

Social Democracy As Conceived by Dr. B.R. Ambedkar under Indian Constitution

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Abstract:

Dr. Ambedkar will be remembered for all time to come as the architect of the Indian Constitution, specially for the Fundamental Rights and Directive Principles Chapters which, aim at eradicating "all injustice and tyranny" and ushering in social democracy and social equality. He was however, disappointed that the dominating section of our society did not rise to the occasion and did not water the plants that he had planted. It is now for human rights groups and grassroots activists to make social democracy and equality a way of life in the absence of which political democracy will always stand on a shaky foundation. Caste system and discrimination are major stumbling block to national integration, economic development, and moral regeneration of Indian society. Hence for the successful functioning of democracy in India and for the people to appreciate the fruits of equality as provided through the various articles of the Constitution, the disruptive institutions should be kept away. It will be difficult to wipe out an age old tradition with one stroke of the pen and it would continue to prick the society for many more decades to come, but the attitude of the people should change and with all sincerity, the people and also those at the controls of affairs should try to implement the provisions of the Constitution.

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What are we having this liberty for? We are having this liberty in order to reform our social system, which is full of inequality, discrimination and other things, which conflict with our fundamental rights. **B. R. Ambedkar**

Social reform was always the first priority of Dr. Ambedkar. He believed that the economic and political issues should be resolved only after achieving the goal of social justice. If priority is given to the issue of political emancipation, it would mean transfer of power from foreign rules to the upper caste Hindus, who are equally distant from the lower castes. Similarly, the idea that economic progress moulds resolve all social problems was also ill-founded, according to Ambedka. Casteism is an expression of mental slavery of the Hindus. Social reform was the precondition of revolutionary changes in our society. The main aim of the democracy to protect and promote the dignity and fundamental rights of the individuals, in still social justice and fosters economic and social development. In this article researcher has tried to highlight the provisions of the social justice in the light Indian constitution as under.

Preamble of the Indian Constitution:

The Preamble of the Constitution states that the people of India resolved to constitute India into a Sover-

eight Democratic Republic and to secure for all its citizens the following objectives namely liberty of thought, expression, belief, faith, and worship, equality of status and opportunity, fraternity, asserting the dignity of the individual and the unity of the nation.

The Preamble of the Constitution states briefly the broad and long term objectives of the type of society which the people of India aimed to evolve. The people tried to achieve goals by bringing political and economic changes in a democratic manner. The framers of the Constitution were convinced that the traditional values of Indian culture, which aimed at the spiritual and moral perfection of the individual, could be realised only within the national democratic framework.¹

Great efforts has made by Dr. Ambedkar to eradicate untouchability and caste discrimination in India. A new consciousness has to be created among people that, untouchability is one of the most disruptive element in our society that stands in the way of economic development as well as national integration. A system which cuts off human beings from one another is incompatible with the ideals of equality and social justice, which are enshrined in our Constitution.

Prohibition of discrimination under Fundamental Rights:

To improve the wrongs done due to blind faith and support to the caste system, the Constitution has adopted various measures. The Constitution by incorporating various articles, guarantees equal opportunity to all citizens in all matters relating to employment or appointment to any office under the State. It specifically lays down that no citizen shall, on grounds of religion, race, caste, sex, descent, place of birth, residence, or any of them, be ineligible for, or discriminated against in respect of any employment or office under the State.²

The Constitution also forbids the practice of discrimination and untouchability in any form. The right to freedom provides among other things, the right to the practice of any calling without restriction. The right to non-exploitation guarantees freedom from forced labour. Through the incorporation of these articles, utmost attempts have been made to establish equality among all sections of the society.

Through the implementation of the articles incorporated in the Indian Constitution, the major thrust has been shifted from the caste to the individual as the unit of Indian society. It would be wrong to think that the constitutional measures have succeeded in minimising the impact of caste on the society. The caste system continues to exercise a powerful influence on the political, social and economic life of the people. With the introduction of adult franchise, people have become conscious of the power of the vote. Since castes are the most organised groups, politicians find it easy to woo the people.

Constitution of India has accepted some important principles like sovereign, socialistic, democratic, republic and secular also guaranteed basic civil, political rights and fundamental freedoms. The constitution has also provided that special protection to the citizen of India in the form of some fundamental rights which are protecting and prohibiting untouchability and any kind of discrimination.³ Some Articles are mentioned as under which are specially highlighting to caste discrimination and untouchability.

Article 15 prohibits subjection to a disadvantage based on caste with respect to access to shops, public restaurants, etc. or to the use of wells, roads and public places maintained out of State funds. "Fundamental Rights," the Indian Constitution prohibits any discrimination based on religion, race,

caste, sex, and place of birth.⁴ This law extends to all public institutions, such as government run educational facilities, to access to hotels and restaurants, public employment and public wells, tanks, and roads.⁵

The Constitutional provisions which prohibits discrimination, also contains a clause allowing the union and state governments to make, “any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.”⁶ This language was added in 1951 within weeks of a Supreme Court decision outlawing quotas in school admissions. The speed of the amendment is indicative of the strong political support for reservations, Nehru’s personal views notwithstanding. It permits the State to make special provisions for the advancement of any socially and educationally backward class of citizens, including Scheduled Castes.⁷ It prohibits discrimination on the ground of caste or descent in respect of employment under the State.⁸ Similarly, calling for “equality of opportunity in matters of public employment,” contains clauses permitting the “reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State” and another allowing “reservation in matters of promotion” for Scheduled Castes and Scheduled Tribes.⁹ There are also positive duties imposed on the State to redress imbalances due to past injustices against untouchables.

These two articles recognize beneficial discrimination or protective/compensatory/preferential discrimination, or simply affirmative action. Indeed, in the governance of the country the State is enjoined by a directive principle of State policy to "promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and the Scheduled Tribes, and to protect them from social injustice and all forms of exploitation".¹⁰

Abolition of untouchability:

This Article abolishes untouchability and prohibits its practice in any form. The practice of untouchability is declared illegal.¹¹ This Article enacts two declarations, firstly it states that untouchability is abolished and its practice in any form is forbidden and secondly, it declares that the enforcement of any disability arising out of untouchability shall be an offence in accordance with law. The constitution has also given powers to parliament to make laws for prescribing punishment for untouchability. On the basis of said provision in 1955, parliament enacted separate Act.¹² Under this Act, punishment for practice of untouchability however it was found that punishment prescribed under this Act was inadequate. In 1965 a committee was appointed to examine the working of the said Act and to make suitable recommendations for its Amendment.¹³ On the recommendation of the committee this Act renamed as ‘Protection of civil right Act, 1955.

Right against exploitation:

This article prohibits forced labour and discrimination on the ground of caste when imposing compulsory service for public purposes.¹⁴ Under this Article traffic in human beings, beggar and other similar forms of forced labour are prohibited. This prohibition not only applies to state but also to private persons, bodies and organizations, if any controversy to this article is punishable under law. Under Constitution prohibits denial of admission to any educational institution which maintained and aided by state funds on the ground of religion, caste, race and language.¹⁵

Other provisions in the Constitution addressing Social Equality:

- Article 325 which prohibit disfranchisement on the ground of caste;
- Articles 330 and 333 which provide for reserving of seats for members of Scheduled Castes and Scheduled Tribes in Union and state legislatures according to the Scheduled Caste population in each constituency;
- Article 338 which mandates the appointment of a National Commission for Scheduled Castes and Scheduled Tribes. The Commission has been appointed and investigates and monitors all
- matters relating to the safeguards provided for Scheduled Castes;
- Article 341 which makes possible the legal identification of Scheduled Castes or untouchables by means of lists prepared for each state and union territory. The list, when published by the President, is final as to the castes or groups within castes deemed to be Scheduled Castes.

Legislative defending provisions on Social Democracy through social Equality:

Following are important Acts passed by the Indian Government for controlling of untouchability and discrimination.

- The Protection of Civil Rights (Anti-Untouchability) Act, 1955 strengthened by an amendment in 1973, punishes offences that amount the observance of untouchability, such as prohibiting entry to temples or insulting someone on the basis of his caste.
- The Bonded Labour (Abolition) Act, 1976 aims at the release of labourers (usually Dalits) who work in slave-like conditions in order to pay off a debt due to a high caste employer, by cancelling any outstanding debt and prohibiting the creation of new bondage agreements.
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This important law was needed because of the high incidence of recurrent acts of violence against helpless Dalits throughout the country. Eighteen atrocities are listed, including violence against women, dispossession of a Dalit of his land, mischief by fire and destruction of property. Penal Code offences carrying a punishment of 10 years' imprisonment if committed against a member of a Scheduled Caste are punishable by imprisonment for life. The offences are cognizable and non-bailable. There are special courts to provide speedy trials and special prosecutors to conduct cases. In 1999 rules were enacted under the Act to strengthen the investigation process and make provision for payment of compensation to victims;

- The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. A special law was considered necessary to deal with the most distressing discrimination based on work and descent.

According to Dr. Ambedkar for the successful functioning of constitution in India and for the people to savour the fruits of equality as provided through the various articles of the Constitution, the disruptive institutions should be kept away. The Constitution also forbids the practice of untouchability in any form. The right to freedom provides among other things, the right to the practice of any calling without restriction. The right to non-exploitation guarantees freedom from forced labour. Through the incorporation of these articles, utmost attempts have been made to establish equality among all sections of the society. Through the implementation of the articles incorporated in the Indian Constitution, the major thrust has been shifted from the caste to the individual as the unit of Indian society.

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