

Dr. B.R. Ambedkar - Thoughts of Social Justice and Reservation to Buddhists

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Dr. Baba Saheb Ambedkar was born as an untouchable and undergone sufferings and humiliations from the higher castes Hindus especially the Brahmins who were the ruling elite from time immemorial.

When India became independent in 1947 the dreams of the governing class of Hindus and untouchables had become very clear for achievement of social justice and keep up the dignity and equality of untouchables. Dr. Ambedkar studied in depth and identified the causes of untouchability and made efforts to remove the stigma of untouchability from a democratic national life¹.

As identified by Ambedkar, it is a fact that the broken men came to be regarded as untouchables. The broken men hated the Brahmins because Brahmins were enemies of Buddhism and the Brahmins imposed untouchability upon the broken men because they would not leave Buddhism².

Thus, untouchability is a vicious social institution and an abnoxious product of Hindu civilization and a stigma on Hindu religion. It was the hatred of the Brahmins against the Buddhists that culminated for creation of untouchability. This hatred of Brahmins against Buddhists of Buddhism in India was religious and political. During the glorious period of Buddhism in India the Brahmins had lost power and succumbed to Buddhism³.

In the time frame continuum, during the struggle between Buddhism and Brahmanism, the Buddhists lost their power to Brahmanism. Thus, Brahmins regained the prestige and established supremacy dominance both in religious and political spheres and imposed religious and political sanctions against Buddhism.

When India became independent Dr. Ambedkar fought for social justice. He was the Chairman of the drafting committee of the Indian Constitution and made stupendous efforts for the incorporation of several provisions in the Constitution for achievement of social justice⁴.

There was also demand for reservations to Buddhists but it could not materialize. This demand for reservations to Buddhists originates from 14th October 1956. The significance of this date lies in the historical event of *CONVERSION* to Buddhism of Scheduled Castes under the leadership of Dr. Baba Saheb Ambedkar who passed away on 6th December, 1956 exactly 52 days after his conversion to Buddhism fulfilling his vow that "Although he was born as a Hindu, but he would not die as a Hindu".

Thus, he fulfilled his vow and set in motion the wheels of Buddhism in order to change the undemocratic social base into a democratic social base and to uplift them to integrate with in the main stream of national life.

Reservation to Buddhists

The problem of reservation to Buddhists had come up after the Constitution came into force. The exact date demanding reservations originates from 14th October 1956 i.e., after the historical event of large-scale conversion of Scheduled castes into Buddhism under the leadership of Dr. Ambedkar. Prior to the Buddhists conversion movement in Modern India, the whole of Buddhists population in India was very less and was around 1 lakh only during 1951 (as per the then census of India) They lived in Assam, West Bengal, Tripura, Himachal Pradesh, Ladakh, and north eastern parts of India. Subsequent to large-scale conversion to Buddhism under leadership of Dr. Ambedkar, population rose up to 30 lakhs in 1961 and 38 lakhs in 1971 and 45 lakhs in 1981 according to the census reports at that time. At present it may be around 5% of the total population in India. But on record as per the census reports these figures relating to the Buddhists population is very low, because there is a fear in the mind of converted Buddhists, that, if they record themselves as Buddhists they would lose

reservations enjoyed under Scheduled Caste category. In that way they do not reveal their religion even after conversion into Buddhism. Indeed, it is a Psychological and Social Problem. But, even after conversion there is no betterment in their position and lives and there fore there is ample justification for making reservation to Buddhists. The privileges enjoyed by the scheduled castes under the constitution were only the fruits of the labour of Dr.Ambedkar.

The president of India on 29th October, 1956 inserted paragraph 3 to the Constitution (Scheduled Castes) Order, 1950, which reads as follows:

“Notwithstanding anything contained in paragraph 2 no person who professes a religion different from the Hindu or the Sikh religion shall be deemed to be a member of a Scheduled Caste.”⁵ The primary purpose of this insertion is to exclude those Scheduled Castes persons from the benefits of the reservation who were converted to Buddhism in response to the call given by Dr.Ambedkar. Unfortunately the Buddhists lost their savior Dr.Ambedkar on 6th December 1956 and since then the Buddhists are left high and dry. Their leaders had made series of demands for reservations so that they can make advancement and integrate themselves into mainstream of Indian social life. Several memoranda were submitted and peaceful protestations were made and they have undergone court arrests over these years for securing reservation for Buddhists but they have not succeeded.

The real rationale of the demand is that it must be understood that religion is the basis of reservations guaranteed under the constitution. The roots of the reservation really goes to the problem of untouchability and the untouchables were initially recognized as depressed classes and later as Scheduled Castes under the Constitution of India. These reservations meant for Scheduled Castes are only the protection guaranteed against the tyranny of the castes Hindu and it is protective discrimination on the ground of the suffering for centuries under gone by them⁶.

It is a fact that Buddhism has psychologically liberated the Buddhists and spiritually uplifted but materially they continue to be what they were as Scheduled Caste before conversion into Buddhism. Their backwardness is educational, social, cultural and economical and the heavy burden imposed on them continues with them. With conversion to Buddhism their backwardness was not vanished and on the contrary after conversion to Buddhism their backwardness further intensified and depends because of the fact that due to the conversion of Buddhism they are deprived of reservation, which was enjoyed as Scheduled Castes.

Prof. R.D.Bandare in his note to the Deshnukh Committee appointed by the Government of Maharashtra in 1961 has made out a case for reservation to Buddhists. Firstly, there is backwardness that has arisen out of historic and geographic isolation of groups and Secondly, the stigma of ‘touch’, that is the higher caste feel by mere touch of an untouchable they will be polluted.

Anyhow the Buddhists continue to suffer the disabilities and difficulties right from the beginning. They are compelled to live in a state of isolation and segregation as before. They are powerless and helpless. They cannot stand in the social struggle for their life and existence as before. Therefore they need protection in the form of reservations from social injustice and exploitation. The Government of Maharashtra with effect from 1st may 1960 has decided that the Scheduled Castes converted to Buddhism should be treated as eligible for all concession and facilities on par with Scheduled Castes except statutory concessions under the Constitution. Thus the Maharashtra government fixed reservations in vacancies in various services for backward classes including the Scheduled Castes, Scheduled Tribes and Scheduled Castes converts into Buddhism⁷.

It is significant that Buddhists are labled as ‘Nav Buddhists’ and they are clubbed with Scheduled Castes and they are enjoying all benefits under Articles 15(4), 16(4) and Article 46 in the form of reservation of seats in Educational institutions and in the services in the state of Maharashtra.

It is submitted that the government of India also should conceive the demand of reservation to Buddhists who were nothing but Scheduled Castes converted to Buddhism. For the purpose of reservation the Buddhists should be clubbed with Scheduled Castes Without making any further complications.

JUDICIAL ATTITUDE:

*G.R. Chavan Vs State of Maharashtra (1986) Bombay High Court*⁸

The petitioners in this case have raised an objection to ‘Buddhist converts’ to be included within Scheduled Castes. The High Court had repelled the petitioner’s objection and the High Court had accepted the material placed before it. This material is nothing but Prof.R.D.Bhandari’s submission of a ‘note’ to the Deshmukh committee appointed by the state of

Maharashtra. He has substantiated with cogent reasoning as to why the Buddhists should get the facilities of reservation on par with Scheduled Castes and this is incorporated in the Deshmukh committee report. It is on this note and the Deshmukh committee report; the High Court repelled the petitioner's objection to Buddhist converts being included in the category of Scheduled Castes.

The High Court took the judicial notice of isolation, deprivation, miserableness and sufferings of the Buddhists. It is further observed by the Bombay High Court in the above case as follows:

“As to the still continuing stigma under which they suffer, judicial notice can be taken, that for no fault of theirs, the Nav Buddhists have not been able to break the shackles of the prejudices they faced when they were members of the despised Scheduled Castes. They continued to remain in the same social and economical conditions of backwardness, which they by the expedient of conversion they sought to escape. They continue to live with the degrading of stigma of untouchability and its concomitant drawbacks, which stalk them in all walks of life. They continue to remain a backward class, still reviled and looked down upon and still oppressed by their more fortunate erstwhile co-religionists, who by fare and large even today keep their distance from them and will not seek their disinterested friendship, much less social intercourse, with them intermingling is unthinkable.”⁹

The Bombay High Court in this case has further concluded that “They (Buddhists) were untouchables then. They are untouchables to day, conversion notwithstanding. They were ostracized then. They are ostracized today, conversion notwithstanding. Nothing has changed. The stigma of untouchability persists.

RESPONSE BY CENTRAL GOVERNMENT:

It is in recognition of the stigma of untouchability that continues to persists and follow like a shadow, it is as late as on 30th October, 1971 the Government of India issued a notification of the decision of the Government dated 30th October, 1971 in paragraph 3 which reads as follows:

“The Government of India have carefully considered the matter and are of the view that the Scheduled Caste converts to Buddhism still suffer from social and educational backwardness and are in need of assistance”¹⁰

For the first time the Government of India after 16 years of continuous demand (since 1956) for reservation and facilities to Buddhists held that Buddhists are eligible for grant of Government of India Post-matric scholarships and reservation of seats in government educational institutes. Thus the Government of India during the last 50 years has granted only two limited concessions to Buddhists. Viz.,

1. Post-matric scholarships subject to usual conditions applicable to Scheduled Castes students
2. Reservation of seats for admission into Government of India's educational institutions.

This response is limited and disappointing and reservation for Buddhists is not provided central government services. It is only the state of Maharashtra that has done substantial justice in accepting the Buddhists demand for reservation in educational as well as employment matter. Other states in India also have not granted any protection of facilities to Buddhists in educational or employment matter.

JUDICIAL APPROVAL:

Even though the rationale for reservations to Buddhists is judicially approved for the first time by the High Court of Bombay in *G.R. Chawan Vs State of Maharashtra (1986)*¹¹ the same is not accepted or acted upon by the government of India or other states.

VIOLATION OF CONCEPT OF SOCIAL JUSTICE;

The demand for reservations to Buddhists is just and reasonable. By and large they belong to Scheduled Castes. It is rooted in the social history of India. In recognition of it the Scheduled Castes got reservation. Even though a section of them embraced Buddhism, their place, position and status continues to be the same and the stigma of untouchability still persists. This problem does not arise out of their personal fault. It is an attitude on part of the whole group of people/ the higher caste Hindus. It is a social aggression¹². To wipe of this evil the social order is to be changed by establishing “new values” in Hindu religion. The Constitution of India aims at higher values viz¹³.,

Justice-social, economic and political
Liberty of thought, expression, belief, faith and worship
Equality of status and opportunity

Fraternity assuring the dignity of the individual and Unity and integrity of the nation – Replacing the old values of social inequalities, denial of justice, liberty, equality, human dignity and diversity of the nation.

Granville Austin in the “Indian Constitution, Corner Stone of a Nation” observes that the Constitution aims at social revolution and it is described as follows:

“The Indian Constitution is first and foremost a Social document. The majority of its provisions are either directly aimed at furthering the goals of social revolution or attempt to foster this revolution by establishing the conditions for its achievement.”¹⁴

The democratic Constitution of India is superimposed on the undemocratic value and social order. The social base is undemocratic and the super structure is democratic. Everyone must strive to change the undemocratic base into a democratic base and fulfill the values embedded in the Constitution as enacted under the stewardship of Dr. Ambedkar.

Dr. Ambedkar in May 1956 while delivering a talk on B.B.C. London said as follows:

“I prefer Buddhism because it gives three principles which no other religion does. Buddhism teaches Prajna (understanding against superstition and supernaturalism) Karuna (love) and Samata (equality). This is what man wants for a good and happy life. Neither god nor soul can save society. Once it is realized that Buddhism is a social gospel, its revival would be an everlasting event.”¹⁵

A PARADIGM SHIFT

Once we understand that the Constitution of India is first and foremost a social document and Buddhism is a social gospel, the combination of these two can bring about structural changes desired in the undemocratic social order bringing a paradigm shift in the approach and drift of the constitutional provisions pertaining to social justice. The Hindu social order predominately based on the hierarchy of caste system, spoils the stream of social life and generates hatred between one caste and other caste and disintegrates the Indian Society. It influences and spoils other religions also which do not believe in division of society into various castes and sub castes. The barriers of the caste system vitally affect the health of people and peaceful co-existence.

How the caste system has become a drag is explained by the Supreme Court in *Chaturbuj Vittal Das Vs Moreshwar* (1954 SCR p. 817) as follows:

“Experience demonstrates that the caste system instead of becoming subservient to the democratic and socialistic way of life, has perverted the democratic and socialistic apparatus and is seriously threatening to dominate both. It has deep roots in the Indian Society. Even after conversion to Buddhism or other religions, the hierarchy of caste systems remains as it was”.¹⁶

DOCTRINE OF BASIC STRUCTURE:

The caste system prevailing in Indian society is a dastardly system and untouchability continues to haunt after conversion into Buddhism also. Thus the reservation demands of Buddhists are constitutionally valid. It is part of the doctrine of basic structure propounded in *Kesavananda Bharathi Vs State of Kerala* (AIR 1973 SC p.1461).¹⁷ Social justice is a feature of the basic structure doctrine. The principles of social justice incorporated in the Constitution amply justify reservation to Buddhists. Non-recognition of their social backwardness and refusal of reservation to Buddhists amounts to violation of basic structure of the Constitution enunciated by the Supreme Court in the above case.

Further the Supreme Court in movement for the Protection of *Human Rights of Marginal Communities Vs Union of India* (Sep 1985) has observed:

It must be shown that Buddhists suffer from a comparable depth of social and economical disabilities and cultural and educational backwardness and similar levels of degradation within the Christian community necessitating intervention by the State under the provisions of the Constitution. It is necessary to establish further that the disabilities and handicaps

suffered from such caste membership in the social order of its original- Hinduism continue in their oppressive severity in the new environment of a different religious community.”¹⁸

Justice V.R.Krishna Iyer in *N.M.Thomas Vs State of Kerala* (AIR 1976 SC p.490)¹⁹ has pointed out that to confuse the Scheduled Caste / Scheduled Castes converts to Buddhism with higher caste of Hindu religion and deprive reservation for them is to commit a Constitutional error.

The demand for reservation for Buddhists satisfy the test of comparable oppressive severity²⁰ and therefore it is submitted that the Government of India and all states should accept the demand for reservation to Buddhists, so as to strength and democracy, bring about national unity and integrity and structural changes in the social and economic order.

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