CHAPTER - II

POLITICAL VALUES

Dr. Ambedkar's humanitariasm is clearly expressed in his frame of value structure. The starting premise of his value frame is the concept of democracy. He has correlated all other principles to this concept. He basically accepted democracy as a way of life. He has clearly expressed, both structurally and culturally, that it is an associated living. In structural sense he states that, "democracy is a mode of associated living."¹ The roots of democracy are to be searched in social relationship in terms of the associated life between the people who form the society. This view clearly reveals that

¹ Quoted by Dhananjay Keer in Dr. Ambedkar : Life and Mission p. 487.
Dr. Ambedkar was taking a sociologist's stand that the sense of democracy could only be found in the nature of social structure. Culturally he defines democracy essentially "as an attitude of respect and reverence towards his fellowmen." This again clearly implies that Dr. Ambedkar was equally stressing the psychocultural aspect of social life. He has stressed the respect and reverence towards the companions of the associated life. This simply means attitudinal pattern of brotherhood.

These two outlooks of him are the thread runners to understand his views on democracy. An attempt has been made to understand his views on structural and cultural aspect of Hindu society in which the concrete ideas about democracy were expounded.

In structural sense he poses the main problems in political terms: who should control the power in a free Indian society. He asserted that powers in real sense be in the hands of farmers and workers. The following complete citation of his speech delivered at Poona in 1946 is essential to understand him on this aspect. "The British people did not think of the share of the Untouchables in the power in free India. We are unsure about the would be happy days if the political power goes in the hands of particular people.

We are afraid of it and we are convinced that political power in real sense be in the hands of farmers and workers.

This shows that he had a very clearcut notion in his mind regarding power distribution in Independent India. He had expressed fear that neither Britishers nor high-caste Hindus were thinking about untouchables, farmers and workers. The latter had no hope of share in political control of the society. But his liberal democratic stand was very clear that democracy should be a form of government controlled by farmers and workers. All these cultural and structural ideas are discussed below according to a period frame mentioned in the first chapter.

DEMOCRACY

I

His argument in the year 1928 was that the important principle of the modern democratic state is to create such a society that should provide all necessary conditions for the fullest development of individual

personality. The social structure and culture of India, however, are contrary to bring this principle of democracy into practice. He states the reason for this in the following manner, "individual's place in the social organism is irrevocably fixed and cannot be changed," it may, therefore, be safely asserted that the root notions of democracy run counter to all ideas which for thousands of years have formed the common stock of popular belief in India. Further he asserts that, "closely connected with the doctrine that each man's place in the present birth has been determined by his actions in the past existence is the institution of caste which is the effect of stereotyping and fixing unalterably the position of each individual in the social scales." He was of the opinion that equality of opportunity is impossible under such conditions and it is neither recognised nor -

4. STATEMENT concerning the safeguards for the protection of the interests of the Depressed Classes as a minority in the Bombay Presidency and the changes in the composition of and guarantees from the Bombay Legislative Council necessary to ensure the same under Provincial Autonomy. Submitted by Dr. B. R. Ambedkar on behalf of the Bahiskrit Hitkarini Sabha (Depressed Classes Institute of Bombay) to the Indian Statutory Commission, compiled by the Govt. of Maharashtra in 'Dr. Babasaheb Ambedkar Writings and Speeches, Vol. II, 1982, pp. 443.

5. Ibid, p. 444.

6. Ibid.
All these views expressed by Dr. Ambedkar show that Dr. Ambedkar was of the opinion that the caste content of Indian society was the main hurdle of democratic way of life.

In the same year he criticised the European concept that to read and express public opinion through mass media is the surest guarantee of democracy. Dr. Ambedkar asserted that unless and until people would reflect and judge things properly there will be no use of merely reading. He, therefore, appeared to be giving more stress on the ability to reflect individual's social conditions and the ability to judge the happenings in the society.7

According to him, "a democracy that has been taught only to read and not also to reflect and judge will not be better than ability to read."8

II

Dr. Ambedkar accepted that democracy means the rule by majority but in the Indian conditions, according to him,


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it was the rule of Hindus, which would not be tolerant towards minorities, which would not accept the democratic principles of equality, liberty and fraternity and which would not even allow untouchables to live, to breathe and to grow. While making this argument he gave more stress on the theories of facts, he argued, "In talking about democracy we must talk about fitting theories of facts. He brought certain facts out for discussion and showed how the Hindu majority would behave with the depressed class people. The first fact brought out by him was that in the villages Hindu orthodox classes make use of violence against untouchables and, second, the Depressed Classes have no economic independence in the villages. They are dependent on Hindu majority for their livelihood.

This also shows that Dr. Ambedkar thought that caste based Indian social structure and culture would provide such conditions that majority would become oppressive.


10. Ibid, p. 245.

11. Ibid, p. 247, Dr. Ambedkar stated in the Bombay Legislature that, "The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants."
In the year 1942 (the period of anti-fascist democratic alliance), Dr. Ambedkar appealed the depressed classe people to perform a very important duty to protect democracy as a governing principle of human relationship and not to help the enemies of democracy who may uproot the principles of liberty, equality and fraternity.  

In the year 1943, Dr. Ambedkar once more distinguished formed democracy from real one. He said, "The formal frame of democracy is of no value and would indeed be a misfit if there was no social democracy. The politicians never realised that democracy was not a (merely) form of government, it was essentially a form of society." He again stressed his previous stand that it was an attitude of respect and equality towards their fellows and a social organization free from rigid social barriers.  

While taking up a culturalist's view-point he asserted that the democratic way of life cannot be nurtured


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in a Hindu cultural environment, i.e. a casteist society and attitudinal pattern of caste believer Hindus. Following statement by him may help us to derive conclusions in this context. "But what do these Children of the leisured class Hindus have done to redress the wrongs their forefathers have done to the untouchables? You can get thousands of Hindu youths to join political propaganda but you cannot get a single youth to take up the cause of breaking the caste system or of removing untouchability. Democracy and democratic life, justice and conscience which sustained a belief in democratic principles are foreign to the Hindu mind. To leave democracy and freedom in such Tory hands would be the greatest mistake democrats could commit."  

In the year 1946, he defined democracy as a matter of giving power in the hands of workers and peasants. Here he takes a class stand and define democracy in a worker-peasant class context.  

In the year 1947, he derived four premises of democracy: (I) the individual is an end in itself, (II) The individual has certain inalienable rights which must be guaranteed to him by the constitution, (III) that the


individual shall not be required to relinquish any of his constitutional rights as a condition precedent to the receipt of the privileged, (IV) that the state shall not delegate powers to private persons to govern others. Further he stated that the soul of democracy is the doctrine of one man one value. All these premises show that at the base of democratic way of thinking of Dr. Ambedkar was individual and his rights.

In the year 1948, he clearly stated that the essential conditions of the successful functioning of democracy is the creation of homogeneous groups of people. He supported the formula of the Linguistic Provinces on this criterion. In the same year he made it clear that the soul of democracy is the economic welfare and economic democracy. He said that, "the soul of democracy essentially consists of economic welfare of all men living in a particular society."  


He further stated that, "democracy can be realised only, in the context of economic equality." These views prove that Dr. Ambedkar gave supreme importance to the concept of economic democracy. Further, we find that he correlated planned economic development with democracy. He opined that, "the very success of democracy depends on the success of planning in the country. If our planned efforts in the direction of economic democracy fail there will be no government and political freedom which we cherish so much." One can safely infer from above that he was not advocating anarchic competition, unplanned and individualistic economic freedom. On the other hand, he advocated planned economic development aimed at achieving economic equality, which he considered as the basic condition of fullest realisation of democracy. He also predicated that democratic government would fail if planning fails.

Ambedkar's speech at the third reading of adoption of the Indian Constitution in the same year expressed the possibility of future danger of Indian democracy giving place to dictatorship. He said that India may maintain democracy in form but not in fact. He also discussed reasons of this


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possibility and ways to avoid it. The first reason he mentioned is regarding political means and methods i.e., civil disobedience, non-cooperation and satyagraha. According to him, "these methods must be abandoned. These methods are nothing but the grammar of anarchy."\textsuperscript{21} The second reason he cited is the Indian tradition of Bhakti or Workship. According to him Bhakti or Workship is a sure road to degradation and to eventual dictatorship. He, therefore, suggested that people shall not lay their liberties at the fate of even a great man. The third thing he mentioned is the possibility of adoptions of mere political democracy. For him, "Political democracy cannot last unless there lies at the base of it the social democracy."\textsuperscript{22} By social democracy he means, "a way of life which recognises liberty, equality and fraternity as the principles of life."\textsuperscript{23} He further said that in the Independent India we will have political equality but social and economic inequality. In his own words, "in politics we will be recognizing the principle of one man one vote and one vote


\textsuperscript{22} Ibid, p. 186

\textsuperscript{23} Ibid.
one value. In our social and economic life, we shall be reasons of 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 putting out political democracy in peril. We must remove this contradiction at earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so labourously built up.

All these views expressed above show that he was believing in constitutional methods and not in unconstitutional methods as a part of democratic functioning. He was against personality cult or hero worship in Indian democracy and he clearly expressed the need of social equality as a precondition of successful functioning of political democracy.

IV

In the year 1952, he appeared to be more concerned with the problem of socio-economic change of the downtroddens

sections of the society. He, therefore, defined democracy from that perspective. For him democracy was the fundamental change in the socio-economic life of the people. But this change was to be brought about not by resorting to disputes and bloodshed but by peaceful democratic ways. In the same year, he made it clear that, "the purpose of democracy is to deserve public good" but it appears that he was of the opinion that this is not possible in a class conflicting society. This may bring revolution in the country. He was of the opinion that democracy should be supported by moral values. His stress was on social morality. He advocated that majority party in the country should influence the minority party.

LIBERTY

I

In the year, 1928 Dr. Ambedkar defined liberty as the "freedom of contract." He explained that there shall be a contract relationship between rayat and Mahar. According to him rayat should be free to employ Mahars and Mahars

25. Dr. Ambedkar's Speech, delivered in the Bombay Legislature was in connection with the HEREDITARY OFFICES ACT AMENDMENT BILL 1928 - Writings and speeches of Dr. Ambedkar, Vol. II, Govt. of Maharashtra - 1982, p. 84.
must be free if they do not want to serve, not serve. In a sense this was a freedom of labour from bondage. He considered liberty as a relative concept. He was of the opinion that liberty shall not be given to hooligans and criminal sections to protect the liberty of the people.26

II

In the year 1936, he defined liberty as a right to professional mobility. He said that the supporters of caste who would allow liberty in the sense of a right to life, limb and property would readily consent liberty in this sense inasmuch as it involves liberty to chose one's profession but to object this kind of liberty is to perpetuate slavery.27

In respect of untouchables, Ambedkar made a difference between social liberty and legal liberty.28 He opined that unless and until social liberty is provided for

untouchables legal freedom provided to them is of no use. For example, freedom of trade is given by law but denied on the basis of birth. Right to property has been given but all means of livelihood are closed. He has given a number of examples and proved that social liberty is very important.

Further he explained that the physical "freedom of mind is also necessary." He say in his own words, "freedom of mind is of prime importance." He explained this further in the following way, "Really speaking the meaning of physical freedom of a person is that he can act according to his free will. A prisoner is unchained and set free. What is the principle underlying this statement? The principle is that he should be able to make the maximum and best use of the capabilities he possesses. But what is the use of such freedom for a man whose mind is not free. Freedom of mind is the real freedom. A person whose mind is not free though he may not be in prison is a prisoner and not a free man. Once whose mind is not free though alive, is no better than dead. Freedom of mind is the proof of one's existence."


30. Ibid.

31. Ibid, p. 35
He has then further elucidated four tests on which one can judge whether one's mind is free or not.

(I) He said, "I call him free who with his conscience, awake, realises his rights, responsibilities and duties. He who is not a slave of circumstances and is always ready and striving to change them in his favour."

(II) "One who is not a slave of usage, customs, of meaningless pithuals and ceremonies, of superstitions and traditions, one who has not got blind faith in the teachings of saints and religious teachers, simply because these have been passed from generation to generation and whose flame of reason has not been extinguished."

(III) "He who has not surrendered his free will and abdicated his intelligence and independent thinking, who does not blindly act on the teachings of others, who does not accept anything without intically analysing and examining its veracity and usefulness in the light of the theory of the 'cause and effect', who is not afraid of ridicule and unjust public criticism, who has a sound conscience and self-respect so as not to become a tool in the hands of others."

(IV) "He who does not lead his life under the direction of others, who sets his own goal of life according to his own reasoning, and decides for himself as to how and in what way life should be led is a free man. In short a man who is the
In the year 1943, Dr. Ambedkar elucidated the concept of liberty. According to him, "Labour wants liberty, there is perhaps nothing new in this. What is new is labour's conception of liberty. Labour's conception of liberty is not merely the negative conception of absence of restrain. Nor is labour's conception of liberty confined to the mere recognition of the right of the people to vote. Labour's conception of liberty is very positive. It involves the idea of Government by the people. Government by the people in the opinion of labour, does not mean parliamentary democracy. He further viewed that parliamentary democracy is a form of government in which function of the people has come to be to vote for their masters and leave them to rule. Such a scheme of government in the opinion of labour is a travesty of government by the people. Labour wants government which is government by the people in name as in fact. Secondly, liberty as conceived by labour includes the right to equal opportunity and the duty of the state to provide the

fullest facilities for growth to every individual according to his needs.

In the year 1947, Dr. Ambedkar defined liberty as 'the destruction of the domination which one man holds over others. He, therefore, prescribed religious and social reforms. In the same year he defined liberty from class angle. A full citation of his own given below reflects concern this, "It is true that where a state refrains from intervention what remains is liberty, but this does not dispose the matter. One more question remains to be answered. To whom and for whom is this libery? Obviously this liberty is the liberty to the landlords to increase rents, for capitalists to increase hours of work and reduce rate of wages. This must be so. It cannot be otherwise."33

Dr. Ambedkar also correlated liberty with the shape and form of economic structure of society. He stated in the year 1947 that, "the connection between individual liberty and the shape and form of economic structure of society may not be apparent to every one. None the less the connection between the two is real."34 He, therefore, suggested that

33. 'Dr. Ambedkar Writings and Speeches', Govt. of Maharashtra, Vol. I, 1979, p. 410.
34. Ibid, p. 409.
the shape and the form of economic structure of society which will protect the liberty of the individual from invasion by other individuals, be lawfully determined.

EQUALITY AND FRATERNITY

I

In the year 1936, Dr. Ambedkar expressed his views on equality and fraternity.

(1) He gave more stress on the feeling of equality, he said, "it seems to me that other things being equal the only thing that will move one man to take such an action is the feeling that other man with whom he is acting are actuated by feeling of equality and fraternity and above all justice." He was of the opinion that, "a revolution for equalization of property will not be possible unless and until these people feel that they will be treated equally and that there will be no discrimination of caste and creed". 35

(2) By fraternity he meant a sort of social endosmosis. He clarified this concept in the following way, "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 associations."\(^{36}\)

Dr. Ambedkar stated that, "equality may be a fiction but nonethe less one must accept it as a governing principle."\(^{37}\)

First of all he discusses why people are not equal in real life. He has given three reasons:-

1. Physical heredity,
2. Social inheritance,
3. Individual's own efforts.\(^{38}\)

He accepted that people are different in these three respects. But he opined that it will be unjust and unfair to treat them unequally because their efforts are different. In this regard it is desirable to give as much incentive as possible to all for their development.\(^{39}\) But what would happen if people were treated unequally in regards to first two respects. The net result will be the selection of the able but of the privileged. But if a social body desires maximum development of individual's personality all must be treated equal at least at the starting point of the race. This is one reason why there is no escape from the applications of the concept of equality. Further, he argues that statesman cannot treat all people individually.

\(^{36}\) Ibid, p. 57.
\(^{37}\) Ibid, p. 58.
\(^{38}\) Ibid, p. 58.
\(^{39}\) Ibid.
according to need and capacity. He, therefore, "must follow some rough and ready rule and that rough and ready rule is to treat all men alike, not because classification and assortment is impossible." He, therefore, concludes that the doctrine of equality may be fallacious but as governing principle statesman has to practically use some criteria of equality.

II

In the year 1936, he explained the nature of inequality in Hinduism. According to him, the practice of Untouchability is more intense and pernicious: "form of inequality than any other inequality practiced anywhere else in the world." In Hinduism a mere touch of untouchables pollutes water and God becomes unfit of worship merely because of his shadow falling on their ideals. He, therefore, believes that this form of inequality is really the case of injustice in this country so the removal of Untouchability means giving justice to the untouchables.

III

In the year 1943, Dr. Ambedkar expressed his views on liberty and fraternity from the point of view of labour. To him, "Labour wants equality. By equality labour means abolition of privileges of every kind in law, in civil

40. Ibid.
services, in the army, taxation, in trade and in industry, in fact the abolition of all processes which lead to inequality."42 About fraternity he stated, "Labour wants fraternity. By fraternity it means an all-pervading sense of human brotherhood, unifying all classes and all nations with peace on earth and good will forwards man as its motto."43

In the year 1949, Dr. Ambedkar defined the term fraternity as, "a sense of common brotherhood of all Indians, all Indians being one people. It is a principle which gives unity and solidarity to social life."44 He further stated, "fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint."45

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43. Ibid.


45. Ibid, p. 188.
In the year 1928, Dr. Ambedkar raised the issue of Right of Representation to the minorities in India. According to him, "the minorities should have the right to representation as a political right" and he was not giving much importance to counting the population of minorities to have a proportional representation." He was of the opinion that, "rights are to be acquired on the battle ground by destroying the privileges of the high castes and by preventing the injustice done to them." He stated that, "representation to minority on the basis of population will not add much to safeguard and improve its position as it will be a minority representation. What was necessary was to go beyond the representation in proportion to population and have some more weightage." Dr. Ambedkar explained theoretically why weightage in representation should be given to minorities. Firstly, he said that, "this shall be decided on the criteria between adequacy on one hand and supremacy on the other." He defined the meaning of supremacy and adequacy in the following way: "By supremacy I mean such a


47. Ibid.

48. Ibid.
magnitude of representation as would make the minority a dictator. By adequacy of representation I mean such a magnitude of representation as would make it worth the while of any party from the majority to seek an alliance with the minority."49 Secondly, he said, that, "weightage should be given according to the educational and economic status of the minority." His own formulation in the matter is as follows: "the higher the educational and economic status of a minority the lesser is the need for that minority of being politically protected, on the other hand, the lower the educational and economic status of minority the greater will be the need for its political protection."50

In the Round Table Conference, London, in 1931, Dr. Ambedkar raised the issue of the civic disabilities51 of the

51. Dr. Ambedkar in 'Sub-Committee No. III' for Round Table Conference, London, 31st December, 1930, Writings and Speeches Vol. III, Govt. of Maharashtra, 1982, p. 530. Round Table conference herein after referred to as R. T. C.
Depressed Classes in India and stated that the Depressed Classes should have right to all public utilities but he also mentioned difficulties in the way of exercising these rights. Two important difficulties are mentioned below: First, fear of open violence by the Hindus and second, Economic dependence on them. He, therefore, suggested certain safeguards and rights as mentioned below: First, Declaration of untouchability to be illegal for all public purposes as a constitutional fundamental right. This right should invalidate and nullify all disabilities and discriminations imposed upon untouchables. Second, right to adequate representation in the Legislature.

In the appendix to the Report of Minorities Committee in the Round Table Conference, London, he discussed the issue of equal citizenship and in that context the rights of citizenship as a fundamental right. He proposed the, "All subjects of the state in India are equal below the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage, disability is imposed upon or any discrimination comes in operation cease to have any effect in India."

52. Ibid p. 531.
He further stated that, "mere declaration of rights is not sufficient, they must be practiced by adequate pens and penalties from interference in the enjoyment of these declared rights. He, therefore, proposed of the provision for dealing with the offences of infringement of citizenship. This provision reads as follows: whereas denies to any person except for reasons by law applicable to persons of all classes and regardless of any previous condition of untouchability the full enjoyment of any of accommodaions, advantages facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells, and other watering places, public conveyances on land, air or water, theatres or other public amusement resort or convenience, whether they are dedicated to or maintained or licensed for the use of public shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine."

II

While participating in the debates on the Industrial Disputes Bill in the Bombay Legislature in 1938 Dr. Ambedkar raised an issue regarding the right to strike. He explained the term strike as follows: "In a plain popular language, a strike is nothing more than a breach of contract of service.

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55. Ibid, p. 547.
there is nothing more in it and nothing less in it."  

Further he explained that, "A breach of contract of service is not a crime and is not punishable. That means it is only a civil wrong, it is not a crime. And further it is a civil wrong for which the remedy can only be damages and never specific performance."  

To him, "to compel a man to serve against his will is to make him a slave."  

Further he added, "To penalise a strike, therefore, is nothing short of making the worker a slave."  

He also explained the meaning of slavery. He said, "as defined in the constitution of United States, slavery is nothing else but involuntary servitude."  

This is contrary to ethics, this is contrary to ethical principles.


57. Ibid, p. 207
58. Ibid, p. 208
59. Ibid.
60. Ibid.
to jurisprudence. Further he says, "a strike is simply another name for "right to freedom", it is nothing else than the right to freedom of one's services on any terms that one wants to obtain." Dr. Ambedkar adds further that, "once you concede the right to freedom you necessarily concede the right to strike because the right to strike is another name for freedom. If you accept that the right to freedom is a divine right then the right to strike is also a divine right."

Dr. Ambedkar also raised the voice for the workers' right to unite and form trade unions. He was of the opinion that if workers are not allowed to organize then that form

61. Ibid.
62. Ibid.
63. Ibid.

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of government is not a democracy but its mockery. He advocated the thesis that workers should not necessarily or compulsorily write only in one union. They shall be allowed to unite in different unions depending on their different problems. He clearly viewed that in India Untouchable workers should be free to unite in a different union.

64. Dr. Ambedkar stated that, 'a democracy which enslaves the working class, a class which is devoid of education, which is devoid of the means of life, which is devoid of any power of organization, which is devoid of intelligence, I submit, is no democracy but a mockery of democracy.' *Industrial Disputes Bill* Bombay Legislature, Writings and Speeches, Vol. II, Govt. of Maharashtra, 1982, p. 217.

65. Dr. Ambedkar agreed the viewpoint of Chegwidden quoted in his book The Employment Exchange Service of Great Britain that "All the workers in a particular industry are not necessarily organized in the same union but may belong to several different unions; in some cases organization is on a district basis, in others on an occupational basis, and a section of workers in a particular industry may even belong to the union which normally caters for workers in another industry or to a general labour union. In a number of cases sectional unions are federated either in a federation or union covering the whole or greater part of the particular industry concerned, or in a federation or union covering members of the same or similar occupations in different industries, or federations of general labour union". Writings and speeches Vol. II, p. 224.

Further Dr. Ambedkar gave stress on the principle of equality in connection with the relationship between the employers and employees. He says that "Real equality between employers and employees can be brought by incorporating these two provisions. The employer must be compelled to disclose his budget and the Government must cease to use the Police force against the workers merely because there is breach of peace. Without this there can not be equality between capital and labour as to bargaining power."

III

In the year 1943, he took the stand that mere constitutional guarantee of right or legal declaration of fundamental rights would not suffice for their actual implementation. They could really be actualised by achieving the consent of social and moral conscience of society. He also raised a very important aspect of punishment to those who will not observe the rights in practice. He viewed that punishment can be imposed on individual but how to punish a whole body of people.


68. Dr. Ambedkar - Ranade Gandhi and Jinnah, Bheem Patrika Publications, Jullundup p. 29.
It is where there is a necessity of social backing of the people. Following is the citation taken from Dr. Ambedkar's book: *Ranade Gandhi and Jinnah*.

Which fully reflects his viewpoint, regarding the issue of socio-moral consciousness to bring rights into practice. He said, "The idea of making a gift of fundamental rights to every individual is no doubt very laudable. The question is how to make them effective? The prevalent view is that once rights are enacted in a law then they are safeguarded. This is again unwarranted assumption. As experience proves, rights are not protected by law but by social and moral conscience of society. If social conscience is such that it is prepared to recognize the rights which law chooses to exact rights will be safe and secured. But if the fundamental rights are opposed by the community, no law, no parliament, no judiciary can guarantee in the real sense of the word. What is the use of fundamental rights to the Negroes in America, to the Jews in Germany and to the Untouchables in India? Further Dr. Ambedkar himself quotes two quotations of Burke and Coleridge respectively in this.

70. Ibid, P.P. 28-30.
regard. "As Burke said, there is no method found for punishing the multitude. Law can punish a single solitary recalcitrant criminal. It can never operate against a whole body of people who are determined to defy it." 71

Further Dr. Ambedkar says "Social conscience to use the language of Coleridge - that calm incorruptible legislator of the soul without whom all other powers would meet in more oppugnancy - is the only safeguard of all rights fundamental or non-fundamental." 72

III

In the year 1947 Dr. Ambedkar explained his views regarding the following rights in 'states and Minorities': A Memorandum on the safeguards for the Scheduled Castes submitted to the constituent Assembly of India on behalf of the All India Scheduled Castes Federation.

RIGHTS

(1) Right to citizenship on the basis of abolition of privilege or disability arising out of rank, birth person, family, religion or religions usage and customs.

71. Ibid p. 30.
72. Ibid.
(2) Right to life, liberty and property and state shall not deprive any of these without due process of law.

(3) Equal Civic Rights.

(4) Right to opportunity and public utility.

(5) All citizens shall have equal access to all institutions, conveniences and amenities maintained by or for the public.

(6) Right to hold public office or exercise any trade.

(7) Right to reside in any part of the country. 73

(8) The Union Government shall guarantee protection against persecution of a community as well as against internal disorder or violence arising in any part of India. 74

(9) Subjecting a person to forced labour or to involuntary servitude shall be an offence.

(10) Right of the people for their personal security.

73. Dr. Ambedkar B.R. States and Minority, Writings and Speeches Vol. I Govt. of Maharashtra, 1979, p. 392.

74. Ibid, p. 393.
(11) Right of a citizen to vote.

(12) Freedom of speech, press, association and Assembly.75

(13) Liberty of conscience and religion, Right to profess.

(14) State shall not recognize Religion as State Religion.

(15) Right to have religious association.

(16) There shall be no compulsion for religious contributions.

(17) All offenses of the nature of religious torture shall be deemed to be cognizable offenses.76

SAFEGUARDS

Dr. Ambedkar has also suggested certain provisions for the protection of minorities, as follows:

(I) Protection against communal Executive.77

This provision means.

75. Ibid.
76. Ibid p. 394.
77. Ibid p. 398.
(a) To prevent the majority from forming a Government without giving any opportunity to the minorities to have a say in the matter,

(b) To prevent the majority from having exclusive control over administration.

(c) To prevent the inclusion by the majority party in the Executive representatives of the minorities.

(II) Protection against social and official tyranny. In this regard Dr. Ambedkar explains that "The proposal can not be controversial. The best remedy against tyranny and oppression by a majority against the minority is inquiry, publicity and discussion. This is what the safeguard provides for".

(III) Protection against social boycott: Here Dr. Ambedkar said that social boycott is a terrible weapon in the hands of Hindus to give worst type of tyrannous treatment to untouchables. He, therefore advocated the protection against social boycott.

78. Ibid.

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All those rights which he had demanded and discussed at the time of the Round Table Conference, London, (Which are mentioned above) have been included in this draft.

**NATIONALISM**

**I**

Dr. Ambedkar's earlier position on the problem of Nationalism was that, "the most vital need of the day is to create among the mass of the people, the sense of common Nationality, the feeling that they are Indians first and Hindus, Mohamedans or Sindhis and Kanarese afterwards. But they are Indians first and Indians last." He thought that this should be the ideal notion about Indian Nationalism. If this is accepted as an ideal then local patriotism and group consciousness are no hindrance to feeling of Nationality. This stand shows that in the year 1928, Dr. Ambedkar was keeping nationality feeling above any localism or groupism. It appears that consciousness of

79. Ibid.

Indianness is above local patriotic or group consciousness.

In the year 1929, he explained his position on the relationship between Linguistic Provinces and Nationalism. He said that, "the principle of Linguistic Provinces may be good but it would contribute to a great harm for Indian Nationalism. He said that it was his honest opinion that a very basic defect of this country is the absence of feeling of Nationality. One of the reasons of this is the presence of many languages. To create national feeling it is, therefore, necessary to have one language for the nation. Here, he directly related the concept of Nationality with the concept of national language.

In the year 1932, he explained the reason why India is not producing nationalism as the spirit of nation. To give reason, in his own words, "the chief reason for that in my opinion is that the existence of village system. It made all people saturated with local particularism and with local patriotism. It left no room for larger civic spirit. Under the ancient village panchayats India instead of being a country of a united people became a lose conglomeration of village communities with no commontie
except common allegiance to a common king.\textsuperscript{81}

In short it appears that he was of the opinion that group consciousness and spirit of caste, religion, language or village are the real hindrances to build up Indian Nationalism. He thought that these hindrances must be removed and the feeling of Indian Nationalism must be put above all these local narrow spirits.

\textsuperscript{81} Dr. Ambedkar on 'Village Panchayats Bill', Writings and Speeches, Vol. II, Govt of Maharashtra, 1982, p. 106.
In the year 1939, he further explained the relationship between the Untouchables Community and the country and the individual and the country. Here he stated that as an individual he may sacrifice his life for the nation. It seems that he is here holding Indian Nationalism against British Imperialism but when he defines relationship between Untouchables and Hindus he says that if time of conflict between his community and the country comes he will take side of his community. Here it appears that he takes up the position that Untouchable community has a relationship of subordination to the domination of Hindus. For him Hindu majority was a tyrannising majority and if the interests of the Untouchables are not safeguarded the nation will be the nation of Hindus and in that case he will be with
the untouchables. 82

III

In the year 1948, he accepted the argument that the provinces in India have all the elements of a distinct

On 26th October, 1939, in the Bombay Legislature, white dealing with the 'Participation in War discussion', Dr. Ambedkar clarified his views regarding his position on issues of nationality and the Untouchable community. He said, "I know my position has not been understood properly in this country. It has often been misunderstood. Let me therefore take this opportunity to clarify my position. Sir, I say this, that whenever there has been a conflict between my personal interests and the interests of the country as whole. I have always placed the claim of my the country above my own personal claims. I have nevers pursued the path of private gain. If I had played my cards well, as others do, I might have been in same other place. I do not want to say anything about it, but I did not do it. There were colleagues with me at the Round Table Conference who, I am sure, would support what I say - so far as the demands of the country are concerned, I have never lagged behind. Many European Members who at the conference rather felt embarrassed that I was the enfant terrible of the conference. But I will also leave no doubt in the mind of the people of this country that I have another loyalty to which I am bound and I can nevers forsake. The loyalty is to the community of untouchables, in which I am born to which I belong and which I hope. I shall never desert. And I say to this House as strongly as possibly can, that whenever there is a conflict of interest between the country and the untouchables, So far as I am concerned, the untouchables interest will take precedence over the interests of the country. I am not going to support a tyrannizing majority simply because if happens to speak in the name of the country, I shall not do that. Let everybody here and every where understand that is my position. As between the country and myself, the country will have precedence; as between the country and the Depressed Classes, the Depressed Classes will have precedence - the country will not have precedence.

nationality and they should be allowed the freedom to
grow to their fullest in nationhood. He supported
the concept of linguistic provinces for successful
functioning of democracy in the state units but he
once more made it clear that it will affect the unity
of India.

In the year 1949, he said that India is not a
nation, it is to be created. India is a country of
thousands of castes. According to him castes are
antinational. He cited two reasons for antinational
character of castes. One, they bring about separation
in social life and second, they generate jeolusy and
antipathy between caste and caste but he firmly asserted
that the difficulties must be over come and India
should become a nation in reality.

IV

Continuing the same argument he made his stand
clear, in the year 1955, by stating that one language
can unite people, two languages are sure to devide
people, this is an inexorable law. Culture is conserved

83. Maharashtra as A Linguistic Province. Writings and
by language. Since Indians' wish to unite and develop a common culture is a bounden duty of all Indians to won up Hindi as their language. He firmly advocated that linguistic states should not have its regional language as its official languages. Regional language may easily develop linguistic states into independent nationality.

CONSTITUTIONALISM

I & II

Dr. Ambedkar's speech delivered in the Plenary Session of the Round Table Conference, London, in the year 1930, and views expresied in the 'Anmitilation of Caste; in the year 1936, reveal his early approach to look at the constitutionalism. In the 1930 speech he said constitution must reflect social conditions and psychology of the given society at a given period. In his own words, "In the constitution of that machine, certain hard facts of Indian social life must not be last the sight of. It must also be recognized that Indian society is a degradation of castes forming an ascending scale of reverence and a descending scale of contempt . . . a system which gives no scope for the growth of that sentiment of equality and fraternity, so
essential for democratic form of government." He stated that, "the political mechanism must take account of and must have a definite relation to - psychology of the society for which it is designed."  

While dealing with the social conditions, his stress is on social force. He wrote in the year 1936 that, "the constitutional questions are in the first instance not the questions of right but questions of might. The actual constitution of a country has its existence only in the actual condition of forces which exist in the country hence political constitutions have value and performance only when they accurately express these conditions of forces which exist in practice within a society." Further, in continuation of the same argument, he clarified why the correct relationship between the caste and constitution be understood to define constitutionalism.


85. Ibid.

in India. Before dealing with caste system and its relationship with constitution he once more generalises that, "In framing a constitution the social structure must always be kept in mind. The political structure must be related to the social structure. The operation of the social forces is not confined to the social field. They pervade political field also." He further states that, "Hindus in India know this well and also of their strength." Hindus do not accept caste system as a social system, they do not differentiate it from the class system in Western societies. Caste system is different one from class system, both are groups but the groups in the class system are only non-social while the castes in caste system are in their mutual relation definitely and positively anti-social. If this analysis is true then there can be no denying the fact that the social structure of the Hindu society is different and consequently its political structure must be different."

Further, he explained how caste, a basis of Hindu society, is a political force. He says that, "caste is

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87. Dr. Ambedkar J.R., Mr. Gandhi and the Emancipation of the Untouchables, Bheem Patrika Publication, Jullundur, pp. 41-42.

88. Ibid.

89. Ibid.
religion and religion is anything but an institution. It is an influence or force suffused through the life of each individual moulding the character, determining his actions and reactions, his likes and dislikes. These likes and dislikes, actions and reactions are not institutions which can be lopped off, they are forces and influence which can be dealt with by controlling them by counteracting them.\textsuperscript{90} He further clarifies his point saying that, these forces may pervade politics and work in the interest of the few. They must be controlled and to control them, he says, "Political structure must be so framed that it will contain mechanism which will bottle the prejudices and nullify injustice which the social forces are likely to cause if they were let loose."\textsuperscript{91} Then he shows how should that mechanism be. For him, "the only safety against such people is to have the political rights, which the untouchables claim as safeguards against the tyranny of the Hindu majority defined in the constitution."

It is clear from above that he was advocating checks and balances theory of American constitutionalism, but the one which suited to Indian conditions. He himself

\textsuperscript{90} Ibid, p. 43.

\textsuperscript{91} Ibid.
has quoted John Adam: "We may appeal to every page of history we have hitherto turned over, for proof - irrefragable that the people when they have been unchecked, have been as unjust, tyrannical, brutal, barbarous, and cruel as any King or senate possessed of uncontrollable power: the majority has eternally and without one exception usurped over the rights of the minority."  

III

In the year 1945, Dr. Ambedkar took up an issue of tyranny of communal majority as a very important constitutional issue. He said, "In India a majority is not a political majority. In India the majority is born, it is not made, that is the difference between a Communal majority and a political majority. Political majority is not a fixed or a permanent majority. It is a majority which is always made, unmade and remade. A communal majority is a permanent majority fixed in its attitude. One can destroy it, but one cannot transform it."  

His argument was that in amending the constitution the political majority must be of three-fourth and further.

92. Ibid, p. 36.

it must be ratified by the state, shows that even political majority is not enough. This shows that a mere majority rule is not competent. He accepts majority rule not as a principle but as a tolerated rule and then he suggests a scheme of principles which should restrain the communal majority becoming a tyranny. In this scheme he suggests that all communities should be represented in the Legislature, Executive and in Public Services in a prescribed proportion and no single community should be allowed to have monopoly. He formulated the principles on the basis of which he advocates his theory of Representation based on the proportions of communities.

Following are the principles :-

(1) Majority Rule is untenable in theory and unjustifiable in practice. A majority community may be conceded a relative majority of representation but it can never claim an absolute majority.94

94. Ibid, p. 31.
(2) The relative majority of representation given to a majority community in the Legislature should not be large as to enable majority to establish its rule with help of the smallest minorities.

(3) The distribution of seats should be so made that a combination of the majority and one of the major minorities should not give the combine such a majority to make them impervious to the interest of the minorities.

(4) The distribution should be so made that if all minorities combine, they could without depending on the majority form a government of their own.

(5) The weightage taken from a majority should be distributed among the minorities in inverse proportion of their social standing economic position and educational condition so that minority which is large and which has a better social, educational and economic standing gets a lesser amount of weightage than a majority whose members are less and whose educational, economic and social position is inferior to that of the others.95

95. Ibid.
If I may say so, the representation is balanced representation.96 No one community is placed in a position to dominate others by reason of its members. The Muslim objection to the Hindu majority and the Hindu and Sikh objections to Muslim majority are completely eliminated both in the central as well as in the provinces.97

It can be concluded from his above mentioned principles of majority and minority representation that Dr. Ambedkar's main emphasis was on checking the dominant position of Hindu Communal Majority. To further check it he advised the theory of constitutional safeguards. In short, his theory of communal representation and minority safeguards becomes a part of constitutionalism.

At the time of drafting of the Constitution of India in 1948, Dr. Ambedkar defined constitution as

"merely a mechanism for the purpose of regulating the work of the various organs of the state, a mechanism

96. Dr. Ambedkar stated regarding the ratio of representation which he discussed giving plenty of tables in Communal Deadlock and A Way to Solve it, Pages from 25 to 30.

97. Ibid, pp. 31-32.
whereby a particular member and a particular party are installed in office. He further stated that, "constitution should not lie down the people of the country to live in a particular type of society, if it is stated in the constitution it would take away the liberty of the people to decide what should be the social organization in which they might wish to live." He, therefore, added a novel part in the constitution, namely, the Directive Principles of State Policy. According to him, the principle will direct the state organs to formulate the policy in the future regarding socio-economic matters. But he did not make it constitutionally binding. He left it to the state and the sovereign (people) to frame and make them more important and superior to Fundamental Rights.