

Review Article

Untouchability And Social Justice In India

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Abstract

The caste system, with all of its peculiarities, is a distinctive feature of Indian society, where untouchability was the practice of avoiding physical contact with people due to erroneous notions about ritual purity and defilement. Caste Hindus believed that the touch, shadow, or voice of an untouchable was a Defilement of the upper caste, which also legitimized certain practices that were humiliating, exclusionary, and exploitative. Dr. B.R. Ambedkar launched a relentless struggle and demand for self-government to uplift the conditions of the depressed classes along with sharing of power among the untouchable community, without which fundamental human rights enforcement was impossible. He believed that the 'Just Society' must be based on the ideals of liberty, equality, and fraternity with equal distribution of state resources. Being chairman of the constitution drafting coming and as a visionary behind constitutional framing, he advocated the Hindu Code Bill, where he explained secularism. According to him, a secular state parliament should not be competent to impose any particular religion upon the rest of the country's people. According to Dr. B.R. Ambedkar, 'graded inequality' was inherent in the caste system of Hindu society. His main sociological findings were this 'graded inequality.' This principle of graded inequality also overshadows the economic spheres of society. In Dr. B.R. Ambedkar's dream, India would be a country where there would be no discrimination between men and women, no exploitation, no untouchability, and no degradation for the attainment of the rule of law. The present paper is an effort to highlight Dr. B.R. Ambedkar's contribution to framing the basic Structure of the Indian constitution along with the reasons for the non-attainment of desired objectives for a balanced, casteless-secular, and Just Society even after seven decades.

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Untouchability, Dr. B.R. Ambedkar, and the Constitution of India¹

The word '*untouchability*' signifies or denotes a culture or system or tradition to not to touch human beings because of prevalent class classification in that society, particularly in Indian society. The origin of untouchability and its historicity are still debated. B. R. Ambedkar believed that untouchability has existed at least as far back as 400 AD.² Along with Mahatma Gandhi, Dr B. R. Ambedkar is known not only a social reformer but also a legal expert whose efforts played pivotal role in making the contribution of Mahatma Gandhi in reality. Dr. Ambedkar employed two methods for reforming Hinduism and removing untouchability with the cooperation of the Brahmins and with the cooperation of non-Brahmins. First, he tried to seek the help of the

Brahmins, because commoners never differentiate between the pure scriptures and interpolated ones. "They (commoners) are too illiterate to know the contents of the Shastras. They have believed what they had been told and what they have been told is that Shastras do enjoin as religious duty the observance of caste and untouchability."³ The Brahmins interpret the Shastras and people believe in them. Hence, Ambedkar believed that if the Brahmins tried to remove untouchability naturally commoners would follow them. Ambedkar through all communication devices propagated that for saving and safeguarding Hindu culture and Hindu religion, Hindu unity was essential. Up to 1932, Ambedkar's stance about Hindu unity can be consistently observed though it became inconsistent later on. For Hindu (unity), Ambedkar started joint Ganeshotsava of the Sawarna Hindus and the Untouchables. He arranged 'Satyanarayana Pooja'

² Ambedkar, Bhimrao Ramji; Moon, Vasant (1990). Dr. Babasaheb Ambedkar, Writings and Speeches, Volume 7

³ Triloknath: Politics of the Depressed Classes (Delhi. Deputy Publications 1987) p. 232

which was administered by the Untouchables. He conducted interlining programmes. On the Congress party initiative to made it compulsory for its members the use of Khadi and spinning, Ambedkar thought that if non-observance of untouchability was also made compulsory for the Congress members, the mission of removal of untouchability would have gathered momentum and he suggested the same to the Congress. The second way Ambedkar adopted in removing untouchability was to seek the help of the non-Brahmins. There was a close association between him and Rajarshi Shahu. This approach challenged the supremacy of the Brahmins. The Marathas possessed the potential to check the Brahmanic dominance. However, in social field Ambedkar realised that the Marathas were not honest. He also accepted that the Brahmins had more ability for social reforms. He had already made the leaders of the Satya shodhak movement aware of this fact. The experience of the Untouchable students in the Maratha boardings was not encouraging. Secondly the movement launched by Rajarshi Shahu was also Hindutvawadi. In his movement the Brahmin dominance was replaced by the Kshatriya dominance.

Ambedkar ridiculed at Gandhi's movement of removing untouchability. He insisted that Gandhi should give more emphasis on the removal of untouchability than the freedom movement. Ambedkar advised his followers to keep away from the freedom movement. To some extent he succeeded in realising his objective. This weakened Gandhi's movement. If Ambedkar would have brought his followers, independently in freedom movement, the experience achieved there, would have been utilised in other movements. It would have, even silenced his critics who used to finger at Ambedkar's neutrality about the freedom movement. And participation in freedom movement would have boosted the morale of the Untouchables.

At the time of launching movement for removing untouchability, Ambedkar wanted to consolidate 'all Shudras' (non-Brahmins). If he had succeeded in this task, he would have been able to capture political power. However, he side-tracked it so much that he refused seats to the Adiwasis, because the Adiwasis were not politically conscious. It did not suit the democratic values, Ambedkar held. Ambedkar proposed that the seats to the Muslims should be reduced and given to the Scheduled Tribes. Ambedkar suggested that a separate fund for the Scheduled Tribes should be raised; and used for their education to make them politically conscious. But this was suggested to bypass the legitimate rights of the Adiwasis. Ambedkar seemed to have determined not to give seats to the Adiwasis from the share of the Untouchables. It is quite clear that when the Adiwasis claimed share from the quota of Untouchables, Ambedkar laid condition that first they should become politically conscious but if the Adiwasis claimed share from the Muslim quota, he waived the condition. In the power sharing process in India it is observed that the culturally better people received more

share. The Brahmins claimed more share by virtue of their education, then the Marathas raised eye-brows against them. The Brahmins pleaded their case saying they were better educated and hence must have more share.. Afterwards, Maratha did the same when other backward communities demanded their share and surprisingly Ambedkar continued to harp on the same string when the Adiwasis claimed their share.

It is also interesting to record that during the Round Table Conference, Ambedkar, who was strongly making a case for the separate interests of the Untouchables, is said to have written a confidential letter pleading the case of Hindus to the then prime minister of England that the Muslim representatives were taking disadvantage of his arguments against the Sawarna Hindus. The Hindu representatives could not plead the case of the Sawarna Hindus. Ambedkar in that confidential letter pleaded the case of the Sawarna Hindus also.⁴

In the Second Round Table Conference Ambedkar was also confronted with the problem as to who should he support to-Gandhi or the British Government. Several scholars have rightly suggested that the problem which rose up in the Second Round Table Conference could have been easily solved by granting reserved seats and joint electorates. Keer said that the followers of Gandhi misguided him about the popularity of Ambedkar otherwise he would not have opposed Ambedkar.

Ambedkar based the dhamma on science but made it difficult to understand. He presented its theoretical aspect for the rational people, yet leaving certain weak links. When Ambedkar, with the help of 'karm-phal' theory analysed the linkages between karma and phal, many questions arise, which do not find satisfactory replies in Ambedkar's further analysis. Ambedkar differentiated between the 'rule' and 'principle'. No doubt, the Bouddha religion envisages more freedom to its followers, but not to that extent as presupposed by Ambedkar. Otherwise there is no propriety to distinguish between 'what belongs to the Buddha and what not'. The freedom in Buddhism should allow the variations in interpreting Buddha. The difference between 'rule' and 'principle' in the background, it is difficult to recognise rules for defining 'Bhikku' and 'Upasak'. It cannot be said that Buddha's utterances are flexible. Ambedkar's argument that the war can be waged if needed and not willed was not even acceptable to Buddha himself who in any event, wanted to avoid war. This has been clearly, indicated in 'The Buddha and his Dhamma'. Buddha's 'Karuna' was so extensive that before reaching 'buddhatva', instead of waging a war he left his country. After reaching 'buddhatva' his 'karuna' must have extended further and it is difficult to believe that even if there was need for war, he would recommend war.

In Buddhism irrational matter is not entertained. Still, in his 'The Buddha and his Dhamma' Ambedkar included many myths. It can be acceptable that he did it for the sake of common people but on the basis of the criterion he established his 'dhamma' turns into 'dharma'. In Buddhism, though the women were given diksha they

⁴ Keer, Dhananjay - Dr. Babasaheb Ambedkar (Bombay, Popular Prakashan 1984) P. 198

were not elevated to the position of men. Dange has amply explained this. Dange points out that Buddha had remarked that the pure nature of his religion was to last for a thousand years but because of admitting women in the Sangha it would remain in pure form for five hundred years only. Though Ambedkar refuted these things, one may accept that the Buddhism might have lost its pure form in the course of long period. Every religion has enjoyed a period when it was practised in a pure form and therefore their propagandists desire to go back.

The Bouddhas revolted against the varna system not to blow it up. P. Laxmi Narsu who inspired Ambedkar, by offering evidence from Ambbat Sutta stated that the Buddha established the superiority of the Kshatriya. The Boudha religion stood distinct from other religions on theoretical and practical levels for some time but on practical level it was impossible for it to be so for a very long time. Ambedkar did not consider the 'Charwaks' when he left Hinduism. They had also denied the Vedas, Unpanishadas 'shabd-pramanya' and accepted rationalism and materialism. Ambedkar could have changed it to suit him and accepted it. When Ambedkar gave thought to conversion and came to a conclusion to embrace Buddhism, he considered Buddhism on theoretical level and other religions on practical level. During the lifetime of the Buddha his philosophy could not change the basic social structure.

Even when the process of taking decision to embrace Buddhism was going on, Ambedkar continued to bluntly criticize not only his political opponents but other religions also. On the contrary in spite of his political activities, political maneuvering unsuitable to Mahatma Gandhi even as an orthodox Hindu, it seems was tilting towards Buddhism.

At the time of conversion he was tearful, may be, due to solemnity of the ceremony or due to being overcome by parting from his beloved religion. He asked his followers to take anti Hinduist oath. Also this might be from desperateness. Before this, in 1947 when Delhi was rocked by the communal riots, the Muslims there, were frightened. The majority of the Muslim tongawalas shaved their heads and grew shendi (small bunch of hair, which Hindus retain after shaving head). They also sported 'tilak (a mark the foreheads of the Hindus). They were trying to save their life by posing themselves as Hindus. Ambedkar asked one of his close associates, Shastri to bring some Arya Samaji leaders to convert them to Hinduism so that their problem would be solved and the number of Hindus would also be increased.¹² Ambedkar introduced the Hindu Code Bill with a solitary intention of reforming Hinduism.

An attempt is made to show similarity between Hinduism and Buddhism. It is said that the grandfather of Addya shankaracharya was Bouddha and Shandaracharya

himself was a prachchanna Bouddha (real Bouddha i.e. overtly Hindu). He elevated the Buddha as the eleventh incarnation. The Buddhism is separate from Hinduism so far as varna system caste system inequality between men and women, concept of soul, God, incarnation, rebirth, hell and the heaven are concerned. However, culturally as Ambedkar thought the Buddhism was not different from Hinduism. Therefore the Indian culture absorbed other religions having their origin in India. The Indian culture removed the separate entities of the Buddhism and Jainism. Ambedkar must be in the know of this therefore in the Indian Constitution Buddhist, Jain and Sikh people are treated as Hindus.

The politics in the last phase of freedom movement was better apprehended by Nehru, Patel and Azad than Gandhi and Ambedkar. It is remarked that Ambedkar did not appease the Muslims like Nehru.⁵ But Nehru and Patel threw Jinnah in desperate condition. Nehru was confident that without bowing before the demand of Pakistan the leaders of the League could be put in a tight corner. Right from the period of the Nehru report, the Congress continued the same policy. Wavell appealed to the Congress that it should not stress on the strength of number but on statesmanship. However, the Congress did not respond to this request and instead of statesmanship preferred show of strength.⁶

Ambedkar endeavoured to model the Indian Constitution on Buddhism. He studied the constitutions of various countries. He also requested the Hindu Mahasabha to send the Indian Constitution if drafted independently. It is claimed by the Hindu Mahasabha that Ambedkar borrowed some clauses from it. Under the Chairmanship of Damodar Vishwanath, alias Baburz Gokhale a committee on drafting constitution was appointed, it prepared a draft, which was accepted by the Lokshahi Swarajya Paksha. Date says that Ambedkar called for a few copies of the constitution and extensively used it. In the drafts prepared by the Hindu Mahasabha and committee of the Indian Parliament many similarities can be found.⁷

Two clauses from the constitution prepared by the Hindu Mahasabha could be cited ... (11) In the words of President Roosevelt the human rights are enshrined in four freedoms. (i) freedom to lead a happy life, (ii) freedom from fear (iii) freedom of speech and (iv) freedom to 'worship. The Constitution should assure these freedoms '(13) equality of men and women before law. Their rights should be identical. By no order or law they could be discriminated.⁸ These two clauses and some others in both the constitutions are similar. In democracy such similarities are bound, to come. However, Ambedkar also promised to select the saffron flag as a national flag. On July 10 (1947) Ambedkar was going to Delhi. Some of the leaders of the Bombay

⁵ Dadu Miya: Dalitanche Rajkaran (Bombay, Majestic Book Stall, 1974) p. 3

⁶ Seervai op. Cit. p. 50 - History repeated itself, and Wavell's appeal for a statesmanlike approach found no response in the Congress because it preferred logic", "Philosophy" and "arithmetic to statesmanship".

⁷ Dai Shankar Ramchandra - Maharashtra Hindu Sabhechya Karyacha Itihas (Pune, Date 1975) P. 192

⁸ Dai Shankar Ramchandra - Maharashtra Hindu Sabhechya Karyacha Itihas (Pune, Date 1975) P. 227-228

Provincial Hindu Mahasabha and Maratha leaders met Ambedkar and handed him over a saffron flag. That time Ambedkar said that if an agitation was launched to accept saffron flag as national flag he would support it. He also told Babasaheb Bole and Anantrao Gadre that they were trying to furl the saffron flag on the constitutional committee at the hands of a Mahar's son. Ambedkar's car also bore a saffron flag with the emblem of 'Om'. As Ambedkar was for some time in America for education, he could observe the functioning of federation. He was well-versed in constitutional law. Ambedkar also presented a scheme to avoid communal deadlock and creation of Pakistan.⁹ Since there were no provinces of Untouchables majority, Ambedkar assigned them so much weight age that without their cooperation it was not possible for the Congress or League to run the government. In the editorial of 'The Times of India (May 17, 1945) Ambedkar's scheme was heavily criticised. To refute the criticism Ambedkar presented the principle of 'relative majority'. The scheme provided that the Untouchables would be constantly in power. This could have been changed and accepted. But Ambedkar could not retain the support of his community. It was evidenced in the election of 1946. Ambedkar could not foresee the consequences of the election system in the Pune Pact. The election tactics of the Congress party were also responsible for Ambedkar's declining influence.

There were certain reasons for Ambedkar's isolation. Some of them might be as under –

(1) The Congress underrated him and other parties. (2) No other party in India resisted the British rule as forcefully as the Congress. (3) Ambedkar like Jinnah and the Congress were always at the logger heads and hence they lost Congress sympathy. (4) Some of the Untouchables and their leaders joined the Congress. (5) The British knew that it was only the Congress that could challenge their power. (6) For delaying independence of India, the British Government used Jinnah and Ambedkar, but as it was determined to free India, there was no need to entertain either Jinnah or Ambedkar. At this time, Ambedkar could not prove that his castemen were solidly supporting him.

This was evidenced in the discussion in the Constituent Assembly and discussion on the Hindu Code Bill. When in Constituent Assembly and ministry, Ambedkar successfully won the concessions for the backward classes but he could not as per his expectation, raise the Untouchables as a social and political power. And in fact this mission was far more important than any other from his and his community's point of view. After drafting the Constitution if he had devoted his time to the task of building organisation, the rifts among the Untouchables would not have been created. When freedom became a near possibility, the Congress turned more and more complacent. Gandhi could not control over this situation His policies were opposed within the Congress from the Second World War. Gandhi felt that non-violence should be accepted on a world level. The Congress leaders were not in mood to accept Gandhi's proposal.

Ambedkar also criticized it. It seems that Gandhi also changed his policy. Lord Wavell always used to say that on this occasion Gandhi thumped the table and said, 'If India wants blood-path she shall have it'. Because of the dogmatic stand of the Muslim Leaguers and their intimidations Gandhi might have said like that.

Ambedkar programme of the removal of untouchability was not free from limitations. His political and social activities were centred on the main objective of materialising welfare of the Untouchables. It is the distinguished feature of his politics; his strength lies in it and also limitations.

In introducing the Hindu Code Bill also, his love for Hinduism could be noted. In the British period, all religious groups had their independent personal laws and Hindus were recorded as non Muslims. Ambedkar teased that no Sawarna Hindu was ever ashamed of it. He had an ambition to produce a progressive law for the Hindus. A question arises that if Ambedkar had affection for Hinduism why he criticized Hinduism. An answer has already been given to it in the preceding chapters. In a nutshell, it can be said that Ambedkar's criticism on Hinduism was in fact on brahmanya, egoism and selfishness. Ambedkar remarked that for greed the Brahmins sacrificed the hour an unity in Hinduism. For some time he held the opinion the lost solidarity in Hinduism could be revived by the Brahmins only. They had adequate potentials for affecting 'Sanshodhakata' in Hinduism. Even before Ambedkar many social reformers criticized Hinduism with a view to modifying it.

Gandhi, bringing in morality in politics attempted to spiritualise politics. His theories of truth, non-violence, trusteeship, satyagraha were projected on the moral principles. There were certain drawbacks in them. One can find a gap between his principles and practice. During the Second World War Gandhi was prescribing non-violence for the world. But at the time of the creation of Pakistan, as stated by Wavell, Gandhi declared that if India wanted blood-path she should have it. Gandhi's concept of democracy also changed and became retrograde. He refined his life through experiments with the truth. He related the experiment with the sex to the violent events happening speedily. The unity of India which he valued more than his life was at stake. As the freedom came on the threshold the Hindus and Muslims were butchering each other. With his life's work in ruins, Gandhi felt deeply sad and frustrated, could not sleep for days, almost lost his will to live and was heard murmuring to himself, 'what shall I do? There is darkness everywhere.'³⁸ He had thought that he had a message for the world weary of violence, but evidently it had proved impotent even in his own country, under his own leadership...that there must be some serious flaw deep down in me which I am unable to discover.'³⁹ He thought-If he was absolutely pure, with not a 'particle'. Impure desire or the slightest element of egoism and violence left in him,

⁹ Ganjre, M.F. Babasaheb Ambedkaranchi Bhashane
Vol 5 (Nagpur, Ashok Prakashan 1976) p. 106

he should be able to mobilise his spiritual shakti...."¹⁰ Ambedkar presented the state socialism also. In 1952, he partnered with the socialist party. He was in favour of extensive socialism. He suggested to nationalise agriculture. Here also his key principle was that of bringing welfare to the Untouchables."¹¹ His programme of nationalization did not displace freedom. Ambedkar was favorable to emancipative distributive and organizational development of the rural area. Ambedkar intended to nationalize industries and land within the parliamentary democratic framework. One question remains that if obstacles cropped up, what plans he had to remove them? The Government which he assumed to remove them would exist in principle only. Because for carrying out massive nationalization totalitarian Communist Government was needed, which he rejected out rightly. The democratic framework falls short of carrying this task, and Ambedkar's expectations about Indian Government were very high. Ambedkar has stated the concept of constitutional morality, which refers to the nature of enjoying rights with due respect for the constitution. India lacked this constitutional morality and hence the nature of administration should be decided in the constitution only. Ambedkar opined that due to the interference of the legislature the constitution loses its shape. Thus he travels from the concept of development through constitution.

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7. Seervai op. Cit. p. 50 - History repeated itself, and Wavell's appeal for a statesmanlike approach found no response in the Congress because it preferred logic", "Philosophy" and "arithmetic to statesmanship".
8. Quoted in Seerval op. cit. p. 53.

9. Dadu Miya op. cit. p. 5.
10. Seervai : op. cit p. 43 "Representatives of Nationalist Muslims" were interviewed by Cripps and Alexander on 16 April, 1946. Maulana Madani said, inter alia, that "he was in favour of one centre and one Constituent Assembly. Hindus and Muslims should have parity both in the Government and in the Central Legislature. Elections should be made on the basis of joint electorates coupled with reservation of seats." Mr. Ziharuddin agreed that there should be parity between Muslims and Hindus in the Central Government and Mr. Hussain said that this was also his view (Quoted from Transfer of Power Vol. VU page-286 at p. 287). Nemisharan Mittal (Dharmayug 6-12 August, 1989) however opined that the nationalist Muslims in competition with the League Muslims were defeated and hence along with Azad all nationalist Muslims held Nehru and Patel responsible for partition.
11. Dai Shankar Ramchandra - Maharashtra Hindu Sabhechya Karyacha Itihas (Pune, Date 1975) P. 239.
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