Dr. Ambedkar spelled out his ideas regarding the various aspects of the nature of state structure. His main thrust was on defining the operational aspect of his value premises discussed in the Chapter II of this thesis. In doing so her worked out a number of formulations, carved out guidelines and suggested solutions to a number of problems. He mainly concentrated on four aspects of state machinery viz. Democratic, Federal, Socialist and Secular. He made an attempt to transmit the ideas he had been shaping since 1928 in the final draft of the constitution of India. The yearwise survey of these ideas and final outputs in the form of constitution help us to understand the development
of Dr. Ambedkar's political thinking. An attempt, therefore, has been made in this chapter to trace these ideas under four main heads i.e. democratic, federal, socialist and secular and according to the scheme of periodization i.e. upto 1936, from 1937 to 1942, from 1943 to 1950 and afterwards.

Of the four aspects of state structure mentioned above, he mainly concentrated on democracy. He formulated his ideas on all the aspects of democratic functioning in India. He covered following aspects: Representation, Electorate, Responsibility, Franchise, Composition of Legislature, Executive and Judiciary and Administration. Along with this, he has briefly derived his theory of centre-state relations, socialism and has also expressed views on secularism. The author has covered all his views on all these aspects since 1928 till his death. This has helped to reveal how Dr. Ambedkar was an articulate, intellectual, honest and equally shrewd strategist in bringing out the principles of liberty, equality and fraternity into practice. Thus, survey of his ideas has proved beyond doubt that his main approach was of a nationalist and humanitarian character and essentially from the standpoint of depressed classes. His definitions, interpretations, reasoning, casual analysis - all are based
on the concept of justice to untouchables in terms of liberty, equality and fraternity.

DEMOCRATIC

I.

Dr. Ambedkar stated his views on the following aspects of the role of Executive in a democratic form of government.

(1) Control over Executive, (2) Non-communal Representation in the Executive, (3) Impeachment, (4) Joint Responsibility, (5) Governor's Power.

(1) CONTROL OVER EXECUTIVE

Dr. Ambedkar defined Executive responsibility in following terms: "Responsible government is that the executive continues to be in office only so long as it commands a majority in the House - that it is the essence of a doctrine of a ministerial responsibility." He did not wish that the Governor shall be empowered with emergency provisions. For the protection of minorities, he said that


2. Ibid, p. 326.
they should have the power to control the action of the executive. Stability of the Executive was another important point. He viewed that under no circumstances should executive be made irremovable.

(2) NON-COMMUNAL REPRESENTATION IN THE EXECUTIVE:

He was against the idea of communal representation in the executive. He thought that this might create a completely communal dyarchy or tryarchy, this also may result in a creation of government based on class ideology.

(3) IMPEACHMENT:

Dr. Ambedkar clearly stated that Ministers should be amenable to courts of law for illegal acts. He was of the view that, "Constitution should provide a tribunal composed of a legislature or partly of the legislature and partly of the judiciary to impeach ministers for unlawful acts."

(4) JOINT RESPONSIBILITY:

He supported the principle of joint responsibility

5. Ibid, p. 332.
for two reasons: (1) To ensure coherence and (2) For the growth of a common political platform transcending the boundaries of caste and creed. He also prescribed the procedure to achieve joint responsibility. To do it by express terms of law will leave no liberty either to the Head of the Administration or the Legislature to dismiss a minister without dismissing the whole of the executive. He stated that this should be left to convention rather than law. And instead of choosing the ministers by the Governor the task was to be entrusted to one of the ministers to choose his colleagues and a cabinet formed is bound to function on the basis of joint responsibility. It is clear from this that the Governor was not supposed to undertake the task of appointing or dismissing individual ministers but to choose a Chief Minister and leave it to him the work of forming a government or dissolving it.

(5) GOVERNOR'S POWERS:

Dr. Ambedkar expressed his views that a Governor

9. Ibid.
10. Ibid.
should have the position of a constitutional Head. He shall have the power to make appointments to the cabinet to assent, to reserve assent pending signification of His Majesty's pleasure and to refuse assent to the bills passed by the council. Dr. Ambedkar opined that the Governor should exercise these powers with the advice of Ministers responsible to the Legislature. This formula, according to Dr. Ambedkar, does not harm the discretion of the Governor to disagree with his ministers. He (Governor) may not approve their policy or dismiss them. Being a constitutional head, the Governor, cannot have any obligation compelling him to follow a minister who is responsible to a Legislature. The essence of his obligation is to follow the general wish of the electors and if he appears to follow a minister it is because the latter is supposed to represent the will of the electors. Governor, thus can disagree with the ministers or dismiss them in accordance with the support of the Legislature. If the Legislature does not support him he must make an appeal to the electorate.

12. Ibid.
13. Ibid.
and seek the mandate from the people and they act accordingly. In no case he shall have larger powers than these. But Dr. Ambedkar straightway suggested that the Governor should be made a constitutional lead by taking away his powers of certification and suspension and thus make it impossible for him to act independently of ministers responsible to the Legislature.

According to Dr. Ambedkar, the function of the Governor is supervisory rather than executive. He should supervise whether the cabinet functions according to the constitutional provisions or not. To be an unprejudiced supervisor he must be independent of local politics. To keep him independent it is necessary to keep him away from the executive. Dr. Ambedkar recommended that, "the Governor shall not be a part of the executive nor shall he have the right to preside over it. The meeting of the Executive shall be summoned and presided over by the P.M. without any intervention of the Governor."

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16. Ibid.
17. Ibid.
18. Ibid.

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To Dr. Ambedkar, Franchise was a question of Right and not of favour. Orating to Dr. Ambedkar, "If it is made an issue of favour then it is manifest that the political emancipation of the unenfranchised will be entirely at the mercy of those that enfranchised. To accept such a conclusion is to accept that slavery is no wrong." He wanted Franchise "as for direct and active participation in the regulation of the terms upon which associated life shall be sustained the permit of good carried on." Associated life, to Dr. Ambedkar, as shared by every individual is affected by its consequences, every individual must have the right to settle its terms. From the same premises it would further follow that the poorer the individual the greater the necessity of enfranchising him.

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20. Ibid.
(2) ADULT SUFFRAGE AS A SUBSTITUTE FOR COMMUNAL REPRESENTATION

Political Justice and Political Expediency are the two main grounds on which Dr. Ambedkar advocated the principle of Adult Franchise. He said that Political Justice is the ground for franchise and Political Expediency favours its introduction. Communal Electorates to him were an evil and adult suffrage good. He viewed that the contention of Communal Electorates could be effectively disposed by the introduction of Adult Suffrage.

(3) ILLITERACY AND ADULT SUFFRAGE

Dr. Ambedkar argued that illiteracy cannot be the defect in the way of adult suffrage. Illiteracy is not the fault of the people. He pointed out that the Government in this country did never motivate the people to education. The right to education of the common masses and particularly the Backward Classes was denied by the Hindu social order since past. Dr. Ambedkar asserted that, "To deny them that

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22. Ibid.
23. Ibid.
right is to create a situation full of injustice.\textsuperscript{25} To keep people illiterate and to make their illiteracy the ground for their non-enfranchisement is to add insult and to injury. According to Dr. Ambedkar, "an appeal to experience would fortify the conclusion that illiterate people all over the world including India have intelligence enough to understand and manage their own affairs."\textsuperscript{26} He held the view that all belief in the free and popular government rests ultimately on the conviction that a people gains more by experience than it loses by the errors of liberty and it is difficult to perceive why a truth that holds good of individuals in non-political field should not hold good in the political field. One more point according to Dr. Ambedkar, that favoured adult suffrage was to prevent an oligarchic form of government.

**ELECTORATES**

**NOMINATION**: 

Dr. Ambedkar opposed the method of nomination of the candidates in the Legislature. Nominated members are non-official and their presence in the council detracts a

\textsuperscript{25} Ibid.

\textsuperscript{26} Ibid, p. 341.
great deal from its representative character. He favoured responsible and representative government and such government is secured only when the legislature is elected by the people. He stated that, "direct governmental action is required for effecting the betterment of the Depressed Classes." And this can be expected only when the legislature is elected by the people in the country.

**CLASS CHARACTER OF ELECTORATES**

He opposed class charactered electorates on the ground that in a deliberative wing like legislature decisions are made in the interests of the public opinion whereas, representation of a particular class leads the views of interests of the particular class. This is quite subversive of the principle of popular government. Dr. Ambedkar stated that, "it is not true that without class electorates there shall be no representation of the interests of these classes in the council." Such interests can be safeguarded by a member belonging to that class, even if he is elected by a general constituency. Dr. Ambedkar was of the view, "that a member taking his seal in the legislature, although he

27. Ibid, p. 345.
represents directly his constituency, yet indirectly he does represent himself and to that extent also his class.\(^\text{29}\)

COMMUNAL ELECTORATES:

Dr. Ambedkar was of the view that Communal Electorates did not help much to resolve any of the problems of the community even though Communal Electorates removed discontent and ill feeling within the community to some extent.\(^\text{30}\) Dr. Ambedkar pointed out that, "it is equally true that Communal Electorates do not help to mitigate communal disturbances and may in fact help to aggravate them. For communal electorates do tend to the intensification of communal feeling and that they do make the leaders of the two communities feel no responsibility towards each other, with the result that instead of leading their people to peace they are obliged to follow the momentary passion of the crowd."\(^\text{31}\)

Dr. Ambedkar did not favour communal electorates for communal feeling and sentiment have no place in the solution of political problems. He felt that loyalty

\(^{29}\) Ibid.
\(^{30}\) Ibid, p. 350.
\(^{31}\) Ibid, p. 350.
to government is a matter of faith and faith is a matter of sentiment. This faith should be secured if it can be done without detriment to the body politics. Dr. Ambedkar stated that, "communal representation is so fundamentally wrong that to give in to sentiment in its ease would be to perpetuate an evil."\(^{32}\) Its existence will become apparent to anyone who will look to its operation. Dr. Ambedkar further clearly stated that, "it is an universally recognized canon of political life that Government must be by the consent of the Governed."\(^{33}\) As communal electorates are a violation of that canon, it is a government without consent; it is contrary to all sense of political justice to approve of a system which permits the members of the community to rule other communities without their having submitted themselves to the suffrage of those communities. Therefore, he said that, "the communal electoral system should be overruled."\(^{34}\)

\[^{32}\text{Ibid, p. 359.}\]
\[^{33}\text{Ibid.}\]
\[^{34}\text{Ibid, p. 355.}\]
Dr. Ambedkar advocated the representative government of a two-party system both of ensuring stable as well as responsible government. According to him, "a stable government requires absence of uncertainty. An Executive must be able to plan its way continuously to an ordered scheme of policy. But that invokes an unwavering support of a majority. This can be obtained only out of a two party system. It can never be obtained out of a group system. Under a group system the Executive will represent not a general body of opinion but a patch-work of doctrines held by the leaders of different groups who have agreed to compromise their integrity for the sake of power. Such system can never assure the continuous support necessary for a stable government since the temptation to reshuffling the groups for private advantage is never present."  

Dr. Ambedkar suggested that at the time of recasting electoral system, the misconceptions based on the concept of simplicity must be avoided. Following are the simple conceptions:—

1. Electoral system should be purely territorial.
2. It has no relation with social conditions.
3. There is no need of group representation.  

Further Dr. Ambedkar made following suggestions:

1. If adult suffrage is granted there shall be territorial representation except in the case of Mohamedans, the Depressed Classes and the Anglo-Indians.

2. If the franchise continues to be restricted, all representation shall be territorial except in the case of the Mohamedans, Depressed Classes, Anglo-Indians, the Marathas and the allied castes and labour.

3. That such special representation shall be by general electorates and reserved seats and of labour by electorate made up by registered trade unions.

Besides this the golden mean he suggested was of the joint electorates with reserved seats. He stated, "Less than that would be insufficiently, more than than would defeat the ends of good government."  

37. Ibid.
38. Ibid.
DISTRIBUTION OF SEATS:

Political power as a solution of the problem of untouchability Dr. Ambedkar emphasised the issue of proper distribution of seats among the minorities. He gave stress on the necessity of equal treatment and adequate representation for the Untouchables beyond their population ratio (must be conceded by the way of weightage). He stated that, "equal treatment of all the minorities in the matter of representation is only a part of the problem of the representation of minorities." He stated that, (1) the representation of a minority should be in a strict proportion to its population and (2) such representation must be adequate. By adequacy of representation, he meant, "such a magnitude of representation as would make it worth the while of any party from majority, to seek an alliance with the minority. Where a party is compelled to seek an alliance with a minority, the minority is undoubtedly in the position of a dictator. On the other hand, where a party is only drawn to seek an alliance with the minority, the minority is only adequately represented."
GEOGRAPHICAL DISTRIBUTION OF SEATS:

For equal electoral power Dr. Ambedkar suggested the necessity of geographical distribution of seats behind which is a sentimental and theoretical justification. He argued that, "This demand for geographical distribution of seats increases the influence which will exercise control upon the conduct of the public affairs." And will also add to the responsible character of the Legislature Council. He has mentioned few more aspects of social group relations to be considered for distributing seats. Capital and labour, landlords and tenants and urban and rural areas were the other aspects of consideration which Dr. Ambedkar took into account and stressed upon the proper distribution of seats among them. His view was that the weakers should properly be justified.

RESIDENTIAL QUALIFICATIONS:

Dr. Ambedkar was of the view that the requirement of a residential qualification for a candidate should be removed. He opined that, "The retention of this qualification is to some extent responsible for the election of inferior men to the councils and for the keeping out.

43. Ibid, p. 367.
44. Ibid, p. 368.
of the council's men of position, ability and proved political capacity who are mostly found in the larger urban areas and who by the existence of the qualification are prevented from seeking election anywhere else if for some reason they are unable to secure election from their own residential area.\(^45\)

**POWERS OF LEGISLATURE**

(1) **POWER OF APPOINTING AND REMOVING THE PRESIDENT**

According to Dr. Ambedkar the President of Legislature is subject to the jurisdiction in respect of what he does as a President, his conduct as President is liable to be questioned in a court of law. Dr. Ambedkar stated that, "this opens a vast field to vexatious litigation involving great delay in the conduct of the business of the Legislature. This is sought to be remedied by granting exemption to the President from the Jurisdiction of the courts."\(^46\)

(2) **POWER OF DEFINING PRIVILEGES**

Dr. Ambedkar recommended that Provincial

\(^45\) Ibid, p. 369.
\(^46\) Ibid, p. 378.

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Legislatures like Dominion Legislatures should be given the power within prescribed limits to define by law the power and privileges which it thinks are necessary in its own interests.\textsuperscript{47}

(3) \textbf{POWER OF REGULATING PROCEDURE}

He was of the view that powers should be given to the Legislature to regulate its own procedure.\textsuperscript{48}

(4) \textbf{POWER OF LEGISLATURE}

Dr. Ambedkar opposed any limitation which prohibited the Legislature the power of Legislation. He stated in his memoranda submitted to the Indian Statutory Commission that the, "Section 80C of the Government of India Act provided that it shall not be lawful for any member of any local Legislature to introduce, with the previous sanction of the Governor, if Governor of Chief Commissioner, any measure effecting the public revenue of a province or imposing any charge on those revenue."\textsuperscript{49} This section, according to Dr. Ambedkar, was a serious limitation upon the

\textsuperscript{47} Ibid.
\textsuperscript{48} Ibid.
\textsuperscript{49} Ibid, p. 379.
power of the Legislature. He recommended that, "this section must be deleted." 50

(5) POWER OF APPROPRIATION

This power deals with subjects sanctioning Financial provisions in the Legislature. Dr. Ambedkar stated that the Legislature may assent or refuse its assent for any of the items of expenditure of which the grant is composed. "In the case of demand relating to reserve subject the Governor has a power of overruling the decision of the legislature if he certifies that the expenditure provided for in the demand is essential to discharge of the responsibility for the subject." 51

Another proviso limiting the powers of appropriation of the Legislature, by virtue of which the Governor has the power in case of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquility of the Province, or for carrying on of any department." 52 Dr. Ambedkar stated that, "the safety and tranquility of the Province will not be a special concern

50. Ibid.
51. Ibid.
52. Ibid.
of the Governor any more than that of the responsible Executive. Consequently the powers given by the provision to the Governor are unnecessary and should be taken away. Further Dr. Ambedkar stated that the creation of non-votable items must be a matter of convenience. There ought to be no restraint about them on the Legislature by law.

(6) **POWER OF CONTROLLING EXECUTIVE**

Legislature consists of the power of controlling the Executive (1) by legislation, (2) by refusing supplies and (3) by refusing or reducing their salaries. According to Dr. Ambedkar, the second and the third were the only two ways whereby the legislature could control the administration by the ministers. This control could normally be exercised only once a year and was therefore, insufficient. The Ministry shall be of joint responsibility under which it will stand together or fall together. The Legislature shall have the power to amend or alter the constitution in order to protect the interests of minorities. The Legislature

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53. Ibid.
54. Ibid P 380
55. Ibid
should have the power to move a motion of non-confidence by which the Executive can easily be brought under control.  

PUBLIC SERVICES:

Dr. Ambedkar expressed his views concentrating mainly on the following issues separation of services: He was of the view that each province should be free to organize its own civil service. On the other hand the centre should recruit the civil servants according to its need through central public services. He said that "there should be central civil service recruited and maintained in response to its own needs by the central Government to run various departments which are handed over to it by the Government of India without imposing upon its members the liability to serve under any of the provincial Governments." He also expected that the centre should have no compulsion on the provinces in regards with the Uniformity and the service conditions.

He wanted that civil service should completely be free from political influence and robbery should be recruited and controlled by an authority independent

56. Ibid
57. Ibid P. 390
of the Ministers. He stated that "a full-time officer specially charged, instead of vast public service commission, should be appointed."

Dr. Ambedkar suggested the following steps for the materialisation of his recommendations.

(1) "A certain number of vacancies in the Superior Services, class I and Class II, and also in the subordinate services, should every year be filled by system of nomination with a pass examination. These nominations should be filled on the recommendation of a select committee composed of persons competent to judge the fitness of a candidate and working in conjunction with the civil service officer referred to above. Such nomination shall be reserved to the Depressed class, the Mohamedans and the Non-Brahmins in the order of preference herein indicated until their numbers in the service reach a certain proportion."

(2) "That steps should be taken to post an increasing number of officers belonging to these communities at the headquarters."

(3) "That a Central Recruitment Board should be continued as a central agency for registering

58. Ibid, P. 393
all applications for appointments and vacancies and putting applicants in touch with the offices where vacancies exist or occur from time to time. It is essential to put the man and the job in touch if this desire is to be achieved."

On 20th November 1930, Dr. Ambedkar raised the following issues in the Plenary Session of the Round Table Conference, London.

(1) "The Depressed classes form a group by themselves which is distinct and separate from the Mohamedans and although they are included among the Hindus, they in no sense from an integral part of that community."

(2) "That their struggle for existence cannot but have some bearing on the right sort of solution of the political problem."

(3) "That the bureaucratic form of Government should be replaced by a Government which will be a Government of the people, by the people and for the people."

(4) "It must be recognized that Indian society

59. Ibid. P. 399

60. Dr. Ambedkar in the Round Table Conference, London, Plenary Session, Fifth Sitting 20th Nov. 1930, "Writings and speeches", Govt. of Maharashtra 1982 P. 503.
is a gradation 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 a democratic form of Government.**

(5) "That the Depressed Classes wish to earn that the Political Mechanism must take account of and must have a definite relation to the psychology of the society for which it is devised."**

(6) "That in absence of this 'the constitution which, however symmetrical will be truncated one and a total misfit to the society for which it is devised."**

Dr. Ambedkar strongly argued that the problem of Depressed Classes will never be solved unless they get political power in their own hands. The settlement of the problem of the depressed classes must be a part of the general political settlement and must not be left over to the shifting sands of the sympathy and goodwill of the rulers of the future.

He clearly stated, "What adjustments of the political machine the Depressed Classes want for their safety and protection I will place before the

61. Ibid. P. 506

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conference at the proper time. All I will say at the present moment is that, although we want responsible Government we do not want one that will only mean a change of masters. Let the Legislature be fully and really representative if your executive is going to be fully responsible."62

REPRESENTATION AND CONSTITUTIONAL GUARANTEE AGAINST COMMUNAL DOMINANCE

Dr. Ambedkar emphasised the issue of minority representation in the cabinet. He said, "If the minority communities are not represented in the cabinet it is very possible and even very likely that in matters of administrations which affect their daily lives, their interests may be affected very prejudicially by the policy of ministers whose dominant interest is communalism."63 He further stated, "There is a better way of dealing with that sort of evil and it seems to me that if the minorities could get constitutional and statutory guarantees laid down in the constitutional Act itself against anything likely to injure their interest


being done or left undone by the cabinet the danger which most of us apprehend from the fact the cabinet may be communally dominated, will vanish and we shall not have much cause to insist on communal representation in the cabinet. 64

FRANCHISE AND REPRESENTATION:

It seems that Dr. Ambedkar continued his previous stand in regards with the view of Representation. He stated, "If you have again adult suffrage for the election of members of the central legislature, then of course, the Depressed Classes will claim separate representation in the legislature such number of seats being allotted to them in conjunction with the seats allotted to the other minorities." 65 Further he stated, "If your representation is by a suffrage which is higher or much higher based on properly and so much higher that the Depressed Classes probably be entirely left out then I am afraid the Depressed Classes will have to claim indirect election to Central Legislature carried on by electoral colleges composed of members of the Depressed Classes in the Provincial Legislatures in Municipalities and

64. Ibid.

Dr. Ambedkar pointed out that, "the whole question of minority representation is really the crux of the whole situation, and if the majority community desire that all minorities should associate with them in having or in claiming, a constitution which will give India what they call Dominion Status, or what we prefer to call Government by the people, for the people and in the name of the people, then I am afraid that the majority community must see to it that all fears of the minorities are set at rest. Otherwise, it may not be possible for us to take what I do not conceal from myself is the risk that most of us are taking in claiming Dominion Status." 

FRANCHISE AS RIGHT TO SELF DEFENCE:

Dr. Ambedkar defined the suffrage and the Franchise as "nothing else but the right to self defence, it means that you will create a Legislature which will have the amplest power of passing laws which will effect the life, liberty and property of the people." He clarified this

66. Ibid.
67. Ibid.
68. Dr. Ambedkar in Sub-Committee No. VI (Franchise), Second Sitting of Round Table Conference, London, 22nd Dec., 1930, Writings and Speeches Vol. II, Govt. of Maharashtra, 1982, p. 559.
view that, "there cannot be any suffrage short of adult suffrage which will give equality or representation to all the castes and communities in India." 69.

JOINT VERSUS SEPARATE ELECTORATES:

According to Dr. Ambedkar the question of joint versus separate electorates was inextricably bound up with the question of Franchise. He correlated electoral power with social power. He said, "I am not going to place myself under the thumb and authority of any majority Government, unless I am certain that I can exercise in the elections, electoral power which is commensurate with my social power." 70 It seems from the above view that under a joint electoral system it was not possible for a minority community to elect its own candidate, because of the majority influence. Dr. Ambedkar clarified his position in the Sub-Committee No. III of the Round Table Conference that, "if you give us adult universal suffrage the Depressed Classes, barring a short transitional period which they want for their organization, will be prepared to accept joint electorates and reserved, seats, but if you do not give us adult suffrage, then we must claim —

70. Ibid, p. 563.
representation through separate electorates." 72

Dr. Ambedkar emphasised the issue of a proper distribution of seats among the minorities. He also stated that the Depressed Classes will never tolerate any discrimination regarding the distribution of seats. He stressed the principle of equal treatment. But the question to him was entirely a relative question; a question that could be determined only in connection with and by taking into account, the seats that would be allotted to other minority communities. 72 In this connection, Dr. Ambedkar said, "We the Depressed Classes demand a complete portion between ourselves and the Hindus." 73 He further stated, "We have been called Hindus for political purposes, but we have never been acknowledged socially by the Hindus as their brethren. They have taken to themselves all the political advantages with our members with our voting strength, have given to them, but in return we have received nothing. All that we have received is a treatment which is worse than the treatment that they themselves

72. Ibid.
73. Ibid.
have accorded to other communities whom they do not call Hindus. That must be the first thing, therefore, that we want to be done.*74

**WEIGHTAGE**

Dr. Ambedkar was not against the principle of weightage, he continued his argument *who argued in the Bombay Legislature in 1929.* But he said in the Round Table Conference, London, in 1930 that the principle (of weightage) cannot be accepted in all circumstances that every minority must be confined to its population ratio.*75 He stated that, "the distribution of weightage must be subject to some uniform and intelligible principle."*76

**ADEQUATE REPRESENTATION IN THE LEGISLATURE**

Dr. Ambedkar was of the view that, sufficient political power must be given to the Depressed Classes to influence the Legislature and executive action for the purpose of securing their welfare. The demands made in this regard in the R.T.C. were as follows:

74. Ibid.

75. Dr. Ambedkar in Sub-Committee No. III of R.T.C. 1930, Writings & Speeches, Govt. of Maharashtra, 1982, p. 533.

76. Ibid.
1. Right to adequate representation in the Legislatures of the country, Provincial and Central.

2. Right to elect their own men as their representatives. (a) by adult suffrage and (b) by separate electorates and reserved seats, it being understood that joint electorates shall not be forced upon the Depressed Classes against their will unless such joint electorates are accompanied by adult suffrage. 77

1931:

Dr. Ambedkar continued his stress on the idea of joint electorates with the reserved seats but made it clear first time, that in absence of adult suffrage, a separate electorate is a necessity to achieve political power to the Depressed Classes. Further in a joint memorandum submitted by Dr. Ambedkar and Rao Bahadur R. Srinivasan 78 to the Round Table Conference, it has been clearly stated that the Depressed Classes were in favour of the Separate Electorates for them. The method of Representation stated in the memorandum is as follows:

77. Ibid., p. 551.

78. Rao Bahadur R. Srinivasan was one of the Depressed Class members from Madras Province and a member of the Minorities Committee of Round Table Conference, 1931.
(1) The Depressed Classes shall have the right to elect their representatives to the Provincial and Central Legislatures through separate electorates of their voters.

For their representation in the Upper House of the Federal or Central Legislature, if it is decided to have indirect election by members of the Provincial Legislature the Depressed Classes will agree to abandon their right to separate electorates so far as their representation to the Upper House is concerned subject to this: that in any system of proportional representation arrangement shall be made to guarantee to them their quota of seats.

(2) Separate electorates 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 voters 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.

(b) No such referendum shall be resorted to until after twenty years and until universal adult suffrage has
been established.\textsuperscript{79}

Mahatma Gandhi (1931) regreted on this issue and stated that, "I would work from one end of India to the other to tell the Untouchables that separate electorates and separate reservation is not the way to remove this bar sinister, which is the shame, not of them but of orthodox Hinduism."\textsuperscript{80} Further he (Mahatma Gandhi) added, "It will create a division in Hinduism which cannot possibly look forward to with any satisfaction whatsoever. I do not mind Untouchables, if they so desire, being converted to Islam or Christianity. I should tolerate that but I cannot possibly tolerate what is in store for Hinduism if there are two divisions set forth in the villages. Those who speak of the political rights of Untouchables do not know their India, do not know how Indian society is today constructed and, therefore, I want to say with all the emphasis that I can command that if I was the only person to resist this thing I would resist it with my life."\textsuperscript{81}


\textsuperscript{81} Ibid.
In August, 1932, the Communal Award giving separate electorate to the Untouchables was declared by Ramsay MacDonald. Gandhi rejected it as it disreputed Hindu society and he went on fast unto death. Dr. Ambedkar accepted joint electorates with reservation of seats at the intervention of Sapru, Jaykar etc. And the Poona Pact was signed on 24th Sept., 1932.

1933: COMMUNAL REPRESENTATION:

While speaking on Village Panchayats Bill No. 2 presented in Bombay Legislature in 1933 Dr. Ambedkar favoured the Communal Representation. He clearly stated, "if there is any good in the Indian Constitution that is going to come it is the recognition of the principle of communal representation." He clarified this view saying, "I am not ashamed of what I am saying. I know, and I am saying that it is going to be one of the best parts of the Indian Constitution. We do not want, I do not want the mere right to go to the ballot box and not knowing who is my representative or if there is going to be any representation to represent me at all. I want a system in which not only I will have a right to have body of the people - belonging to my own class who will be inside the House not

82. Dr. Ambedkar in Bombay Legislature. Writings & Speeches II, Govt. of Maharashtra, 1982, p. 114.
only discuss matters but take part in deciding issues."  
He was of the view that communal representation is not a 
vicious thing, it is not a poison, it is the best arrange- 
ment that can be made for the safety and security of the 
different classes in this country. He said, "I do not call 
it a disfiguring of the constitution."  

All these above mentioned views expressed by him 
in the year 1932 and 1933 sufficiently prove that he 
started giving up his earlier stand of joint electorates 
favouring the concept of communal electorates for depressed 
classes.

In the year 1934, he explained that, "the whole 
proposal is to leave the question of the electorates to the 
decision of the minority. Separate or joint electorates 
are devised for the protection of the minority and the 
minority is the best judge as to which of these two will 
protect it best."  

84. Ibid.
85. Dr. Ambedkar's view published in Times of India, 
9/4/1934, Bombay Chronical, Sources on Ambedkar Vol. I, 
Govt. Mf Maharashtra, 1982, p. 120.

... 137/-
In the year 1938 once again Dr. Ambedkar expressed his views regarding Joint Versus Separate Electorates in Bombay Legislature. He was of the view that nothing concrete was going to come out of Joint Electorates especially in regards with the communal problems. He said, "the way I look at it is this. What is to be the effect of the joint electorates supposing that it was introduced for the different minorities? What will happen, as I see, is this. One day in five years when the elections will come, a Hindu and a Mohamedan may go together to a common polling booth. I do not see what else can happen, as a result of joint electorates (Intonation). Please allow me to go into the rest of the five years. When there are no elections, the Mohamedan community - I am taking that as an illustration - will believe in a separate life, a compartmental life to itself. I do not see as a result of joint electorates, that the Mohamedans and Hindus will begin to intermarry. I do not see, as a result of joint electorates, Hindus and Mohamedans will inter-dine." He further stated, "If we want really to devise some means

to build up unity, what we should do is to break up the social barrier. I say that is this matter the lead has to be taken up by the Hindu community, because they are a very exclusive community. If other communities live a separate life, it is because the Hindu community regards certain interest as its own interests and the fault is entirely due to the Hindu community. This statement shows that Dr. Ambedkar definitely gave up his early concept to look to joint electorate as a solution to the communal problem.

**REPRESENTATION:**

Dr. Ambedkar raised the issue of the Depressed Classes' representation in the Central and Provincial Legislatures and in the Executives and stated that their proportion shall be determined in accordance with their number, needs and their importance. Representation in Public services also was demanded on the same conditions. He suggested that proportion fixed for the Scheduled Castes shall be subject to the role of minimum qualification be realised within a period of ten years. He also

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87. Ibid.


89. Ibid, M
suggested that the Representation of the Scheduled Castes shall be guaranteed by law and emphasised that the provision shall be made by law whereby the representation of the Scheduled Castes in all Legislatures and local bodies shall be by the method of Separate Electorates.\textsuperscript{90}

**LEGISLATURE:**

Dr. Ambedkar stated that the Legislature shall not be merely representative of the people but it shall be representative separately of both the categories Hindus as well as Untouchables.\textsuperscript{91}

**EXECUTIVE:**

That the Executive shall not be merely responsible to the Legislature, which means to the Hindus but shall also be responsible both to Hindus as well as to the Untouchable.\textsuperscript{92} He further suggested that the administration shall not be merely efficient but shall also be worthy of trust by all sections of the people and also of the Untouchables and shall contain sufficient number of representatives of the Untouchables holding key positions

\textsuperscript{90} Ibid.
\textsuperscript{91} Ibid.
\textsuperscript{92} Ibid.
so that the Untouchable may have confidence in it.\textsuperscript{93}

Dr. Ambedkar criticised the Congress Scheme of Representation which proposed:

1. The Legislature to be elected by constituencies which are to be purely territorial.

2. The Executive to be drawn solely from the Majority Party in the Legislature.

3. The Administration to be run by a public service based entirely upon considerations of efficiency.\textsuperscript{94}

Dr. Ambedkar stated that, "the Hindus of the Congress describe their own pet scheme as a National Scheme and call the scheme put forth by the Untouchables as the Communal Scheme. He said there is no substance in this distinction." It is a case of damning what you do not like by the easy method of giving it a bad and repelling name. Such tactics cannot give strength to a case which is inherently weak.\textsuperscript{95}

Dr. Ambedkar clarified his view that both the schemes have the same object—insomuch as both stand for a...

\textsuperscript{93} Ibid.
\textsuperscript{94} Ibid, p. 19.
\textsuperscript{95} Ibid.
representative Legislature. The point of difference lay in the method of devising a scheme which will make the Legislature a truly representative Legislature. Dr. Ambedkar was of the view that, "it is wrong to suppose that the majority in all circumstances can be trusted to represent the will of all sections of people in the constituency. As a matter of fact it can never do so to any satisfactory degree. If at all, it can only give a very pale reflection of the general will and even that capacity for pale reflection must depend upon how numerous and varied are the interests which are consciously shared by the different sections of the constituency and how full and free is the interplay between them. He further stated, "It is obvious that where, as in India, there are no interests which are shared, where there is no full and free interplay and where there is no common cycle of participation for the different sections, one section large or small cannot represent the will of the other. The will of the majority is the will of majority and nothing more, and no amount of logical ingenuity can alter the fact and to give effect to it is to all full play to the tyranny of the majority."
Dr. Ambedkar criticised the territorial scheme constituency proposed by the Congress as a "discredited piece of political mechanism," because the territorial system of representation produced neither good Government nor an efficient Government. He stated that, "The Hindu prefers the territorial constituency because he knows that it will enable him to collect and concentrate all political power in the hands of the Hindus and who can deny that his conclusion is incorrect?" Dr. Ambedkar was of the view that in a purely territorial constituency the Hindu knows will be between a huge majority of Hindu voters and a small minority of Untouchable voters. Besides this, all other factors being in favour of the Hindus, help in order to strengthen that majority. This, Dr. Ambedkar found in the peculiar nature of Hindu society itself. He stated, "By the Hindu social system the communities are placed in an ascending scale of reverence and a descending scale of contempt." He clearly opined that, "no caste Hindu will cast a vote in favour of an

98. Ibid, p. 22.
100. Ibid, p. 23.

... 143/-
Untouchable candidate, for him he is too contemptible a person to go to the Legislature. With these observations Dr. Ambedkar formed his view that the National Scheme was as the result if not in motive worse than the communal scheme.

JOINT VS. SEPARATE ELECTORATES:

By Separate Electorate, Dr. Ambedkar meant, "an electorate composed exclusively of Untouchables voters who are to elect an Untouchable as their representative to Legislature." He did not admit it, "as the fragmentation of the nation" as criticised by the Hindus. Dr. Ambedkar viewed that there is no nation of Indians in the real sense of the word. According to him, "the nation does not exist, it is to be created." The supression of a distinct and a separate community is not the method of creating a nation. He assumed that if it is conceded as the Hindus have done that Untouchable should be represented in that Legislature by Untouchables that it

101. Ibid.
103. Ibid, p. 25.
105. Ibid.

... 144/-
cannot be denied that Untouchables must be a true representative of the Untouchable Voters. Dr. Ambedkar stated that, "if this is a correct position then separate electorate is the only mechanism by which real representation can be guaranteed to the Untouchables." He showed defects in the Joint Electorates for, joint electorates were a ground with which Hindus get the opportunities to nominate, elect and influence an untouchable candidate, and also make him a tool in their lands.

MAJORITY-MINORITY ISSUE:

Dr. Ambedkar expressed his view that political majorities and political minorities are fluid bodies and what is a majority today may become a minority tomorrow and what is a minority today may become a majority tomorrow. He said, "The difference between the Hindus and the Untouchables cannot be said to be a difference of this sort." There is no endosmosis between the Untouchables and Hindus as there is between a majority and minority. He further said, "They are fixed as permanent

communities. They are not merely different but they are antagonistic." 108

**REPRESENTATION AND ELECTORATES:**

Dr. Ambedkar continued his views regarding the representation of the scheduled castes, but he stated that the working committee of the Scheduled Castes Federation did not wish to have joint electorates for it had brought complete failure for the Scheduled Castes in the elections. 109

**EXECUTIVE:**

Dr. Ambedkar stated that, "the system of Parliamentary Cabinet is not suited to Indian conditions and that a different system under which Executive Government would be formed in with the wishes of the Minorities must be designed to give them a better sense of security." 110

**PUBLIC SERVICES:**

Reservation in public services in the same

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proportion as may be "applicable to the claims of the Muslim Communities" was demanded with the constitutional guarantees.

1945:

Dr. Ambedkar emphasised the point that no single community should be allowed to have monopoly in the public services. He also emphasised that it was necessary to convert administrative practice into a statutory obligation.  

REPRESENTATION IN EXECUTIVE:

Dr. Ambedkar expressed his views on the following aspects:

(i) The quantum of representation in the Executive.
(ii) The nature of Executive.
(iii) The method of filling places in the Executive.

QUANTUM OF REPRESENTATION:

Dr. Ambedkar emphasised the issue of representation of the Hindus, the Muslims and the Scheduled Castes in the

111. Ibid, p. 363.
Executive as equal to the quantum of their representation in the Legislature. He suggested to reserve one or two seats to the Sikhs, Indian Christians and Anglo-Indians each.

**NATURE OF THE EXECUTIVE:**

Dr. Ambedkar suggested the following principles which may help to constitute the Executive:

1. It must be recognised that in a country like India where there is a perpetual antipathy between the majority and the minorities and on which account the danger of communal discrimination by majority against minorities forms an ever-present menace to the minorities, the Executive power assumes far greater importance than the Legislative Powers.

2. In view of (1) above, the system under which a party which has secured a majority at the poll is deemed to form a Government on the presumption that it has the confidence of the majority is untenable in Indian conditions. The majority, in India is a communal majority. That being the difference, the presumption that arises in England cannot be regarded as a valid presumption in the conditions of India.

The Executive should cease to be a committee of the majority party in the Legislature. It should be so constituted that it will have its mandate not only from the majority but also from the minorities in the Legislature.

The Executive should be non-Parliamentary in the sense that it shall not be removeable before the term of the Legislature.

The Executive should be Parliamentary in the sense that the members of the Executive shall be chosen from the members of the Legislature and shall have the right to sit in the House, speak, vote and answer questions.

**METHOD OF FILLING PLACES**

Dr. Ambedkar was of the view that the Prime Minister and the members of the Cabinet from the majority communities should be elected by the whole House by a single transferable vote and that the representatives of the minorities in the Cabinet should be elected by a single transferable vote of the members of each minority community in the Legislature.

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NATURE OF ELECTORATE:

Dr. Ambedkar suggested the following principles to define the nature of electorates.

(1) Joint electorate or separate electorate is a matter of a machinery for achieving a given purpose. It is not a matter of principle.

(2) The purpose is to enable a minority to select candidates to the Legislature who will be real and not nominal representatives of the minority.

(3) While separate electorates gives an absolute guarantee to the minority that its representatives will be no others except those who enjoy its confidence, a system of joint electorates which will give equal protection to the minorities should not be overlooked.

(4) A four member constituency with a right to the minorities to have a double vote and requiring a minimum percentage of minority votes, may be considered as a possible substitute.\(^{116}\)

1945:

Dr. Ambedkar was of the opinion that the

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116. Ibid, p. 32.
establishment of universal adult suffrage and frequent elections are the necessary aspects of a democratic form of Government. "The notions beyond that are fallacious and grossly misleading." \footnote{What Congress and Gandhi have done to the Untouchables, Thacke & Co. Ltd., Bombay, 1946, p. 204.} For him words such as society, nation and country are just amorphous if not ambiguous terms. \footnote{Ibid.} He emphasised the aspect of constitutional morality as an essential factor for the maintenance of a constitutional form of Government. Adult suffrage produces a government of the people in logical sense of the phrase i.e. in contrast to the Government of a king. \footnote{Ibid.} But he said that, "it cannot by itself be said to bring about a democratic government in the sense of the Government by the people and for the people." \footnote{Ibid.}

**PARLIAMENTARY DEMOCRACY:**

Dr. Ambedkar viewed that in a Parliamentary Democracy, there is the Legislature to express the voice of the people, there is the Executive which is subordinate to the Legislature and bound to obey the Legislature and above the Legislature there is a judiciary to control both

\footnote{Ibid.}
\footnote{Ibid.}
\footnote{Ibid.}
\footnote{Ibid.}
and keep them within prescribed bounds. It is in real sense a government of the people by the people and for the people. But it was a matter of surprise that there was tremendous discontent and revolt against parliamentary democracy in Italy, Germany and in Russia and Spain. Dr. Ambedkar felt the necessity of considering this question in India for India was negotiating to have parliamentary democracy. He pointed that there is a great need of someone with sufficient courage to tell Indians, "Beware of parliamentary Democracy, it is not the best product as it appears to be." 121

Dr. Ambedkar was of the opinion that there was discontent against Parliamentary Government where there was dictatorship. This can be admitted for one can see no marks of democracy under dictatorship. But the discontent against Parliamentary Government in the countries where there was no dictatorship also contributed to the failure of parliamentary democracy. The other thing that caused the failure of the Parliamentary Government is, "the machine whose movements are slow and delays swift action." 122

Dr. Ambedkar stated that, "it can be said in

121. Ibid, p. 205.
122. Ibid, p. 205.
general terms that the discontent against parliamentary democracy is due to the realization that it has failed to assure to the masses the right to liberty, property or the pursuit of happiness. "123 Further he said, "if this is true it is important to know the causes which have brought about this failure. The causes for this failure may be found either in wrong ideology or in wrong organization or in both. I think the causes are to be found in both."124

The other reason for the failure of parliamentary democracy he found is the idea of "freedom of contract."125 According to him, "Parliamentary took no notice of economic inequalities and did not care to examine the result of freedom of contract on the parties to the contract inspite of the fact that they were unequal in their bargaining power. It did not mind of the freedom of contract gave the strong the opportunity to defraud the weak. The result is that parliamentary democracy is standing out as protagonist of liberty has continuously added to the economic wrongs of the poor, the downtrodden and the disinherited class."126

124. Ibid.
125. Ibid.
126. Ibid.
Dr. Ambedkar said that the reason which caused much for the failure of parliamentary democracy was wrong ideology. Further he viewed that parliamentary democracy collapsed easily in Italy, Germany and Russia, whereas in England and in U.S.A. it did not. He stated, "It is that there was a greater degree of economic and social democracy in latter countries than existed in the former." He further stated that, "Social and economic democracy are the tissues and the fibre of political democracy. The tougher the tissue and the fibre the greater the strength of the body." He further stated that, "Democracy is another name for equality. Parliamentary democracy developed a passion for liberty. It never made even a nodding acquaintance with equality. It failed to realise the significance of equality and did not even endeavour to strike a balance between liberty and equality with the result that liberty swallowed equality and has made democracy a name and a force."

Dr. Ambedkar pointed that, "more than bad ideology it is bad organization which has been responsible for the
failure of democracy. He said, "it is this vicious organization of political life which has made parliamentary democracy such a dismal failure." Political societies get divided into two classes - the Rulers and the Ruled. This is an evil. These divisions become stereotyped and stratified so that Rulers are always drawn from the Ruling class and the class that is ruled never becomes the ruling class and the government never becomes the government of the people and by the people.

Dr. Ambedkar was of the view that these obstacles must be removed by providing a law in the constitution itself which will "dislodge the governing class" from its position and permit it from remaining as a governing class forever. Dr. Ambedkar clearly stated that, "the machinery for setting up democratic government cannot be a matter of dogma, that ousting the governing class from power being the main object the machinery for setting up a democratic government cannot be uniform and that variations in the machinery of Democracy must not merely be tolerated but accepted for the reason that the process by which the

130. Ibid.
131. Ibid.
132. Ibid, p. 207.
governing classes obtain their mastery over the servile classes everywhere from country to country."\(^{133}\)

III

Dr. Ambedkar persisted with his previous views in regard with the Executive and Legislature and also with the Scheduled Castes' representation in them but in 1947 he stated that the Scheduled Castes shall have minimum representation in the Legislature - Union and State and if there be a group constitution then in the group Legislature equal to the ratio of their population to the total population. Provided that no other minority is allowed to claim more representation than that is due to it on the basis of population.\(^{134}\)

The other thing he stated about the weightage issue is that weightage, where it becomes necessary to reduce a huge communal majority to reasonable dimensions, shall come out of the share of the majority. In no case shall it be at the cost of another minority community.

Dr. Ambedkar reopened the issue of Separate Electorate and stated that the system of election

\(^{133}\) Ibid.

introduced by the Poona Pact shall be abolished. He suggested that, "the system of voting shall be cumulative."  

DEMOCRATIC FORM

PRESIDENT: POWERS AND POSITION:

According to Dr. Ambedkar, the President occupies the same position as the King under the English Constitution. His place in the administration is that of a ceremonial device on a seal by which the decisions are made. Further Dr. Ambedkar stated that, "the President of the Indian Union will be generally bound by the advice of his ministers. He can do nothing contrary to their advice nor can he do anything without their advice." The President cannot dismiss any of the ministers as long as his ministers command a majority in the Parliament.

Dr. Ambedkar stated the following powers of the President of India that the constitution provided:

135. Ibid.
137. Ibid.

... 157/-
(1) The power to legislate upon any subject even though it may be in the State List.

(2) The power to give direction to the States as to how they should exercise their executive authority in matters which are within their charge.

(3) The power to rest authority for any purpose in any officer and

(4) The power to suspend the financial provisions of the constitution. (Article 275 of the Indian Constitution)

EXECUTIVE:

Dr. Ambedkar stated that an executive in democratic form of government must satisfy two conditions: (1) it must be a stable Executive and (2) it must be a responsible Executive. He further stated that a Parliamentary Government must resign the moment it loses the confidence of a majority of the members of the Parliament. He viewed that a non-Parliamentary Executive being independent of Parliament tends to be less responsible to the Legislature, while a Parliamentary Executive being more dependent upon

138. Ibid, p. 34.
a majority in the Parliament becomes more responsible.

Dr. Ambedkar analysed the Parliamentary system of Government as follows. The Parliamentary system differs from a non-Parliamentary system inasmuch as the former is more responsible than the latter but they also differ as to the time and agency for assessment of their responsibility. Under the non-Parliamentary System, such as the one that exists in the U.S.A., the assessment of the responsibility of the Executive is periodic. It takes place once in two years. It is done by the Electorate. In England where the Parliamentary System prevails the assessment of responsibility of the Executive is both daily and periodic. The daily assessment is done by members of Parliament through questions, resolutions, motions and debates on addresses. Periodic assessment is done by the electorate at the time of Election which may take place every five years or either. The daily assessment of responsibility which is not available under the American System is, it is felt, for more effective than the periodic assessment and for more necessary is a country like India. The Draft constitution in recommending Parliamentary System of Executive has preferred more responsibility to more stability. 139

139. Ibid.
POWERS OF THE PARLIAMENT:

According to Dr. Ambedkar the Indian Parliament is empowered to legislate on exclusively provincial subject in normal times. He viewed that Parliament can legislate when a subject becomes a matter of national concern as distinguished from purely provincial concern though the subject is in the state list—provided a resolution is passed by the upper chamber by 2/3 majority in favour of such exercise of the power by the centre. Dr. Ambedkar further stated that article 227 gives the similar power to Parliament in a national emergency. Under Article 229 Parliament can exercise the same power if provinces consent to such exercise. Besides this the Parliament is also empowered to avoid regidity and legalism in the constitutional amendments. With this it can be realised that to Dr. Ambedkar, the Indian Parliament is fully empowered to amend any article which is of national concern.

VILLAGE PANCHAYATS:

Dr. Ambedkar did not favour the Village Panchayats. He said, 'The love of the intellectual Indians for the village committee is of course infinity if not pathetic. He was of the view that a village is a sink of localism.'

140. Ibid. p. 37
a den of ignorance, narrow-mindedness and communalism. He stated that the constituent Assembly did the best when it discarded the village and adopted individual as its unit.¹⁴¹

**FUNDAMENTAL RIGHTS:**

Dr. Ambedkar distinguished the fundamental Rights from non-fundamental Rights. He said “It is incorrect to say that fundamental Rights are absolute while non-Fundamental Rights are not absolute. The real distinction between the two is that non-fundamental Rights are created by agreement between parties while the Fundamental Rights are the gift of the law. Because Fundamental Rights are the gift of the state, it does not follow that the state cannot qualify them.”¹⁴² He further clarified that “the difference between the position under the American Constitution and the Draft Constitution is one of form and not of a substance that the Fundamental Rights in America are not absolute - rights is beyond dispute.”¹⁴³ Dr. Ambedkar further stated that, “What the Draft Constitution has done is that, instead of formulating fundamental rights in absolute terms and depending upon our Supreme Court to

¹⁴¹. Ibid P.39
¹⁴². Ibid P.40
¹⁴³. Ibid.
come to the resume of Parliament by inventing the doctrine of public power it permits the state directly to impose limitations upon the fundamental rights. There is really no difference in the result. What one does directly the other does indirectly. In both cases the fundamental rights are not absolute. 144

Dr. Ambedkar emphasised the issue of constitutional remedies as a very important provision in regards to the protection of the Rights. He said, "It is much better to be limited in the scope of our Rights and do make them real by enumerating remedies than to have a lot of pious wishes embodied in the constitution. 145 He further clarified, "If I was asked to name the particular article as the most important without which this constitution would be nullity, I could not refer to any other article except this one. It is the very soul of the constitution and the very heart of it and I am glad that the House has realised its importance. Hereafter, it would not be possible for any legislature to take away the writs which are mentioned in this article. It is not that the Supreme Court is left to be invested with the power to issue the writs by a law to be made by the Legislature at its select will. The

144. Ibid.
constitution has invested the Supreme Court with these rights and these writs could not be taken away unless and until the Constitution itself is amended by means left open to the Legislature. This in my judgement, is one of the greatest safeguards that can be provided for the safety and security of the individual.146

DIRECTIVE PRINCIPLES:

To Dr. Ambedkar the Directive Principles was "a novel feature in a constitution framed for Parliamentary Democracy."147 He admitted that the Directive Principles have no legal force behind them but he was not prepared to admit that they have no sort of binding force at all, nor he was prepared to concede that they are useless - because they have no binding force in law. He said "The Directive Principles are like the instruments of instructions which, were issued to the Governor-General and to the Governors of the colonies and to these of India by the British Government under the 1935 Act."148 He further clearly stated that "Under the Draft Constitution it is proposed to issue such instruments to the President and the Governors." He said "What

146. Ibid.
147. Ibid P. 41
148. Ibid.
are called Directive Principles, is merely another names for Instruments of Instructions. The only difference is that they are Instruments to the Legislature and the Executive. Such a thing is to my mind to be welcomed. Wherever there is a great power in general terms for peace, order and good Government, it is necessary that it should be accompanied by instruments regulating its exercise. 149

According to Dr. Ambedkar the Directive Principles must be paid due respect by any Government that comes in power or otherwise it will have to answer for them before the electorate at the time of elections. He said, "What great value these directive principles possess will be realized better when the forces of right contrive to capture power." 150

MAJORITY-MINORITY

Dr. Ambedkar emphasised the issue of the existence of the minorities in India. He said, that the existence of the minorities must be recognized by the majority. He thought that some solution must be found to this problem and that solution must also be such that it will enable majorities and Minorities merge some day into one." 151

149. Ibid.
150. Ibid.
151. Ibid. P. 39
He further viewed that if the minorities lose their confidence in majority they will blow up the whole fabric of the state. It is for the majority to realise its duty not to discriminate against the minorities. Whether the minorities will continue or will vanish must depend upon the habit of the majority. The moment the majority loses the habit of discriminating against the minority the minorities have no ground to exist. They will vanish.\footnote{Ibid.}
FEDERAL STRUCTURE

In the year 1928, Dr. Ambedkar submitted a report to the Indian Statutory Commission on the Constitution of the Government of Bombay Presidency in which he supported the idea of provincial autonomy. He was of the opinion that the national Government should be independent and should possess capabilities of surviving long irrespective of what happens to the provincial Government. He defined the sphere of influence of both the centre and the units in the following way: 1

(1) All the residuary powers must be

with the central Government. (2) There must be a specific grant of power to the Central Government to coerce a recalcitrant or a rebellious province acting in a manner prejudicial to the interests of the country. (3) All powers given to the Provincial Government in case of its non-functioning shall return to the Central Government. (4) The election to the Central Legislature shall be direct.²

In 1930, in Sub-Committee No. II (Provincial Constitution) of the Round Table Conference, London, Dr. Ambedkar expressed the view that it is not possible to give a complete autonomy to provinces because certain subjects have both provincial and national character.³ He illustrated his point in the following way:

"I would like to draw an illustration from labour legislation, legislation affecting tenants, and affecting agriculture. These no doubt, in a country like India must become provincial subjects, yet I do not think, they can be viewed entirely from such a small compass. They cannot be regarded as entirely provincial and without an all India Character. The Central Government must have some jurisdiction over subjects of

² Ibid.
³ Sub-Committee No. II Round Table Conference, London 1930, P. 512.
this character, notwithstanding that it cuts across provincial autonomy. While expressing the views on giving autonomy to the provinces Dr. Ambedkar said that such powers as underfined must be left with the Central Government. Further he stated that the reservation of powers in the Central Government cannot affect the autonomy of the provinces.

Regarding distribution of Financial Resources between the Federation and the units Dr. Ambedkar argued that the distribution of Financial resources should be in such a manner which will make each authority autonomous and self-sufficient, or it should be in such a manner that the fiscal system resulting there from would not be autonomous and could not be self sufficient without adjustment by means of subventions and contributions.

Dr. Ambedkar, in 1939, defined Federation as follows: "In the Federal form of Government the powers of the Central Government as well as of the Local Government

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4. Ibid. P. 153.
5. Ibid.
6. Ibid.
7. Round Table Conference—Thirty-Fifth Sitting, 15th Oct. 1931, Writings and Speeches Vol.II., P.630
are derived by the law of the constitution which neither the Local Government nor the Central Government can alter by its own act. Both derive their powers from the law of the Constitution and each is required by the constitution to confine itself to the powers given to it. Not only does the Constitution fix the powers of each but the constitution establishes a judiciary to declare any act whether of the Local or the Central Government as void if it transgresses the limits fixed for it by the Constitution."\(^8\)

According to Dr. Ambedkar, the essential features of the federation are (1) divisions of power between centre and units, (2) division of power is constitutional, (3) Neither centre nor units, can change their powers, (4) A separate tribunal (Judiciary) to change these powers.\(^9\)

Dr. Ambedkar mentioned three categories of Legislative powers of the Federation: (1)

(1) **Federal List**: First category includes those subjects on which Federal Legislature has exclusive right to legislate.

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9. Ibid. p. 34.
(2) **Provincial List** :- This category includes subjects, the exclusive right to Legislate upon which is given to the Provincial Legislature.

(3) **Concurrent List** :- This category includes the subjects over which both federal as well as the provincial Legislature have a right to Legislate.10

**EXECUTIVE POWERS** :

Dr. Ambedkar was of the view that when a field is covered by Federal Legislation that field also becomes the field of Executive Authority of the Federation.11 Further he stated that the administrative powers of the Federation follow upon the Executive Powers of the Federation just as the Executive Powers of the Federation follow upon the Legislative Powers of the Federation.12

**FINANCIAL POWERS** :

According to Dr. Ambedkar the sources of revenue of the Federation are made divisible by the constitution and by the Federal Law.13 Federal Government has the right to tax and it also can make distinction between,

10. Ibid. P. 35.
11. Ibid. P. 38
13. Ibid. P. 299.
the power to levy the tax and the right to collect it and even where it gives the power to levy the tax it does not give the right to collect it. This means the Federation has all financial powers within the federation. The federation can levy the tax on state subjects but cannot collect it directly by its own agency.  

CHARACTER OF THE FEDERATION:

Dr. Ambedkar held the view that the Indian Federation is not a perpetual Union and that the Indian States have a right to secede. This was the mark, he pointed, that was concerned to the Federation which emerged from the Government of Indian Act 1935. This right of secession of the Indian States depended upon the situation to be occurred in future. He criticised that what is a perpetual Union and what is only a compact was nowhere made clear. His view that the Indian Federation has none of the marks of a Union but on the other hand it has all the marks of a compact is beyond dispute.

Dr. Ambedkar clearly stated that the Federal:

14. Ibid.
16. Ibid. P. 44
17. Ibid.

171/
Government will become a Government for the state only when each state adopts it by its instrument of Accession.

To Dr. Ambedkar, the subjection of the states to the Federal Government is not to be for all times.\textsuperscript{18} It is to Dr. Ambedkar stated, where change in the provisions is permissible such change shall not find the state unless it agrees to be found by it.\textsuperscript{19}

It seems clearly from the above application that in the opinion of Dr. Ambedkar the Indian Federation is a compact and not a Union.\textsuperscript{20}

\textbf{RELATIONSHIP OF THE UNITS TO THE FEDERAL GOVERNMENT:}

While taking into account the Legislative, Executive, administrative and Financial relationship of units to the Federal Government, Dr. Ambedkar stated that each separate unit should have approximately equal political rights as a general feature of federations. Equality of status among the different units is a necessity. To make them unequal in status is to give units the power to become dominant partners.

\textbf{RELATIONSHIP OF THE PEOPLE UNDER THE FEDERATION:}

In the opinion of Dr. Ambedkar there is no distinction

\textsuperscript{18} Ibid. P. 46
\textsuperscript{19} Ibid.
\textsuperscript{20} Ibid. P. 47
of a fundamental character between a state and a society. It is true that the plenary powers of the state operate through the sanction of law while society depends upon religious and social sanctions for the enforcement of its plenary powers. He stated, "The fact, however, remains that both have plenary powers to coerce. As such, there is no contrast between state and society." 21

Dr. Ambedkar was of the view that a British Indian will continue to be a foreigner in every Indian state even though it is a Federal State after the Federation, as he was before the Federation. Similarly, a subject of a Federated Indian state will be a foreigner in every British Indian Province after the Federation as he was before Federation. There is no common nationality. The whole principle of the Federation is that the ruler of a Federated State shall remain the ruler of the State and his subjects shall remain his subjects and the crown as the ruler of the Federated Provinces shall remain the ruler of the Provinces and his subjects shall remain his subjects. 22 Besides this, Dr. Ambedkar viewed that there shall be direct relationship between the Government and the people. In his opinion the machinery of the national Government ramifies over the whole union as the nerves do

22. Ibid, p. 311.
over the whole body, placing every point in direct connection with the Central Executive.  

BENEFITS OF THE FEDERAL SCHEME:

Dr. Ambedkar stated that to have a common system of law, a common system of administration and a feeling of oneness are some of the essentials of good life. But they are all the results which follow from a common life led under a common system of Government. He further stated that, other things being equal, a federation as a common system of Government for the whole of India should be welcome. Dr. Ambedkar wanted federal scheme for democratisation of Indian States which was possible only when it had power to influence the states. He even wanted an executive responsible to the Legislature and it was not possible in the Federation where there were Princely States as its units. Dr. Ambedkar, therefore, did see no much benefits in the Federal Scheme.

Dr. Ambedkar did not favour the Federal Scheme because it will instead of building up Indian Unity,

24. Ibid.
According to Dr. Ambedkar British India had no Responsible Government. Its right to Responsible Government at centre was denied and was made dependent upon the entry of the states. "No states, no responsibility" was the position of the British India. Dr. Ambedkar, therefore, viewed that there was the necessity to ask for a Federation and Responsibility confined to British India. He believed, once that was obtained, the path for an All India Federation on the basis of freedom and good government all round would become possible.

While dealing with the issue of autonomy of provinces, Dr. Ambedkar stated that the creation of autonomous provinces does not require the creation of a Central Government for the whole of India. He said, "Autonomy of the provinces means that their powers are defined and vested in them. To make Provincial Autonomy real the powers of the Central Government must also be limited, otherwise it would be in a position to invade the domain

27. Ibid.

... 175/-
of the Provinces."^28

Dr. Ambedkar had clear views regarding the Federal form of Government in India. He said, "I am not opposed to a Federal Form of Government. I confess I have a partiality for a Unitary Form of Government. I think India needs it. But I also realize that a Federal Form of Government is inevitable if there is to be a Provincial Autonomy. But I am in dead horror of the Federal Scheme contained in the Government of India Act." He further said, "I am convinced that without real responsibility at the Centre, Provincial Autonomy is an empty shell."^29

III

To Dr. Ambedkar, "Federation means the establishment of a Dual Polity."^30 By Dual Polity he meant the Union at Centre and the States at the periphery each endowed with sovereign powers to be exercised in the field assigned to them respectively by the constitution. He was of the opinion that to this extent the American Federation and Indian Federation have similar features. But they

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differ from each other in regard with the citizenship in their Federations. In U.S.A. the Dual Polity has a Dual Citizenship: Citizenship of the U.S.A. and the citizenship of a State, whereas the Indian Federation has single citizenship. There is only one citizenship for the whole of India. Every Indian has the same right of citizenship no matter in what state he resides.

The other distinguishing factor between the two Federations stated by Dr. Ambedkar was that in U.S.A. the constitutions of "the Federal and the State Governments are loosely connected." In India there is only one Federal Constitution and no states have the right to frame its own Constitution.*

Besides this, Dr. Ambedkar pointed out that all other federations are placed in a tight mould of Federalism, for they cannot change their form and shape in any circumstances. The Indian Constitution, according to Dr. Ambedkar, provides both Unitary as well as Federal forms according to the requirements of time and circumstances. "In normal times, it is framed to work as a federal system. But in the times of war it is so designed

31. Ibid, p. 35.
32. Ibid.

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as to make it work as though it was a unitary system.\textsuperscript{33} Federalism, as Dr. Ambedkar put it, traditionally suffered from rigidity and the countries adopting federal government throughout the years had sought to reduce this disadvantage. Australia had attempted to do it by conferring upon the parliament of the commonwealth large powers of concurrent legislation. Profiting by the Australian example, said Ambedkar, the Draft Constitution had taken the process one step further. While both constitutions gave their central governments a large number of concurrent powers, he said, the exclusive authority of the Australian Parliament to legislate extends only to about three matters, the authority of the Indian Parliament as proposed in the Draft Constitution will extend to ninety one matters. "In this way the Draft Constitution has secured the greatest possible elasticity in its federalism which is supposed to be rigid by nature."\textsuperscript{34}

He further stated, "It is not enough to say that the Draft Constitution follows the Australian Constitution or it follows it on a more extensive scale. What is to be noted is that it has added new ways of overcoming the

\textsuperscript{33} Ibid, p. 35.
\textsuperscript{34} Ibid, p. 36.
rigidity and legalism inherent in federalism which are special to it and which are not to be found elsewhere.  

**FEDERAL JUDICIARY:**

Dr. Ambedkar did not advocated a duality of legal courts. He said, "The Indian Federation, though a Dual Polity, has no dual Judiciary at all. The High Courts and the Supreme Court form the single integrated Judiciary having jurisdiction and providing remedies in all cases arising under the constitutional law, the Civil law or the Criminal law." This is to eliminate all diversity in all remedial procedure. Regarding the Civil Services he said, "The Indian Federation, though a Dual Polity, will have a Dual Service but with one exception. It is recognised that in every country there are certain posts in its administrative set up which might be called from strategic the point of view of maintaining the standard of machinery of administration. But there can be no doubt that the standard of the administration depends upon the caliber of the civil servants." This, Dr. Ambedkar viewed with reference to the central administration whereas on the

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35. Ibid.
other hand he stated that the states also had the right to form their own Civil Services within their spheres.

CENTRE STATE RELATION:

In connection with the Centre State Relation Dr. Ambedkar stated his view that, "the basic principle of Federalism is that the Legislature and Executive authority is partitioned between the Centre and the States not by any law to be made by the Centre but by the Constitution itself. This is what the Constitution does. The States under our constitution are in no way dependent upon the centre for their Legislature or Executive. The Centre and the States are co-equal in this matter.

It seems that Dr. Ambedkar did not oppose the consolidation of holdings and the enlargement of farms but on the contrary he believed in the method of intensive cultivation that employs more capital and more labour on the farms. He said, "the better method is to introduce co-operative agriculture for standard areas of small strips included therein to join in cultivation without destroying private ownership."\(^{38}\)

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He was against feudalistic concepts of Baluta and Mahar Vatana and favoured freedom of contract.

Dr. Ambedkar criticised and opposed the Mahar Watan System and the Baluta system. He was of the opinion that these systems have weakened and enslaved the whole population of Backward Communities and have blocked their way for furtherence. He suggested that if the Government desires that these people should work for them it is absolutely necessary that the Government should take upon its shoulders the responsibility of paying these Mahars, they ought not vicariously to throw off this burden in a most careless way upon a third party, namely, ryot. He also emphasised on the issue of "Freedom of Contract" between the Mahars and the ryots. He said, "In this century when every society has advanced from status to contract we ought not for instance to block the progress of Indian society by refusing the Mahars and the ryots the liberty of contract." 

@ Writings and Speeches, Vol. II, p.p. 77-78.
* Ibid, p. 84.
+ Ibid, p. 87.
While explaining the duty of the government Dr. Ambedkar asserted, "we believe that the government must provide the constable, but it must also provide welfare. The Government at the centre will have to take upon itself certain welfare functions but besides this the government should take upon itself the burden of setting and helping, to some extent at any rate, the welfare of what we call the Depressed Classes." Dr. Ambedkar stated, "I want the problem of the Depressed Classes, and the problems of removing Untouchability, should not hereafter be looked upon as purely Local or Provincial problems. I want that it should be looked upon as a national problem in which the whole India is interested. I want the Government at the centre to take upon itself the duty of bringing the jungle tribes, which number probably as many as the Depressed Classes themselves, within the pole of civilization. I want the Government to take upon itself the backward tracks."40 This means that the Government at the centre should take at least such welfare functions upon itself as will guarantee what he called the minimum of

civilized life to every individual and to every community.

Dr. Ambedkar was of the view that, for the purpose of adequacy, for the purpose of elasticity and emergency the best course would be to widen and broaden the basis of the financial system of Federal Government. He proposed the Income Tax as common source of revenue both for the Federal Government and for the Provincial Governments, so that each Government will have the inherent right and authority to tap that source, whenever there is any necessity for it. He further stated that the power to refuse supplies and power to refuse appropriation of supplies already secured from outside are not equally efficacious methods of controlling the Executive and bringing it into conformity with wishes of the Legislature. He was of the view that both the Federal Executive and Provincial Legislatures shall be independent and self-sufficient in regards with the financial matters.

II

Dr. Ambedkar made a theoretical contribution to

41. Ibid, p. 629.
42. Ibid.
43. Ibid, p. 630.
the problem of bringing a socialist factor of society in India by showing that the division among labourers on the caste line works as a constraint. He explained his view as follow.

Dr. Ambedkar seriously criticised the caste system in India which worked as an obstacle in the way of economic progress of the downtroddens. He said, "Caste system is not merely division of labour, It is also a division of labourers. Civilised society undoubtedly needs division of labour. But in no civilised society is division of labour accompanied by this unnatural division of labourers into water tight compartments. Caste system is not merely a division of labourers which is quite different from division of labour, it is an hierarchy in which the division of labourers are graded one above the other. He further clearly stated that, "As an economic organization caste is, therefore, a harmful institution, inasmuch as it involves the subordination of man's natural powers and inclination to the exigencies of social rule."44

Dr. Ambedkar admitted that there cannot be ultimate equality among the people so long as men differ in their needs and capacities. But he stood against all kinds of

inequalities and discrimination. He said, the question for a socialist is not whether he believes in equality. The question for him is whether he minds one class ill-treating and suppressing another class as a matter of principle and thus allow tyranny and oppression to continue to divide one class from another. 45

Dr. Ambedkar viewed that if socialists are not to be content with the mouthing of fine phrases, if the socialists wish to make socialism a definite reality then they must recognize that the problem of social reform is fundamental and that for them there is no escape from it. 46 Dr. Ambedkar believed in the practicality of the socialistic form than its mere ideology. 47

He asked certain questions to the socialists of India. He asked, "can it be said that the proletariat of India, poor as it is, recognize as distinctions except that of the rich and the poor? Can it be said that the poor in India recognize no distinctions of caste or creed, high or low? If the fact is that they do what unity of front can be expected from such a proletariat in its action against

45. Ibid, p. 47.
47. Ibid.
the rich? How can there be a revolution if the proletariat cannot present a united front?*

Dr. Ambedkar opposed the Khoti system for it was a minor tenure of collecting revenue by Khots which did not come under the Land Revenue Code. The Bill Dr. Ambedkar introduced in the Bombay Legislature Assembly aimed (1) to abolish the Khoti system and to establish direct relationship between Government and those who are in possession or occupation of the land which is under the management or beneficial enjoyment of the Khot, (2) to make provision for the payment of reasonable compensation to the Khot for the loss of his rights and (3) to give those inferior holders who are in actual occupation of the land the status of occupants within the meaning of the Land Revenue Code and to provide for other incidental purposes.**

III

In the year 1943, Dr. Ambedkar interpreted the economic position of the untouchables in India. He said,


"A perpetual war is going on every day in every village between the Hindus and the untouchables. It is a contest between the economically and socially strong Hindus and an economically poor and socially small group of untouchables."\(^{49}\) He further pointed out that, "the Police and Magistracy are Hindus, and they love their class more than their duty."\(^{50}\) Dr. Ambedkar raised an issue of the Separate Settlement of the Untouchables. He stated that the Untouchables want the link to be broken and a complete divorce from the Hindus effected without delay. He suggested that the Government should finance for settlement of the untouchables. He called the settlement issue as "The New Life Movement.\(^{51}\) The object of the movement he stated was to free the Untouchables from the thraldom of the Hindus.\(^{52}\)

Dr. Ambedkar advocated state socialism as an obligation on the state to plan the economic life of the people on lines which would lead to highest point of productivity without closing every avenue to private enterprise and also provide for the equitable distribution of wealth. He also viewed that the idea proposes state ownership in agriculture with a collectivised method of

\(^{49}\) Ambedkar B.R. Mr. Gandhi and the Emancipation of the Untouchables, Bheem Patrika Publications, Jullundur, p.36.
\(^{50}\) Ibid, p. 37.
\(^{51}\) Ibid, p. 35.
\(^{52}\) Ibid.
cultivation and a modified form of State Socialism in the field of industry.\textsuperscript{53} The state was obliged to supply capital necessary for agriculture as well as for industry. Dr. Ambedkar also suggested to nationalise insurance with a double objective which will give the individual greater security and to state it will give resources necessary for financing its economic planning.\textsuperscript{54}

According to Dr. Ambedkar, "State socialism is essential for the rapid industrialization of India. He was of the opinion that private enterprise cannot do it and if it did it would produce those inequalities of wealth which private capitalism has produced in Europe and which should be a warning to Indians.\textsuperscript{55}

The plan he proposed consists of two special features as he himself stated, one is that it proposes State Socialism in important fields of economic life.

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\textsuperscript{53} Ambedkar B.R., States and Minorities, in Writings and Speeches, Vol. 1, Government of Maharashtra, 1979, p. 408.
\textsuperscript{54} Ibid.
\textsuperscript{55} Ibid.
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Dr. Ambedkar submitted a Memorandum on the safeguards for the Scheduled Castes, to the Constituent Assembly of India on behalf of the Scheduled Castes Federation in 1947 and included the demands of the Scheduled Castes in an articlewise plan he proposed in the Memorandum.
The second that it does not leave the establishment of state socialism to the will of the Legislature. It establishes State Socialism by the Law of the Constitution and thus makes it unalterable by any act of the Legislature and the Executive.\footnote{56}

According to Dr. Ambedkar the plan follows quite a different method. It seeks to limit not only the power of Government to impose arbitrary restraints but also of the more powerful individuals or to be more precise to eliminate the possibility of the more powerful having the power to impose arbitrary restraints on the less powerful by withdrawing from the control he has over the economic life of the people.\footnote{57}

The most notable thing in the view of Dr. Ambedkar that it was an attempt to establish State Socialism without abrogating Parliamentary Democracy and without leaving its establishment to the will of Parliamentary Democracy. He further stated, "Those who want the economic structure of society to be modelled on State Socialism must realise

\footnote{56. Ibid, p. 409.}
\footnote{57. Ibid, p. 410.}
that they cannot leave, the fulfilment of so fundamental a purpose to, the exigencies of ordinary law which simple majorities whose political fortunes are never determined by national causes - have a right to make and unmake. 58

For this reason Dr. Ambedkar viewed that Political Democracy did not suit for the purpose of state socialism. He expressed the possibility of its implementation under a dictatorship which may give, State Socialism the permanence as an essential condition. But under dictatorship there will be a great loss of individual liberty and those who believe in individual freedom may strongly object dictatorship.

The best way he stated was to retain Parliamentary Democracy and to present State Socialism by the law of the constitution so that it will be beyond the reach of a Parliamentary majority to suspend, amend or abrogate it. It achieved triple object namely, to establish socialism, retain Parliamentary Democracy and avoid Dictatorship. 59

It was clearly suggested by Dr. Ambedkar that, "Time has come to take a bold step and define both the

economic structure as well as the political structure of society by the Law of the Constitution. 60

Dr. Ambedkar did not want merely to lay down a mechanism to enable people to come and capture power. He wanted to bring in economic democracy. He said, "We have deliberately introduced in the language that we used in the doctrine principles, something which is not fixed or rigid. We have left enough room for the people of different ways of thinking with regard to the reaching of the ideal of economic democracy, to strive in their own way, to persuade the electorate that it is the best way of reaching economic democracy, the fullest opportunity to act in the way in which they want to act." 61

The two-fold object of the Indian Constitution stated by Dr. Ambedkar was (i) to lay down the form of Political Democracy and (ii) to lay down the idea or economic democracy and also to prescribe that every Government whatever is in power, shall strive to bring about economic democracy.

60. Ibid.
As regards the principle of economic equality, Dr. Ambedkar said in the Constituent Assembly, "In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we deny equality in our social and economic life? If we continue to deny it for long, we will do so by only putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality, will blow up the structure of political democracy which this Assembly has so laboriously built up." 62

IV

Dr. Ambedkar expressed his discontent on the economic policy of the Government. He said, "People in India are very poor so much so that 90 per cent of the people do not get proper meals. They do not get clothes. They do not have any shelter. Food-stuff worth crores of

rupees are being imported every year. If we have to import even food stuffs outside and spend so much on procuring food and transport how will we be able to pull on? But all these things have no place in the minds of Congressmen. They have only one problem to solve and that is the Muslim Problem.63

Dr. Ambedkar even raised the issue of the Economic Emancipation of the Scheduled Castes and of their economic upliftment. He wanted the Government to manage to give land to the landless and also make a law to limit the holdings.64 He said, "If the Government had in passing land legislation, instead of giving the title of the property to the peasant kept the title to themselves as a paramount owners of land, they might have been able to pass a law that as the land belonged to the Government nobody would be allowed to hold more than a certain number of acres."65

SECULAR

III

Dr. Ambedkar stated his views on secular state as

63. Ibid, p. 53.
64. Ibid, p. 89.
65. Ibid, p. 90.
follows :-

(1) The state shall guarantee to every Indian citizen liberty of conscience and the free exercise of his religion including the right to profess, to preach and to convert within limits compatible with public order and morality.

(2) No person shall be compelled to become a member of any religious association, submit to any religious instruction or perform any act of religion. Subject to the foregoing provision, parents and guardians shall be entitled to determine the religious education of children upto the age of 16 years.

(3) No person shall incur any penalties of any kind whatsoever by reason of his caste, creed or religion nor shall any person be permitted to refuse to fulfil any obligation of citizenship on the ground of caste, creed or religion.

(4) The state shall not recognize any religion as state religion.

(5) Persons following religion shall be guaranteed freedom of association and shall have, if they so desire, the right to call upon the state to pass legislation in terms approved by them making them into a body corporate.
(6) Every religious association shall be free to regulate and administer its affairs, within the limits of the laws applicable to all.

(7) Religious associations shall be entitled to levy contributions on their members who are willing to pay them if their law of incorporation permits them to do so. No person may be compelled to pay taxes the proceeds of which are specifically appropriated for the use of any religious community of which he is not a member.66

Dr. Ambedkar defined a secular state while speaking in the Constituent Assembly, "The concept of a secular state is derived from the liberal traditions of the west. No institution which is maintained wholly out of state funds shall be used for the purpose of religious instructions irrespective of the question whether the religious instruction is given by the state or by any other body."67

He again clarified his view in the Parliament in 1951. He said, "It does not mean that we shall take into consideration the religious sentiment of the people. All

that a secular state means is that this Parliament shall not be competent to impose any particular religion upon the rest of the people. This is the only limitation that the Constitution recognizes." 68