



1-7-1991

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### Recommended Citation

Jayagovind, A (1991) "Law as Struggle for Social Justice: A Centenary Tribute to Dr Ambedkar," *National Law School Journal*: Vol. 3: Iss. 1, Article 3.

Available at: <https://repository.nls.ac.in/nlsj/vol3/iss1/3>

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## Law as Struggle for Social Justice: A Centenary Tribute to Dr. B. R. Ambedkar

DR. A. JAYAGOVIND

### Introduction

Aristotle divided justice into two parts; corrective justice as between individuals and distributive justice at societal level. Between individuals, corrective justice requires redressal of wrong committed by one individual against another. Distributive justice, on the other hand, signifies fair distribution of social benefits and burdens among members of a given community. In the context of Depressed Classes of India,<sup>1</sup> social justice encompasses distributive justice as well; for social justice signifies liberation from an oppressive social system which has crushed them down to sub-human existence, and thereby empowering them to participate in social life in full measure. Dr. B.R. Ambedkar whose birth centenary falls on April 14th of this year, devoted his life for struggle to secure social justice to the "wretched on the earth" in Indian context; and hence it is apt to celebrate his centenary year as the year of Social Justice.

All right-thinking Hindus readily concede that caste system has been the bane of their society. "Untouchability", i.e. treating a section of fellow human beings as polluting agents is the ultimate of the evil of caste system. How the original concept of Varnashrama Dharma degenerated into the rigid caste system is a fertile field for sociological and historical investigation; but it is obvious that by the time of Smriti period, the caste system had become deep-rooted in Hindu society; and one finds in Hindu Criminal Law the most obnoxious phenomenon of punishment being meted out according to the caste of the offender. Dr. Ambedkar researched into these issues thoroughly and his conclusion that the original untouchables were broken men, i.e. Buddhists despised and marginalised by Brahmins, was his own contribution in this regard.<sup>2</sup> As will be shown later, his programme for the eradication of untouchability was influenced by this conclusion.

In his struggle for social justice, Ambedkar mainly figures as a lawyer, not in pedantic sense of court-room advocate, but as a social engineer. He used law as a weapon in his fight for just social order. To start with, he organized his people and educated them to fight for their rights. Through his extensive writings and speeches, he created a new awakening in the society. He actively participated in various constitutional deliberations such as Simon Commission, Round Table Conferences etc. and pushed forth concrete proposals for the advancement of Depressed Classes. As a member of Bombay Legislative Council and as Labour Member of Viceroy's Executive Council, he contributed to the welfare of people in general. His role as the Chairman of Constitutional Drafting Committee has been widely acknowledged and appreciated. All through his career, he was a resolute fighter for causes dear to his heart and despite strong opposition in initial stages from all sides, he could impress upon the society to accept his point of view. It was to

1 Ambedkar used the expression "Depressed Classes" to refer to "untouchables". This was the expression used by British Government also till the expression "Scheduled Castes and Scheduled Tribes" replaced it in the Government of India Act, 1935.

2 Ambedkar, *"Who are Untouchables"?* (Jalandhar, 1990).

his lasting credit that the ideas he had held aloft in the beginning of his career all alone became commonplace in due course, and more or less automatically found their way into the Constitution.

Ambedkar was the most erudite of our jurists who led the freedom movement. Knowledge was a passion with him next only to his commitment to Depressed Classes. He obtained his Ph. D. from Columbia University in 1916 and D.Sc. from the University of London in 1923 and called to Bar from Gray' Inn. "Evolution of Provincial Finance in British India" was the subject of his thesis for Ph.D., and for his D.Sc., he wrote on "The Problem of the Rupee". In both these works, he exploded the myth of British benevolence and demonstrated how British rule had impoverished India. After Dadabhoy Naoroji, it was only Ambedkar who provided a rigorous intellectual criticism of British rule in India. Sociology, Economics and Law were Ambedkar's forte; and this intergrated knowledge eminently equipped him for the role he was destined to play in the social transformation. He wrote extensively on the origin and development of caste system. His writings on Economics were mainly on Public Finance. His submissions to various constitutional commissions and deliberations were his lasting contributions to constitutional jurisprudence and public policy.

### Dimensions of Social Justice

It was not that there was no protest against untouchability within Hindu society. Many Hindu saints following Bhakti tradition preached human equality, but all these activities took place only on religious plane and there was hardly any impact on social *status quo*. Mahatma Jyotiba Phule of Maharashtra, however, went one step ahead and sought to organize and enlighten untouchables. He strove hard to spread literacy among them and encouraged them to fight against social exploitation. Naturally Ambedkar was deeply influenced by Jyotiba Phule and considered him as his Guru on par with Gautama Buddha.

In the early twenties, when Ambedkar entered into public life, Mahatma Gandhi was the centre of gravity of all social and political movements of the time. In addition to political struggle against British rule, he had an array of socio-economic programmes for the regeneration of the society including the upliftment of untouchables. Being a devout Hindu, he believed in the basic tenets of Hinduism including Varnashrama Dharma. He considered caste system as the distortion of original Varna system, and therefore a subsequent accretion which can be removed without disturbing Hindu social structure. He basically followed the approach of Hindu saints, i.e. the acceptance of Untouchables on religious plane with some trappings of social service. Temple entry movement was one of the main planks of his activity in this regard. Marc Galanter characterized this approach as "evangelical approach".<sup>3</sup>

Ambedkar considered the above approach extremely inadequate bordering upon hypocrisy. According to him, caste system had always been so fundamental to Hinduism that Hindu society requires drastic reorganization to do away with castes. Mere tinkering with the interpretation of sacred texts at a few places as Gandhiji had attempted to do would not serve the purpose. Ambedkar's famous act of burning Manusmriti in 1927 at the end of Mahad Conference was a forceful demonstration of his point of view in this regard. In this way, he challenged Hindus to disown the disgraceful aspect of their past. In the words of Ambedkar:

The bonfire of Manusmriti was a very cautious and drastic step, but was taken with a view to forcing the attention of caste Hindus. We view Manusmriti as a symbol of

3 Marc Galanter, *Competing Equalities* (Bombay 1984), p. 28.

injustice under which we have been crushed for centuries.<sup>3A</sup>

Though Ambedkar himself had launched some temple entry movements in Nasik, he soon dissociated himself from such movements as a protest against Gandhian approach to the problem. He considered it only as a ruse to mesmerize untouchables to remain within Hindu fold without in any way improving their condition. Referring to the glorification of untouchable saints like Chokhamela by caste Hindus, he surmised that to gain respectability, untouchables were expected to renounce the world without in any way disturbing the *status quo*. Continuing the same argument, he implored his followers not to be carried away by mysticism and religiosity at the expense of their secular concerns. To quote his impassioned plea:

The appearance of Tulsi leaves around your neck will not relieve you from the clutches of money-lenders. Because you sing songs of Rama, you will not get a concession from your landlords..... Because the major part of the society is absorbed in these worthless mysteries of life, superstitions and mysticisms, the intelligent and self-centred people get ample scope and opportunity to carry out their anti-social designs. I appeal to you to act and utilize what little political power is coming into your hands. If you are indifferent and do not try to use it properly, your worries will have no end.<sup>4</sup>

Ambedkar was convinced that unless Depressed Classes get hold of levers of political power, there cannot be any real progress. Therefore, he concentrated his energy on securing entry into legislatures and bureaucracy. This was the political dimension of his concept of social justice. For him, political and social dimensions of the problems were as close as two sides of the same coin.

With his active involvement in securing political rights to his people, it may look a bit strange that Ambedkar was aloof from the freedom movement as such. Some of his contemporaries had often accused him as the stooge of British Government. But the patriot in Ambedkar does not require a certificate from anybody in this regard. Though he often paid compliments to British Government for the good work they had done, there was no trace of servility to British Government in any of his acts. Basically he considered the liberation of Depressed Classes as his life's mission. And as far as political struggle was concerned, he subscribed to the philosophy of Moderates like Gokhale and Ranade and his approach in this regard was brilliantly portrayed in his speech: "Ranade, Gandhi and Jinnah."<sup>5</sup> Like Ranade, who was his ideal, he believed in constitutional politics, i.e. seizing every opportunity offered by British Government for self-rule such as participation in legislatures, and use these opportunities to further the cause of independence. Despite his preoccupation with the problem of his people, he never minimized the importance of self-government, nor did he subscribe to the view that the Depressed Classes can survive in India only under an alien protection. In his address to First Round Table Conference, he pointed at the dismal record of British Government in the sphere of social reform and this he attributed to the inherent fear of an alien power to meddle in internal matters. To achieve the real reform, Ambedkar argued:

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 urgently call for. This role the British Government will never be able to play. It is only in Swaraj constitution that we stand any chance of getting political power into our own hands, without

3A Dhananjaya Keer, *Dr. Ambedkar: Life and Mission* (Bombay 1990) (Hereinafter cited as Keer), p. 106.

4 *Ibid*, p. 218.

5 Ambedkar, Ranade, Gandhi and Jinnah (Jalandhar, 1990).

which we cannot bring any salvation to our people.<sup>6</sup>

Himself being an eminent economist, Ambedkar put forth a proposal for State Socialism<sup>7</sup> for the economic regeneration of the country. In this area again, he found himself totally against Gandhian ideas. But fortunately for him, he found a strong ally in Jawaharlal Nehru insofar as the major elements of the proposal such as planned economy, industrialization and centralized system of governance were concerned. In view of the fact that Congress under the leadership of Nehru and others was in favour of industrial economy, Ambedkar's contribution got subsumed under the general consensus in this regard. But from analytical point of view, one could see a distinct economic dimension to Ambedkar's concept of social justice.

Ambedkar's foray into Buddhism and his attempt to revive Buddhist religion and culture in India are well-known. Apart from its spiritual significance, it has a distinct cultural aspect as well: it represents the rejection of upper caste domination in cultural arena. In this sense, the projection of Buddhism as the religion of exploited and backward classes represents the cultural dimension of Ambedkar's concept of social justice.

### Struggle for Political Rights

The Government of India Act of 1919 for the first time recognized the special problems of Depressed Classes and provided for the nomination of their representatives in Legislative Councils; and Ambedkar was so nominated as a member of Bombay Legislative Council. When Simon Commission was appointed to review the Government of India Act, 1919, Ambedkar appeared before the Commission and pressed for the recognition of the distinct identity of Depressed Classes. In pursuance of this demand, he put forth the following proposals:

1. Reservation of seats in general constituencies for Depressed Classes in elections for legislatures;
2. Application of the principle of universal adult franchise for Depressed Classes;
3. Right of Priority of Depressed Classes in the recruitment of all government jobs for a period of thirty years;
4. Earmarking of a suitable proportion of total grants for education for the benefit of Depressed Classes.<sup>8</sup>

The first two proposals subsequently led to the demand for communal electorate which became an extremely contentious issue in thirties. The last two proposals formed the basis for the concept of compensatory discrimination which is an unique Indian contribution to constitutional jurisprudence. In view of their importance, the concepts of communal electorate and compensatory discrimination deserve to be treated separately as two distinct contributions of Ambedkar.

#### A. Communal electorate

Ambedkar demanded the reservation of seats in legislatures because the Depressed Classes would not get into legislatures otherwise, in view of the deep-rooted caste prejudices. The Congress Party at that time was not willing to compromise on territorial electorate, i.e. the system whereunder people inhabiting a particular territory would elect a common representative. Ambedkar pointed out that this system presupposes at least mutual social acceptance among various social groups, and in the context of Hindu

<sup>6</sup> Dr. A. Babasaheb Ambedkar, *Writings and Speeches* (Bombay, 1989) Vol. II, p. 505.

<sup>7</sup> *Writings and Speeches*, Vol. I, pp. 386-448.

<sup>8</sup> *Writings and Speeches*, Vol. II, p. 430-43.

society, this is not feasible in view of the caste barriers. At the same time, in his submissions to Simon Commission, he opposed the other extreme of separate electorates, demanded by the Muslim League. The system of separate electorate, which came to be popularly known as communal electorate, provided for the distribution of seats in Legislatures among various communities on the basis of their respective populations or some other relevant criterion. It may be noted that the Congress, despite its general opposition to separate electorates, had conceded the demand of Muslim League under Lucknow Pact of 1916. Ambedkar nevertheless opposed the basic concept of separate electorate as the violation of good government and political justice. His arguments could be summed up as follows:

1. All communities share same civic interests, and therefore, it is wrong to say that Muslims have separate interests in any of civic matters. At best, it may be conceded that they have special concerns with regard to some of these matters, but these special concerns may be effectively attended only with the co-operation of majority community.
2. In other parts of the world, Muslims and similarly placed communities could retain their identities and safeguard their interests without separate electorates.
3. With separate electorates, Muslims will never be in a position to influence the outcome in general elections; nor will their exclusive representatives command the confidence of their colleagues. Further, a Muslim representative will never be considered by Hindus as representing them and *vice versa* and this will strike at the roots of governance of the country.<sup>9</sup>

Ambedkar thought that reserved seats in joint electorates was the ideal solution to the problem, since that would take care of special concerns of minorities without prejudicing general interests:

Territorial electorate and separate electorate are two extremes which must be avoided in any scheme of representation that may be devised for the introduction of a democratic government in this undemocratic society. The golden mean is the system of joint electorate with reserved seats. Less than that would be insufficient, more than that would defeat the cause of the good government.<sup>10</sup>

It was an unfortunate development of late twenties that Congress Party opposed this moderate demand of Ambedkar, while conceding the extreme demand of Muslim League. The constitutional proposal put forth by Motilal Nehru, which broadly represented Congress viewpoint, proceeded on the assumption that the incorporation of a bill of rights guaranteeing equality will solve all the problems, safely ignoring the reality that untouchables are simply not in a position to assert those rights. This must have considerably embarrassed Ambedkar in those difficult and delicate periods of negotiations and consequently hardened his stand subsequently.

The issue of electorates reached its flash point in the Round Table Conferences. In First Round Table Conference, Ambedkar vociferously argued that the Depressed Classes should be considered as a minority on par with Muslims and Sikhs and in a way, they deserve a special status more than any other group in view of their extreme backwardness and this argument finally culminated in a demand for separate electorate as in the case of Muslims and Sikhs in Second Round Table Conference. The person who argued against separate electorate a few years ago, became its staunch advocate and the people mainly remember him as such. Notwithstanding the polemics which Ambedkar was always fond

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<sup>9</sup> *Ibid*, pp. 350-55.

<sup>10</sup> Keer, p. 123.

of and freely indulged in and which created a lot of misunderstanding about him, a close perusal of Round Table Conference documents reveal that Ambedkar was more sinned against than sinning. At least in initial stages, his demand for separate electorate was closely linked with the issue of franchise.

Before Simon Commission, Ambedkar had argued for universal adult franchise for everybody including Depressed Classes. Especially in relation to Depressed Classes, property and education qualifications restricting franchise effectively eliminated more than 75 per cent of their population and despite Ambedkar's effort to extend the franchise to cover everybody, the situation did not improve. As a staunch constitutionalist, Ambedkar fervently believed in changing the society through the force of ballot, but when he found that despite all the talk about self-government, only 25 per cent of Depressed Class population was enfranchised, he got disheartened. To his dismay he found that other participants in the Round Table Conference were indifferent to this vital issue, and he put forth his demand for separate electorate against this background.<sup>11</sup> The exact proposal which he submitted to Sub-Committee III of First Round Table Conference in 1930 provided that the Depressed Classes shall have:

1. right to adequate representation in legislatures of the country; and
2. right to elect their own representatives (a) by adult suffrage and (b) by separate electorates for the first ten years and thereafter by joint electorates and reserved seats, it being understood that joint electorates shall not be enforced upon the Depressed Classes against their wish unless such joint electorates are accompanied by adult suffrage.<sup>12</sup>

It is obvious that separate electorates were conceived as a temporary measure to last for only ten years and the last sentence clearly shows that it was designed as a safeguard against restricted franchise. In the context of the deliberation, adult suffrage meant universal adult suffrage. This becomes all the more clear by Ambedkar's presentations to Sub-Committee VI dealing with franchise:

We all of us know that the question of joint versus separate electorate is a most thorny question; . . . . . May I point out to this Conference that, at least in my opinion, the question of joint versus separate electorate is inextricably bound up with the question of franchise. . . . . you will not get the consent of any minority in India to agree to joint electorate unless that minority has adult suffrage.<sup>12A</sup>

The implication seems to be that if universal adult franchise is conceded immediately, Ambedkar would be prepared to settle for joint electorates with reserved seats. But the adverse reaction of Congress Party and its refusal even to accept the concept of reserved seats seemed to have hardened Ambedkar's stand. Nothing came out of First Round Table Conference because of non-participation of Congress, and in Second Round Table Conference held in 1931, Gandhiji participated as the representative of Congress. Ambedkar submitted the following proposal to the Conference:

Separate electorate for the Depressed Classes shall not be liable to be replaced by a system of joint electorates and reserved seats, except when the following conditions are fulfilled: (a) a referendum of the votes held at the demand of a majority of their representatives in the Legislatures concerned and resulting in an absolute majority of the members of the Depressed Classes having the franchise and (b) no such referendum shall be resorted to until after twenty years and until universal adult

11 *Writings and Speeches* Vol. II, pp. 557-59.

12 *Ibid*, pp. 550-51.

12A *Ibid*, p. 563.

suffrage has been established.<sup>13</sup>

Unlike the first proposal which makes joint electorates automatic after ten years (provided universal adult franchise is ensured), the second one makes it conditional upon a referendum after thirty years and it had the effect of making separate electorate almost a permanent feature. Gandhiji opposed this proposal as "the unkindest cut of all"<sup>14</sup> because of the fear that it would divide Hindu society permanently. His argument was that Muslims have separate electorates since they would continue as Muslims forever, but untouchables shall not continue as untouchables forever. If at all such a thing has to happen, it is better that Hinduism died than untouchability lived. He pleaded with Ambedkar to give Hinduism one more chance to reform itself.<sup>15</sup> Looking at the situation as a whole, Gandhiji's strategy in opposing the division of Hindu society was right especially in the context of grave political situation prevailing at that time, but his refusal to see any merit in the concept of special electoral provision for Depressed Classes was probably to push the things too far.

Second Round Table Conference could not reach any conclusion regarding communal electorate and the issue was finally referred to British Prime Minister, Ramsay MacDonald for an award. His well-known Communal Award upheld Ambedkar's proposal in toto and Gandhiji went on fast to death against the provision for separate electorates for Depressed Classes. Finally on the initiative of liberal leaders like Tej Bahadur Sapru, both Gandhiji and Ambedkar came down—Gandhiji by conceding reserved seats in joint electorates and Ambedkar by giving up the idea of separate electorate—under the famous Poona Pact. In order to ensure that the voice of Depressed Classes is not submerged in reserved constituencies, Poona Pact envisaged that there would be two-tier elections in all reserved constituencies: in the first round, only Depressed Classes will vote and elect four candidates in the order of preference; and the constituency as a whole will vote and elect one among the four. Further, Congress Party conceded more seats to Depressed Classes than was provided under the Government scheme. Looking at the issue in its totality, Ambedkar had achieved what he had fought for all along and this explains his cryptic comment that if only Gandhiji had shown the same consideration to his point of view earlier, it would not have been necessary for him to go through this ordeal.<sup>16</sup> At the same time, it has to be conceded that by giving up an advantage which had accrued to his community to save the life of one for whom he had severe antipathy, Ambedkar demonstrated his large-heartedness and commitment to national interest, transcending the interests of his community.

Ambedkar's experience under Poona Pact was far from happy and he found that often the candidates who were last in the list of preferences in first round of elections got elected in the second round; and this meant that the will of Depressed Classes got thwarted. Ambedkar felt bitter on this account, and on the eve of Constituent Assembly, he submitted a proposal "States and Minorities" wherein he advocated the abrogation of Poona Pact and the resurrection of separate electorates. But when Minorities Committee, headed by Vallabhbhai Patel rejected this proposal, he accepted its decision gracefully. But his proposal for reserved seats in joint electorates automatically found its way into the Constitution. Though the legislative reservations were originally for ten years, successive Indian Parliaments have kept on renewing this period of ten years. Thus the idea which Ambedkar had mooted single-handedly against all pervasive opposition has become nationally accepted.

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13 *Ibid*, p. 671.

14 *Ibid*, p. 662.

15 *Ibid*, p. 663.

16 Bhagwan Das (Ed.), *Thus Spake Ambedkar* (Jalandhar 1990) Vol. I, p. 40.



### Compensatory Discrimination

Ambedkar was the first one to put forth the idea of compensatory discrimination, when he demanded that the priority should be given to the Depressed Classes in the recruitment for services. The rationale he advanced at that time was by way of extension of a proposal put forth by great liberal leader Gopala Krishna Gokhale for the recruitment of Indians in general in bureaucracy in India. Gokhale, in his classical style, had argued that the denial of such opportunities has dwarfed Indian personalty. What Gokhale said about Indians vis-a-vis British people, Ambedkar sought to extend to Depressed Classes vis-a-vis the rest of Indians. Making a parody of Gokhale, Ambedkar asked:

Is it not open to the Depressed Classes to say that by their exclusion from the Public Service, a kind of dwarfing or stunting of their communities is going on? Can they not complain that as a result of their exclusion, they are obliged to live all the days of their lives in an atmosphere of inferiority and the tallest of them has to bend in order that exigencies of the existing system may be satisfied? Can they not assert that the upward impulses which every school boy of Brahminical community feels that he may one day be a Sinha, a Sastry, a Ranade or a Paranjpye, and which may draw forth the best efforts of which he is capable is denied to them? Can they not lament that the moral elevation which every self-governing people feel cannot be felt by them and their administrative talents must gradually disappear owing to sheer disgust till at last their lot as hewers of wood and drawers of water in their own country is stereotyped.<sup>17</sup>

The moral argument for compensatory discrimination which is the basis for all other arguments cannot be expressed more vigorously than this way. Referring to the argument that the reservation in services would impair the efficiency of services, Ambedkar pointed out that modern administration involves a great deal of exercise of discretionary power and upper castes are bound to exercise those powers to suppress the Depressed Classes. In such a context, "the disadvantages arising from the class bias of the officers belonging to Brahmins and allied castes have outweighed all the advantages attending upon their efficiency".<sup>18</sup> It may be noted that Article 16(4) of the Constitution providing for reservation of jobs for backward classes represents the fruition of Ambedkar's struggle

It was unfortunate that Ambedkar's proposal to earmark a part of revenue for the educational advancement of Depressed Classes (which he repeated in "States and Minorities") did not receive due consideration from the Constituent Assembly. No doubt, the Constitution envisages universal primary education as a Directive Principle, but there is no provision obliging the State to do somethings concrete in this regard. In the times of resource crunch, education always comes last in the list of priorities.

In the context of controversy surrounding Mandal Commission, it would be interesting to go into Ambedkar's views in this regard. During pre-Independence days, Ambedkar's focus was upon untouchable community. He insisted upon strictly defining a Depressed Class person as a "person whose touch causes pollution to upper caste Hindus." Since in the context of untouchables, caste and class clearly coincided, he used the expression "Depressed Classes" without really going into class versus caste controversy which is raging today. But as the first Law Minister of India, he had to face the issue of backward classes other than Scheduled Castes squarely. To counteract the problems created by the Supreme Court's judgment in *State of Madras v Champakam Dorairajan*,<sup>19</sup> Ambedkar moved the first constitutional amendment bill which, *inter alia*, sought to introduce Article 15(4) into the Constitution. This amendment extended the

<sup>17</sup> *Ibid*, p. 399.

<sup>18</sup> *Ibid*, p. 398.

<sup>19</sup> AIR, 1951 SC 226.

concept of compensatory discrimination to "socially and educationally backward classes". While moving the bill, Ambedkar made an observation that these other backward classes are "nothing else but the collection of certain castes".<sup>20</sup> This observation which squarely equated caste with class continues to bedevil the Nation. Ambedkar, the author of well-known monograph "Who were Shudras?" was probably right in historical context but his history generally stopped well before the beginning of modern era. Obviously, Ambedkar with his obsession with caste did not appreciate the modern dimensions of the problem. Because of his estrangement with Congress Government, he did not seriously participate in the work of Kaka Kalelkar Commission. It was unfortunate that the Nation could not have the benefit of his considered views on the subject, though he was eminently equipped to do so.

Apart from the preferential treatment to untouchables, Ambedkar wanted the State to come down with heavy hand upon the evil of untouchability. In First Round Table Conference, Sub-Committee III dealing with minority problems, adopted the following proposal at the instance of Ambedkar:

We want a fundamental right enacted in the Constitution which will declare untouchability to be illegal for all public purposes..... and secondly, this fundamental right must invalidate and nullify all such disabilities and such discriminations as may have been made hitherto.<sup>21</sup>

The genesis of Article 17 of our Constitution should be really traced back to this proposal of Ambedkar. The history, however, records that when the Constituent Assembly adopted this Article, the House went into rapture by shouting Mahatma Gandhiji ki jai; and as was his wont all through, Ambedkar's name was not even mentioned.<sup>22</sup>

#### **Struggle for Economic Justice**

Ambedkar's ideas concerning economic justice could be found in his memorandum "States and Minorities" submitted to the Constituent Assembly. He advocated herein State Socialism involving wholesale nationalization of all economic activities, and it differed from communism insofar as the Constitution guarantees all the essentials of Parliamentary democracy such as fundamental rights, adult suffrage, periodic elections etc. He advocated this idea as a means of promoting rapid industrialization and assuring individual's economic welfare. In the absence of economic security, an individual will be at the mercy of his fellow individuals, and according to Ambedkar, this amounts to delegation by the State of its power to govern to private parties.

Ambedkar insisted on the incorporation of economic philosophy and structure into the Constitution, because in the absence thereof, these issues would become play-things in the hands of politicians. The soul of democracy is one man, one value; and one man, one vote rule is supposed to translate into fact the doctrine of one man, one value. This is possible, only when economic prosperity and welfare are assured. Most constitutions failed because they did not give adequate attention to the economic aspects of the problem. Ambedkar wanted Indian Constitution not to repeat this mistake.<sup>23</sup>

Though Ambedkar's idea of State Socialism seems to be somewhat far-fetched, his views upon industrialization and welfare state were widely shared by others. He supported Nehru's programme for planned economy and it was rather unfortunate that Nehru could not utilize Ambedkar's services despite the latter's keenness to serve as the Minister for

20 Parliamentary Details, Vol. XII-XIII (Part II) Col 9006.

21 *Writings and Speeches*, Vol. II, p. 532.

22 Keer, p. 393.

23 *Writings and Speeches* Vol I, pp. 442-44.

Planning. As an adjunct to planned industrialization, he advocated strong and centralized system of government. Nehru and Patel, who were also in favour of a strong central government, relied heavily upon Ambedkar's constitutional expertise in this regard.

Apart from its economic aspects, Ambedkar believed that only a strong central government can rise above local pulls and pressures and deliver justice to the weaker sections of the society. It was for this reason that Ambedkar displayed great contempt towards local self-governments. His famous statement in the Constituent Assembly: "What is village but a sink of localism, a den of ignorance, narrow-mindedness and communalism? I am glad that the Draft Constitution has discarded the village and adopted the individual as unit" has often been cited today while arguing against decentralization.

Now-a-days, there seems to be a trend against government control of economy, and industrialization is no longer considered as an unmixed blessing in view of raw-material constraints and environmental considerations. This only means that all ideas require continuous reinterpretation in the light of changing circumstances and the fact that the idea of planned economy has served us well in the initial stages should not be overlooked.

Ambedkar's belief in a strong and enlightened central authority as a panacea for all our social problems has also come under increasing criticism. While the Constitution can confer power upon the Central Government, it cannot confer wisdom to make the proper use of power. After the exist of people like Nehru and Ambedkar, we have had the sad spectacle of so-called strong Central Government behaving in most unenlightened way. Instead of using its enormous powers to ensure justice at grass root level, often it sought to suppress legitimate regional aspirations. Future historians would definitely hold our successive Central Government as responsible for most our crises. Appropriate decentralization, both at provincial and local level, seem to be the need of the hour.

#### **Struggle Against Cultural Domination**

Ambedkar's foray into Buddhism is also an aspect of his philosophy of social justice. Despite his iconoclastic postures at times, he was always a deeply spiritual man in the true sense of the term. He firmly believed that religion is necessary both for the development of individual self and just social order. He deeply thought over various religions before embarking upon his great conversion into Buddhism in 1956. Buddhist philosophy relies upon rational inquiry instead upon belief in supernatural and does not delude the people into superstition and inaction. Further, it prescribes an ethical code based upon equality and brotherhood in social life. These features fully satisfied Ambedkar's rational nature and commitment to social justice. He saw the revival of Buddhism as the path of deliverance for India.<sup>24</sup>

According to Ambedkar, untouchables were originally Buddhists condemned by Brahminical society; and Ambedkar naturally saw in it a new cultural idiom for oppressed masses. And in this way, the Depressed Classes can escape from cultural domination of upper castes, which is in a subtle manner exerted through religious medium. Ambedkar's violent attack on popular Hindu pantheon is probably intended as a process of delinking them from the past heritage so as to facilitate the absorption of new ideas.

Ambedkar always believed that political democracy cannot survive unless it is supported by social democracy at grass root level. He graphically describes his concept of ideal society as follows:

An ideal society should be mobile, should be full of channels for conveying a change taking place in one part to other parts. In an ideal society, there should be many interests consciously communicated and shared. There should be varied and free points of contacts with other modes of association. In other words, there should be a social

24 The speech on the eve of Great Conversion, in *Thus spake Ambedkar*, Vol. II, pp. 143-70.

endosmosis.....Democracy is not merely a form of government. It is primarily a mode of associated living of conjointly communicated experience.<sup>25</sup>

Ambedkar believed that Buddhism with its emphasis on human equality and brotherhood can provide the basis for social democracy as described above. He spent his final years in spreading the message of Buddha in India and neighbouring countries. But after Ambedkar's exit, Buddhist movement seemed to have lost its original moorings, just as Buddhism after Buddha somehow got merged with Hinduism in its broad sense. As for its impact on social democracy, the record of Buddhism does not seem to be in any way better than other religions which preach equality and brotherhood.

### Conclusion

Dr. Ambedkar's life was a ceaseless struggle for social justice. Like all other crusaders for social justice, he also felt at times that as he was moving towards the goal, the horizons were receding further, and consequent frustrations often found expression in his periodic outbursts. When he found that the new Constitution was not effective in ameliorating the plight of his people, he thundered that he would not mind burning the Constitution.<sup>26</sup> At personal level, more often than not, he collected more brickbats than bouquets. His defeat in 1952 general election in the hands of a non-descript Congress candidate left a deep scar on him. But he carried on till the last in his mission for social justice. The fighter in him must have been satisfied, when the society called him as a "Modern Manu", since that was the role, he had always cherished for himself.

Ambedkar pursued his concept of social justice in all its dimensions. Despite the apparent set backs at times, he had the satisfaction of personally incorporating most of his ideas into the fundamental law of the land, which totally rejects the dictates of ancient Manu. Reserved seats for Scheduled Castes and Scheduled Tribes in Legislatures and the provisions for compensatory discrimination under Articles 15 and 16 were his distinct contributions. Despite the controversy surrounding some of the practical implications of these provisions, the basic idea of compensatory discrimination has been entrenched into Indian jurisprudence. Modern Indian economy also moved more or less along the lines he had envisaged. Though our economy has some major achievements to its credit, there is a need for fundamental rethinking in the light of some of the recent developments. But this by no means can be taken as the failure of his ideas, since all ideas require reinterpretation in the light of unforeseen developments. The fact that they had served us well in initial stages should be acknowledged. His effort to give a new cultural idiom to the "Depressed Classes through Buddhism has made some impact in a few places, but a lot requires to be done in this regard.

The true measure of a revolution is the change it brings about in the collective conscience of the society; and applying this standard, Ambedkar's life was grand success. It is nobody's case that we have solved the problems of our backward classes and we have still a long way to go. But thanks to the awakening brought about by Ambedkar, India shall never go back to pre-Ambedkar period. Modern Manu has definitely replaced Ancient Manu in our national conscience, though it will take time for his ideas to become exact social realities. Some amount of confusion and tension are inevitable, whenever a decadent old order gives way to new social order; and the convulsions we witness today may be interpreted as the manifestations of the process of social transformation. The best tribute, we can pay to this illustrious son of India in his centenary year would be to consolidate the revolution he had initiated and thereby facilitate the social transformation.

25 *Writings and Speeches* Vol. I, p. 57.

26 Keer, p. 449.