for some time. But he left the job in order to devote himself fully to the service of the nation and the welfare of the downtrodden sections. His contribution to the advancement of education in the country is multifarious. Besides being a teacher and Principal, he was a great spokesman of education and founder and builder of educational institutions of national repute. Above all, like the *Buddha*, he was a great teacher and educator of the masses.

### Education: An Agent of Social Change

Dr. Ambedkar did not visualize education simply as a means for the development of a child's personality or as a source of earning livelihood. Rather, he considered education as the most powerful agent for bringing about desired changes in society and a prerequisite for organized effort for launching any social movement in the modern times. For him, education was an instrument to liberate the *dalits* from illiteracy, ignorance and superstitions and thus enable them to fight against all forms of injustice, exploitation and oppression.

Dr. Ambedkar advised the *dalits* to leave their traditional callings and take up secular occupations, which they could achieve only by educating themselves and their children. By receiving education, including technical and professional education, he believed that the

*dalits* might be able to break the age-old caste-based structure of division of labour in our society.

### Education: Means for Social Emancipation of Dalits

Dr. Ambedkar gave the highest priority to education in his struggle for the liberation of the *dalits* from the age-old oppressive character of the caste-ridden Indian Society. For he believed that it is only education through which various kinds of disabilities of the *dalits* could be overcome and their shackles of social slavery thrown away. Education provides strength and opportunity to them to fight against poverty, disease, and backwardness. Keeping in view the crucial role of education in social emancipation of the *dalits*, Dr. Ambedkar gave the following message to his brethren: "Educate, Organize and Agitate".

This is evident from his speech on the Bombay University Act Amendment Bill in the Bombay Legislative Council on 5 October 1927:

We may forgo material benefits of civilization, but we cannot forgo our right and opportunity to reap the benefits of the highest education to the fullest extent . . . Backward Classes . . . have just realized that without education their existence is not safe.

### Primary Education

Visualizing the importance of education in the modernization of the country, Dr. Ambedkar stressed on rapid growth of education for the masses. Speaking on the Education Bill in the Bombay Legislative Council in March 1927, he drew the attention of the House towards the slow progress made in the sphere of education. He said that the report issued by the then Government of India on the progress of education made a very sad reading. It predicted that if the progress of education went on at the rate at which it was going, it would take 40 years for boys and 300 years for girls of school-going age to be brought under education.

Dr. Ambedkar considered education to be essential for all men and women irrespective of their social and economic status. All men and women must get at least the minimum education so that they may know how to read and write. The primary education caters to the minimum essential need of educating the masses. According to Dr. Ambedkar:

. . . the object of primary education is to see that every child that enters the portals of a primary school does leave it only at a stage when it becomes literate throughout the rest of his life. But if we take the statistics, we find that out of every hundred children that enter a primary school only eighteen reach the fourth standard, the rest of

them, that is to say, eighty-two out of every one hundred replace into the state of illiteracy. He said that the Government should spend sufficient amount of money so that "every child who enters a primary school reaches the fourth standard."

### Higher Education

Dr. Ambedkar was opposed to the separation of the postgraduate faculties from the undergraduate faculties in Universities. He wanted that the undergraduate faculty and the postgraduate faculty should work in an integrated fashion. In fact, higher education comprises both teaching and research. While the teaching work predominates at the undergraduate level, research predominates at the advanced stage. If both the faculties run together in a University, the students at the undergraduate level may get the opportunity to attend the lectures of the senior and distinguished professors. The senior teachers may also get the opportunity to select the best students and train them properly from the very beginning.

In the realm of higher education, Dr. Ambedkar was in favour of giving teachers necessary freedom to frame their own syllabi and assess the performance of their students. He was opposed to prescribing and following a rigidly structured syllabus. In his view, the University may give broad outlines of the courses to be taught and the teacher should be given freedom to teach what he thinks necessary in the light of those guidelines. According to him, the teachers of the University ought, under proper safeguards, to have complete control over the education and examination of the students. He gave emphasis on promoting education and research in Universities rather than converting them into examination-conducting and degree-distributing bodies.

Dr. Ambedkar said that the aim and function of the University education should be to ensure that the teaching done there is suited to adults; that it is scientific, detached and impartial in character; that it aims not so much at filling the mind of the student with facts or theories as at calling forth his own individuality and stimulating him to mental effort; that it enables him to critically study the leading authorities with perhaps occasional reference to first-hand sources of information; and that it implants in his mind a standard of thoroughness and inculcates in him a sense of value for reaching at the truth.

### Disparity in Education

On the basis of statistical data, Dr. Ambedkar showed that the level of education was not the same in all the communities. It followed the

level of the social and economic status of communities. He submitted, on 19 March 1928, a report on the Educational Advancement of Different Communities in Bombay Presidency in 1923 to the Indian Statutory Commission. The report revealed that although the *Brahmins* and the allied castes formed the smallest group in respect of the total population, they stood first in order of the level of education. The data were as follows:

<i>Communities</i>	<i>Order in respect of population</i>	<i>Order in respect of education</i>
Advanced Hindus ( <i>Brahmins</i> and allied castes)	IV	I
Intermediate Hindus ( <i>Marathas</i> and allied castes)	I	III
Backward Hindus (Depressed Castes and Tribes)	II	IV
<i>Mohammedans</i>	III	II

While the Depressed Classes constituted the second largest group in respect of population, they stood lowest on educational ladder. Thus, it followed that if this disparity in education was to be removed, it was necessary that these classes should be given preferential treatment. Dr. Ambedkar remarked that if the Depressed Classes were to be brought to the level of equality with others, the remedy was to adopt the principle of inequality and to give favoured treatment to those who were below the level of education.

### People's Education Society

Dr. Ambedkar founded People's Education Society on 8 July 1945 with a view to advancing the educational interest of the downtrodden sections of the Indian society in general and the Scheduled Castes in particular. Under the auspices of the People's Education Society, he started Siddharth College, Bombay on 20 June 1946. The college was named after Buddha, who was the liberator of the masses from the serfdom of the *Shastras* and a symbol of equality. Buddha stood for social, intellectual and political freedom. He taught equality not only between man and man but also between man and woman. Buddha's teachings, said Dr. Ambedkar, "cover almost every aspect of the social life of the people; his doctrines are modern and his main concern

was to ensure salvation to man during his life on earth and not after his death."

The Milind College, Aurangabad, was the second Institution founded by the People's Education Society. The foundation stone of the College was laid by Dr. Rajendra Prasad in September 1951. King Milind was a great Buddhist scholar. By naming these institutions after Siddharth and Milind, Dr. Ambedkar wanted that their staff and students should emulate the lives and teachings of these great religious preachers and visionaries, known for their values, moral calibre and intellectual integrity. They should follow their teachings in their practical life too. Dr. Ambedkar said that he was always ready to make sacrifices for great values and ideals.

Both these colleges have grown in strength and stature over the years. The People's Education Society later started many more such institutions at various places in Maharashtra. Dr. Ambedkar himself used to supervise the construction work of these colleges. During his visits to Aurangabad, instead of staying in a hotel, he used to stay in a small room of the college-building. The logic behind this was that he did not want to spend money unnecessarily. The society that was running these institutions was a society of the poor and for the poor. Dr. Ambedkar used to visit these colleges quite often and address their staff and students. His addresses were full of knowledge, information and encouragement. He used to narrate his own experiences of student life. He adhered to the view that a person should remain a student throughout his life.

Though these institutions were set up to further the educational interests of the Scheduled Caste people, caste, however, was not the basis for admission of students and appointment of teachers in them. These colleges were open to the students of all the castes and creeds. The sole criterion for the appointment of teachers in these colleges was merit and nothing else. The contribution of any institution is judged by its results. The students of these institutions occupy high positions in all walks of life today. They have made their mark as doctors, engineers, scientists, administrators, professors, principals, judges, lawyers, etc. They are spread all over the country, carrying the messages of Buddha and Babasaheb Ambedkar.

We thus see how Dr. Babasaheb Ambedkar rendered yeoman service to the advancement of education and character-building of the people in the country.

## Social Philosophy of Dr. B.R. Ambedkar: The Quest for Social Justice

*Dr. A.M. Rajasekhariah*

India has produced many a social and political thinker in the course of her long and chequered history, among whom Dr. Babasaheb Ambedkar ranks as one of the most prominent. His personal and bitter social experiences, progressive and liberal western education, extensive reading and research and his contact with the masses, provided him the required perspective, theoretical framework, and the depth and dimension for understanding and analysing any problem, particularly the social problems of India. Dr. Ambedkar was a rare combination of a political leader, legal luminary, constitutional expert, and erudite scholar and champion of the downtrodden masses, whose memory will never fade from the minds of the suffering masses. Mr. Joachim Alva writes on Dr. Ambedkar thus:

He (Ambedkar) was a great scholar, his penetrating intellect set on that massive figure of his, can carry him through anywhere, at all times, at all places.<sup>1</sup>

Dr. Ambedkar was one of our most prominent social thinkers, whose ideas on the caste system, its genesis, development, mechanism and evil effects opened up a new vista and a new horizon. His findings on the origin of the *Shudras* and their development, and of the practice of untouchability, etc. speak volumes for his intellectual capacity. He studied Indian social history carefully and minutely and contributed a great deal to Indian social theory and its development. According to Dr. Ambedkar, Indian social history is nothing but a glorification of upper castes and degradation of the lower castes and lower strata of society. He considered the caste system as an artificial creation of vested interests and their proponents. It fragmented Indians into artificial divisions and thereby conferred a 'privileged' position on the upper castes and relegated the lower castes to a slavish and menial position.

### Dr. Ambedkar's Social Philosophy

Any social philosophy has to be necessarily "an enquiry into society as a whole, striving to analyse its nature as well as the laws that govern its existence, its life and its action".<sup>2</sup> Man is the constituent unit of all social existence; from him all social activity springs. He has his goals and values. The task of discovering the ultimate goal of man's life is the function and purpose of social philosophy. Dr. Ambedkar addressed himself to this task in the context of the Indian social milieu.

With his penetrating mind and social diagnostic skill, Dr. Ambedkar attempted an incisive analysis of the Hindu social organisation which he found to be tradition-bound, conservative and insular. He criticised the Hindu social system and religious laws as being inhuman, unscientific and irrational. They placed the 'untouchables' in a desperate and helpless position. As a result, they remained oppressed, unorganised and poor. It was the deplorable state of these hapless human beings that motivated Dr. Ambedkar to trace the historical origins and development of the cruel practice of untouchability, the caste system, and the *Shudras* themselves. He identified the hypocrisy and conspiracy of the upper caste Hindu thinkers, who, by virtue of their advantageous position, created inhuman, illogical and irrational social and religious laws and inflicted untold human miseries on the 'untouchables' and on their social, economic and cultural lives. Thus these people remained oppressed, suppressed and poor in the Hindu social hierarchy through the ages. Perhaps, it was such appalling conditions that prompted Dr. Ambedkar to write remarkable treatises such as: 1. *Annihilation of Caste*. 2. *Who Were the Shudras, and How They Came to be the Fourth Varna in Indo-Aryan Society?* 3. *The Untouchables: Who Were They and Why They Became Untouchables?*

Dr. Ambedkar's social philosophy may be said to have two aspects: the negative and the positive. In its negative aspect (as we may call it), he wanted to destroy the existing unjust social order by denouncing and rejecting the irrational division of society into four *Varnas* or classes, viz. the *Brahmana*, *Kshatriya*, *Vaisya* and *Shudra*, based on the principle of 'division of labour' and heredity. Dr. Ambedkar refuted this theory of *Chaturvarna* and argued that it not only divides the society artificially into water-tight compartments but also leads to the "division of the labourers". It is opposed to the principles of natural law and the spirit of human development. He forcefully argued that the *Chaturvarna* system was created deliberately to deprive the *Shudras* of their social, economic, educational and cultural rights. Dr. Ambedkar was a fierce critic of the entire scheme of Manu's social organisation. He rejected Manu's theory *in toto*. To quote him:

There is no code of laws more infamous regarding social rights than the laws of Manu. Any instance from anywhere of social injustice must pale before it.<sup>3</sup>

Dr. Ambedkar supported liberal theories and held that since every man is born free he has the inalienable right to question the validity of laws and the authority of the rulers. Because the *Shudras* accepted such inhuman laws without questioning their authority, they became part of such an exploitative and tyrannical social system. This vicious circle reduced the *Shudras* to the status of being probably the most wretched class on earth. Dr. Ambedkar said: "The lower classes in India have been completely disabled for direct action on account of the *Chaturvarna* system."<sup>4</sup> He wrote in his book, *Who Were the Shudras, and How They Came to be the Fourth Varna in the Indo-Aryan Society?*

... for ignorant and uninformed *Shudras* who do not know how they came to be what they are . . . only *Shudras* can destroy *Chaturvarna* . . . I allow the necessity of educating and thereby preparing the *Shudras* fully for such a sacred task.<sup>5</sup>

In fact, Dr. Ambedkar refuted the *Chaturvarna* theory and argued that there were only three *Varnas* — the *Traya Varna* — in the *Aryan* society. According to him, the *Shudras* were not a separate *Varna*, but were a part of the *Kshatriya Varna*. They emerged as the fourth *Varna* from the conflict between the *Kshatriya* kings and the *Brahmins* as they were denied the sacred thread by the latter. (The sacred thread in ancient India presupposed a higher social and economic status.) Owing to the denial of the sacred thread by the *Brahmins*, the *Shudras* were socially degraded and demoted to the rank of the fourth *Varna*. In support of his argument, Dr. Ambedkar quoted *Purusasukta*, *Satapatha* and *Taitriya Brahmana*. He also cited Western scholars such as Max Muller and Max Weber and pointed out that in all their works reference is made only to three *Varnas* in the early *Aryan* society.

Dr. Ambedkar also denounced the caste system which was a direct outcome of the *Chaturvarna* theory. It was mainly responsible for the origin and development of the institution of castes in India. In course of time, the four *Varnas* came to be divided into hundreds of castes with many more sub-castes, thus dividing, sub-dividing and fragmenting the Indian society. Caste system divides society into separate units, each unit markedly different from the other. This compartmentalisation is maintained by instilling, among the members of a particular caste, feelings of prohibition, separation and fear. This division of society into castes and subcastes has shaken the very roots of the Indian social structure and has caused tensions and caste wars.

It has fomented hatred, contempt and jealousy among the people for centuries. The Indian society and polity suffer the evils of caste system even today, thus posing a serious threat to the unity and integrity of the nation.

Dr. Ambedkar believed that in India classes had become castes through 'limitation' and 'excommunication'. The castes have also been taken as units that formed the basis in determining relations between individuals belonging to a different group, with the accompanying social and economic ramifications. Among the several points of such relationship, the notion of 'pollution' that follows the 'touch' or 'physical contact' of a person of one group with that of the other is relevant to our purpose. *Manusmriti* refers to different kinds of 'defilements' arising out of even the most normal and frequent occurrences in a family such as birth, death, menstruation and cohabitation which were the chief sources of impurity.<sup>6</sup> This idea of individual pollution was extended to territorial and communal pollution for which there were purificatory remedies. No wonder then that with such practices and beliefs at the base, the Hindu society developed a more serious form of untouchability in the course of its evolution. "It is the hereditary untouchability of certain communities",<sup>7</sup> which had no purificatory remedies. They "are born impure, they are impure while they live, they die the death of the impure, and they give birth to children who are born with the stigma of untouchability affixed to them. It is a case of permanent, hereditary stain which nothing can cleanse."<sup>8</sup> In other words, the 'untouchables' carried the stigma of inferior status forever, without any remission or redemption, either in this world or in the next. Such an institution has no parallel anywhere in the world. Thus it is hardly surprising that Dr. Ambedkar was totally preoccupied with the origin of untouchability and its ramifications.

There is a great controversy as well as confusion and distortions about the origin of the practice of untouchability. There is no unanimity among historians, sociologists and thinkers on the issue. The pertinent question is: When the 'untouchables' are not a part of the *Chaturvarna* scheme, where do they belong? They are called *Avarnas*, i.e. they have no *Varna*; rather, they are outside the *Varna* scheme. To understand the psychological, historical and sociological issues involved in the theory of the origin of untouchability, Dr. Ambedkar undertook an indepth research and analysis, which was mostly speculative in approach owing to paucity of historical documents, and wrote his findings in his valuable work on 'untouchables'.<sup>9</sup> Dr. Ambedkar held that the 'untouchables' are distinct from 'impure'. All orthodox Hindus committed the mistake of identifying the impure with the 'untouchables'. While the impure as a

class came into existence at the time of the *Dharma Sutras*, 'untouchables' came into being much later. It is interesting to note his concluding observation here:

We can therefore say with some confidence that untouchability was born some time about 400 A.D. It is born out of the struggle for supremacy between *Buddhism* and *Brahminism* which completely moulded the history of India and the study of which is so woefully neglected by the students of Indian history.<sup>10</sup>

Thus Dr. Ambedkar rejected the *Chandala* theory to explain the origin of untouchability, and showed that untouchability arose out of an accident in history much later, say about 400 A.D. The so-called untouchables were originally Buddhists. With the decline of Buddhism, they were sucked into Hinduism and subjected to indignity and infamy. Vested interests belonging to the upper caste Hindus were certainly behind this move; they had to be protected at any cost even if it meant that a whole section of people were to be treated as less than humans. Having segregated one section of people as beyond redemption, they had perforce to find a religious ground to justify such a segregation. Furthermore, Dr. Ambedkar held that impurity and pollution are not terms associated with secular ideas nor with profane practices. They definitely belong to the realm of sacred or religious doctrine. Therefore, the *raison d'être* of untouchability could be found in religion. It is only the force of religion that can give permanence to a social habit, for no social custom or practice is immutable. So the upper caste Hindus exploited religion to justify the practice of untouchability. Dr. Ambedkar successfully exposed this hypocrisy and the misrepresentation of the *Shastras* by building up a more scientific explanation to the origin of untouchability by pointing out that it has no racial basis. It was on these grounds that he tried to convince those who objected to its abolition. He said that untouchability could be completely eradicated, once its opponents knew that it has no racial basis. Hence the significance and value of his study and research on the origin of untouchability.<sup>11</sup>

Dr. Ambedkar was in fact struggling with the unholy nexus between religion, caste and untouchability. Since caste system and untouchability are deep-rooted in the socio-economic, religious and cultural spheres of life, he came to the conclusion that unless and until the religious basis in the form of *Chaturvarna* and the caste is demolished, untouchability cannot be removed. He called for a total annihilation of the caste system and its allied practices. His major objective was to transform the very nature of the Hindu society so that a free and independent India could proudly claim to be a democracy. He was striving to transform a social organisation which was tradition-bound, conservative and insular, which had seldom yielded to

pressures whether from within or outside, to restructure itself into a modern, progressive and open society. He also had the insight to realise that the Hindu religion with its innumerable castes and sub-castes posed a serious problem in any effort towards unification of India politically, socially and economically. Therefore, Dr. Ambedkar totally denounced the caste system and its allied practices. But more than finding a mere diagnosis of this deep-rooted malady, he was in search of a cure that would make free India a healthy, cohesive and progressive political system, based on democracy, secularism and socialism.

### **Social Justice — The Goal**

The positive aspect to Dr. Ambedkar's social philosophy was his concern for justice to the 'untouchables' in particular, and to all the people of India in general. He was fully aware of the fact that it is difficult to get justice from people so deeply engrossed in a religion which according to them had given its seal of approval to the practice of caste system. As the Chairman of the Drafting Committee of the Constituent Assembly, he was striving his utmost to write *justice* in capital letters in the Constitution of India. He must have been greatly disappointed to realise how justice, as a ruling principle in the Hindu society and polity, could only be in name and not in reality. Perhaps, when he became deeply convinced that the principle of justice would never come to its own in this society, which had shown no inclination to appreciate it fully because of its traditional inhibitions, he decided upon certain constitutional, social, religious and political remedies.

In the course of his public life of over three decades, Dr. Ambedkar was fully convinced that politics should be the instrument to fight for justice by equipping all sections with equal freedom. So he assiduously worked towards his goal of justice to the 'untouchables' in an unjust society, mainly through political means. He was fully conscious of the need for dealing with the question of the 'untouchables' as a political minority, and not as a religious-caste group only. So he took the earliest opportunity to demand their recognition as a distinct political minority, in the political life of the country, entitled to safeguards in any constitutional arrangement. In his Memorandum to the Indian Statutory Commission, the Southborough Committee, the Round Table Conferences, the Cabinet Mission and the Constituent Assembly of India (before he became a Member), he consistently demanded the recognition of 'untouchables' as a political minority. Dr. Ambedkar declared at the Round Table Conference:

... the problem of the depressed classes is, I submit, eminently a political problem and must be treated as such... I think it would be just and proper for us to insist that the best guarantee for the settlement of our problem is the adjustment of the political machine itself so as to give us a hold on it, and not the will of those who are contriving to be left in unfettered control of that machine...<sup>12</sup>

In other words, he was pleading vehemently for a due share in the political power of the country for the 'Depressed Classes' or 'untouchables' through separate and special representation through required constitutional safeguards.

To Dr. Ambedkar, politics was a mission rather than a leadership game for personal gain and aggrandisement. He based his politics on certain principles which he had scientifically formulated, and courageously accepted and practised. As the champion of the 'untouchables', he put the entire problem of justice for them in a wider perspective of nationalism, democracy and social justice. And, it is in this perspective that he wanted to vitalise the national life of India which was steeped in traditionalism and parochialism — the major obstacles to democracy. To Dr. Ambedkar, democracy was a more comprehensive system encompassing the social, economic and political organisation of the society. In his own words:

A Democratic form of government presupposes a Democratic form of society. The formal framework of Democracy is of no value and would indeed be a misfit if there were not social Democracy. The politicals never realised that Democracy was not a form of government; it is essentially a form of society.<sup>13</sup>

In fact, his approach to the problem of untouchability in India was an essential part of his view of democracy. He had rightly laid his finger on the very character of Indian society in which politics was based on exploiting the religious sentiments and the caste system. He felt that unless this outlook was changed and the society secularised, the representative Government would not be able to function at all. So long as this religious character of the society was preserved, the Depressed Classes had to be protected by special safeguards.

Dr. Ambedkar's main concern was the secularisation and democratisation of the Indian society and polity as a prerequisite for dispensing justice to one and all. He always maintained that there cannot be an economic and political revolution in India unless the caste system was totally abolished. He made it clear that only a secular India in which the death-knell of casteism is sounded would be fit for a socialistic pattern, based on equality and justice.<sup>3</sup> No wonder that Pandit Nehru was virtually swayed by Dr. Ambedkar's influence to accept secularism as the only way to solve the grave problems that confronted this vast country with its multiplicity of religions, castes,

creeds and cultures. Perhaps, it was the hand of destiny that gave Dr. Ambedkar an opportunity to draft the Constitution of free India, ushering in a socialist, secular and democratic society with safeguards for the minorities.

Dr. Ambedkar thus emerged as the great constitution-maker of our times in his capacity as the Chairman of the Drafting Committee of the Constituent Assembly of India and as the first Law Minister of free India. He got the opportunity to give expression to his views on the various problems of the Indian society and polity, that is, to safeguard the rights of the minorities and the Depressed Classes in particular and the people of India in general in the Constitution of free India. As Law Minister, he also proposed, through the Hindu Code Bill, to bring about revolutionary changes in the Hindu law and society. But he could not succeed.

The measures suggested by Dr. Ambedkar for uprooting the practice of untouchability can be divided into social, political and constitutional categories which followed the establishment of an egalitarian and just society. These social measures included: abolition of caste system, encouraging inter-caste marriages and inter-dining, creating social awareness among the people about the irrationality of the caste system and the practice of untouchability, organising the people to fight against these evils, and abolition of the Scheduled Caste ghettos under the New Settlement Movement Act, 1942 and assimilating the 'untouchables' with upper caste Hindus. The political measures included creating opportunities for the Depressed Classes for an effective participation in the political process and granting them a fair share in the political power of the country through reservation of seats, separate electorate and protective discrimination. Dr. Ambedkar exhorted his people to demand these things as a matter of right upheld by law and statute, thus enabling them to have equal rights as others. Under Arts. 14-16, the Constitution guarantees the right to equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, equality of opportunity in matters of public employment, of course, authorising the State to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes. Article 17 categorically states that untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with the law. Article 46 is intended to promote the educational and economic interests of the Scheduled Castes and Scheduled Tribes and other weaker sections of the society. In the course of Arts. 330, 332, 335, 338, 339, 341 and 342 of the Indian Constitution, provision is made for various political

safeguards such as reservation of seats for the Scheduled Castes and Scheduled Tribes in the Central and State legislatures, and in services. Dr. Ambedkar had hoped that these and many other political and constitutional safeguards would help the people to liberate themselves from the clutches of caste politics and pave the way for the emancipation of the Depressed Classes. But his efforts did not yield the desired results. It is rather unfortunate that the traditional and insular nature of the Hindu society did not accept the politico-legal and constitutional measures envisaged by Dr. Ambedkar. He was convinced that the political solution was not going to bring his outcaste community anywhere near the goal he had envisaged. He was a very sad and disillusioned man. This feeling of disillusionment in the post-Constitution period was aggravated when the Hindu Code Bill, for which he had worked so assiduously, was practically shelved in spite of Jawaharlal Nehru's assurances to him. In such a situation, he must have surely realised that there was no way in which the uncompromising attitude of the upper caste Hindus could be reconciled to the demands of justice by the 'untouchables'. Hence it was more in despair than as a political ruse or expedient that this great leader was compelled to search for a faith which would promise a destiny—political, social and religious—to the 'untouchable' to enable him to realise his fulfilment as a person and human being. Dr. Ambedkar naturally began to feel the clawing hand of frustration. His zeal, unflagging as ever, could not but search for a spiritual answer to the problem. Finally, he found the answer in Buddhism. So Dr. Ambedkar, along with his countless followers, embraced Buddhism to derive solace and justice.

### Conclusion

A close scrutiny and an objective analysis of Dr. Ambedkar's views on the problems of the Hindu society *vis-a-vis* the 'untouchables' would lead to the conclusion that he was not just a political leader and spokesman of the Depressed Classes alone. His writings, his ideas and his outlook could very well be characterised as belonging to that trend of thought called *social humanism*.

Dr. Ambedkar's social philosophy emerged from his intense social urge and relentless struggle for the emancipation of the servile classes of India—the *Shudras* and the 'untouchables'. He revolted against the tradition bound and insular Hindu society which oppressed and suppressed the downtrodden and the underprivileged. He developed a particular kind of socio-ethical philosophy which was characteristically his own. He steadfastly stood for human dignity and freedom, socio-economic justice, material prosperity and spiritual

discipline His name will glitter for ever in the firmament of Indian history not only as a great social philosopher, but also as a great revolutionary who dedicated his entire life to the cause of the underprivileged, downtrodden masses of this country.

Dr. Ambedkar was a multidimensional and multifaceted personality who, by virtue of his intellectual power and social commitment, emerged as a great emancipator of our time. His ideas and ideals are relevant and useful for all time, and should inspire and guide the leaders as well as the masses of our country today. It is quite appropriate that the Birth Centenary Year of this great social humanist is designated as the Year of Social Justice as a fitting tribute to his memory.

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## Social Mobility in India: A Study of Depressed Class

K.D. Gangrade

The framers of the Constitution, especially Babasaheb Ambedkar, enunciated the policy of reservation for uplifting certain sections of society which were subjected to untold discrimination for centuries. Considering the magnitude of the human problem involved, nobody had any reservation about the necessity of such a protective measure. In hindsight, one wonders as to why this special treatment was restricted to ten years initially. There would have been no difficulty in realising that ten years was too short a period to tackle such a daunting problem. The government therefore has been forced to keep on extending reservation beyond the four decades of its existence.

In the absence of a strong political will and minimum honesty in administration, the benefits of the policy of reservation do not reach the deserving people. The unscrupulous politicians used this policy as a handy tool for getting short term gains. So much vested interest has got entrenched into the administration of this policy that all political parties, leave alone the ruling party, compete with one another in exploiting and perpetuating the miseries of these segments of society for partisan purposes.

Babasaheb Ambedkar wanted to create an atmosphere which would foster self-motivation, self-assessment and self-confidence in the Depressed Classes who had been denied their rightful place and status in the Hindu society. He had committed himself to raising their status by education and providing special constitutional measures to remedy their lot. He tried to inculcate a sense of self-respect and aspiration for social justice among them. Gandhiji also made eradication of untouchability as the central mission of his constructive work programmes and as a part of penance for the Hindu society. We need to make extensive empirical studies to realise that the problem continues to be as daunting as before with more imponderables coming into play. The following is a case study of a village near Delhi to examine social mobility amongst the Depressed Classes.



The study of social mobility of a caste<sup>1</sup> or castes is comparatively a new phenomenon in India. Till recently, it was felt that membership of the caste is acquired by birth. It not only directs the individual's relationship and dictates his concept of who he is as a human being but also prevents his mobility in the social hierarchy. The earlier studies, relating to caste system, were mostly confined to segmental division of society, restriction on inter-caste relations, commensality, inter-caste marriage, rights and disabilities of different castes, etc.<sup>2</sup>

The first detailed and exhaustive study of social mobility was made by Srinivas in a Mysore village. His work on Coorgs<sup>3</sup> not only showed that mobility is possible within the caste system, but also pointed out that there had always been mobility within the caste system and the individuals and the groups, through their own conjoint efforts and adoption of *sanskritic*<sup>4</sup> values, brought out this mobility. With his work on Coorgs, attention of the scholars was drawn to this dynamic aspect of the mobility within the caste system. Bailey's study of an Orissa Village<sup>5</sup> further confirmed Srinivas's findings and indicated that a caste occupying low status in the caste hierarchy can move up through manipulation of appropriate mechanisms. Alexander's study on social mobility of *Pulayas* in Kerala<sup>6</sup> and Lynch's study of *Jatavs* of Agra<sup>7</sup> are some of the important studies which also corroborated the fact that mobility within the caste system is possible.

There appears to be considerable degree of difference of opinion among the scholars about the factors responsible for the mobility. For instance, Srinivas has talked about *sanskritisation* and westernisation as most important factors for social mobility, whereas adoption of reference group behaviour and political participation were considered as important factors for mobility by other scholars. In fact, the factors contributing to social mobility of a caste or castes are many and varied and they vary from one place to another, one culture to another, and from one time to another. In general, these factors are adoption of *sanskritic* values, reference group behaviour, political participation, change in educational standard, occupational pattern, income, life style and aspirations of the members of the caste or castes.

Social mobility, according to Lipset and Bendix<sup>8</sup>, refers to a process by which the individual moves from one position to another in society-positions which by general consent have been specific hierarchical values. Rogoff<sup>9</sup> also used the term *social mobility* in this limited sense. A much wider connotation of the term was put forward by Cameran. According to him, "social mobility occurs when a fairly large number of people band together in order to alter or supplant some portion of the existing outline or social order", or "redistribute the power of control within a society"<sup>10</sup>. Mahapatra<sup>11</sup>, while critically reviewing the concept of social mobility, however, felt

that "movement occurs when a fairly large number of people or an otherwise identifiable segment of the population deliberately band together for collective action in order to alter, reconstitute, reinterpret, restore, project, supplant, or create some portions of their culture or social order or to better their life chance by redistributing the power of control in a society. These movements occasion repeated collective action over a length of time".

Social mobility, for the purposes of the present study, refers to movement of the *Harijans*<sup>12</sup> from lower to higher social status partly due to their own sustained efforts, over a period of time, to change their position and partly because of the changes that have occurred in the socio-economic life and life style of the *Harijans* in the general society. The present chapter aims at analysing social mobility among the Depressed Class,<sup>13</sup> namely, the *Harijans* in the State of Haryana. The analysis of social mobility includes discussion about the changing profile of the *Harijans* of the village since Independence and their movement from lower to higher status. In analysing the social mobility, efforts have also been made to make a comparative study of mobility among the different castes, specially *Chumars* and *Bhangis*, within the *Harijans*. The importance of this study lies in the fact that it not only explains the social mobility of lower castes within a particular village but also helps in understanding the trends of change and social mobility of lower castes in India.

The data for the study, besides documentary sources, were collected through interview schedules and non-participant observations. The schedules were administered to the heads of each of the *Harijan* families living in the village Chhattera in the State of Haryana to collect data on marriage, family structure, authority in the family, status of women, social commensality, dress, diet, ornaments, housing and habitation. The information about social mobility was also collected through interview schedules. Non-participant observation method was employed by staying in the village for a period of about one year primarily to supplement the data gathered through interview schedules. Documentary sources, which included census reports, district gazettes, were also used to collect and supplement data on the changing profile of the *Harijans* in the village. Several limitations were faced in conducting this study such as suspicion about the intention of the researcher and non-cooperation from the members of the higher castes.

### The Village and the People

The village Chhattera is situated at a distance of 25 miles from Delhi. It is connected with Delhi both by rail and road. This connection has

proved helpful to the villagers. It has enabled 140-60 villagers (40-45 of them are *Harijans*) to commute to the city for work.

It is a multicasite village. It has 10 castes, 135 families and 1078 people. The caste-wise distribution of the population is given below: *Brahmins* (Priests)—246, *Jats* (Landowner-cultivators)—355, *Banias* (Traders)—45, *Sonars* (Goldsmiths)—40, *Lohars* (Blacksmiths)—35, *Khatis* (Carpenters)—33, *Jogis* (Tailors)—65, *Nais* (Barbers)—14, *Kumbhars* (Potters)—12, *Harijans* (Scheduled Castes)—233. The *Harijans* comprise *Chamars* (Leather workers) and *Bhangis* (Sweepers), numbering 113 and 120, respectively. Together they constitute 21.6 per cent of the total population. Among the 233 *Harijan* population, 123 are males and the rest are females. This shows that there is a preponderance of males over the females, which is also the characteristic feature of the region. The distribution of the *Harijan* population by age is found to be as follows: 0-14 years—8; 15-54 years—111; about 55 years and above—114. The total number of their families is 32 (*Chamars* 12 and *Bhangis* 20). This works out to be 23.70 per cent of the total families of the village.

The settlement history of the village indicates that the *Jats* and *Brahmins* were the first to settle in the village. They later brought the *Harijans* to the village to work in their fields to help them in agriculture and to serve them. They were given place at the outskirts of the village for their settlement.

The main occupation of the villagers is agriculture, although ownership of land is confined to only *Jats* and *Brahmins*. The *Harijans* do not have any agricultural land. But they no longer form the mass of the unskilled landless labourers.

The study of the occupational pattern of the *Harijans* shows that a good majority of them have disassociated themselves from their traditional occupations. The factors which have largely contributed to the change in occupation of the *Harijans* are increase in job opportunities, facilities provided by the Government, change in their educational status, and increased unemployment in the village due to mechanisation of agriculture. The most important factor for this change is not only that better opportunities are available to them but their own desire to improve their lot to attain a higher status in the society. It is significant to note that the change in occupation among the *Harijans* is much more pronounced in the younger generation than the older generation. However, the older generation has not lagged behind, and most of them are fast giving up their traditional callings.

The average per capita income of the villagers is calculated to be about Rs. 750 per year. The *Jats* and the *Brahmins* have the highest per capita income; next to them are the *Harijans*. Economically, the

*Harijans* stand on a better footing as compared to many other castes such as *Nais*, *Khatis*, and *Jogis*. The per capita annual income of the *Harijans* is about Rs. 550, whereas for *Nais*, *Khatis* and *Jogis* it varies from Rs. 450 to Rs. 500.

Nearly 48 per cent of the villagers are literate and educated. The literacy rate among the *Harijans* is over 40 per cent; the *Chamars* alone have nearly 45 per cent, as opposed to 15 per cent during the pre-independence period. The literacy rate among the *Harijans* is higher in comparison to *Nais*, *Khatis*, *Jogis*, *Sonars*, *Lohars* and *Kumbhars*.

In respect of dominance of one caste over other castes, it has been found that the *Jats* are the most dominant because of their numerical strength, economic superiority and land ownership position. Next to the *Jats* are the *Brahmins*. The *Harijans*, particularly the *Chamars*, are regarded as the third dominant caste in the village.

The villagers are conscious about the political process that is going on in the country. But their participation is limited to elections for village *panchayat*, state Assembly and Parliament. Political participation or membership of any political party is not considered important by the villagers in their day-to-day life. According to them, politics means conflicts, dissensions and divisions, and should therefore be avoided.

The other important features of the village are that it has a middle school, a sub-post office, and a youth club. All these have been recently organised in the village by some youth workers, including a few young educated *Harijan* workers. The village has been adopted by the *Hindustan Times*, a national daily newspaper, which looks after its developmental activities and gives a fortnightly feature on the village life. It has been frequently visited by distinguished visitors from different parts of India. The activities of the *Hindustan Times* have introduced a number of innovations in the field of agriculture as well as social, economic and educational life of the villagers.

A good number of villagers (60-70) have moved to different places of India mainly on pilgrimage. Military services have also enabled 20-25 villagers, including 10-15 *Harijans*, to travel to different places in India and abroad. The villagers, in general, attach greater significance to movement and, as a result, the people who have moved to different places enjoy greater importance in the village. Therefore, it is significant to note that higher social status is related to geographical movement as well. This movement brings new ideas, and people listen to a variety of experiences gained by the visitors.

### Changing Profile of the *Harijans*

The discussion on the changing profile of the *Harijans* is in respect of their marriage, family structure, authority in the family, status of women, social commensality, dress, ornaments, diet, housing and habitation, and possession of modern gadgets.

### Marriage

Marriage among *Harijans* in the village was considered traditionally a sacrament, and not a contract. This attitude governs their lives even today. The people believe that marriage will help in the attainment of salvation as it will make it possible to practise *dharmā*. But this does not mean that they do not allow dissolution of marriage. On the contrary, they allow dissolution of marriage and divorce on several grounds. A man can seek dissolution of marriage and divorce his wife on the grounds of her disobedience, bad character, barrenness, and chronic illness. A woman, on the other hand, can ask for divorce from her husband on account of cruelty, impotency, inability to maintain her, and chronic illness. But all cases of dissolution of marriage and divorce will have to be approved by their respective caste *panchayats*. Since the last 50 years, only four such cases have taken place. In three cases, men (all *Bhangis*) have asked for divorce, and only in one case was a woman (*Chamar*) a party to seek divorce. The figures thus indicate that though divorce is permitted, yet its incidence in the village is rare as it is neither encouraged nor approved by the people. The *Harijans*, both *Chamars* and *Bhangis*, approve remarriage of their young widows in order to provide them with security, protection and family life.

The *Harijans*, both *Chamars* and *Bhangis*, still prefer early marriage of their children. Girls get married between 8 and 14 years of age, whereas the marriage age of the boys varies from 15 to 20 years. The primary reason for their preference for early marriage is to marry the girls before they attain puberty. The other reason is that the parents want to fulfil their responsibilities by marrying their children at an early age. Failure to give their children or wards in marriage may bring condemnation for the parents or guardians. Another reason, which also contributes to this early marriage, is the prevalence of the system of bride price<sup>14</sup> amongst the *Harijans*. The bride price varies on the basis of age: the younger the bride, the lesser is the price. The *Harijans*, particularly the *Bhangis*, prefer early marriage of their children. At the time of this study, there was not a single *Harijan* male in the village, who was not married and was above 20 years of age.

In the selection of a bride or a groom the factors that play an important role are caste, sub-caste, *gotra*, family background, and

physical appearance (the last one in the case of the selection of a bride). All these factors limit the range of selection and confine their marriage relationship within the limited area. The *Chamars*, in addition to the above factors, take into consideration education, occupation and income of the bridegroom for marital purposes.

The existing customs and traditions require that marriage should be arranged with the help of middlemen. They are the main negotiators between the two parties. But the younger generation prefers to have the marriages arranged by parents rather than the middlemen. In the process of negotiation, the middleman, mostly a relation, plays an important role. The importance of the middleman is so great that in some cases parents even do not like to see the prospective brides or grooms and entirely depend on him for the marriage of their children. Recently, the desire of the parents to see the brides or the grooms themselves for their sons or daughters to avoid future complications and non-availability of a reliable middleman, etc., are some of the factors which are reducing the importance of the middleman as go-between the two parties.

Of all the eight forms of marriage, *Asura*<sup>15</sup> form of marriage was most common among the *Harijans* in earlier times due to the prevalence of the system of bride price. Recently, *Prajapatya*<sup>16</sup> form of marriage has been found to be more acceptable among *Harijans* because of their desire to achieve higher social status. The *Harijans* feel that the practice of this form of marriage will reduce the social distance between them and the higher castes as the latter also practice the same form. In the *Prajapatya* form, instead of bride price, dowry is given and this does not involve the sense of purchase.

With the change in the form of marriage, marriages are now solemnised by the *Brahmin* priests, whereas previously marriages were mostly performed by the persons of their own caste men, usually the maternal uncles because of the refusal of the *Brahmin* priests to conduct the rituals relating to their marriages. Change of social and economic conditions and attitude towards performance of marriage have contributed to the emergence of this situation. It is significant to note that these changes are taking place more among the *Chamars* than the *Bhangis*.

### Family Structure

The *Harijan* families, excepting two which are polygamous, are all monogamous, whereas a few decades ago, the majority of them had polygamous family structure. Polygamy is no longer regarded as a custom and it is neither encouraged by public opinion nor do successful *Harijan* males practise it. The replacement of polygamy by

monogamy may be attributed to their change in attitude towards life and marriage and to the influence of customs and traditions of the higher castes. Castes like *Jats* and *Brahmins* are at present preferring monogamy; so it has become a symbol of higher caste behaviour.

Earlier, the majority of the *Harijans* lived and preferred to live in joint families which consisted of husband, wife, their children and other dependants. The dependants sometimes included their own parents and minor siblings. Sometimes grown-up sons also lived with their parents along with their wives and children. Recently, however, a significant change has occurred in the family structure. The *Harijans* have developed a liking for the nuclear families comprising the husband, wife and their minor children. The proportion of such families at the time of the study was 44 per cent. The factors which contribute to this change are many and varied. The most important factors are:

1. Conflict of values between the parents and their children as also between the mothers-in-law and daughters-in-law.
2. Greater desire to lead relatively independent life, especially among the younger generation.
3. Desire to avoid unnecessary quarrels and disputes within the family.
4. Lack of proper and adequate accommodation in parental home.

The *Chamars* have more nuclear families than the *Bhangis*, because in comparison to the *Bhangis* they have advanced more in education and employment. This, in turn, has encouraged them to live separately and independently of their parents.

#### Authority in the Family

It is found that some significant changes have taken place in the family with regard to the exercise of authority. Formerly, fathers or the male heads of the families exercised authority and power. They were regarded as undisputed heads of the families. They could do and undo anything without consulting anybody. Now the father or male head of the family is no longer regarded as undisputed head. The authority is now shared between female members and also the grown-up children. The decisions regarding construction of houses, purchase of lands, entering into legal suits, marriages of the children, etc., are mostly taken together and jointly. This new development concerning shift and dispersal of authority is very much liked by the members of the family. It gives them an opportunity to have some say in the decision-making process affecting the family.

The factors which have brought about such transformation are education among the younger generation and their greater contact with the outside world. The realisation among the older generation about the changing trends in the society has been of great help in this shift. The older generation has realised that for peaceful co-existence, they should share some of the authority with the younger members of the family.

#### Status of Women

In comparison to women of other castes in the village, the *Harijan* women enjoyed and are still enjoying mostly an equal status with men. Although the husband is the head of the family, yet the husband-wife relationship continues to be more or less equal or, if it is unequal, there is not as much gap as in the case of higher castes. The reasons for allowing women almost an equal status with men are: the prevalence of the system of bride price, their relative economic independence, and the attitude of the *Harijan* males towards their women folk. The *Harijans* do not consider their women as a liability. They consider their women as equal partners since they are relatively economically independent. Though Srinivas has said that *sanskritisation* among the castes lower in the hierarchy results in the deterioration in the status of women,<sup>17</sup> yet such a loss of status has not been found taking place among the *Harijans* in the village Chhattera. The equality in the status of the husband and wife is found in a number of behavioural patterns between men and women in the village. For instance, women can be seen sitting and talking in the presence of their husbands without any inhibition. Seldom are they found getting up from their seats as their husbands come to the house. In many cases, both the husbands and the wives take food together and go out to fairs and markets and visit friends.

In the families the daughters also do not suffer from any loss of status and within the family no discrimination is made among the children on the basis of sex. Both male and female children grow up without any segregation and move about without any inhibition and mix freely with others.

#### Social Commensality

Like other castes in the village, both the higher and middle<sup>18</sup>, the *Harijans*—the *Chamars* and the *Bhangis*, still observe certain rules governing commensality, and no significant change has taken place in this respect. Members of the same caste and sub-caste usually dine together. They smoke from the same *hookah* unless ostracised from

the caste or are suffering from serious infectious disease. Beyond the caste and sub-caste, commensality observance is more rigorous.

The *Chamars* and the *Bhangis* are next door neighbours in the village but the former are ever hesitant to dine with the latter. Of course, this commensality rules may be overlooked on the political platform and the social distance observed may be glossed over to emphasise the solidarity of the *Harijans*. But in actual practice, a discernible distance is maintained in food, drink and contact, although the educated and progressive younger generation is trying to defy these rules.

### Dress

There is some change in the dress pattern of the *Harijans*. The change, whatever little it might be, is in accordance with the change in general dress pattern of the people. The dress pattern in the village varies with sex and age, and not so much on the basis of castes. This is why the *Harijans* follow mostly the same pattern of dress as all others in the village. The only caste difference which can be observed in the village is in relation to the use of *pagri*. While all the elderly Jats use *pagri*, especially when they go out, *Harijans* do not use *pagri* regularly.

The elderly men use *dhoti* and *kurta* and during winter, in addition to this, they use a kind of warm cloth called *kambal* or *khais*. Recently, the younger people have started using trousers and shirt or *pyjama* and *kurta* while going out of the village. The young children (male) use half-pants and shirt for going to school and *pyjama* and shirt inside the village.

The women have a greater variety of dress and they use more number of dresses than their men folk in the village. The elderly women who are within the age group of 25-40 and are married mainly use loose *pyjama* and *kameez*. The unmarried and young girls use relatively tight *pyjama* and *kameez* inside the village, and suit comprising *salwar* and *jumper* outside the village. *Tuli*, an unlaced shoe, made locally, is the most common footwear of both the sexes in the village. Rarely any man or woman, excluding young kids, will be found moving bare footed.

In this context, it is worth noting that *Harijans* in the village do not suffer from any discrimination in relation to their dress. It is also important to note that they have started wearing clean clothes like the higher caste people in their desire to reduce the social distance and thereby to go up in the social hierarchy as well. Apart from these, spread of education and increasing assimilation of higher caste values and maintenance of a minimum degree of cleanliness has become a

value with them. All the *Harijans* wear *dhoti* up to the feet, and rarely they will be seen wearing *dhoti* above knees.

### Ornaments

Ornaments worn by the *Harijan* women are heavy in size. These are not only *Sringar* (adornment) of a woman but also the barometer of her family's economic position. Ornaments used by women on head, ears, nose, wrist, waist and the feet are mostly made of silver. The difference which has come about in relation to the use of ornaments, due to their change in economic position, is that many *Harijan* women have started using ornaments made of gold, especially for ear, nose and neck. Another important change is that these women have more or less stopped using zinc ornaments.

### Diet

The diet of the *Harijans* includes both vegetarian and non-vegetarian foods and in this way they differ from all other caste members in the village because except them all other castes in the village take vegetarian diet. Normally they take two meals although the number and nature of the diet differs depending on the economic condition of the family and the season. Preference for vegetarian diet is a recent phenomenon and it can be said that this change from non-vegetarianism to vegetarianism is a new trend which has started taking place only a few years ago. The influence of the higher castes and the prestige and value attached to vegetarianism have brought about this change. A few years ago, the caste *panchayats* of both *Chamars* and *Bhangis* decided to change their food pattern and asked their members to take vegetarian food. The present change is in line with the instructions of the caste *panchayat*.

### Habitation and Housing

The *Harijans* have been living in the outskirts of the village, i.e. north eastern part of the village, since the time of their settlement in the village. No significant change has taken place in relation to their place of habitation till now. Excluding twelve *Bhangi* families who have *kutchra* houses, all others have *pucca* houses. This is a change that has taken place with the improvement in their economic conditions. The motivating force for construction of *pucca* houses is the desire to improve their status. Consequently, they have become anxious to have the same type of *pucca* houses as the higher castes in the village.

Previously, the *Harijans* used to live in *kutchha* houses as they were not allowed to build *pucca* houses. Now, their *pucca* houses are made of brick, sand and cement and these mostly constitute one big room or one or two small rooms. In spite of this change in the nature of housing, *Harijans* of the village face limitations with regard to their housing: They are not allowed to construct their houses in the centre of the village, and they are prevented from constructing double storeyed buildings. Another housing problem which the *Harijans* face is that till recently they had little rights over their own housing sites.

### Possession of Modern Gadgets

The *Harijans* of the village are not lagging behind in relation to the possession of modern gadgets. Seven *Harijan* families have got electricity connection to their houses. A number of *Harijans* own radio sets, sewing machines and modern furniture, though a majority of them have received these as presents in the marriages of their sons. They have started possessing these things only very recently as up to 1960 none of them owned any radio-set or sewing machine. The factors responsible for their ownership of modern gadgets are: change in their economic condition, and their desire to live like higher caste people.

### Social Mobility

Social mobility, which refers to movement of lower caste people from lower to higher positions in the social hierarchy, has the following indicators: entry into the temples, use of *sanskritic* literature and services of the *Brahmins* in worshipping deities, modes of addressing persons, services to the higher castes and vice versa, disabilities in relation to entering into schools and construction of houses, restrictions on commensality, and observance of untouchability.

### Entry into Temples

The *Harijans* of the village do not face any problem in respect of their entry into the temples and worshipping their deities there, whereas a few decades ago they were not allowed to enter the temples and worship deities because of the fear of pollution. Introduction of the Indian Constitution, the influence of Gandhiji, persistent efforts of the *Arya Samaj*, change of attitude of the higher caste people, change in the education and economic conditions of the *Harijans* are some of the factors which led to this new transformation. Adoption of higher caste values in the ways of living of the *Harijans* and a general decline

in the influence of religion on society also contributed greatly to this change. The *Harijans*, not only of the village but also of the surrounding region, decided as early as 1950 to change their life style, particularly in relation to food, cloth, occupation, etc. Those who were able to adhere to this change got easy approval of the higher caste people in respect of their entry into the temples, whereas the others who failed to adhere to this change took time to get the same facility.

### Use of Sanskrit Literature and Services of the Brahmins

Presently the *Harijans*, particularly the *Chamars*, are making use of *sanskritic* literature and the services of the *Brahmins* in the worship of their deities. This is a significant change from their previous position, because as early as in 1950s the *Harijans* used to perform their religious festivals and rituals through their own priests and in their own way. They were also not allowed to use the *sanskritic* literature. Any effort to use *sanskritic* literature and services of the *Brahmins* by them were severely criticised and condemned. The factors, which brought about these changes from their earlier position in respect of the use of *sanskritic* literature, are changes in their own socio-economic conditions and their own style of living. Gradual reduction of the influence of *Brahmins* and subsequent decline in their economic conditions also prompted the *Brahmins* of the village to work as their priests. It should also be noted that the *Brahmins* who work as priests of the higher castes, namely *Brahmins* and *Jats*, still do not work as priests of the *Harijans*.

### Modes of Address to the Persons

The *Harijans* of the village, in general, till recently dared not address any higher caste person by taking his name. Also, they did not expect that the higher caste people would address them by names without using any derogatory terms. The *Harijans* address the higher caste people by using such honorific terms like *Panditji*, *Chowdhury*, etc., and the higher castes people call them by taking their caste names, namely *Chamar* and *Bhangi*. Adherence to this mode of address is very keenly and enthusiastically observed by the higher caste people because of their desire to maintain the social distance, and violation of this by the lower castes people bring punishment to them.

All efforts of the *Harijans*, especially of the *Chamars*, to bring about change in the modes of address because of the change in their educational, occupational and economic conditions and style of living have been frowned upon by the higher caste people. On this front they have not been able to gain much, although the members of the

younger generation have decided to carry on their resistance in respect of the modes of address used by higher caste people by not responding to them unless they address them by their names and stop making derogatory references to them while addressing.

### Serving of Food to the Higher Castes and Vice Versa

In spite of several changes in their style of living, education, occupation and economic positions, the *Harijans*, till recently, were not allowed to serve food to the higher castes, especially to the *Brabmins* in their homes. They were also not served food by the higher castes and by those who served the higher castes. In the village, even now, when the upper castes people serve food to *Harijans*, they serve them in different utensils which the latter have to wash themselves. In some cases they have to purify the place with cowdung. Though the majority of the *Harijans* do not like being treated this way, they are unable to get a better way of treatment from the higher caste people, in spite of their efforts to boycott the invitations from the higher castes. The slight difference which has taken place with regard to this disability is that the younger people belonging to the *Harijan* castes, who have made some achievements in education and occupation, are treated a little better, as they are offered food by the persons belonging to higher castes in their houses, and they are not asked to wash the utensils after eating.

With the change in the condition of the *Harijans* and in the attitude of the higher caste people, introduction of the Constitution, the enactment of the Untouchability Offence Act, and its amendment in 1976 which renamed the Principal Act as Protection of Civil Rights Act, 1955, many of the disabilities, such as entering the schools, using the same well, etc., have been removed, although even up to 1950 the *Harijans* of the village suffered from such disabilities. But still these people, more so the *Bhangis*, who have not been able to change their socio-economic conditions, suffer from some restrictions in relation to the construction of their houses. They are neither allowed to construct their houses in the centre of the village nor encouraged to construct double storeyed buildings.

### Restriction on Commensality

According to the caste rules, commensality with lower castes is tabooed and no higher caste person takes food from or along with a *Harijan*. Even now, with the exception of a few educated young *Harijans*, the higher caste people in the village strictly follow the restrictions on inter-caste commensality. They neither take food from

them nor allow their children to take food with them. Thus one of the important means of discrimination on the basis of castes still continues. This is probably due to the attitude of the people which has been transmitted to them from generation to generation.

### Observance of Untouchability

The observance of untouchability is another behavioural pattern which symbolises the low status of the *Harijans* in the village. According to this, *Harijans* are not permitted to come closer to the higher castes, enter their houses and sit by their side.

In spite of several changes, both in their position and also in the situation of the village, many of these customs are still practised. Although in public places the higher caste persons do not object to their sitting nearer to or next to the *Harijans* or coming closer to them, in their private life they do object to it. Even now in the village none of the *Harijans*, except the young educated ones, is allowed to sit on the same *charpai* (string cot) by the side of the higher caste people. They are also not allowed to come very close. Thus in relation to the practice of untouchability, the higher caste people have developed a double standard.

### Conclusion

From the foregoing analysis, we may draw the following conclusions:

The *Harijans*, particularly the *Chamars*, have changed considerably their educational level and occupational pattern due to a variety of reasons. Their life style has also undergone several changes, particularly among the *Chamars* in such areas as marriage, family structure, exercise of authority in the family, dress, diet, ornaments, housing, and possession of modern gadgets. This has come about because of the spread of education among them, change in their occupational pattern and income, change in the attitude of the higher castes as well as the *Harijans*, and a strong desire among the latter to move up in the social hierarchy as evidenced in their adoption of higher caste values.

Though the *Harijans* have improved their positions in several areas, they have failed to change their condition in terms of mode of address, services to the higher castes and vice versa, restrictions on commensability and practice of untouchability. It is the younger generation among the *Chamars* who have been able to make significant movement towards higher positions. The movement is more of a group effort than any individual effort, thus enabling the whole group to move upward in society.

We thus see that while the *Harijans* have definitely advanced in economic and social spheres, they still continue to face prejudices from the higher castes. Therefore, it is imperative that reservation for Scheduled Caste and Scheduled Tribes continue until such time as their economic and social conditions are substantially improved, specially through advances in education.

## NOTES AND REFERENCES

1. The caste system is a distinctive feature of the Indian social system. It constitutes the most universal social structure of the Indian society; no society in the world is more structured or stratified as the Indian society. Caste divides the Hindu society into various groups with varying degrees of prestige, responsibility and circles of social intercourse. The castes within the caste system are distinguished from one another by the existence of special rights for some groups and disabilities for others. These are again differentiated on the basis of existence of certain vocational, connubial and commensal restrictions. This has also led to a definite scheme of social procedure with the *Brahmins* at the top and the *Harijans* at the bottom.
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3. Srinivas, M.N. *Religion and Society among the Coorgs of South India*. Oxford: Clarendon Press, 1952.
4. *Sanskritisation* refers to adoption of dominant caste values (previously *Brahmanic* values) by the lower caste people in the desire to change their status.
5. Bailey, F.G. *Caste and the Economic Frontier—A Village in High Land Orissa*. Bombay: Oxford University Press, 1953.
6. Alexander, K.C. *Social Mobility in Kerala*. Poona: Deccan College, 1958.
7. Owen, Lynch. *The Politics of Untouchability*. New York: Columbia University Press, 1969.
8. Lipset, S.M. and Bendix, R. *Social Mobility in Industrial Society*. University of California Press, 1959.
9. Rogoff, Natalic. Recent Trends in Urban Occupational Mobility in Class, Status and Power, Bendix Reinhard and Lipset, Seymone Martin (eds.), London: Routledge and Kegan Paul, 1954.
10. Roy Burman, B.K. et al. *Social Mobility among Scheduled Castes and Scheduled Tribes of India*. New Delhi: Office of the Registrar General of India, Ministry of Home Affairs, 1967.
11. Mahapatra, L.K. Social Movement among Tribes in Eastern India — A Preliminary Analysis. *Sociologists*, Vol. 18, No. 1, 1968.
12. The term *Harijan* was first used by Gandhiji to indicate the 'untouchables', who are known today as Scheduled Castes in India. *Harijan* means son of God. In the present study the term *Harijan* has been used to indicate the *Chamars* (leather workers) and the *Bhangis* (sweepers).
13. The term *Depressed Class* is used to indicate the people belonging to the Scheduled Castes, the Scheduled Tribes and the denotified tribes.
14. Bride price — under this system which is prevalent among lower castes only, the parents or guardians of the groom pay money to the parents or guardians of the bride.
15. Among the *Hindus* there are eight forms of marriage, namely, *Dharma*, *Daiva*, *Arsha*, *Prajapatya*, *Asura*, *Gandharva*, *Rakshasa*, and *Paishacha*.
16. Excepting the last three forms of marriage mentioned above, in all other forms the daughter is given by her father or guardian. In *Asura* form of marriage, the father or guardian gives in marriage his daughter or ward after receiving some price, whereas in *Prajapatya* form of marriage the father or relative gives in marriage his daughter or ward by pronouncing some *mantras* and without taking any price.
17. The adoption of sanskritic values by the *Harijans* have relatively reduced the status of their women. The *Harijans* are forcing their women to remain inside their homes and are depriving them of their equal status with man in their desire to imitate the values of the higher castes.
18. The *Brahmin* and the *Jats* are treated as higher castes in the village, whereas the *Nais*, *Khatis*, *Jogis*, *Lobars*, *Kumbhars* and *Sonars* are treated as castes higher than the *Harijans* and lower than the *Brahmins* and the *Jats*.



## The Indomitable Babasaheb

R.S. Gavai

From the various speeches of Dr. B.R. Ambedkar it is amply clear that he wanted to enter the Constituent Assembly with the specific purpose of safeguarding the interests of Scheduled Castes, Scheduled Tribes and other weaker sections of society. It is a well known fact that the Indian National Congress had vehemently opposed Dr. Ambedkar's entry into the Constituent Assembly from the Bombay Assembly Constituency. Under such circumstances, the wise people of Bengal through the late Jogendranath Mandal approached Dr. Ambedkar to contest from the Bengal Assembly Constituency. They got Dr. Babasaheb Ambedkar elected and thus provided him an opportunity to enter the Constituent Assembly.

When Dr. Ambedkar became a Member of the Constituent Assembly, he could not have thought that he was soon going to be the chief architect of the Indian Constitution. Coming from the *Mahar* community of 'untouchables' as he did, nobody would have ever imagined that such a privilege and honour would be bestowed upon him. It came as a pleasant surprise to Dr. Ambedkar when he was made a Member of the Drafting Committee which had to play the central role in the entire process of Constitution-making. What was even more surprising was that he was elected Chairman of the Drafting Committee, that too by the very people who had earlier opposed his entry into the Constituent Assembly. This was, undoubtedly, a lifetime opportunity for him to show his talent, legal acumen and expertise as a Constitutionalist. Babasaheb accepted this task with a sense of humility. He wholeheartedly placed himself at the service of the nation. With all sincerity he undertook the task of drafting the Constitution.

### Hidden Secret

People are well aware of the fact that there were ideological differences between Mahatma Gandhi and Dr. Ambedkar on many matters. He differed with Gandhiji, particularly on the concept of class

and caste and the four *Varnas*. Dr. Ambedkar was highly critical of the caste system and the four *Varnas*, and this he expressed in his book *Annihilation of Caste*. In reply to the criticisms in the book, Mahatma Gandhi wrote a series of articles in the *Harijan*. While Gandhiji stood for the caste system and the four *Varnas*, Dr. Ambedkar vehemently opposed them. He was for a classless and casteless society. Babasaheb Ambedkar expected that though Mahatma Gandhi supported the caste system and the four *Varnas*, he should at least not have supported the *vertical structure* of the four *Varnas*; rather he should have accepted the *horizontal structure* of the four *Varnas*. In the later part of his life, Gandhiji accepted the horizontal structure of the *Varnas*, but this was largely due to the influence of Dr. B.R. Ambedkar. Gandhiji could realise the agony and hardships experienced by the 'untouchables' for centuries. He could understand the anger of Dr. Ambedkar. On many occasions Gandhiji mentioned that he had to accept the abuses of Dr. B.R. Ambedkar and that even if a piece of beef were thrown on his face, he would have tolerated it looking at the agonies and sufferings of the 'untouchables'. This indicates that in spite of differences, Mahatma Gandhi had high regard and appreciation for Dr. B.R. Ambedkar. The compromise reached between them in relation to the Poona Pact is of great importance. This, I will call the foundation on which was erected the entire system of providing protection to the Scheduled Castes, Scheduled Tribes and other weaker sections of society in the Constitution.

Mahatma Gandhi's high regard for Dr. B.R. Ambedkar and his wide experience in rendering services to the 'untouchables' and other weaker sections of society seem to have prompted him to think of assigning the bigger national responsibility to Dr. B.R. Ambedkar after his entry into the Constituent Assembly. Mahatma Gandhi was also aware of the good relations which existed between Dr. B.R. Ambedkar and Dr. Rajendra Prasad. He used the good offices of Dr. Rajendra Prasad in convincing Dr. Ambedkar to accept the higher responsibility by agreeing to become the Chairman of the Drafting Committee, forgetting the past. Dr. Ambedkar finally accepted this responsibility keeping in view the national interest after he had a meeting with Mahatma Gandhi, Dr. Rajendra Prasad and Pandit Jawaharlal Nehru.

### Preliminary

The first meeting of the Constituent Assembly was held on 9 December 1946. The whole process of Constitution-making took 2 years 11 months and 17 days. During this period there were in all eleven sessions. Out of these eleven sessions, six were devoted to

discussion and passing of the Resolution on Aims and Objects and reports of the Committees on Fundamental Rights, Union Constitution, Union Powers, Provincial Constitution, Minorities and the Scheduled Areas and Scheduled Tribes. The remaining five sessions were devoted to the discussion and passing of the final Draft of the Constitution which consisted of 395 articles and 8 schedules.

In this gigantic task, the Drafting Committee received as many as 7635 amendments, out of which 2473 amendments were actually discussed by the House. In comparison to the Constitutions of the United States of America, Canada, South Africa and Australia, the Indian Constitution was a very huge document with 395 articles and 8 schedules. As on the day our Constitution was adopted, the Constitution of America consisted of 7 articles, that of Canada 147 articles, of Australia 128 articles and of South Africa 153 sections. Another important point to be remembered is that, while the founding fathers of these Constitutions did not have to face the problem of amendments because they were passed as moved, Dr. Babasaheb Ambedkar, as Chairman of the Drafting Committee, was required to face as many as 2473 amendments. This fact alone shows what a huge task Dr. Ambedkar had to perform while answering to the debates on the amendments and ultimately satisfying the whole House.

### Shades and Shadows

The Constituent Assembly was a body of representatives elected from the then elected Legislative Assemblies of the British Indian Provinces. The representatives of the Princely States joined it later. There were representatives belonging to different shades of political opinion who served on this august body. The representatives of the Indian National Congress were in a great majority in the Assembly who were thus in a dominating position. There were also Hindus, Muslims, Christians, Sikhs, Parsees and Scheduled Castes who were Members of the Assembly. Besides, the Assembly had great intellectuals, distinguished jurists and constitutional experts. Freedom fighters like Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel, Dr. Rajendra Prasad and others (with the exception of Mahatma Gandhi) made their own contribution to the process of Constitution-making. Dr. Babasaheb Ambedkar, the then President of the Scheduled Castes Federation, was the sole representative of that party. Dr. Ambedkar had to reconcile various conflicting opinions while preparing the Draft Constitution. This naturally was not an easy task. As the champion of the cause of the downtrodden sections of society, whenever the problems of 'untouchables' came up in the Constituent Assembly, Dr. Ambedkar spoke for the oppressed and their welfare. He strived to get maximum

protection and advantage for them. Dr. Ambedkar was a great constitutional expert, and as the Chairman of the Drafting Committee, he played a significant role in Constitution-making.

### Conflicting Ideologies

In many leading countries of the world, Constitution-making was the collective contribution of several bodies. Besides, many different political ideals and other factors also influenced the entire process of Constitution-making. The Constitution-making process in India also was influenced by many factors. Prominent among them were the British political ideals, the series of British parliamentary enactments on Indian affairs, the impact of the nationalist movement, and the struggle of the socially and economically backward classes and minorities. Another important factor which influenced the thinking of the founding fathers was the chain of problems created in the wake of the partition of the country. The political ideals of the Congress Party also influenced the Constitution-making process. The role of Dr. B.R. Ambedkar as the chief architect of the Indian Constitution has, therefore, to be understood in this perspective.

It should be noted that Dr. Ambedkar was not a completely free man to draft the Constitution according to his own philosophy. Nonetheless, he tried his best to incorporate into the Constitution such provisions as would help establish a *new social order* based on the principles of political, economic and social justice. He tried to bring about the necessary changes in the Hindu society to make it fit for democracy. The main limitation faced by Dr. Ambedkar was that the Drafting Committee had to take guidance from a number of committees of the Constituent Assembly. The ideology of the Congress Party had also to be kept in view. Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel and Dr. Rajendra Prasad had the final say on so many matters such as fundamental objectives, safeguards to the minorities, etc., and naturally their views were to be given thoughtful consideration.

### Towards Socialism

Dr. Ambedkar was an advocate of State socialism. His ideas on the nature and methods of setting up socialism in India were systematically formulated in a memorandum, "States and Minorities", which he drafted. It was submitted to the Constituent Assembly in 1946. The memorandum was in the form of draft articles of a Constitution. It sought, *inter alia*, change in the economic structure of the country by

adopting State socialism — "an obligation on the State to plan the economic life of the people". His idea of socialism envisaged State ownership and management of all key and basic industries and insurance. Agriculture was to be organised on collective basis. "State socialism", he said, "is essential for the rapid industrialisation of India" because private enterprises gave rise to "inequalities of wealth". The noticeable point of his plan was that it did not intend to leave the establishment of State socialism to the will of the Legislature. It sought to establish State socialism by the "Law of the Constitution", making it thereby "unalterable by any act of the Legislature and the Executive".

Dr. Ambedkar, therefore, wanted to include the programme of socialism in the Fundamental Rights. But his proposals did not find favour with Sardar Patel and J.B. Kripalani who were responsible for preparing the draft on Fundamental Rights. Dr. Ambedkar then approached Dr. Rajendra Prasad and Jawaharlal Nehru for getting his plan of socialism included in the Constitution, but he failed. In fact, Pandit Nehru was favourable to the suggestions made by Dr. Ambedkar, but he had to agree with Dr. Rajendra Prasad and Sardar Patel on the question of socialism forming part of the Constitution. He, therefore, gave an assurance to Dr. Ambedkar that all his suggestions with regard to making socialism as part of the Constitution would be incorporated into the Constitution in due course.

Dr. B.R. Ambedkar was of the opinion that any programme towards achieving socialism in India should attempt to change the existing relationship of workers with the means of production. In India, the largest number of people live on agriculture, and land is the primary means of production. In the context of the ownership of land, Dr. Ambedkar rightly said that the caste system had direct association with the land. There was a fashion to justify the caste system on the plea that it was nothing but a division of labour. In answer to this plea, Dr. Ambedkar said:

Caste system is not merely a division of labour. It is also a division of labourers.

These remarks of Dr. Ambedkar are very significant.

For the annihilation of the caste system, Dr. B.R. Ambedkar believed that nationalisation of land and mechanisation of farming were the only ways. The cultural transformation of caste-ridden village society into natural division of labour could be achieved only through industrialisation. This, he clarified, was not an approach of the communists but a practical solution in the light of existing conditions in India. He was of the view that India was at the crossroads of achieving socialism. Therefore, he provided us with the pragmatic as well as constitutional approach to bring about socialism in India.

### People's Sovereignty

Dr. Ambedkar stood for democracy because it provided equality and equal opportunity to all. His principle of "one man, one vote, one value" showed his faith in true democracy. This principle disregards caste, creed, religion, sex, and economic and social status. It shows the great regard that Dr. Ambedkar had for the people of India. He treated the people of the country as supreme and sovereign. Against the background of political theories that the laws are made by God or that the kings and monarchs are sovereign, or the limited democracy which existed under British rule, the principle of "one man, one vote, one value" put forth by Dr. B.R. Ambedkar, in fact, amounted to launching a political revolution, particularly in the process of Constitution-making.

During the debate in the Constituent Assembly, the principle of "one man, one vote and one value" was criticised by many Members because of the existence of widespread illiteracy, poverty and caste system which obstruct the realisation of this ideal. Many critics abroad were also of the same view that it would not be feasible to effectively exercise universal franchise in India. But Dr. Ambedkar stood firm on his ground. He condemned these critics for wrongly assessing the democratic spirit which existed in the country. He also answered the debates in the Constituent Assembly. While replying to his critics, Dr. Ambedkar agreed that the existing illiteracy, poverty and caste system would certainly not allow free and fair elections. He reminded them, at the same time, that since the people of the country were supreme and had the sovereign authority with them, no system of franchise other than the universal franchise could have been provided. "And why do you give up the hope?" he asked. He expressed his faith in the political consciousness of the people of India. He hoped that over a period of time they would become so much alert and would mature politically as to become able to exercise their right to franchise without fear or favour. He ultimately got the proposal of universal franchise adopted by the Constituent Assembly.

Untouchability was done away with and secularism was provided for in the Constitution. But at the same time, special safeguards and concessions were made in the Constitution for the Scheduled Castes and Scheduled Tribes. That was the only way these people could exercise their right of equality and equal opportunity. This safeguard was provided on the basis of backwardness of a community and on the basis of caste and tribes. The backwardness of these people had, undoubtedly, its roots in the caste system. In this respect, Dr. B.R. Ambedkar enunciated the theory of compensation. With no fault of theirs, the downtrodden people suffered a lot of humiliation for

generations together. It was, therefore, the moral duty of the society to compensate them. It was certainly not a matter of pity or charity on the part of the society or nation but a matter of their right. In asking for reservation, the servile classes were not asking for anything new or anything extraordinary. The demand of reservation was a demand for protection against the aggressive communalism of the governing class, which wanted to dominate the servile class in all fields of life.

### Betrayal

The framers of the Constitution provided reservation initially for a period of 10 years, within which the Scheduled Castes and Scheduled Tribes were expected to come on par with caste Hindus. However, these expectations were based on time-bound programmes to be launched by the Union and State Governments for the uplift of these communities. Unfortunately, this expectation has been belied due to non-implementation of the programmes launched by the various Governments from time to time. As a result, the Constitution had to be amended four times since 1960, extending the facility of reservation each time for another 10 years.

No one will say that reservation should continue for ever. In fact, the period of reservation can be determined by launching a time-bound programme for the uplift of the Scheduled Castes, Scheduled Tribes and other weaker sections. Thereafter, the progress achieved should be evaluated by a commission appointed by the President. A clear picture can emerge only after such an evaluation is made. Reservations are, in fact, required to be continued till the Scheduled Castes and Scheduled Tribes come on *par* with the advanced community in the matters of social status and economic development. All the Five-Year Plans launched in the country so far have failed to create proper conditions by which the primary needs of the Scheduled Castes, Scheduled Tribes and other weaker sections of society and the persons living below the poverty line could be satisfied. All the Plans, no doubt, have generated sizeable wealth and other benefits, but these have been grabbed by the stronger and the advanced sections of society. The main cause for continued backwardness of the poor and weaker sections of society is the adoption of unrealistic approach and according low priority to their economic uplift.

Dr. Ambedkar was a strong believer in the concept of equality in general and between man and woman in particular. This was evident from his desire to bring about some reforms in the Hindu society through the Hindu Code Bill. This Bill was one of the first legislative measures drafted by him. It proposed equality for men and women in the matters of property rights, marriage, etc.

### The Clash

When the Constituent Assembly met for the first time, the idea of a Chapter on Fundamental Rights forming an integral part of the Constitution was proposed. A special committee was appointed under the Chairmanship of Sardar Vallabhbhai Patel. On the basis of the report of this committee, the Drafting Committee had to prepare the provisions on Fundamental Rights. There are in all 24 articles in Chapter III of the Constitution which deals with these rights. They are divided in 8 sections. The First Section contains certain general provisions applicable to all the rights enumerated, and each of the remaining 7 sections deals with different categories of rights. Take, for example, the Section on the "Right to Equality" which is one of the Fundamental Rights. Is there anyone who can say dispassionately that this particular right is being enjoyed by the underprivileged persons in this country? Or again, for instance, the "Right against Exploitation". Is there any person who will say boldly that an underprivileged person is free from exploitation? This itself indicates the presence of inherent problems in the implementation of the provisions of the Fundamental Rights.

All this is due to the fact that our political democracy is not accompanied with social and economic democracy. Dr. Ambedkar made it amply clear that for the privileged persons, Fundamental Rights are the assets and for the underprivileged, they had only ornamental value. He, therefore, wanted to incorporate into the Constitution some of the other rights which should be treated as Fundamental Rights, along with the existing Fundamental Rights. These were: rights relating to provision for adequate means of livelihood to all citizens, proper distribution of the material resources of the community for the common good, prevention of concentration of wealth to the common detriment, equal pay for equal work for both men and women, right to work, right to education, free and compulsory education to all children up to the age of 14 years, a living wage, a decent standard of living, uniform civil code, special care for promoting the educational and economic interests of the weaker sections of the society, especially Scheduled Castes and Scheduled Tribes. These rights basically related to the social and economic transformation of our society. As mentioned earlier, Dr. Ambedkar was not a completely free man to draft the Constitution reflecting his own philosophy. The addition of these rights was not acceptable to the stalwarts of the Indian National Congress. But because of the insistence of Dr. Ambedkar, Pandit Jawaharlal Nehru made a compromise with him and all the suggestions of Dr. Ambedkar towards social and economic democracy were incorporated into the

Chapter on the Directive Principles. The great anomaly was that while the Fundamental Rights were made justiciable, the Directive Principles were not. They remained only as a directive to the future Legislatures and Executives to serve as guidelines. Surely, it was not the intention of the founding fathers to introduce these principles merely to remain as pious declarations.

### **Lip Service**

It was the intention of the Constituent Assembly, particularly that of Dr. B.R. Ambedkar, that in future both the Legislature and the Executive should not merely pay lip service to the Directive Principles but these should be made the basis of all legislative and executive actions. Some Members of the Constituent Assembly, while commenting on the Directive Principles, described them as "post dated cheque against a bankrupt Bank which will never be payable". While replying to this comment, Dr. Ambedkar said that these principles may be a post dated cheque but these were certainly not issued against a bankrupt bank. Dr. Ambedkar said that he was quite hopeful that in the near future the Bank of the country will be most stable and the post dated cheque will be payable.

### **Tributes by Members**

Glowing tributes were paid by the Members of the Constituent Assembly to Dr. Ambedkar for the stellar role he played in the drafting of the Constitution.

T.T. Krishnamachari, while congratulating Dr. B.R. Ambedkar on the enormous amount of work he did and the enthusiasm he brought to bear on the drafting work, told the Constituent Assembly that, of the seven Members nominated to the Drafting Committee, one had resigned from the House, one died and was not replaced. One was away in USA, another person was engaged in the State affairs. One or two persons were far away from Delhi, and bad health did not permit some to attend the meetings of the Committee. Thus, the major burden of drafting the Constitution was left on the shoulders of Dr. B.R. Ambedkar.

The nation has to be grateful to Dr. Ambedkar for having achieved the task of framing the Constitution in a commendable fashion. Dr. Joseph Alban D'Souza said in the Constituent Assembly that the Constitution framed by Dr. Ambedkar was a monumental piece of work, which may definitely be qualified as the work of the experts, the work which was comparative, selective and efficient in character right from the beginning to the end.

No less a person than Dr. Rajendra Prasad, the President of the Constituent Assembly, himself paid glowing tributes to Dr. B.R. Ambedkar in the Constituent Assembly and praised him for the great zeal and devotion he displayed in the drafting of the Constitution.

In his speech delivered on 25 November 1949 in the Constituent Assembly, Dr. B.R. Ambedkar said that he entered the Constituent Assembly "with no greater aspiration than to safeguard the interest of the Scheduled Castes". He said that he was "greatly surprised" when the Constituent Assembly elected him as a Member of the Drafting Committee and "more than surprised" when he was elected as the Chairman of this Committee. He expressed his gratefulness to the honourable Members of the Constituent Assembly for giving him an opportunity to serve the country. He accepted that his entry into the Assembly was for a limited purpose. He expressed his sincere thanks to those Members who had paid handsome tributes to him for drafting an excellent Constitution which was a grammar of administration and government in the country.

### **Spirit of the Constitution**

The Indian Constitution is a synthesis of idealism and pragmatism. The Central Government, it envisages, should be strong, particularly so in times of difficulties. Therefore, Dr. Ambedkar wanted to see a unified country under the domination of the Central Government. He wanted a strong Centre as a union of strong States.

The provision for amending the Constitution demonstrates its elasticity, particularly towards the social and economic transformation. While referring to this provision, Dr. B.R. Ambedkar cited the statement of the American Constitutional expert Thomas Jefferson. He referred Jefferson who said that each generation was itself a nation. Therefore, he believed that the existing Constitution should be for the present generation only. The older generation cannot impose anything binding on the new generation. Therefore, in the larger interest of the country, particularly for the establishment of social and economic democracy, Dr. Ambedkar felt the need to have such an amending procedure as might not be too rigid.

To those Members who were praising him for producing an excellent Draft of the Constitution, Dr. Ambedkar replied that "to a certain extent it matters little whether the Constitution of a country is good or bad". What really mattered was whether we were sincere enough in implementing the lofty provisions of the Constitution. A good Constitution might turn out to be a bad one if it was not honestly implemented, said Dr. Ambedkar. He reiterated that the future of our country would rest on the way our people implemented this

Constitution in the days to come. He was worried very much on this particular aspect. He, therefore, raised a question in the Constituent Assembly as to what would happen to her independence after India attains freedom on 26 January 1950. "Will she maintain her independence or will she lose it again?" he asked. He told that, besides the "old enemies in the form of castes and creeds", India was going to have many political parties with opposing political creeds. If the parties, he said, tried to place creed above the country, our independence would be put in jeopardy and would probably be lost for ever.

### Homage

Thus the basic issues raised by Dr. B.R. Ambedkar are still in the greater interest of the country. But it cannot be denied that even after a long period of 40 years since the promulgation of our Constitution, the issues raised by him remain unresolved. True homage to his memory will be that without wasting a moment, we must bring about social and economic democracy for the greater success of our political democracy.

## Bharat Ratna Dr. Bhimrao Ramji Ambedkar: His Life and Mission

*Sonusingh Patil*

It is rather an uphill task to encompass the whole life, work and philosophy of Dr. Ambedkar in a small article like this. I am, however, inspired to write this article as I consider myself fortunate in filling up that seat in the Rajya Sabha which was lying vacant after the death of Dr. Ambedkar in December 1956. Though I was very sad because Dr. Ambedkar was no more, however, it was a great privilege for me to occupy the seat in Rajya Sabha which was once occupied by Dr. Ambedkar.

Bhimrao Ambedkar was born on 14 April 1891 at Mhow in the present Madhya Pradesh state. The Ambedkars were originally from the Ratnagiri District in the Konkan region in the present Maharashtra State. This land produced such stalwarts and fighters as Tilak, Karve and Paranjape. Bhimrao was the fourteenth child of Ramji Sakpal and Bhimabai.

Bhimrao was fortunate in having a good heritage. His forefathers, uncles and his own father, were the devotees of the Kabir Cult, a part of the *Bhakti* Cult, which believed that anybody who worshipped God belonged to Him, irrespective of his caste or faith. The message of the Kabir Cult was: *Jat pant puchhe na koi har ko bhaje so harka hoi.* (Anybody who worships God belongs to Him irrespective of caste and creed.)

Bhimrao's father, Subedar Ramji, was fairly educated and served in the Army. He retired when Bhimrao was two years old. His family settled down at Dapoli in the Konkan but soon they moved to Bombay. Later, Ramji Sakpal secured a job in the military quarters at Satara. Bhimrao's mother died when he was six years old. Bhimrao's father was a strict disciplinarian and took immense interest in the education of his children. He was a confirmed teetotaler and a strict vegetarian. He took great interest in the social problems of his day, which concerned the fate of his community. Ramji Sakpal had protested courageously against the unjust orders of the Government of India banning recruitment of *Mahars* in the Indian Army in 1882. This family background naturally influenced young Bhimrao.

Dr. Ambedkar had an intense love for learning. Through his brilliance coupled with hardwork and diligence, he was able to achieve such higher academic distinctions as M.A., M.Sc., Ph.D., D.Sc. and Barrister-at-Law from prestigious universities of USA and UK. In the pursuit of his studies he was fortunate in receiving help from such prominent persons as Maharaja Sayajirao Gaekwad of Baroda, S.K. Bole, K.A. Keluskar, Prof. Muller and others.

Dr. Ambedkar remained an avid reader throughout his life and his thirst for knowledge was never quenched. Once, replying to an address presented to him in April 1933, he said that he, in fact, wanted to become a professor and lead the life of a student. The strain of work affected his health. To Dr. Ambedkar, love of books was the greatest means of education and highest type of recreation. "What instructs me", he observed, "amuses me".

In spite of his learnings, Dr. Ambedkar was a victim of the menacing caste system. He had suffered worst kind of humiliations and maltreatment. All this engendered in him a burning hatred for the inequitable social system and a spirit of revolt. He, therefore, attacked the orthodoxy of the Hindu religion through his fiery speeches and inspiring articles.

On 21 March 1920, Dr. Ambedkar presided over a conference at Mangaon in Kolhapur state which was attended by Shahu Maharaj of Kolhapur who declared in a prophetic vein to those attending the conference: "You have found your saviour in Ambedkar, who will break your shackles." In May 1920 the first All India Conference of the Untouchables was convened at Nagpur which was presided over by Shahu Maharaj. In that conference Karmaveer Shinde suggested on behalf of the Depressed Class Mission that the representatives of the 'untouchables' should be selected by the Members of the Legislative Council and not by the Government or the institutions belonging to the 'untouchables'. This suggestion was vehemently opposed by Dr. Ambedkar who delivered a fiery speech in which he exhibited prominently his skill of oratory, presence of mind, and his ability as a prospective leader. This was his first victory in public life.

On 24 July 1924, Dr. Ambedkar established *Bahiskrit Hitakarini Sabha*. He exhorted the 'untouchables' to fight for self-help, self-elevation and self-respect. The people belonging to the Depressed Classes, whose interest Dr. Ambedkar was mainly espousing, were segregated, and had no religious and political rights. Therefore, he wanted to devote himself to their cause and make them feel that the country belonged to them. In his endeavour he was neither supported by the Press nor did he have sufficient funds for the purpose. He visited the hamlets, walked through villages and towns to stir up his people, and exhorted them to revolt. He was fighting for their social and political rights.

By 1925 Dr. Ambedkar had become a known figure and was recognized as the spokesman of the Depressed Classes. The historic Chowdar Tank incident brought him in the limelight of the civic rights movements of the 'untouchables'. The Mahad Municipality had thrown open its Chowdar Tank to the 'untouchables' as per the resolution passed in 1922 which was moved by S.K. Bole, a prominent social reformer and MLC. It was reaffirmed in 1926. But the 'untouchables' could not use it due to the hostility of the caste Hindus. It was decided to hold a meeting at Mahad on 19 and 20 March 1927. About 10,000 workers assembled there from far and near, from all districts of Maharashtra and Gujarat. Dr. Ambedkar, delivering his address to the half-clad, embarrassed but earnest men and women, said:

Lost rights are never regained by begging and by appeals to the conscience of the usurpers but by relentless struggle . . . Goats are used for sacrificial offerings and not lions.

He had continued his campaign against injustice perpetrated by caste Hindus against the Depressed Classes and now he wanted to avenge by enrolling men for the *Satyagraha* announced on 26 June 1927.

To revolt against the inequality existing in the Hindu religion, Dr. Ambedkar deliberately burnt *Manusmriti* for its inhuman treatment of 'untouchables' and women.

The year 1930 was a year of hectic activities. Gandhiji had launched his famous *Dandi* march on 12 March 1930. The temple entry programme and the *Satyagraha* at Kala Ram Mandir at Nasik and Parvati temple at Poona were also events of considerable importance which took place the same year. Kala Ram Mandir *Satyagraha* was started by the late Bhaurao Gaikwad, a former Member of Parliament and my colleague in the Rajya Sabha, alongwith his many followers and *Satyagrahis*. This non-violent struggle was continued right up to the end of October 1935. The famous temple was kept closed for a year or so.

As representative of the Depressed Classes, Dr. Ambedkar had attended the Round Table Conference in London. In the Conference he forcefully pleaded the cause of labourers for living wages and decent conditions of work, for freedom of peasants from the clutches of callous landlords, and for the removal of social evils that blighted the lives of the downtrodden sections of society. At the Round Table Conference Dr. Ambedkar declared: "I will demand what is rightful for my people and I will certainly uphold the demand for *Swaraj*." This clearly shows his patriotic fervour though sometimes he was driven to express his sentiments to the effect that the question of amelioration of the untouchables was dearer to him than the interest of the

country as a whole. For his personal gains he never sacrificed the interests of the nation. He had differences with Gandhiji on many matters, but he saved his life from his epic fast-unto-death by agreeing to the Poona Pact on 24 September 1932 when he finally accepted Gandhiji's suggestion and gave up his firm stand on separate electorate for 'untouchables' in the larger interest of the nation.

Dr. Ambedkar wanted Gandhiji to abolish *Chaturvarna* and caste system, but Gandhiji differed from Dr. Ambedkar as he believed *Varnashram* to be an integral part of Hinduism. Dr. Ambedkar said: "Gandhi's removal of untouchability was a platform and not a programme." Because of these views, he had antagonized many Hindu stalwarts, including Pandit Malaviya. In the religious field many leaders considered Dr. Ambedkar as the "Father of Indian Unrest."

Dr. Ambedkar never wanted his people to indulge in hero-worship. In March 1933 he was presented with an address, which was full of superlatives about his work and qualities. Obviously he did not like it. Expressing himself clearly against hero-worship he said:

You are deifying a common man like you. These ideas of hero-worship will bring a ruin on you if you do not nip the evil in the bud. You increase your dependence on a single individual and your struggle will come to naught. It will add to your helplessness. These ideas of hero-worship, deification and neglect of duty have ruined the Hindu Society and are responsible for the degradation of our country . . . you must abolish your slavery yourselves. Do not depend for its abolition upon God or Superman. Your salvation lies in political power and not in making pilgrimages and observance of fasts. Devotion to scriptures would not free your bondage, want and poverty. You must capture power. A mere numerical majority will not end your starvation. You must always be watchful, strong, well-educated and self-respecting to attain and maintain success.

Dr. Ambedkar left for London on 24 April 1933 to attend the session of the Joint Committee and reached there on 6 May. Meanwhile, Gandhiji undertook fast as a means of purification. Dr. Ambedkar asked for details as there was hardly any news in the London newspapers about the fast. About this time news spread in some circles that Dr. Ambedkar was converting to Islam. Savadekar, Subedar and others wrote to him in London that their *Raja* should not take such a hasty step. In reply Dr. Ambedkar wrote back that he was determined to leave Hindu fold and embrace some other religion. This determination fructified ultimately on 14 October 1956 in the form of the historic *Deekha* ceremony at Nagpur. Dr. Ambedkar embraced Buddhism alongwith lakhs of his followers. He devoted considerable attention to the revival of Buddhism in India and wrote several articles and books on Buddhism.

In 1942 the Viceroy's Executive Council was to be expanded. Dr. Ambedkar was the first mass leader to be appointed to the Viceroy's Executive Council. The Executive Council was dissolved in June 1946 as the Viceroy was to set up a caretaker Government soon. Dr. Ambedkar proved himself to be an efficient and purposeful Member of the Executive Council.

Being an educationist, Dr. Ambedkar devoted his attention to the spread of higher education. He had a long cherished dream to start an ideal educational institution with modern scientific apparatus and a qualified staff to promote higher education among the lower middle classes, especially among the Scheduled Castes. He, therefore, founded the Peoples' Education Society that started the Sidhartha College on 20 June 1946, which proved to be one of the leading colleges in India. The former Finance Minister, Prof. Madhu Dandavate, had worked as a Professor of Physics for some time in this college.

Dr. Ambedkar was elected to the Constituent Assembly from Bengal. On 29 August 1947 the Constituent Assembly appointed a Drafting Committee with Dr. Ambedkar as its Chairman. It was a great achievement for him. A law-giver, a new Manu had appeared on the national scene.

The Constituent Assembly adopted the Constitution on 26 November 1949. Dr. Rajendra Prasad, the President of the Assembly, paid special compliments to Dr. Ambedkar for his zeal and devotion in spite of his indifferent health. After the work in the Constituent Assembly, Dr. Ambedkar worked on the Hindu Code seriously; he wanted the Code to be uniform throughout India.

Dr. Ambedkar submitted his resignation from the Cabinet to Jawaharlal Nehru on 27 September 1951. He did not like the procrastinating tactics of the Congress Party in postponing the passing of the Hindu Code Bill which he introduced in February 1951. Later he became a Member of the Rajya Sabha where he virtually functioned as the Leader of the Opposition.

As a Member of the Rajya Sabha, Dr. Ambedkar gave his frank views on Kashmir. He attacked the huge defence budget which was a stumbling block to economic progress.

Dr. Ambedkar felt that the position of the 'untouchables' in India was worse than that of the Negroes in the USA because they were not regarded as 'untouchables'. The fate of Negroes in America, Israelites in Egypt, and the conditions of the Jews in Germany were better than the life of Scheduled Castes in India, their own homeland.

Dr. Ambedkar infused in the downtrodden sections a spirit of defiance and courage. Before he became their leader, they were treated worse than animals. His heroic struggle raised them to political equality with other communities.



Despite the great contribution of Dr. Ambedkar to national life, it is sad and unfortunate that his followers have not been very honest and sincere in following his ideals. Instead, they have made him their virtual god by erecting statues in almost all the villages of Maharashtra. They have ignored the great ideals for which he fought throughout his life. This is evident from their reluctance to shun customs like drinking on social occasions and maintaining caste system amongst themselves.

As I mentioned at the outset, it is well nigh impossible to mention in an article like this the varied facets of the life of this great son of India. Men like Gandhiji, Dr. Ambedkar, Nehru and Sardar Patel are remembered today by the people for their selfless, sustained and dedicated service to humanity. They were really jewels and messengers of God sent for the welfare of mankind.

## Dr. B.R. Ambedkar: The Emancipator of the 'Untouchables'

*Prof. Samar Guha*

Dr. Bhimrao Ramji Ambedkar will be warmly remembered in the history of modern India as the great crusader who fearlessly fought against the 'evils of the caste system which threatened to erode the very fabric of the Indian society for ages. It was the outcaste *Mahar* of Maharashtra, who ultimately succeeded to give legal rights of equality and social justice to millions of suffering masses of the 'untouchables' and the exploited. He will also be remembered as the chief architect of the Constitution of independent India and for the great role he played in enshrining the provisions of equal rights for the outcastes and the 'untouchables' in the Constitution. The Constitution provided that in India nobody, particularly the 'untouchables' and the tribals, would suffer any more deprivation of civic opportunities and privileges that other citizens are entitled to enjoy. This unique achievement was largely due to Dr. Ambedkar's efforts, and rightly therefore he can be called the liberator of the hapless 'untouchables' and the tribals of India, who were treated for centuries as no better than so many sects of condemned sub-humans. In a way, Dr. Ambedkar largely fulfilled the mission of Swami Vivekananda who raised a veritable storm in India against the vicious system of caste segregations and for building a modern nation based on equal rights, justice and human dignity for all.

In his younger days Bhimrao Ambedkar, because of his birth in the 'untouchable' *Mahar* community, suffered from nightmarish experiences of upper caste atrocities on him. He was not allowed to sit in his classroom along with his upper caste classmates—the 'untouchable' boy had his place scornfully fixed outside his classroom. He could never enter into any temple of his locality. Nor was he allowed entry into any restaurant, hotel or saloon. He was virtually kicked out from each and every place of his neighbourhood. However, this meritorious boy somehow managed to go abroad for his education with the help of the progressive ruler of Baroda. He got his M.A. and Ph.D. from the Columbia University, USA, and M.Sc. and

D.Sc. from the London School of Economics. After he returned to his country, the ruler of Baroda offered this talented youngman the post of his Military Secretary. But what a terrible fate he had! Everybody in his office refused to cooperate with this audacious *Mahar*. His office boy would not serve him a glass of water, the office peons would throw files to this 'untouchable' from a 'no-touch' distance. He was denied accommodation in any hotel in Baroda. None agreed to give this outcaste any room to hire. He desperately entered into a Parsi hotel *incognito*, only to be mercilessly thrown out soon after his real identity was known. The Military Secretary of the powerful Baroda ruler had to pass an awful night under a tree "tired, hungry and fagged out bursting into a flood of tears" as Dr. Ambedkar later recalled his own miserable plight. After undergoing such experiences, he resolved not to run after any job any more but to join the independent legal profession and that too exclusively for the benefit of the 'untouchables'. He resolved further to raise a banner of revolt against the tyranny of the upper castes and the system that kept the people of his community in dehumanising bondage of caste-slavery.

In his later days when Dr. Ambedkar threw himself into the movement for the liberation of the 'untouchables', he was on occasions found to be too aggressive, arrogant and extremely uncompromising in his attitude. He deliberately preferred to keep himself away from the mainstream of the freedom movement, as its leadership appeared to him to be exclusively in the hands of the people who predominantly belonged to the upper castes. Before making any harsh comments against Dr. Ambedkar's role during the days of freedom struggle, it should not be forgotten that the spectre of harrowing experiences he had in his younger days always haunted him. Consequently, his reaction against caste tyranny was like waging a *jihad* against the caste tyranny perpetrated by the upper caste Hindus on the so-called untouchables.

In 1924 he set up an organisation of the 'untouchables', called *Babiskrit Hitakarini Sabha* (Council for the Welfare of the Outcastes). He was then in his early thirties. He also published a paper as the mouthpiece of his organisation — it was first named *Mook Nayak* (Dumb-leader) and then *Babiskrit Bharat* (Outcaste India). He was not unaware of the social movements organised by Rammohan Roy, Dayananda and Vivekananda for reforming the caste-character of the Hindu society. But it appeared to Dr. Ambedkar that the approach for religious reformation of the Hindu society for elimination of caste-evils and giving the status of social equality to the 'untouchables' or the Depressed Classes would not be more effective than the political approach to deal with this deeply entrenched caste-conservatism among the Hindus. He, therefore, decided to organise his movement primarily along political lines.

Dr. Ambedkar adopted a two-fold programme for his movement. The first programme was meant to propagate the cause of the 'untouchables', and unite them under the banner of an organisation, and question the very religious concept and justification of the caste system. Though as an 'untouchable' he was not allowed to study Sanskrit in his school days; nevertheless, in later days he himself defiantly mastered the Sanskrit language to study the Hindu religious books, particularly those *Sastras* which justified the system of caste stratification of the Hindu society. He wrote a number of books like *Annihilation of Caste, Who Were the Sudras and How They Came to be the Fourth Varna in Indo-Aryan Society?, The Untouchables: Who Are They and Why They Became Untouchables?*, etc. He thus daringly challenged the religious validity and the precepts behind the caste system at its very *Sastric* root. This created immense self-confidence among 'untouchables' who were made to suffer from a crippling inferiority complex. It gave them a faith to claim for themselves an equal social status and made them realise that they were no more destined to remain lowly.

The second programme of Dr. Ambedkar was wholly political. He came to believe that by getting the recognition of the Depressed Class as a separate minority community like the Muslims from the British Raj, it would be easier to gain political power and consequent legal rights of equality and social justice for the 'untouchables' and the outcastes. He, therefore, decided not only to ask for legally recognised status of minority community for the Depressed Class but also for introducing the system of separate electorate for choosing their representatives to legislatures. For this purpose he submitted a memorandum to the Indian Statutory Commission which was set up by the British Government in 1928. In 1930 the Round Table Conference was convened by the British ruler for Indian administrative reform. Dr. Ambedkar was nominated by the British Government to this Conference for representing the interests of the Depressed Class before it. In the Round Table Conference, Dr. Ambedkar claimed a separate minority status with right for separate electorate for the Depressed Class. The British Prime Minister, Ramsay MacDonald readily accepted the demand of Dr. Ambedkar and announced it in the Communal Award of 1932.

The Communal Award was a great triumph for Dr. Ambedkar. However, for Gandhiji it was a threat to divide the Hindu community with a sinister imperialist design to weaken the main base of the freedom movement. The Mahatma, who was then imprisoned, started fast-unto-death to save the unity of the Hindu society by preserving the system of joint electorate for all Hindus. The whole country was anxiously awaiting for a positive response from Dr. Ambedkar, who was in a dilemma either to yield to the moral appeal of the Mahatma

or stick to the political gains that he thought he had achieved for the Scheduled Castes. Ultimately, he agreed to give up the claim for separate electorate for the Scheduled Castes and consented to retain the system of joint electorate along with the other communities of the Hindu society. Gandhiji on his part liberally conceded to increase the number of reserved seats for the Scheduled Castes from 78, as it was fixed in the Communal Award, to a much higher figure of 148. This settlement between Gandhiji and Dr. Ambedkar is known in history as the *Poona Pact*. Dr. Ambedkar later wrote why he succumbed to the moral appeal of Gandhiji:

There was before me a duty, which I owed as part of the common humanity to save Gandhi from sure death . . . I responded to the call of humanity and saved the life of Gandhi by agreeing to alter the Communal Award in a manner satisfactory to Mr. Gandhi.

Till that time Dr. Ambedkar was looked upon as a sectional leader of the Depressed Class only, but after the Poona Pact everybody expected him to play the role of a national leader by joining the mainstream of the national movement for India's freedom. However, Dr. Ambedkar thought it to be more prudent to rely on the gesture of the British Raj for enhancing the interests of the Scheduled Castes, although his policy was not wholly supported by his own community in recording their verdict in the general election of 1937.

After the adoption of a resolution by the Muslim League for the creation of Pakistan in 1940, the whole country was submerged in communal turmoil and bitter polemics on the claim for the partition of India. Dr. Ambedkar wrote a brilliantly analytical book entitled *Pakistan or Partition of India*. He very cogently placed the views of Muslim League, balancing them with the counter arguments of the Congress on the issue of Pakistan and keeping himself uncommitted to either side. This attitude of Dr. Ambedkar was suspected by many as supporting the League claim for partition to set up Pakistan as a separate State for the 'Muslim nation' of India. To this Dr. Ambedkar, somewhat emotionally answered by issuing a statement in which he said:

I confess I have many quarrels with caste Hindus over some points but I take my vow that I shall lay down my life in defence of our land.

Dr. Ambedkar might have been criticised as often showing an obsession on issues pertaining to the interests of the Scheduled Castes, but he could never be accused of not being a true Indian and a genuine nationalist.

During the Second World War days, Dr. Ambedkar unfortunately appeared to have followed a line of confused politics to enter into

Viceroy's Executive Council as one of its Members, thus allowing himself to be utilised against the freedom movement of the country. But after the end of the War when the British rulers announced their decision to transfer power to the Indians, political realities of the country were fundamentally changed. His Scheduled Caste Federation was almost totally routed in the fateful election of 1946, and in the process of negotiation for transfer of power, Dr. Ambedkar was no longer asked by the British Raj to play any important role. Dr. Ambedkar realised that it was time for a radical change in his political perspective and, therefore, joined hands with the mainstream of nationalist forces who were to shape the destiny of the country in the near future.

In his changed evaluation of the new political realities, Dr. Ambedkar decided to enter into the Constituent Assembly for making efforts to safeguard the interests of the Scheduled Castes by using this highest forum of democratic decision making. In his maiden speech, he made a remarkable critical analysis of the discourse of Pandit Nehru when the latter moved the main Resolution on the Aims and Objectives of the Constituent Assembly. Dr. Ambedkar's style of delivery, constitutional acumen, moderate approach and nationalist perspective—all taken together—deeply impressed the Members of the Constituent Assembly. He was soon appointed a Member of the Seven-Member Drafting Committee for Constitution-making and then made its Chairman. It was not an act of any concession to assuage the sentiments of the Scheduled Castes that this highest position in the Constitution-making body was given to Dr. Ambedkar: it was done in genuine appreciation of his exceptional ability to handle the stupendous task of framing the Constitution of India.

It has been admitted by all that Dr. Ambedkar played the role of the principal architect of the Constitution of free India. He was no doubt advised, assisted and guided on many issues by Pandit Nehru and Sardar Patel—the two other architects—who conceptualised the basic principles, provisions and objectives of the Constitution. It was the moment of highest achievement and happiness for Dr. Ambedkar when the Resolutions on Directive Principles and Fundamental Rights were adopted by the Constituent Assembly. Article 15 of the Constitution declares:

The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Article 21 says:

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Again Article 17 of the Constitution states:

Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law.

It is indeed like a Charter of legal rights of liberty for the 'untouchables'. A Scheduled Caste Member of the Constituent Assembly significantly observed after the adoption of the Constitution:

It is an irony of fate that the man who was driven from one school to another, who was forced to take his lesson outside the classroom, has been entrusted with the great job of framing the Constitution of free and independent India, and it is he who finally dealt a fatal death-blow to the custom of untouchability, of which he was himself a victim in his younger days.

After the adoption of the Constitution, lavish praises were showered on Dr. Ambedkar by all the Members of the Constituent Assembly. In reply, he said in all humility:

I came into the Constituent Assembly with no greater aspiration than to safeguard the interest of the Scheduled Castes. I had not the remotest idea that I would be called upon to undertake more responsible function . . . I am grateful to the Constituent Assembly and Drafting Committee for reposing so much trust and confidence in me and giving me the opportunity of serving the country.

Before the dawn of independence, Dr. Ambedkar was known as the leader of a particular community, but after India became free he attained the stature of a great national figure as the liberator of the 'untouchables' and the outcastes of the Indian society. What he achieved as the chief architect of the Constitution of free India was like a *Magna Carta* of human rights for the Scheduled Castes and Scheduled Tribes. But a pertinent question still needs to be remembered in the year of the Birth Centenary of Dr. Ambedkar: How will legal rights for the Scheduled Castes and Scheduled Tribes be translated into reality in their social and economic life without waiting for long?

## Dr. B.R. Ambedkar: His Life, Work and Philosophy

*S.N. Mandal*

According to Dr. Ambedkar's own definition, "A Great Man must be motivated by the dynamics of a social purpose and must act as the scourge and the scavenger of society. These are the elements which distinguish an eminent individual from a Great Man and constitute his title-deeds to respect and reverence". Indeed, he himself fulfilled all the conditions of being a Great Man. His right to such a title rests on the social purposes he served and the way he served them.

### **Brief Life-Sketch**

Bhimrao Ramji Ambedkar was born of a poor family belonging to a Hindu 'untouchable' community called *Mabar*. He was born on 14 April 1891 at Mhow in Central India (now Madhya Pradesh) where his father was in military service. The Ambedkars originally came from the Konkan region of Ratnagiri District in the present Maharashtra state. Bhimrao was hardly two years old when his father retired from service. His mother died when he was only about six. Bhimrao got his early education in an environment of Bombay underworld. Since his school days he realized with intense shock what it was to be an 'untouchable' in India. His marriage took place after his Matriculation in an open shed of a market. He actually grew up in a ghetto. With benevolent help received from the Maharaja of Baroda, he passed his B.A. in 1912. His father died early next year.

Dr. Ambedkar's self-development started with his selection by the Maharaja of Baroda for higher studies in America in 1913, where he studied for his M.A. and Ph.D. degrees. He then left for London for further studies and was admitted there to the Grays Inn for Law and was also allowed to prepare for D.Sc. at the London School of Economics. But he was called back to India by the Dewan of Baroda. Later he got his Bar-at-Law and D.Sc. degrees also. He studied for some time at Bonn University in Germany.

### Struggles and Perspectives

In his struggle for academic excellence and eminence, Dr. Ambedkar did not forget his real aim in life, viz. the social uplift of his people. He decided to earn his independent living to achieve his mission. He temporarily accepted the post of a college professor, and was soon called upon to give evidence before a number of Commissions and Committees on political and social issues involving his people. He started some journals to propagate his views and aims. He started life as a barrister in 1923 and became a poorman's barrister. He began his social movement in 1924 through an organization called *Bahishkrit Hitakarini Sabha*: A historic and momentous event in the life of Dr. Ambedkar was when he led a march to the Mahad Tank in 1927 to preach to his people the universal law that liberty was never received as a gift, but had to be fought for. Here he proved himself as one of the greatest iconoclasts of all times. As early as in 1930, Dr. Ambedkar declared that no country was good enough to rule another, and it was equally true that no class was good enough to rule over another.

### Broad Principles of Life

Dr. Ambedkar was consciously in search of a philosophy of life right through the period of his adolescence. His exposure to Buddhism took place at the age of sixteen. The core of his philosophy of life was the basic tenets of liberty, equality and fraternity. His studies were not confined to purely academic problems, nor was he interested in pursuing abstract, impractical or 'hobby' research. He was more of an intellectual than a scholar. His dedication to the world of ideas was life long. He immersed himself in the world of ideas and came up with his own perspectives in an attempt to find answers to the problems posed by his life-experience.

Dr. Ambedkar's principle was not to fight against the particular persons who created a frustrating situation for him and his fellow sufferers, as the cause of the situation was not these persons but the social philosophy which supported a social system of inequalities. His long-term response was a direct attack against the root cause. Dr. Ambedkar was a believer in religion, but he was firmly against hypocrisy in the name of religion. For him, religion is for man and not man for religion. A people and their religion must be judged by a social ethics.

Patriotism was a firm principle of Dr. Ambedkar's life. As early as in October 1939, he declared:

Whenever there has been a conflict between my personal interests and the interests of the country as a whole, I have always placed the claims of the country above my personal claims. I have never pursued the path of private gain.

He confessed he had many quarrels with the caste Hindus over some points, but he took a vow that he would lay down his life "in defence of our land."

### A Holistic View

For a proper understanding of Dr. Ambedkar's work and contribution, it is necessary to know how he saw himself and his mission and developed a philosophy of life. It has to be clearly understood that Dr. Ambedkar's contribution to the evolution and drafting of the country's Constitution and to nation-building was no less than his advocacy of the underprivileged. *He was much more than a leader of the Depressed and Backward Classes*. Unfortunately, many know Dr. Ambedkar only as an embittered champion of the cause of the Scheduled Castes, of whom he was one.

His primary concern was, no doubt, to emancipate the down-trodden, oppressed and servile classes in the country. He had to struggle hard for the protection and promotion of their basic human and civil rights. He had to use his knowledge and energy to serve the cause of these classes. But at the same time, he had a much wider perspective of his mission in life. He must be recognized not only as a great champion of the human rights of the Depressed Classes but also as a great political thinker, social philosopher, a religious leader, and one who could easily fit into many other roles in nation-building. Let us briefly examine his major roles in important fields.

### Human Rights Crusader

It is the intense humanism that actuates one to take to any human rights movement. Dr. Ambedkar observed, experienced and studied the utter privation, despair and fear skilfully injected into millions of his countrymen by the higher caste people. He agitated about their sub-human conditions and regarded the woes and miseries of these people as a personal humiliation. Therefore, he took a vow to lead them to fight for their human rights. "Tell the slave he is a slave and he will revolt" was the slogan raised by Dr. Ambedkar. He cried out:

My heart breaks to see the pitiable sight of your faces and to hear your sad voices. You have been groaning from time immemorial and yet you are not ashamed to hug your helplessness as an inevitability . . . . Why do you worsen and sadden the picture of the sorrows, poverty, slavery and burdens of the world with your deplorable,

despicable, detestable and miserable life? You had better die and relieve this world if you cannot rise to a new life and if you cannot rejuvenate yourself.

Self help, self-elevation and self-respect was the trident with which he goaded his people to action. According to Dr. Ambedkar's biographer, Dhananjay Keer:

He moved through the hamlets, villages and towns to stir up his people, stinging them into protests and driving them to revolt.

He was preaching to them the grand universal law that liberty is never received as a gift; it has to be fought for. That was the justification for Dr. Ambedkar's primary role as the crusader for the human rights of the underprivileged in the country. His early life experience and his studies of the socio-economic history of this country convinced him of the primacy of emancipation of the Depressed Classes through social reform movement over bare political action. Dr. Ambedkar had been striving to secure human rights for his people without meaning or doing any harm to the country.

### Political and Economic Thoughts

The core of Dr. Ambedkar's political thinking is contained in two of his statements:

1. Rights are protected not by law but by the social and moral conscience of society.
2. A democratic form of government presupposes a democratic form of society.

Social conscience is the only safeguard of all rights, fundamental or non-fundamental. The prevalent view that once rights are enacted in a law they are safeguarded is unwarranted. The formal framework of democracy is of no value. Democracy is essentially a form of society, a mode of associated living. The roots of democracy are to be searched in social relationship, in terms of associated life between the people who form a society.

Dr. Ambedkar realized, perhaps more than other political thinkers in India, that isolation and exclusiveness of one section of citizens from others could not lead to general will for shared interests. The remedy is "common cycles of participation for the different sections" of the people. Thus he developed a *theory of democracy* which was original and interesting. While speaking in the Constituent Assembly on 25 November 1949, after the Constitution was framed, Dr. Ambedkar categorically stated: "Political democracy cannot last unless there lies at the base of it social democracy" which means "a way of life which recognizes liberty, equality and fraternity as the principles

of life" forming a union of trinity. To Dr. Ambedkar, fraternity or social relationship is the key to democracy. His special contribution to political thought lies in his linking liberty, equality and fraternity to the concept of social democracy which, in turn, he related to democracy as a form of government. Even after the adoption of the Constitution, Dr. Ambedkar found the people leading "a life of contradictions", having equality in politics and inequality in social and economic life. He warned:

We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.

He was worried about the possible danger of democracy giving place to dictatorship. To him, the imperative for maintaining democracy not merely in form but also in fact is "to hold fast to constitutional methods of achieving our social and economic objectives". However, he felt that the Gandhian methods would not be enough. "The methods of civil disobedience, non-cooperation and *satyagraha* must be abandoned", he averred. He defined democracy as a form and method of government whereby revolutionary changes in the economic and social life of the people are brought about without bloodshed.

Dr. Ambedkar's views on politico-economic concepts were very clear. He was opposed to capitalism, but he was also opposed to communism, on different grounds. Although he liked the approach of the Russian experiment that the State and its Constitution should not only prescribe the political structure of the society but also define and guarantee its social and economic ideals, he was definitely for limited State control in matters economic and social to avoid any kind of dictatorship. His insistence in this regard stemmed from the traditional undependability and historically established inconsistency of even an adult franchise electorate. To him, labour loses its liberty under capitalism, and under Communism "workers may get equality with the erstwhile class of owners, but they are sure to lose their rights to liberty". He said:

There is no question that labour needs not only equality, it also needs liberty. . . Labour must have both equality and liberty. . . In other words, the economic structure of society which would serve the interests of labour best is Socialism.

It will be interesting to note that Dr. Ambedkar put labour in the Concurrent List of our Constitution, so that labour's interests would be adequately served by uniformity of legislations throughout the Union and by the requisite power to ensure conformity with international regulations.

Dr. Ambedkar had a constructive approach on the question of a strong Centre with plenary powers, and the amplitude of Fundamental Rights. He pointed out that "it is only the Centre which can work for a common end for the general interests of the country as a whole". About rights, he succinctly stated:

It is the remedy that makes a right real. If there is no remedy, there is no right at all, and I am, therefore, not prepared to burden the Constitution with a number of pious declarations which may sound as glittering generalities but for which the Constitution makes no provision by way of a remedy. It is much better to be limited in the scope of our rights and make them real by enunciating remedies than to have a lot of pious wishes embodied in the Constitution.

Dr. Ambedkar described Art. 32 dealing with remedies for enforcement of Fundamental Rights as

an article without which this Constitution would be a nullity. . . It is the very soul of the Constitution. . . and the very heart of it.

Again, although Dr. Ambedkar was an advocate of the 'Due Process' clause at the earlier stages, he took a judicial view of the question later. There were two views on this point: either to trust that the legislature will not make bad laws, or to give the judiciary the authority to sit in judgment over the will of the legislature. Dr. Ambedkar admitted that dangers lay in both ways, and left the matter to the Constituent Assembly to decide in any way it liked.

Dr. Ambedkar displayed his immense foresight and rare statesmanship in the memorandum that he submitted to the Dar Commission on Linguistic Provinces in 1948. He bluntly stated the realities that were to follow the concession to linguism. He envisaged many ill-effects of creating linguistic provinces on the working of the Central Government. He warned:

Linguistic Provinces will result in creating as many nations as there are groups. . . and the Central Legislature will be a League of Nations. . . It may lead to a break-up of India.

We now see how prophetic he was.

Dr. Ambedkar's rationalistic ideas on many political issues were reflected in the report he presented to the Simon Commission as early as 1929. Some of them were further elaborated in his *magnum opus*, *Pakistan or Partition of India*. It has been described as a masterpiece in which learning and thinking are blended and displayed at their highest order. It is really *an epitome of the political and social history of India* and it rocked Indian Politics for over a decade.

Dr. Ambedkar's participation and speeches at the Round Table Conference in London during 1930-32 clearly demonstrated his great political acumen and sagacity. He openly declared there that "the

Untouchables in India are also for replacing the existing (British) Government by a government of the people, for the people and by the people". He made his position more explicit by adding as follows:

Does not the Government of India realize the gravity of removing the social evils which are eating into the vitals of Indian society? Does not the Government realize that the landlords are squeezing the masses dry? Does not the Government of India realize that the capitalists are not giving the labourers a living wage and decent conditions of work? It does and yet it has not dared to touch any of these evils. . . The reason why it does not intervene is because it is afraid that its intervention to amend the existing code of social and economic life will give rise to resistance. Of what good is such a Government in which the men in power will give their undivided allegiance to the best interest of the country. We must have a Government in which men in power knowing where obedience will end and resistance will begin will not be afraid to amend the social and economic code of life which the dictates of justice and expediency so urgently call for.

These views of Dr. Ambedkar are undoubtedly relevant even today.

Dr. Ambedkar disagreed with the Indian socialist view that equalization of property was the only real reform and that it must precede everything else. He warned the socialists:

If they wish to make Socialism a definite reality, then they must recognize that the problems of social reform is fundamental and that for them there is no escape from it. . . They will be compelled to take account of caste after revolution, if not before revolution.

He explained how "religion, social status and property are all sources of power and authority", particularly in the Indian situation.

According to Dr. Ambedkar, Marx's philosophy was a direction, not a dogma. He 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 labourer. He, however, wanted to establish State socialism by the law of the Constitution and to see that it was practised through parliamentary democracy.

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.

### Social Philosophy and Religious Ideology

Dr. Ambedkar had an integral approach to developing his social philosophy and religious ideology. He stated:

Every man should have a philosophy of life, for everyone must have a standard by which to measure his conduct.

Regarding himself he said:

Positively, my social philosophy may be said to be enshrined in three words: liberty, equality and fraternity. . . My philosophy has roots in religion and not in political science.

His life-long struggle to liberate his people from utter degradation were aimed at bringing about a rational social order in the country.

Dr. Ambedkar's choice of ideology was based on a very broad and deep study of comparative religion. It took him a long time to consolidate and propagate an ideological perspective for a new social order. To him, the aim of religion is to make a social order in which men abide by a moral code. He considered religion as a social force. According to him, the philosophy of a religion had to be judged by applying the test of justice and the test of utility. Justice is simply another name for liberty, equality and fraternity. According to him, the philosophy of Hinduism does not satisfy the test of justice or of utility. Hinduism is not interested in the common man; it is not interested in society as a whole. The centre of its interest lies not in individuals but in a class, and the maintenance of the rights of few such classes is its sole concern. This religious notion of Hinduism took the form of the doctrine of *Chaturvarna*. This unique system of caste has functioned as the frame of the Hindu society with all its later ailments of isolation and fragmentation. It is not possible to ensure social justice to all individuals and sections of the Hindu society within the framework of the caste system. Caste or class among the non-Hindus is only a practice, not a sacred institution. But to Hindus it has decidedly a religious connotation.

Dr. Ambedkar was of the firm view that the outcaste in Hindu society was a by-product of the caste system, and nothing could emancipate the outcaste except the destruction of the caste system. He asserted:

If Hindu religion is to be their religion, it must become a religion of social equality. . . What is required is to purge it of the doctrine of *Chaturvarna*. That is the root cause of all inequality and is also the parent of the caste system and untouchability which are merely other forms of inequality.

Before his death, Gandhiji also was veering round to Dr. Ambedkar's view of the need for purging Hinduism of the doctrine of *Chaturvarna*.

Dr. Ambedkar's keen observation is reflected in the following statement:

There have been social revolutions in other countries of the world. Why have there not been social revolutions in India is a question which has incessantly troubled me. There is only one answer which I can give and it is that the lower classes of Hindus have been completely disabled for direct action on account of this wretched system of *Chaturvarna*. They could not bear arms and without arms they could not rebel.

It is well known that Dr. Ambedkar submitted a memorandum to the Constituent Assembly in the form of proposed articles of the Constitution to be framed for free India. In Clause (1) of Art. II-Sec. 1 (relating to Fundamental Rights) of his draft, it was clearly laid down that:

Any privilege or disability arising out of rank, birth, person, family, religion or religious usage and custom is abolished.

The Sub-Committee on Fundamental Rights, discussing this clause on 29 March 1947 accepted Munshi's draft instead (now Art. 17 of the Constitution) for abolition of untouchability, which is only an offshoot of the caste system. It is significant that Dr. Ambedkar did not reply to the debate on this clause in the Constituent Assembly on 29 November 1948. Had the provision given in Dr. Ambedkar's draft article been accepted, the caste system would have been automatically rooted out from the socio-religious structure of this country, at least legally. His genuine fear has now proved true from ground realities.

Dr. Ambedkar's last attempt was to bring about some changes under law in the framework of Hindu society on more liberal patterns suited to modern conditions and times through the Hindu Code Bill. The horizon of Hindu religion was also proposed to be broadened through this Bill. The Hindu Code Bill was the first attempt by Dr. Ambedkar to persuade Hindu society to accept its own power and its own responsibility in moulding its own destiny. But it led to severe criticisms and dissensions, and even the Hindu intelligentsia was driven into warring camps. Consequently, the traditionalists got the upper hand and even the truncated Bill was later let down in a tragic manner. In great agony Dr. Ambedkar then resigned from the Union Cabinet in protest.

The life and struggles of Dr. Ambedkar mark a definite phase in the renaissance of Hinduism and the reorganization of Hindu social order. His contribution to Hinduism and to India will be considered greater than that of most of the modern Hindu leaders, for unlike them, he has contributed to the constitutional and political thought and development of the country. He worked for the cause of Hindu society, the cause of the country, and the cause of humanity. He was justifiably bitter and ultimately left the formal Hindu fold and embraced Buddhism. As stated by the late Dr. H.N. Kunzru: "It was a



disgrace to Hinduism that by its intolerance it compelled a man, whom it should have honoured, to sever his connection with it". The conversion of Dr. Ambedkar and his followers to Buddhism was perhaps the culmination of the social movement started by Dr. Ambedkar. His intense love for the preservation and promotion of the country's culture and tradition was clearly reflected in his book entitled *Thoughts on Pakistan*. Even his historic declaration of a possible change of religion at the Yeola Conference in October 1935 was intended to ennoble Hinduism. Dr. Ambedkar's conversion to Buddhism shortly before his death in 1956 raised some controversy which has still not subsided. By this action he, however, chose "only the least harmful way for the country". As he himself said:

And that is the greatest benefit I am conferring on the country by embracing Buddhism; for Buddhism is part and parcel of *Bharatiya* culture. I have taken care that conversion will not harm the tradition of the culture and history of this land.

#### **As Constitutionalist and Parliamentarian**

The magnificent way in which Dr. Ambedkar piloted the Constitution Bill in the Constituent Assembly revealed the depth of his knowledge of the Constitutions of the various countries and his firm grasp of the political and constitutional principles. He emerged as a great Constitution-maker of our time. His speeches in the Constituent Assembly show his profound knowledge, scholarship, wide range of studies, remarkable power of persuasive eloquence, admirable capacity for lucid exposition, penetrating intellect, and his great and courageous statesmanship. As Chairman of the Drafting Committee and as Law Minister, he strove his utmost to incorporate into our Constitution such provisions as would help establish a new social order. But he was placed under severe handicaps and limitations in this task. He was not really satisfied. For example, he was unhappy with the inclusion of the property clause as a fundamental right in the Constitution. To quote his own words, he "bleated a good deal", but to no effect. While replying to the debate on the third reading of the Constitution on 25 November 1949, Dr. Ambedkar expressed great anxiety about the future of the country, with some prophetic warnings. His later observation that "Constitutional morality is far more important than the Constitution" shows the honesty of his purpose and dedication. His work of Constitution-making alone would have assured him a permanent place in Indian history.

#### **Other Roles**

Dr. Ambedkar had been so much concerned about the lot of the downtrodden that he founded an Independent Labour Party as early as August 1936 with a comprehensive programme to meet the needs and grievances of the landless, poor tenants, agriculturists and workers. Very few people are now aware that Dr. Ambedkar was a great advocate of agrarian reforms. He led a peasants' march to the Council Hall in Bombay as early as 1938 and was becoming a great leader of the peasants, workers and the landless. He was the first legislator in India to introduce a Bill for the abolition of the serfdom of agricultural tenants. His profound knowledge of labour matters was universally acknowledged and actually demonstrated during his term as Labour Member of the Viceroy's Executive Council from 1942 to 1946. Dr. Ambedkar was also a great advocate of the liberation of women in India.

Dr. Ambedkar's realization of the fundamental importance of education for the uplift of his people spurred him to establish the People's Education Society in Bombay in 1946. To him, nothing was more sacred than learning. He was of the firm view that "education is something which ought to be brought within the reach of everyone." According to him, the surest way for the salvation of the oppressed and 'untouchables' lies in higher education, higher employment, and better ways of earning a living. He was, however, disillusioned by the educated section of his people. He observed:

An educated man without character and humility is more dangerous than a beast. If his education is detrimental to the welfare of the poor, the educated man is a curse to society. . . Character is more important than education.

#### **Dr. Ambedkar's Message: An Assessment**

The life of Dr. Ambedkar is a saga of great struggles and achievements. Mahatma Gandhi aptly described him as "a man who has carved out for himself a unique position in society", adding further that "Dr. Ambedkar is not the man to allow himself to be forgotten". In the words of Nobel Laureate Gunnar Myrdal:

All over the world the memory of B.R. Ambedkar will live forever as a truly great Indian in the generation which laid down the direction of independent India.

Dr. Ambedkar aptly compared himself with Moses. Moses wanted to free the Israelites from forced labour and their unending servitude, and led his people to Palestine. He was brought up and educated by a Prince. Ambedkar was also provided with educational facilities by a

Maharaja. Both led their people out of bondage, gave them their religion and law, and brought them to the doorsteps of the Promised Land. Like Moses, Ambedkar catalogued, expanded and interpreted the code of the laws of a nation.

Dr. Ambedkar's message to his people was:

You must have firm belief in sacredness of your mission. Noble is your aim and sublime and glorious is your mission. Blessed are those who are awakened to their duty to those among whom they are born.

## Annexure I

*Text of the Speech of Dr. B.R. Ambedkar Delivered in the Constituent Assembly on 17 December 1946 on the Resolution regarding Aims and Objects.*

DR. B.R. AMBEDKAR (Bengal: General): Mr. Chairman, I am indeed very grateful to you for having called me to speak on the Resolution. I must however confess that your invitation has come to me as a surprise. I thought that as there were some 20 or 22 people ahead of me, my turn, if it did come at all, would come tomorrow. I would have preferred that as today I have come without any preparation whatsoever. I would have liked to prepare myself as I had intended to make a full statement on an occasion of this sort. Besides you have fixed a time limit of 10 minutes. Placed under these limitations, I don't know how I could do justice to the Resolution before us. I shall however do my best to condense in as few words as possible what I think about the matter.

Mr. Chairman, the Resolution in the light of the discussion that has gone on since yesterday, obviously divides itself into two parts, one part which is controversial and another part which is non-controversial. The part which is non-controversial is the part which comprises paragraphs (5) to (7) of this Resolution. These paragraphs set out the objectives of the future constitution of this country. I must confess that, coming as the Resolution does from Pandit Jawaharlal Nehru who is reputed to be a Socialist, this Resolution, although non-controversial, is to my mind very disappointing. I should have expected him to go much further than he has done in that part of the Resolution. As a student of history, I should have preferred this part of the Resolution not being embodied in it at all. When one reads that part of the Resolution, it reminds one of the Declaration of the Rights of Man which was pronounced by the French Constituent Assembly. I think I am right in suggesting that, after the lapse of practically 450 years, the Declaration of the Rights of Man and the principles which are embodied in it has become part and parcel of our mental make-up. I say they have become not only the part and parcel of the mental make-up of modern man in every civilised part of the world, but also

in our own country which is so orthodox, so archaic in its thought and its social structure, hardly anyone can be found to deny its validity. To repeat it now as the Resolution does is, to say the least, pure pedantry. These principles have become the silent immaculate premise of our outlook. It is therefore unnecessary to proclaim as forming a part of our creed. The Resolution suffers from certain other lacuna. I find that this part of the Resolution, although it enunciates certain rights, does not speak of remedies. All of us are aware of the fact that rights are nothing unless remedies are provided whereby people can seek to obtain redress when rights are invaded. I find a complete absence of remedies. Even the usual formula that no man's life, liberty and property shall be taken without the due process of law, finds no place in the Resolution. These fundamental rights set out are made subject to law and morality. Obviously what is law, what is morality will be determined by the Executive of the day and when the Executive may take one view another Executive may take another view and we do not know what exactly would be the position with regard to fundamental rights, if this matter is left to the Executive of the day. Sir, there are here certain provisions which speak of justice, economical, social and political. If this Resolution has a reality behind it and a sincerity, of which I have not the least doubt, coming as it does from the Mover of the Resolution, I should have expected some provision whereby it would have been possible for the State to make economic, social and political justice a reality and I should have from that point of view expected the Resolution to state in most explicit terms that in order that there may be social and economic justice in the country, that there would be nationalisation of industry and nationalisation of land, I do not understand how it could be possible for any future Government which believes in doing justice socially, economically and politically, unless its economy is a socialistic economy. Therefore, personally, although I have no objection to the enunciation of these propositions, the Resolution is, to my mind, somewhat disappointing. I am however prepared to leave this subject where it is with the observations I have made.

Now I come to the first part of the Resolution, which includes the first four paragraphs. As I said from the debate that has gone on in the House, this has become a matter of controversy. The controversy seems to be centred on the use of that word 'Republic'. It is centred on the sentence occurring in paragraph 4 "the sovereignty is derived from the people". Thereby it arises from the point made by my friend Dr. Jayakar yesterday that in the absence of the Muslim League it would not be proper for this Assembly to proceed to deal with this Resolution. Now, Sir, I have got not the slightest doubt in my mind as to the future evolution and the ultimate shape of the social, political and economic structure of this great country. I know to-day we are

divided politically, socially and economically. We are a group of warring camps and I may go even to the extent of confessing that I am probably one of the leaders of such a camp. But, Sir, with all this, I am quite convinced that given time and circumstances nothing in the world will prevent this country from becoming one. (*Applause*) With all our castes and creeds, I have not the slightest hesitation that we shall in some form be a united people. (*Cheers*) I have no hesitation in saying that notwithstanding the agitation of the Muslim League for the partition of India some day enough light would dawn upon the Muslims themselves and they too will begin to think that a United India is better even for them. (*Loud cheers and applause*)

So far as the ultimate goal is concerned, I think none of us need have any apprehensions. None of us need have any doubt. Our difficulty is not about the ultimate future. Our difficulty is how to make the heterogeneous mass that we have to-day take a decision in common and march on the way which leads us to unity. Our difficulty is not with regard to the ultimate, our difficulty is with regard to the beginning. Mr. Chairman, therefore, I should have thought that in order to make us willing friends, in order to induce every party, every section in this country to take on to the road it would be an act of greatest statesmanship for the majority party even to make a concession to the prejudices of people who are not prepared to march together and it is for that, that I propose to make this appeal. Let us leave aside slogans, let us leave aside words which frighten people. Let us even make a concession to the prejudices of our opponents, bring them in, so that they may willingly join with us on marching upon that road, which as I said, if we walk long enough, must necessarily lead us to unity. If I, therefore, from this place support Dr. Jayakar's amendment, it is because I want all of us to realise that whether we are right or wrong, whether the position that we take is in consonance with our legal rights, whether that agrees with the Statement of May the 16th or December 6th, leave all that aside. This is too big a question to be treated as a matter of legal rights. It is not a legal question at all. We should leave aside all legal considerations and make some attempt, whereby those who are not prepared to come, will come. Let us make it possible for them to come, that is my appeal.

In the course of the debate that took place, there were two questions which were raised, which struck me so well that I took the trouble of taking them down on a piece of paper. The one question was, I think, by my friend, the Prime Minister of Bihar who spoke yesterday in this Assembly. He said, how can this Resolution prevent the League from coming into the Constituent Assembly? Today my friend, Dr. Syama Prasad Mookerjee, asked another question. Is this Resolution inconsistent with the Cabinet Mission's Proposal? Sir, I

think they are very important questions and they ought to be answered and answered categorically. I do maintain that this Resolution whether it is intended to bring about the result or not, whether it is a result of cold calculation or whether it is a mere matter of accident is bound to have the result of keeping the Muslim League out. In this connection I should like to invite your attention to paragraph 3 of the Resolution, which I think is very significant and very important. Paragraph 3 envisages the future constitution of India. I do not know what is the intention of the Mover of the Resolution. But I take it that after this Resolution is passed, it will act as a sort of a directive to the Constituent Assembly to frame a constitution in terms of para. 3 of the Resolution. What does para. 3 say? Para. 3 says that in this country there shall be two different sets of polity, one at the bottom, autonomous Provinces or the States or such other areas as care to join a United India. These autonomous units will have full power. They will have also residuary powers. At the top, over the Provincial units, there will be a Union Government, having certain subjects for legislation, for execution and for administration. As I read this part of the Resolution, I do not find any reference to the idea of grouping, an intermediate structure between the Union on the one hand and the provinces on the other. Reading this para. in the light of the Cabinet Mission's Statement or reading it even in the light of the Resolution passed by the Congress at its Wardha session, I must confess that I am a great deal surprised at the absence of any reference to the idea of grouping of the provinces. So far as I am personally concerned, I do not like the idea of grouping (*hear, hear*). I like a strong united Centre, (*hear, hear*) much stronger than the Centre we had created under the Government of India Act of 1935. But, Sir, these opinions, these wishes have no bearing on the situation at all. We have travelled a long road. The Congress Party, for reasons best known to itself consented, if I may use that expression, to the dismantling of a strong Centre which had been created in this country as a result of 150 years of administration, and which, I must say, was to me a matter of great admiration and respect and refuge. But having given up that position, having said that we do not want a strong Centre, and having accepted that there must be or should be an intermediate polity, a sub-federation between the Union Government and the Provinces I would like to know why there is no reference in para. 3 to the idea of grouping. I quite understand that the Congress Party, the Muslim League and His Majesty's Government are not *ad idem* on the interpretation of the clause relating to grouping. But I always thought that,—I am prepared to stand corrected if it is shown that I am wrong,—at least it was agreed by the Congress Party that if the Provinces which are placed within different groups consent to form a

Union or Sub-federation, the Congress would have no objection to that proposal. I believe I am correct in interpreting the mind of the Congress Party. The question I ask is this. Why did not the Mover of this Resolution make reference to the idea of a Union of Provinces or grouping of Provinces on the terms on which he and his party was prepared to accept it? Why is the idea of Union completely effaced from this Resolution? I find no answer. None whatever. I therefore say in answer to the two questions which have been posed here in this Assembly by the Prime Minister of Bihar and Dr. Syama Prasad Mookerjee as to how this Resolution is inconsistent with the Statement of May 16th or how this Resolution is going to prevent the Muslim League from entering this Constituent Assembly, that here is para. 3 which the Muslim League is bound to take advantage of and justify its continued absence. Sir, my friend Dr. Jayakar, yesterday, in arguing his case for postponing a decision on this issue put his case, if I may say so, without offence to him, somewhat in a legalistic manner. The basis of his argument was, have you the right to do so? He read out certain portions from the Statement of the Cabinet Mission which related to the procedural part of the Constituent Assembly and his contention was that the procedure that this Constituent Assembly was adopting in deciding upon this Resolution straightaway was inconsistent with the procedure that was laid down in that Paper. Sir, I like to put the matter in a somewhat different way. The way I like to put it is this. I am not asking you to consider whether you have the right to pass this Resolution straightaway or not. It may be that you have the right to do so. The question I am asking is this. Is it prudent for you to do so? Is it wise for you to do so? Power is one thing; wisdom is quite a different thing and I want this House to consider this matter from the point of view, not of what authority is vested in this Constituent Assembly, I want this House to consider the matter from another point of view, namely, whether it would be wise, whether it would be statesmanlike, whether it would be prudent to do so at this stage. The answer that I give is that it would not be prudent, it would not be wise. I suggest that another attempt may be made to bring about a solution of the dispute between the Congress and the Muslim League. This subject is so vital, so important that I am sure it could never be decided on the mere basis of dignity of one party or the dignity of another party. When deciding the destinies of nations, dignities of people, dignities of leaders and dignities of parties ought to count for nothing. The destiny of the country ought to count for everything. It is because I feel that it would in the interest not only of this Constituent Assembly so that it may function as one whole, so that it may have the reaction of the Muslim League before it proceeds to decision that I support Dr. Jayakar's amendment—we must also

consider what is going to happen with regard to the future, if we act precipitately. I do not know what plans the Congress Party, which holds this House in its possession, has in its mind? I have no power of divination to know what they are thinking about. What are their tactics, what is their strategy, I do not know. But applying my mind as an outsider to the issue that has arisen, it seems to me there are only three ways by which the future will be decided. Either there shall have to be surrender by the one party to the wishes of the other—that is one way. The other way would be what I call a negotiated peace and the third way would be open war. Sir, I have been hearing from certain members of the Constituent Assembly that they are prepared to go to war. I must confess that I am appalled at the idea that anybody in this country should think of solving the political problems of this country by the method of war. I do not know how many people in this country support that idea. A good many perhaps do and the reason why I think they do, is because most of them, at any rate a great many of them, believe that the war that they are thinking of, would be a war on the British. Well, Sir, if the war that is contemplated, that is in the minds of people, can be localised, circumscribed, so that it will not be more than a war on the British, I probably may not have much objection to that sort of strategy. But will it be a war on the British only? I have no hesitation and I do want to place before this House in the clearest terms possible that if war comes in this country and if that war has any relation to the issue with which we are confronted to-day, it will not be a war on the British. It will be a war on the Muslims. It will be a war on the Muslims or which is probably worse, it will be a war on a combination of the British and the Muslims. I cannot see how this contemplated war be of the sort different from what I fear it will be. Sir, I like to read to the House a passage from Burke's great speech on Conciliation with America. I believe this may have some effect upon the temper of this House. The British people as you know were trying to conquer the rebellious colonies of the United States, and bring them under their subjection contrary to their wishes. In repelling this idea of conquering the colonies this is what Burke said:

"First, Sir, permit me to observe, that the use of force alone is but temporary. It may subdue for a moment; but it does not remove the necessity of subduing again; and a nation is not governed, which is perpetually to be conquered.

"My next objection is its uncertainty. Terror is not always the effect of force; and an armament is not a victory. If you do not succeed, you are without resource; for conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence. . .

"A further objection to force is, that you impair the object by your very endeavours to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted and consumed in the contest."

These are weighty words which it would be perilous to ignore. If there is anybody who has in his mind the project of solving the Hindu-Muslim problem by force, which is another name of solving it by war, in order that the Muslims may be subjugated and made to surrender to the Constitution that might be prepared without their consent, this country would be involved in perpetually conquering them. The conquest would not be once and for ever. I do not wish to take more time than I have taken and I will conclude by again referring to Burke. Burke has said somewhere that it is easy to give power, it is difficult to give wisdom. Let us prove by our conduct that if this Assembly has arrogated to itself sovereign powers it is prepared to exercise them with wisdom. That is the only way by which we can carry with us all sections of the country. There is no other way that can lead us to unity. Let us not have any doubt on that point.

## Annexure II

*Obituary References Made in both Houses of Parliament on 6 December 1956 on the passing away of Dr. B.R. Ambedkar.*

### LOK SABHA

THE PRIME MINISTER AND LEADER OF THE HOUSE (SHRI JAWAHARLAL NEHRU): Mr. Speaker, Sir, I have to convey to the House the sad news of the death of Dr. Ambedkar. Only two days ago, I believe, the day before yesterday, he was present in the other House of which he was a Member. The news, therefore, of his death to-day came as a shock to all of us who had no inkling of such a thing happening so soon.

Dr. Ambedkar, as every Member of this House knows, played a very important part in the making of the Constitution of India, subsequently in the Legislative Part of the Constituent Assembly and later in the Provisional Parliament. After that, he was not a Member of Parliament for some time. Then, he came back to the Rajya Sabha of which he was a sitting Member.

He is often spoken of as one of the architects of our Constitution. There is no doubt that no one took greater care and trouble over Constitution making than Dr. Ambedkar. He will be remembered also for the great interest he took and the trouble he took over the question of Hindu Law reform. I am happy that he saw that reform in a very large measure carried out, perhaps not in the form of that monumental tome that he had himself drafted, but in separate bits. But, I imagine that the way he will be remembered most will be as a symbol of the revolt against all the oppressive features of Hindu society. He used language sometimes which hurt people. He sometimes said things which were perhaps not wholly justified. But, let us forget that. The main thing was that he rebelled against something against which all ought to rebel and we have, in fact, rebelled in various degrees. This Parliament itself represents in the legislation which it has framed, its repudiation of those customs or legacies from the past which kept down a large section of our people from enjoying their normal rights.

When I think of Dr. Ambedkar, many things come to my mind, because he was a highly controversial figure. He was not a person of soft speech. But, behind all that was this powerful reaction and an act of rebellion against something that repressed our society for so long. Fortunately, that rebellion had the support, not perhaps in the exact way he wanted it, but in a large measure, the principle underlying that rebellion had the support of Parliament, and, I believe, every group and party represented here. Both in our public activities and in our legislative activities, we did our utmost to remove that stigma on Hindu society. One cannot remove it completely by law, because custom is more deep-rooted and, I am afraid, it still continues in many parts of the country even though it may be considered illegal. That is true. But, I have no doubt that it is something that is in its last stages and may take a little time to vanish away. When both law and public opinion become more and more determined to put an end to state of affairs, it cannot last long. Anyhow, Dr. Ambedkar, as I said, became prominent in his own way and a most prominent symbol of that rebellion. I have no doubt that, whether we agree with him or not in many matters, that perseverance, that persistence and that, if I may use the word, sometime virulence of his opposition to all this did keep the people's mind awake and did not allow them to become complacent about matters which could not be forgotten, and helped in rousing up those groups in our country which had suffered for so long in the past. It is, therefore, sad that such a prominent champion of the oppressed and depressed in India and one who took such an important part in our activities, has passed away.

As the House knows, he was a Minister, a member of our Cabinet, for many years, and I had the privilege of co-operating with him in our governmental work. I had heard of him and, of course, met him previously on various occasions. But, I had not come into any intimate contact with him. It was at the time of the Constituent Assembly that I got to know him a little better. I invited him to join the Government. Some people were surprised that I should do so, because, it was thought that his normal activities were of the opposition type rather than of the governmental type. Nevertheless, I felt at that time that he had played an important and very constructive role in the making of the Constitution and that he could continue to play a constructive role in governmental activities. Indeed, he did. In spite of some minor differences here and there, chiefly, if I may say so, not due to any matters of principle, but rather linguistic matters and language used, we co-operated in the Government for several years to our mutual advantage, I think. Anyhow, a very leading and prominent personality, who has left his mark in our public affairs and on the Indian scene, has passed away, a personality who was known to nearly all

of us here, I suppose, and I feel sure that all of us feel very sad. We know him well. He had been unwell for a long time. Nevertheless, the passing of a person is painful. I am sure that you, Sir and the House will be pleased to convey our deep condolences and sympathy to his family.

There are various rules laid down in our Rules of Procedure in regard to such occurrences, in regard to adjournment of the House. Normally speaking, those rules apply to Members of the House. Dr. Ambedkar was not a Member of this House. He was a Member of the Rajya Sabha. He was an ex-Member of this House. The rule says that in such cases, a reference may be made in the House but there may be no adjournment unless he comes in the category of outstanding personalities, in which case, total adjournment may be made. There can be no doubt that he comes under the category of outstanding personalities. According to the strict rule, it says, token adjournment may be made. I submit that, without doing any violence to this rule or to the spirit underlying this rule, the present case deserves for some reasons which I have mentioned and others which I have not mentioned, that the House do adjourn for the day. That is subject to your wishes and the wishes of the House.

SHRIMATI RENU CHAKRAVARTY (Basirhat): Sir, I join the Leader of the House in requesting you to convey to the members of the family of Dr. Ambedkar the condolences of our party and our colleagues.

We, younger Members, never had the privilege of working with him. We had also our difference. But, to-day, we all of us cannot forget how he brought to the forefront of our people's conscience the disabilities suffered by a section of our people owing to our oppressive social system. Personally I feel that, although we have passed the Hindu Code Bill in parts, the principles which Dr. Ambedkar had embodied in his original draft were wiser in many aspects. We also pay our tribute to his outstanding intellect which rose against social inequality and narrow prejudices, and he became one of those who were known as the architects of our Constitution, and I am sure the country will remember him embodied in that Constitution. I also join with the Leader of the House in requesting you to adjourn this House as a mark of respect to his memory.

SHRI ASOKA MEHTA (Bhandara): I wish to associate myself with the tribute that has been paid to Dr. Ambedkar.

I was privileged to be associated with him on more than one occasion, and in his remarkable and fascinating career, there were many facets. We who come from Bombay remember him as a teacher, we remember him as an economist, we remember him as a labour

leader, we remember him as political leader. Apart from the great work that he did in this House and as a Member of the Government, as far as my part of the country is concerned, he brought a new awakening. It was because of him that large sections of people on our side were given a sense of social significance, they were given a sense of confidence. I believe if he had not been there perhaps my part of the country would not have been what it is today.

I am sure in paying our respect to his memory and in trying to do honour to him by adjourning today, we only pay the great debt that many of us owe to him for the great services that he has rendered to our society.

श्री वि० घ० देशपांडे (गुना): अध्यक्ष महोदय, मैं समझता हूँ कि डा० अम्बेडकर के निधन समाचार से केवल संसद् में ही नहीं बल्कि समूचे राष्ट्र भर में एक दुःख की लहर फैल जायेगी। डा० अम्बेडकर ने भारत का विधान बनाया था और उसको तैयार करने में उन्होंने अधिक परिश्रम और योग्यता का परिचय दिया। इसके अतिरिक्त डा० अम्बेडकर हिन्दू समाज के एक महान नेता थे हालाँकि डा० अम्बेडकर ने हिन्दू समाज पर बड़े प्रहार किये, तीखे और कड़वे प्रहार किये, लेकिन मैं समझता हूँ कि उस का भी एक कारण था और यह था कि डा० अम्बेडकर का जन्म जिस जाति में हुआ था उसके प्रति सवर्ण हिन्दुओं ने बहुत पाप किये हैं और उन पापों को देखने के पश्चात् डा० अम्बेडकर का कभी इतना तीक्ष्ण होना समझ में आ सकता है और यह भी हमारे पापों का फल है ऐसा मैं मानता हूँ।

डा० अम्बेडकर की योग्यता और पांडित्य इतना ऊँचा था और इतना महान था कि मैं समझता हूँ कि दूसरे किसी कारण से नहीं तो इसलिए कि उनका ब्यक्तिव इतना महान था कि जिस को ले कर उन्होंने अस्पृश्यता के विरुद्ध इतना घोर संग्राम किया, डा० अम्बेडकर को मान देना अत्यावश्यक था। डा० अम्बेडकर ने अस्पृश्यता निवारण के लिये जो जीवन पर्यन्त प्रयत्न किये वह कभी भुलाये नहीं जा सकते और हालाँकि उनके पहले से अस्पृश्यता निवारण का आन्दोलन किसी न किसी रूप में इस देश में चलता आया है पर अस्पृश्य लोगों को एक मनुष्य के नाते खड़े हो कर लड़ने और झगड़ने का काम अगर किसी ने सिखाया तो यह डा० अम्बेडकर ने सिखाया और उन्होंने हिन्दू समाज के इस पददलित वर्ग को उठाया और उनको बताया कि वे भी दूसरों की तरह इन्सान हैं और इस नाते अस्पृश्य लोगों के प्रति की गई उनकी सेवाओं को देश कभी नहीं भुला सकेगा। आज हमारे बीच से एक महान नेता उठ गया है और मैं समझता हूँ कि उनकी मृत्यु से जो स्थान रिक्त हुआ है उसकी पूर्ति निकट भविष्य में होती मुश्किल नजर आती है। सदन के नेता ने जो उनकी मृत्यु पर दुःख प्रदर्शित किया है उसमें मैं पूरी तरह उनका साथ देता हूँ।

SHRI FRANK ANTHONY (Nominated—Anglo-Indian): I would like to associate the Independent Group with the sentiments that have fallen from the Leader of the House.

It has been my privilege to know Dr. Ambedkar for many years, and I feel that no adequate tribute can be paid to him in the course of a few minutes. His was a versatile mind. He was not only a deep, but a profound scholar, and, as the Leader of the House said, he was a controversial figure. But what I believe was the dominant charac-

teristic of the complex personality was the characteristic of being an indomitable fighter, and it was that indomitable spirit which enabled him to triumph over personal disabilities which perhaps would have crushed persons of less tenacious character.

We may not have agreed with his politics. Perhaps we did not agree sometimes with the way that things were said by him, but having heard from him the bitter personal disabilities with which he was confronted from his earliest life, I would not presume to judge the fact that perhaps in some respects the iron had entered his soul and his bitterness to that extent, if not justified, at least was understandable. There is no doubt that Dr. Ambedkar started from the humblest beginning, but his name will be writ large on the scroll of Indian history, and I believe not only his community, but that the country has reason to be proud of a very great son. I would ask you to convey our condolences to his family.

श्री काजरोल्कर (बम्बई नगर-उत्तर-रक्षित-अनुसूचित जातियाँ): अध्यक्ष महोदय, आज का दिन सम्पूर्ण भारत के लिये और विशेष करके हम हरिजनों के लिये बड़ा दुखद और अंधकार का दिन है। डा० बाबा साहेब अम्बेडकर भारत के बड़े महान नेता थे और उन्होंने देश की कई रूपों में सेवा की है। देश के वे महान नेता थे ही लेकिन हम हरिजनों के तो वे प्राण ही थे और हरिजन सदा उनके ऋणी रहेंगे। उन्होंने जिन्दगी भर हरिजनों को ऊपर उठाने के लिए प्रयत्न किया और आज के दिन हरिजनों की जो अवस्था में सुधार हुआ है और हम कुछ ऊपर उठे हैं, उसका मुख्य श्रेय बाबा साहेब को ही है। बाबा साहेब का जन्म एक गरीब अछूत घराने में हुआ था और उनको अपने जीवन में अनेक कठिनाइयों का सामना करना पड़ा लेकिन उन्होंने हिम्मत नहीं हारी और उन्होंने सफलतापूर्वक सारी कठिनाइयों का सामना किया और उन पर विजय पाई। उन्होंने जीवन भर इस अस्पृश्यता के कलंक को हिन्दू जाति के माथे पर से हटाने का प्रयत्न किया और अस्पृश्यता निवारण के लिये घोर संग्राम किया। आखिर उन्होंने यह निश्चय किया कि मेरा जन्म तो उस हिन्दू धर्म में हुआ लेकिन मैं ऐसे हिन्दू धर्म को जो कि अस्पृश्यता को मानता है, अपना धर्म नहीं मानूंगा और हमने देखा कि उन्होंने अपनी यह प्रतिज्ञा पूरी भी की। भगवान से मेरी प्रार्थना है कि उनकी आत्मा को शांति मिले और मैं समझता हूँ कि उनकी आत्मा को सच्ची और वास्तविक शांति तभी मिलेगी जब कि यह अस्पृश्यता का कलंक हिन्दू जाति से मिट जायेगा।

SHRI GADGIL (Poona Central): Normally after the Leader of the House and my party has spoken, there is no justification for me to speak, but I plead this justification that I had the privilege of Dr. Ambedkar's friendship for over 35 years. He was ten times dearer to us Maharashtrians than what he was to India as a whole. It was he who created a sense of self respect and importance in the most down-trodden community in our area. Undoubtedly he was very bitter in his tongue, but his heart was sweet. His faults we all know, but his virtues outweighed them.

What he did in the matter of framing our Constitution is sufficiently well known. But, essentially, he was a rebel against the injustice in the status quo, whether the sphere was social or economic.

Lastly, he was thinking on much more progressive lines. Very recently, I had some discussion with him, and he said, 'No more privileges to the Scheduled Castes. Now, they must come into their own and fight against the injustice that is still there, along with the rest of the members of the whole Indian community.' Such a man has passed away; but, everything in this world must pass away.

Let us, therefore, remember what good he did, and deserve by what he did and progressively achieved—the objects for which he stood.

I associate myself with the sentiments expressed by other Members of this House.

MR. SPEAKER: I fully associate myself with all the sentiments expressed on the floor of the House by the Leader of the House and the leaders of various groups, and I am sure the House will equally associate itself with those sentiments.

Dr. Ambedkar was a great and dynamic personality. He rose from humble beginnings and became a leader of the Scheduled Castes. He was a great scholar and writer, and, more than all, he was a powerful speaker.

He piloted our Constitution. In the field of social reform, he initiated many wholesome measures. In his death, India has lost one of her great sons. I shall convey the sentiments of this House and the condolences to the members of the bereaved family.

As a mark of respect, I am sure the House would like to adjourn today. In sorrow, we shall stand for a minute in silence.

*The Members then stood in silence for a minute.*

MR. SPEAKER: The House will now stand adjourned as a mark of respect to him, and meet again at 11 A.M. tomorrow.



**RAJYA SABHA**

THE PRIME MINISTER (SHRI JAWAHARLAL NEHRU): Mr. Deputy Chairman, I deeply regret to inform the House that a Member of this House who had played a very leading part in many matters passed away a short while ago. I refer to Dr. Ambedkar. Dr. Ambedkar for many, many years had been a very controversial figure in Indian public affairs, but there can be no doubt about his outstanding quality, his scholarship, and the intensity with which he pursued his convictions, sometimes rather with greater intensity than perhaps required by the particular subject, which sometimes reacted in a contrary way. But he was the symbol of that intense feeling which we must always remember, the intense feeling of the suppressed classes in India who have suffered for ages past under our previous social systems, and it is as well that we recognise this burden that all of us should carry and should always remember. It may be that some of us thought, as I have just said, that he overdid the expression of that feeling, but I do not think that, apart from the manner of utterance or language, anybody should challenge the rightness of the intensity of his feeling in that matter which should be felt by all of us and perhaps even more so by those who have not in themselves or in their groups or classes had to suffer from that. He was that. Therefore he became this symbol. But we in Parliament remember him for many other things and more particularly for the very prominent part he played in the making of our Constitution, and perhaps that fact will be remembered even longer than his other activities. I am quite sure that every Member of this House will want us to send our deep condolences and message of sympathy to his family and to express our deep sorrow at his demise.

It is the custom of this House. I believe, Sir, that when a Member dies in Delhi, the House adjourns for the rest of the day. I leave it to you, Sir, and to the House, but I would suggest that it is right and proper for us to follow that custom.

MR. DEPUTY CHAIRMAN: I would like to associate myself with the sentiments expressed by the Prime Minister. I am sure every Member of this House shares the same sentiments. We have all heard with profound sorrow and a sense of shock of the sudden death of Dr. Ambedkar. He was present in the House only the day before yesterday and was in his usual mood, talking and joking with his friends. Many may not agree with him and his political philosophy but he was one of our prominent Members and he was always listened to with respect. His speeches were marked by scholarship, erudition and deep study. He will, however, be

remembered as one of the great architects of our Constitution. He was also very anxious to see that the Hindu Law was enacted and most of it has been enacted. It is a great loss to this House particularly, and, as a mark of respect, I request the House to stand up for two minutes.

*(The House stood in silence for two minutes.)*

MR. DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.