

DR. BABASAHEB AMBEDKAR: AN ARCHITECTURE OF HUMAN RIGHTS IN INDIA

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“Peace can only last where human rights are respected, where the people are fed, and where individuals and nations are free.”

– The 14th Dalai Lama

Peace is the inner instinct of mind. From sociological point of view, it can be said that peace is the absence of fear, depression, violence and war and to live in an orderly society. The obvious importance of peace is responsible for an individual to move forward and to secure greatest heights. The ideal peaceful society is the image of humanly rewarding life on earth which differ us from the other animals on this beautiful globe. Secure and peaceful conditions of life lead towards dignified life of human beings worth living. Survival of the human beings can be possible only if the human race values the human rights. The peaceful community can be build up only when the human rights of the deprived sections are fulfilled and the gap between elite group and poor section of the society is obliterated. It can be achieved only by creating just and harmonious relations between these two sections of the society.

As far as Indian scenario is concerned, it is a heterogeneous society with lot many distinct cultures, languages, food, religion, ethnicity, class, caste and economic and social status also. One can find astounding variety in every aspect of the social life in India. This is the reason the Indian society is considered as multifaceted and having the greatest civilization. British India has faced a lot of miseries, oppression, and discrimination. Most of the people were poor, illiterate and unemployed. The gap between poor and rich was increasing day by day. Seeing their plight many reformers came forward to raise their status and provide them a dignified life. The traditional religious system was following by Indian society the people were found no voice against the bad elements in it. A number of social reformers had come forward with the desire to adapt the traditional religions with the requirements of the contemporary world of science, democracy and nationalism. It is found by the then social reformers that there could be little social reforms without religious reforms. One of the key figure in this area is Dr. Babasaheb Ambedkar, a great visionary and protector and defender of Human Rights in the world. Though he is popularly known as “An Architect of Indian Constitution”, he has devoted his whole life for the upliftment of the Dalit and deprived sections in the society. Dr. Ambedkar had a bitter taste of discriminatory treatment due his caste at an early age. It has sown the seeds of discontentment his mind regarding the Hindu caste system which persuade him to take lifelong efforts to eradicate caste based discrimination. The most important mission of his works was to try to lead the depressed classes of the country towards

the main flow of society by providing them equal social, political and economical status in the society which should be free from the stigma of untouchability. It can be said to be his greatest achievement. It was an era where human rights were in its early stages but the thoughts, writings, speech, actions, his philosophy of life, his social and political work clearly reflect his concern for universal human rights.

Equality and Non- discrimination are the essential core of Human Rights. The writings of Dr. Babasaheb Ambedkar always reflected the call for '*liberty, equality and fraternity*'. He is considered as one of the greatest defenders of Human Rights in the world. He was a true far-sighted personality who has contributed to a global evolution of the idea of Human Rights and till today his ideas are continuing to inspire the human rights defenders. His thoughts reflects the seeds of Universal Human Rights norms. According to him casteism in India is the root cause of all the discriminations and inequalities. Caste determines the social standing and fate of a person in the society. Caste as per Dr Ambedkar is like a ladder placing some handful persons like Brahmins on the top and Shudras in the down and Untouchables below the Shudras. Caste an ugly monster, therefore, ascribes caste-based occupations and divides people accordingly and prohibits any social relation.ⁱⁱThe Hindu Society at that time was divided into four classes: Brahmins, Kshatriya, Vaishya and Shudras. This classification resulted in unequal distribution of benefits and privileges among the people. With the fixation of individuals into castes and sub castes their status and occupation was fixed by birth. They were not free to choose the employment of their choice. This by birth system was really responsible for the social disorganization of the Hindu society. The situation of shudras was even worse than slaves. They were denied access to even basic necessities like water, wells, bathing Ghats, temples and were forced to live in the dirty places in outskirts of villages. Dr. Ambedkar wanted to organize the society on equality and rationality and therefore throughout his life fought to change the caste and class based social order, and tried to plant the seeds of social justice by working for betterment of poor, exploited untouchables and troubled class. The task was not the easy one for him. Equality and Non- discrimination are the core of his workings for attaining Human Rights.

While drafting the Constitution of Independent India, he has woven his concept of social justice throughout the Constitution like a golden thread. He believed that the Constitution should be used as a tool for social reformation and that it would help in equalising the gap between different classes. This, he felt, was essential for social solidarity and national integration.ⁱⁱⁱ Dr Babasaheb Ambedkar, the Father of Indian Constitution was ready to accept the challenging task to frame the Indian Constitution. The Constituent Assembly was a group of distinguished statesmen, intellectuals, freedom fighters, patriots. Dr. Babasaheb Ambedkar has accepted the task as the Chairman of the Drafting Committee of the Constituent Assembly. He has successfully performed the task of preserving numerous interests of the society through it. So our Constitution the largest written Constitution in the world and was adopted on the 26th November, 1949 unanimously by the Constituent Assembly as well as whole nation.

The Preamble of the Constitution indicate that source of authority of the Constitution lies with people. Preamble declares India to be a *sovereign, socialist, secular and democratic republic*. The objectives stated by the Preamble are to *secure justice, liberty, equality to all citizens and promote fraternity to maintain unity and integrity of the nation*.

The part of fundamental rights and Constitutional Remedies can be said to be the core of Human Rights. Part III of Indian Constitution guarantees the Fundamental Rights to its citizens. Article 14 to 18 are equality clauses. Article 14 grant equal status to all the persons. Article 15 prohibits discrimination between citizens by the State on grounds of religions, race, caste, sex or place of birth etc. Article 16 provides equal opportunity for all citizens in the matter of employment. Article 17 has abolished the longstanding practice of Untouchability while Article 18 abolished all kinds of titles. These Articles shows the belief of Babasaheb Ambedkar in equal rights of Human beings.

As regards the Constitutional remedies, Dr. Ambedkar characterized Article 32 as the *‘Very soul of the Constitution and the heart of it’*. According to him it was the most important Article in the Constitution as Article 32 authorizes the Supreme Court to not only issue direction, orders or writs in the nature of habeas corpus, mandamus, certioraris, etc. or any other appropriate remedy as the case may be for the enforcement of fundamental rights guaranteed by the Constitution. Through this Article Dr. Ambedkar has provided tool in the hands of people to enforce their rights.

Dr. Ambedkar played a crucial role in laying down the Directive Principles of State Policy, a unique feature of the Indian Constitution. These principles mandate that the state shall strive to promote the welfare of the people by securing and protecting just social order. A close scrutiny of the Directive Principles in our Constitution reveal that they contain Social, Gandhian and Liberal ideas. The particular aim of these Directive Principles is to make India a Welfare State by introducing socialism in economic sphere, to provide social security and better standard of sanitation and care for all, to emphasize duty towards women, children and the obligations towards the backward and tribal classes. These principles are to serve “as a sign post and guide the State in all its work.”

The real contribution of Dr. Ambedkar is reflected in the protective discrimination scheme or the reservation policy of the government envisaged under some provisions of part III and many of part IV dealing with the Constitutional mandate to ameliorate the condition of the Scheduled Castes and Scheduled Tribes and the Other Backward Classes. Provisions like Articles 17 prohibiting untouchability, Article 30 dealing with the protection of minorities are some of the notable examples. Article 15[4] and 16[4] of part III and part XI and Schedule V and VI dealing with the upliftment of the Scheduled Caste and Scheduled Tribes speak clearly about the substantial and significant contributions of Ambedkar for the development of the Untouchables.^{iv}

It is crystal clear that the life of Dr. Babasaheb Ambedkar was completely dedicated to bring the Untouchables to the mainstream of the Indian society. He fought not only for equal status of Varna but for social, economic and political equality and equal opportunity for all the people throughout his life. The goal of his life was only to attain justice for all those Indians who have been set apart by the brutal caste system. His innovative ideas & programs lay down concrete proposals for the removal of untouchability and the empowerment of the downtrodden which was the need of the time. Though he has faced a number of problems which we can't describe in words, he has remained successful in showing the path of equality and justice to the society in the form of Indian Constitution..... a boon to all of us.



References :

- <https://www.humanrightscareers.com/issues/human-rights-slogans-that-made-history/>, accessed on dated 5th May 2022
- 'Referred from an Article, ' Dr B. R. Ambedkar's Perception of Human Rights: Methods and Approaches' written by Shreekrishna1 and Dr Ravindra D. Gadkar, Pg no. 5
- 'Referred from an Article. ' B.R. Ambedkar: Father of our Constitution & Racial Social Thinker', available at <https://theleaflet.in/br-ambedkar-father-of-our-constitution-and-radical-social-thinker/>, accessed on 10th May 2022
- 'Referred from an Article, 'Dr. B.R. Ambedkar : The Chief Architect of the Indian Constitution', written by BalabhadraGhadai, pg.no.43-44