

Remembering Dr. B.R. Ambedkar: A Discourse on Tribal Justice & Legacy of Ambedkarism



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As we can see that from the mid-19th century onwards, the British Raj invested a lot of intellectual energy and material efforts attempting to explore and understand the mystery of caste and tribe, leaving behind humongous amounts of scientific records written by anthropologists, ethnologists, military officers, administrators and adventurers in India many of which were based on their direct experiences and field research. These texts primarily explain the dominant narrative that was prevalent around that time, when ideas such as the “martial race theory”, the “inward migration theory” and the “original inhabitant theory” were explained through the lens of Victorian anthropology and Political kaleidoscope. It was the time when the politics of ‘Ethnic Identity’ and notion of ‘Tribal Nations & Nationalism’ was taking its primary shape. The census exercise, which involved enumeration of vast bodies of people starting in the 1880s, was a direct result of the intellectual imprints and multidimensional transitions then recorded in the world of the ‘unknowns’. In the 1920s, categories of caste, tribe and religion were broken up into smaller categories, which to this day influence politics in the subcontinent to great extent.

“Justice has always evoked ideas of equality, of proportion of compensation. Equity signifies equality. Rules and regulations, right and righteousness are concerned with equality in value. If all men are equal, then all men are of the same essence, and the common essence entitles them of the same fundamental rights and equal liberty... In short justice is another name of liberty, equality and fraternity.” ~ Dr. B. R. Ambedkar

The Indian Constitution recognized two social groups as especially disadvantaged: the scheduled castes, known in everyday language as Dalits; and the scheduled tribes, commonly known as Adivasis or Tribals. Both groups are extraordinarily heterogeneous in their composition; divided by language, clan, religion, and forms of livelihood. There is absolutely nothing in common between a Matang in Maharashtra and a Jatav in Uttar Pradesh, except that both can apply for a government job under the 'SC' quota. There is absolutely nothing in common between an Irula in the Nilgiri Hills of Tamil Nadu and a Gond in the Mahadeo Hills of Madhya Pradesh or Garo from Garo Hills, except that they can apply for a government job under the 'ST' quota. However, something that can bring the members of Scheduled Castes and Scheduled Tribes together on a single platform is a social condition that they have been subjected to, the suffering that they share and the discrimination that they witness in the larger political, social, cultural, religious spectrum of India. These broken men of India who were the victims of the system saw the light of liberation when Dr. B.R. Ambedkar's strong and promising voice echoed in their dark ghettos.

Dr. Ambedkar's battle was against the systematic oppression that sanctioned and sanctified by religion. His battle was quite unique in the sense that he had to fight with the British oppression as well as oppression that predominantly exist in Indian society at the behest of Hindu religion. Owing to the situation that was ALSO prevalent during the days of Ambedkar since thousands of years; the tribal as well as dalit communities both has equally been made the victims of discriminatory practices as well as inhuman treatments and atrocities.

Dr. Ambedkar clearly identified the social, economic and political backwardness of tribal communities. He observed that Tribals are the sovereign people in themselves living free life without any external influence from outside society since time immemorial. They used to have absolute autonomy over their land, forest and all natural resources however; these privileges were lost when Britishers arrived with their so called 'civilized' laws and hostile rules and regulations against the interests of the tribal population. The role that East India Company played in violating the rights of the poor tribals with the Barrel of the Gun was unparalleled in the modern history of India. Company not only exploited their labour but also looted their natural resources-the wealth that the tribals have inherited from Mother Nature. Economic exploitation was a major feature of Tribal policy of British government. They constructed roads; railways to transport raw materials from the virgin forests of India back home to England. The sterling pound got its strength from the wealth of India looted by British Raj. Moreover, the so called non-tribal, high caste, socially and politically privileged civilized population infested with the notion of caste supremacy never gave equal social treatment to tribal aborigines, as forever they remained 'impure savages', 'Junglees', 'Demons' (Rakshasas, Asuras) in the eyes of caste-ridden Indian society. The Tribal population in the north east part of India too could not escape from the axe of inhuman discriminatory practices like that of 'Untouchability'. In the then Kingdom of Manipur when the valley people Meteis (who were originally Animists) started converting to Hinduism under the influence of a Hindu Priest named Shantidas Gosai in 18th century not only their religious rituals and understanding about the divinity changed but also their social fabric which was free from the notion of discrimination and social stratification also affected, moreover, their relationship with the Hill People (The Nagas) have dramatically transformed as they started to consider and treating them as 'impure' or 'untouchables'. Further, it is pertinent to

note that intermarriage between the people of valley and the hills had been practised in Manipur. The Kings of both valley and the hills had wives from both the places which supply concrete evidence as to the absence of any discriminatory practices like untouchability which became widespread and turned out to be an integral part of the culture only after the arrival of the Hinduism in valley. Similar kind of instances has been found in case of relationship between the Nagas of the then Naga Hills and the non-tribal people from the plains in the nearby regions.

Dr. B.R. Ambedkar was fully aware about the social, political, cultural, religious and economic realities, historical facts and the social status of Tribals in India. He knew that Tribal population was never safe in British Raj and will never be safe in independent India unless and until their rights are properly secured in the steel frame of the Constitution of India. The understanding of Dr. Ambedkar about the 'truth' of Tribals especially that of the northeast India can be understood from one of his speeches that he delivered as a Chairman of the Drafting Committee at Constituent Assembly. While replying to the debate on the discussion on the constitutional fate of the tribes of northeast Dr. B. R. Ambedkar, Chairman of the Drafting Committee of the Constituent Assembly vehemently argued: "..... *The tribal people in areas other than Assam are more or less Hinduised, more or less assimilated with the civilisation and culture of the majority of the people in whose midst they live. With regard to the tribals in Assam that is not the case. Their roots are still in their own civilisation and their own culture. Their laws of inheritance, their laws of marriage, customs and so on are quite different from that of the Hindus. I think that is the main distinction which influenced us to have a different sort of scheme for Assam from the one we have provided for other territories. In other words, the position of the tribals of Assam, whatever may be the reason for it, is somewhat analogous to the position of the Red Indians in the United States, as against the white emigrants there. Now, what did the United States do with regard to the Red Indians? So far as I am aware, what they did was to create what are called Reservations of Boundaries within which the Red Indians lived. They are a "Republic" by themselves. No doubt, by the law of the United States they are citizens of the United States. But that is only a nominal allegiance to the Constitution of the United States. Factually they are a separate, independent people. It was felt by the United States that their laws and modes of living, their habits and manners of life were so distinct that it would be dangerous to bring them at one shot, so to say, within the*

range of the laws made by the white people for white persons and for the purpose of the white civilisation. I agree that we have been creating Regional and District Councils to some extent on the lines which were adopted by the United States for the purpose of the Red Indians." By looking into the fundamental truths of the conditions of the Tribals Dr. B.R Ambedkar drafted 5th Schedule for the provisions related to the administration and control of the scheduled areas and scheduled tribes and 6th schedule to deal with the administration of tribal areas in the four northeast states of Assam, Meghalaya, Tripura, and Mizoram. 6th Schedule also constituted Autonomous District Councils and Regional Councils with powers to makes laws for management of land, forests, jhum cultivation, appointment or succession of chieftain or headman, social customs etc. Further subsequent to these special provisions, Art. 275 (1) of the constitution provides for grant-in-aid from the central government to the state for promoting the welfare of the scheduled tribes and the development of scheduled areas. Also, Art. 244 in part X of the Constitution extends special system for protection and administration for certain areas designated as scheduled areas and tribal areas. Moreover, Dr. Ambedkar observed that it is not sufficient to protect the natural rights of indigenous tribals over their own life and natural existence, however they must also be protected from the social discrimination and atrocities and should also be provided with guaranteed growth trajectory for economic independence and progress so that they would not merely be instruments in the hands of majority of population and therefore, to secure the life and dignity of the Tribals Dr. Ambedkar made a provision for Scheduled Tribes Commission and sealed the fate of tribals securely by virtue of article 342 of the Constitution. Further, provisions regarding Fundamental Rights (Art. 12-35), Directive Principles of State Policies (Art 36-51) also became instrumental in securing the rights of Tribals. Apart from these special provisions, Babasaheb also made necessary provisions for the political

as well as social representation of Scheduled Tribes by virtue of ingrainning Affirmative action policy in the constitution which is also known as 'Reservation Policy' in India. Owing to the Constitutional Justice delivered by virtue of Affirmative Action policy the doors to Social participation, Education, Administration and the Political Power has been opened for Tribal people who have been treated lesser than the animals by the discriminatory cultural practices of Indian society.

While addressing to the problems of Tribal population government of India adopted three approaches namely Isolationist approach, Assimilation approach and Integration approach. However, none of the approach completely worked because the people in the centre were never in the position to understand complex problems of the complex tribal societies inhabited in different parts of India since time immemorial. There is an evidence to prove how the Tribals were subjected to the cultural hegemony by getting exposed to the alien culture and practices unknown to them which resulted in mass conversion from erstwhile animistic belief system to some mainstream religions. Conversion of Tribals might have opened the doors to 'modern' world to them, however that did not help them to break the invisible chains of slavery and insult and walk the road to reach the desired destination. What religion could not do, Constitution of India has done to some extent. Acts like Scheduled Caste/Tribes (Prevention of Atrocities) Act 1989 has provided necessary armour to the 'Broken Men' of India, which not only instil confidence in them but also developed a necessary fighting spirit. The dark evil of untouchability and perpetual social humiliation was destroyed and permanently annihilated by Art. 17 of the Constitution of India. It was all made possible due to only one man that is Dr. Bhimrao Ramji Ambedkar who is fondly known in every corner of the world as 'BABASAHEB'.

Whenever the discourse on Constitution of India is initiated the question regarding the actual contribution of Dr. B.R. Ambedkar is often raised by 'Manuvadi' brain. There have been narratives floated from time to time challenging the contribution of Dr. B.R. Ambedkar in the development of Constitution. However, these doubts and queries must be appreciated and settled for once and for all. There should not be an iota of doubt in mind to understand that not only Babasaheb was the chief Architect of the constitution but also he was a Chief draftsman who drafted and defended the text single handed as a Hon'ble Chairman of Drafting Committee. Moreover, due to the absence of couple of members of Drafting Committee (total 7 members) due to various reasons including death and sickness Dr. Ambedkar was required to shoulder the burden to sculpt the idea of nation in the constitution which he imagined to be based on the eternal ideals of Justice, Equality, Liberty and Fraternity.

The working of Drafting Committee for the Constitution of India was indeed a grand intellectual adventure full of challenges and hardships. The soul of the constitution is the idea of Social Justice and to achieve it certain provisions guaranteeing the Protection & Reservation to the socially backward and depressed classes were required to be made. When Dr. Ambedkar proposed a model of Shared Sovereignty to protect the 'independent identity' and 'natural freedom as well as sovereignty' of the tribals in the north east part of India (then Assam) in the lines of the provisions made in the Constitution of the United States of America for the Red Indians he was severely criticized and accused by the fellow members of the Constituent Assembly specifically from Assam for trying to vivisect India by creating the constituencies of differences rather than building a nation whose members have equal rights and unifying laws. The original idea of 6th Schedule which was proposed by Dr. Ambedkar could not see the light of the day in its original form and spirit as it lacked essential element that Ambedkar fought for i.e. incorporating respect for tribal sovereignty in the constitution of India. The basic vision for 'northeast tribal justice' was reduced merely to the autonomous district councils without any kind of share in the sovereign powers of the central government. The imagination of Dr. Ambedkar was to create a nation giving due weightage and justice to the different distinct tribal nationalities which emerged over the period of time in the northeast region of India.

Moreover, when the proposal of political as well as social Reservation for Scheduled Castes and Scheduled Tribes came for debate; numerous members of the constituent assembly opposed the provisions thinking that the foundation of divided India will be laid down if these provisions are included in the Constitution. Many members also churned out a narrative which connected the individual social and political progress made by Dr. Ambedkar with the dispensability of proposed Reservation policy. Even the Tribal leader Jaipal Singh, a member of constituent assembly, who supposed to represent the social and political interests of tribal people also oppose social and political safeguards to the tribals in the form of reservation and other protection mechanisms. He said, *"..Adivasis are the original inhabitants of the country, they have their own laws and they manage their areas better than the mainstream democracy. But he argued that they should be given their due recognition and for that they don't require any special treatment but they want to be treated like every other Indian. He argued that Adivasis don't need the safeguards that the objective resolution is talking about rather they need protection from the ministers."* However, in spite of all the oppositions and attempts made to dilute the rightful claims of Tribal population and Dalits in the modern India;

Dr. B.R. Ambedkar was firm and positively stubborn to include Reservation Provisions in the final draft of the Constitution which not only changed their political fate but also liberated them from the chains of eternal social slavery, humiliation and historic injustice.

Dr. Ambedkar's life was full of suffering, challenges, dreams, passion and adventures which driven him tirelessly throughout his life to change the destiny of those who has been thrown at the far flung end of the social fabric. Dr. Ambedkar had a dream to free India not only from the chains of the British imperialism but also from the invisible chains of Bramhinistic social slavery which was far brutal and cruel than slavery in any other part of the world.

Dr. B.R. Ambedkar with his supreme foreseeing capacity as an able Statesman, Economist, Lawyer and political seer formulated numerous constitutional, legal, political, social, economic, cultural and educational safeguards for the comprehensive upliftment and welfare of tribals, however, his work and efforts has not been sufficiently recognized and propagated by the mainstream intelligentsia. Ambedkar's legacy was systematically attempted to be hijacked, confined and trapped within the 'identity' that he revolted against. Without Dr. Ambedkar's efforts; Dalits and Tribals would have never reached where they have reached today. Without Ambedkar the Constitution of India would have ended up becoming an extension of 'Manusmriti' where in the name of Dharma Caste System would have been celebrated and the humanity would be brought down on knees again and again.

Dr. B.R. Ambedkar died more than six decades ago. Yet he continues to inspire Dalits, Tribals, women, minorities and all other socially deprived communities across India. He has also become a symbol of hope to all those who have been engaging in the battle of self-assertion, self-respect and justice in different parts of the world to educate, agitate and organize. Dr. Ambedkar's legacy as a socio-political reformer had a great impact on modern India. From his writings, speeches and debates a firm belief has been expressed that Indians “*must now play by the rules and not resort to revolutions*” and *social reform should be achieved legally*”. Today, statues of Ambedkar outnumber those of Mahatma Gandhi equally as his ideology long superseded that of the latter. His vision of inclusive India through democratic socialism is acknowledged by almost all political parties today. This is a remarkable change in Indian political scenario of 21st century. Dr. B.R. Ambedkar successfully laid down the roadmap to social justice in the constitution; however, it is a responsibility of citizens of India to see that the Nation would achieve it. The work of Dr. Ambedkar will be remembered by the generations to come. Mahatmas have come and gone but the legacy of Ambedkar will remain proactively influencing the present and future generations of the world to struggle for their own survival as a human being. Dr. Ambedkar's legacy not only continues to influence us towards a great social endosmosis aimed at building a united India with fraternity but also encourages us to be ready and remain strong for the struggle for the survival of humanity, human values and natural justice.

This article is dedicated to the legacy of Great Dr. B.R. Ambedkar on the occasion of 63rd Mahaparinirvan Diwas (Death Anniversary).

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