

# ‘Ambedkar’s Constitution’: A Radical Phenomenon in Anti-Caste Discourse?

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## Abstract

During the last few decades, India has witnessed two interesting phenomena. First, the Indian Constitution has started to be known as ‘Ambedkar’s Constitution’ in popular discourse. Second, the Dalits have been celebrating the Constitution. These two phenomena and the connection between them have been understudied in the anti-caste discourse. However, there are two generalised views on these aspects. One view is that Dalits practice a politics of restraint, and therefore show allegiance to the Constitution which was drafted by the Ambedkar-led Drafting Committee. The other view criticises the constitutional culture of Dalits and invokes Ambedkar’s rhetorical quote of burning the Constitution. This article critiques both these approaches and argues that none of these fully explores and reflects the phenomenon of constitutionalism by Dalits as an anti-caste social justice agenda. It studies the potential of the Indian Constitution and responds to the claim of Ambedkar burning the Constitution. I argue that Dalits showing ownership to the Constitution is directly linked to the anti-caste movement. I further argue that the popular appeal of the Constitution has been used by Dalits to revive Ambedkar’s legacy, reclaim their space and dignity in society, and mobilise radically against the backlash of the so-called upper castes.

## Keywords

Ambedkar, Constitution, anti-caste movement, constitutionalism, Dalit

## Introduction

Dr. B.R. Ambedkar’s name has received fame as being the chief architect or the father of the Indian Constitution. So much, that when former United States President Barack Obama visited India for the first time during his tenure in 2010

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and addressed a joint session of Indian Parliament, he referred to Ambedkar's role in the Constitution (Economic Times, 2010). In her article on assessing the performance of Indian Constitution, Martha Nussbaum (2016, p. 295), a leading philosopher and theorist, chose to title it 'Ambedkar's Constitution'. Bruce Ackerman (2019, p. 62), an American constitutional law scholar, stated that Ambedkar's presence as the head of the drafting process provided legitimacy to the Constitution. Even in popular discourse now (Perrigo, 2020), the Indian Constitution has started to be known as 'Ambedkar's Constitution'. Given this emphasis in recognising Ambedkar's crucial role and impact in framing of the Indian Constitution, it is natural to reflect on whether the Constitution was able to affect the caste system in more than seventy years of its making. After all, the centrality of Ambedkar's ideas is the *annihilation* of the caste system. Did the Constitution bring the changes that Ambedkar had hoped for? Did it empower the Dalits' (former 'untouchable' castes)? Has it diluted the caste system? Has it provided dignity to the Dalits? or, has it remained ineffective, thus causing Dalits' disillusionment with the Constitution? Data shows that despite the constitutional provisions, cases of atrocities against Dalits have been increasing since independence in 1947 (Thorat, 2018a, pp. 256–260). Economist Sukhadeo Thorat (2019, pp. 226–230) has further pointed out that the types of atrocities which are currently being committed against Dalits show a resemblance to the laws of Manu (ancient caste codes).

But it is to be seen that despite facing these constant hardships, Dalits and other marginalised groups have been 'at the forefront of owning a constitutional culture' and see the Indian Constitution 'as their own' (Choudhry, Khosla, & Mehta, 2016). Even before the Government of India officially decided in 2015 to celebrate 26 November (Indian Express, 2020) – the day when the Constitution was adopted – as the 'Constitution Day', the Dalits 'have been celebrating the day every year' (Mandal, 2019a). One commentator, Dilip Mandal, aptly summarises this: 'Across many Indian cities, [Dalits and Adivasis] have been wearing new clothes, lighting up their homes, organising seminars and rallies, garlanding the statues of Dr. B. R. Ambedkar ... over several decades' (Ibid). A scholarly work (Choudhry et al., 2016) on the Indian Constitution also points out to this phenomenon: 'Dalits, who were India's most unimaginably oppressed social groups, with most reason to resent the structural violence of India's inherited social and political order, have in a sense been at the forefront of owning a constitutional culture.' Even Ambedkar had believed (CAD, November 25, 1949) that if inequalities are not removed at the earliest possible moment, then those 'who suffer from inequality will blow up the structure of political democracy which [the Constituent] Assembly has [so] laboriously built up.'

The question that arises is why have Dalits been celebrating the Indian Constitution. Mandal (2019a) stated that 'Dalit optimism despite the prevailing circumstances should be a subject of sociological scrutiny.' Choudhry, Khosla, and Mehta (2016) gave credit

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<sup>1</sup>The term 'Dalit' has been used in this article, as it has been used in the popular discourse to refer to the ex-'untouchable' castes. The administrative categorisation (constitutionally recognised) for these castes now is 'Scheduled Castes'. The limitation of this article is that within the anti-caste discourse, it deals only with the constitutionalism by 'Dalits'. Further, it lacks a gendered analysis of the Dalits upholding the Constitution. The discourse of Dalits is a significant aspect of the anti-caste discourse, but a line of enquiry can also be done to analyse how the other marginalised communities (nomadic and denotified (Vimukta) communities, Adivasis (indigenous tribes), Shudras, Pasmanda, and similar such discourses) have engaged with constitutionalism.

to three simultaneous factors for this phenomenon: first, B. R. Ambedkar, now iconised as one of the architects of the Indian Constitution, was a Dalit; second, the Constitution gave political representation and representation in public jobs to Dalits; and third, the Constitution saw itself as a charter of social reform. They argue: '[The] degree to which [Dalits] see the Constitution as their own is remarkable. Constitutionalism at its core signifies a politics of restraint' (Ibid). However, few authors present a different view on this phenomenon. In his book *Caste Matters* (2019), author Suraj Yengde stated that the 'idea of the Constitution is romantic' (p.76), and that constitutionalism reflects 'state's narrative' (Ibid), which has been promoted to cause 'Dalit passivism' and deviation from core demands (p. 79). The author argued that the attribution of the authorship of the Constitution to Ambedkar has been 'clever propaganda' (p. 79) spread by the ruling castes and the State that has taken away 'Dalit radicalism' (p. 78). Yengde criticized liberal constitutionalism and the appeal which it holds among the Dalits: 'One of the limitations ... is the absolute visionary absence of Dalit pride and the eruptive definition of liberation' (p. 77). In support of his arguments, Yengde relied upon a statement given by Ambedkar, seemingly regarding burning the Constitution (p. 80). Previously, Dhananjay Keer, Ambedkar's unofficial biographer, also referred to this statement to argue that Ambedkar had made 'a virulent attack on the Constitution' (2019, pp. 449–450). However, the authors have not contextualised the said statement made by Ambedkar.<sup>2</sup>

In this article, I demonstrate that both these approaches (pro-constitutionalism, and critical) do not fully explore or reflect the phenomenon of constitutionalism by Dalits as a social justice agenda. I test both these approaches in the context of socio-political history of India after the Constitution came into force. I argue that Dalits showing ownership to the Constitution is directly linked to anti-caste movement. I further argue that Dalits have used the ownership of the Constitution as a means to revive Ambedkar's legacy, and as a tool for radical mobilisation for social justice – equality and freedom, and also against the backlash of upper castes. I also explore how Ambedkar contributed to this phenomenon through the Constitution, and examine whether he really wanted to burn the Constitution.

Part II of this article deals with the theme whether the Indian Constitution is a document of social reform against caste. Part III responds to the claim that Ambedkar wanted to burn the Constitution as part of his agenda. Part IV deals with the backlash which the upper caste social order brought against the egalitarian promises of the Constitution. Part V shows how the Constitution has been used as a tool for mobilising an anti-caste agenda and to revive Ambedkar's legacy. In Part VI, several examples have been picked up from the grassroots to highlight the radical constitutionalism of Dalits. In conclusion, Part VII disagrees with the view that the Constitution promoted 'Dalit passivism' and provides reasons why Dalits have showed allegiance to the Indian Constitution.

It is emphasised that this article is not about assessing the performance or effectiveness of the Indian Constitution. Instead, it places the framework of the Indian Constitution in the anti-caste discourse. It covers how Dalits and other marginalised communities utilised the presence of an egalitarian Constitution in modern India, and presents reasons for this utilisation. This phenomenon, which renders Indian Constitution as 'Ambedkar's Constitution' in popular discourse, shows a kind of radicalism, distinct from general constitutional approaches.

<sup>2</sup>Several works just quote the following line by Ambedkar regarding the Indian Constitution (without contextualising it): 'I shall be the first person to burn it out' (2 September, 1953).

## Indian Constitution: A Social Reform Document?

Indian independence brought several contradictions for Dalits and other marginalised communities. Ambedkar announced in his last speech on November 25, 1949 to the Constituent Assembly: 'In politics we will have equality and in social and economic life we will have inequality.' He was referring to social and economic inequalities created by the graded discrimination embedded in the caste system. He was speaking in the capacity of the Chairman of the Drafting Committee, which was entrusted with the task of preparing the Constitution for independent India.

It was because of Ambedkar's consistent efforts that the Constitution ensured universal adult franchise (voting rights), a set of fundamental rights, abolished untouchability, and adopted a system of quota-based affirmative action (reservation) for Dalits and Adivasis (indigenous tribes) in education, services, and legislatures. In Ambedkar's view, 'the right of representation and the right to hold office under the State are the two most important rights that make up citizenship' (Ambedkar, 2019a, p. 256). It was his foresighted view that the right of franchise would provide political education to the lower castes, making them conscious about their own issues and surroundings (Khosla, 2020, p. 10). It was Ambedkar's genius that he got provisions on franchise and representation incorporated into the Constitution, even before the United States legally allowed it in 1964 (Vundru, 2013). He provided a permanency to the core issues of anti-caste discourse, such as security from oppression, dignity, and equal opportunity, by emphasising on these values through the Constitution.

In the Constituent Assembly, Ambedkar was celebrated as the man who 'finally dealt the death blow to [the] custom of untouchability, of which he was himself a victim in his younger days' (speech by Monomohan Das, CAD, November 29, 1948). The constitutional provisions prohibiting discrimination (Article 15(2)) and abolishing untouchability (Article 17) attacked 'the crux of the philosophy of the caste system' (Kannabiran, 2015, p. 165). The provision against untouchability was specifically placed in the chapter on fundamental rights in the Constitution, as in Ambedkar's view, the fundamental rights cannot be articulated without addressing the evil of untouchability (Ambedkar, 2019a, p. 256). It has also been rightly pointed out that the language contained in the constitutional provisions of equality and non-discrimination did not 'emerge out of Ambedkar's imagination, but constituted the culmination of decades of political struggle' (Bhatia, 2016) – from his submissions before Southborough Committee in 1919, to the founding of the *Bahishkrit Hitkarini Sabha* (Society for Welfare of the Ostracized) in 1924, to Mahad Satyagraha in 1927, to the Round Table Conferences in 1930–32, and to his every public action and writing in later years. Ambedkar argued that the liberty of an individual must be protected from 'invasion by other individuals' (Ambedkar, 2019b, p. 409), and therefore demanded active State protection for Dalits.

It must also be noted that Ambedkar's original views on certain important issues differ from the one incorporated in the final Constitution. Had Ambedkar been given a free hand in drafting the entire Constitution on his own, he would have incorporated more safeguards for social and religious minorities. He would have also opted for a different form of parliamentary democracy and the economic system than what we have in the present Constitution. In his 1947 document *States and Minorities*, which he had initially prepared as a draft Constitution before he was chosen to chair the Drafting Committee, Ambedkar wanted to incorporate a democratic socialist form

of economic structure into the Constitution (Ibid, pp. 408–412). He wanted that the text of the Constitution should include ownership of key industries (agricultural land, education, health, and insurance) in the hands of the State – what Thorat calls ‘constitutional socialism’ (2018b, p. xi), i.e. parliamentary democracy with state socialism prescribed in the Constitution. Ambedkar formulated that there is a direct linkage between fundamental rights and economic structures in society and believed that the economy based on private ownership of property would not guarantee the fundamental rights to the marginalised and the unemployed (Thorat, 2018b: p. xvi; Ambedkar, 2019b, pp. 409–412). He was making a case for the enforceable socio-economic rights as well as an onerous burden on the State. In his address, *Communal Deadlock and a Way to Solve It*, in 1945, Ambedkar proposed certain safeguards in representation in cabinet appointments and the executive. His proposal was based on three new principles (Ambedkar, 2019c, pp. 369–373, 368, 376; Thorat, 2018b, p. xvii), namely: the political democracy was to be governed by principle of ‘balanced representation’ (Ambedkar, 2019c, p. 374) – no social/religious group shall hold more than forty per cent of total seats (instead of rule by majority); the principle of faith or confidence in the executive – according to which the executive is to be selected by both majority and minority (in place of formation of executive by majority party alone); and the ‘rule of unanimity’<sup>3</sup> (as applied in the United Nations) for legislative decision-making on communal disputes. This set of proposals suggested reform in the British model of parliamentary democracy to suit the Indian social composition. Both these proposals (*Communal Deadlock* and *States and Minorities*) are in continuance of Ambedkar’s previous assertion, which he had put forth in his classic *Annihilation of Caste* (1936), that ‘political constitution must take note of social organisation’ (Ambedkar, 2019d, p. 42). However, these proposals were not adopted by the Constituent Assembly. Ambedkar was a pragmatist (Maitra, 2012, p. 302), so he defended the text of the final Constitution as it existed in the Constituent Assembly, since it still contained certain progressive provisions. He even threatened to leave his work in the Constituent Assembly if the reservation (quotas) for Dalits was not incorporated into the Constitution (Vundru, 2018, p. 138). Besides the fundamental rights, the directive principles in the Constitution, which reflect unenforceable socio-economic rights, were endorsed by Ambedkar with a belief that ‘whoever captures power ... will have to respect’ them and ‘will certainly have to answer for them before the electorate at election time’ (CAD, November 4, 1948).

Ambedkar’s constitutionalism was, in that way, different from any traditional narrative of liberal constitutionalism which focuses on the structure of the State and basic rights. Entrenchment of special rights for lower castes in the Constitution was one of the strategies, which Ambedkar had adopted in several decades to tackle and dilute the caste system. These provisions changed the language of rights in India. Before the Constitution, Dalits and other marginalised groups were excluded from the mainstream and did not have any of these rights. As historian Anupama Rao (2009) stated, Dalits

<sup>3</sup>Ambedkar argued, ‘... there is another rule, which is also operative in fields where important disputes between individual and nations arise and that rule is a rule of unanimity ... Let him take another illustration that of the League of Nations. What was the rule for decisions in the League of Nations? The rule was a rule of unanimity. It is obvious that if the principle of unanimity was accepted by the Hindus as a rule of decision in the Legislature and in the Executive, there would be no such thing as a Communal Problem in India.’ See Ambedkar, 2019c, p. 376.

'found an important place' in the Indian Constitution (p. 2). Laws protecting Dalits from caste violence and affirmative action/reservation policies transformed the 'legal status' of the Dalits (p. 3). As an effect, the 'once-stigmatized Dalits came to occupy new subject positions' – citizens constitutionally encoded for state protection, and thus 'central to the development of a distinctive democratic order' (Ibid). In this way, the 'anti-caste ethical egalitarianism' of Dalits, as historian Chinnaiah Jangam has noted, made a significant case 'for founding the nation on principles of social equality, economic justice, and human dignity' (2017, pp. 204–205).

It is this constitutional shift which several scholars have emphasised upon. Political scientist Rajeev Bhargava (2008, p. 15) has noted that the Constitution was designed 'to break the shackles of traditional social hierarchies and to usher in a new era of freedom, equality, and justice.' Granville Austin (1999), a celebrated constitutional historian, referred to the Indian Constitution as a 'social document' (p. 63), the provisions of which are aimed at furthering the goals of social revolution (p. xviii). Austin described the main features of the Constitution as 'a modernizing force', which brought, 'into, or closer to, the mainstream of society individuals and groups that would otherwise have remained at society's bottom or at its edges (p. xiii). In his work, Madhav Khosla (2020) has argued that the Constitution was conceptualised as 'a pedagogical tool' and 'an instrument of political education', which aspired to build a new civic culture (p. 22). According to Khosla, 'The codification of rules was one way to liberate Indians from existing forms of thought and understanding' (Ibid). The works of Austin, Bhargava, and Khosla point to the ideal transformative vision of the Indian Constitution.

However, Ambedkar was also aware of the limitations of any constitution. He was conscious of the challenges which the newly envisaged democracy in India could face. As he once remarked: 'Democracy in India is only a top-dressing on an Indian soil, which is essentially undemocratic' (CAD, November 4, 1948). Ambedkar knew that there existed a wide gap between the ideals of the transformative Constitution and social realities. He thus warned, 'however good a constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot' (CAD, November 25, 1949). Political scientist Gopal Guru (2008) added to this scepticism by noting that the Constitution 'does not offer sufficient provisions to turn civil society in the direction of social justice' (p. 239). In his view, the Indian Constitution is 'ill-equipped' to generate a 'moral vocabulary of love, care, and concern' and thus has not 'succeeded in penetrating the upper caste self which has become morally so hardened' (p. 242). He thus concluded that the Indian Constitution 'even with its punitive provisions ... offers a limited promise' (Ibid). Thorat (2018a) pointed out that even though there is 'an improvement in access to civil, political, and economic rights by former untouchables in many spheres,' discrimination has continued a significant scale (p. 256). He added that 'while the positive changes bring former untouchables closer to citizenship status, they remain citizens in the making as the legacy of the past continues' (Ibid). Thorat further stated that the reservation policy in education and public jobs helped reduce the dependence of Dalits on higher castes and brought about some mobility among them, but this has happened on a limited scale (p. 270). Guru and Thorat thus highlighted the lack of reciprocation of the transformative constitutional vision by the so-called upper castes, which is also reflected in the rising number of atrocities against Dalits (The Hindu, 2020).

Though the Constitution provided a new framework, the upper caste social order has not adopted the spirit of the Constitution. Ambedkar had once pointed it out in his classic essay *Ranade, Jinnah, and Gandhi* (Ambedkar, 2019e, p. 222), that the fundamental rights provided by the Constitution ought to be protected by the 'social conscience' of the citizens, because 'if the fundamental rights are opposed by the community, no Law, no Parliament, no Judiciary can guarantee them in the real sense of the word.' Ambedkar was thus anxious about the fate of the Indian Constitution: 'What would happen to her democratic Constitution? Will she be able to maintain it, or will she lose it?' (CAD, November 25, 1949). While declaring the caste-system to be 'anti-national', Ambedkar remarked: 'If we wish to preserve the Constitution ... let us resolve not to be tardy in the recognition of the evils that lie across our path ... nor to be weak in our initiative to remove them' (Ibid). He was thus emphasising upon a responsibility on the citizens and the political class.

Despite its limitations, which Ambedkar acknowledged, the Indian Constitution opened new opportunities for Dalits and other marginalised communities. Let us now see whether the perceived limitations of the Constitution disillusioned Ambedkar and made him speak about burning it.

## Did Ambedkar Want to Burn the Constitution?

Guru has pointed out that several radicals on few 'occasions condemned the Constitution as a bourgeois document' (2008, p. 231). Yengde argued that the 'over-reliance' on the constitutional method 'as a route to Dalit emancipation precludes the call for the total liberation of Dalits' (2019, p. 85). To buttress his point, he referred to one of Ambedkar's statements (seemingly on burning the Constitution), to state that 'the same document [Constitution] that Ambedkar had so laboriously authored, he was now willing to burn to ashes' (p. 80). In addition to this, Yengde noted, 'The burning of a juridical text was not a foreign act for Ambedkar,' as he previously burnt *Manusmriti* (the ancient Hindu caste code) publicly in 1927 (p. 80). Few others have also referred to the said statement of Ambedkar. Keer stated that Ambedkar 'had made the attack [on the Constitution] and volleyed his thunder in a spirit of utter desperation and frustration' (2019, pp. 449–50). Scholar Gail Omvedt (1994) also cited this excerpt to refer to it as Ambedkar's 'disillusionment ... with the promises of progressiveness' and 'moment of rage' (p. 325). In his work on the making of the Indian Constitution, Arvind Elangovan (2014, p. 2) called it 'Ambedkar's public disavowal of the Constitution.' In the words of Elangovan, Ambedkar 'publicly distanced himself from the constitutional document that he helped draft' (Ibid). However, to scrutinise the veracity of this line of argument, the original context and content of Ambedkar's speech must be referred to.

On September 2, 1953, Ambedkar was making his submissions (2019f, p. 851–864) on the Andhra State Bill, which was tabled in the Rajya Sabha (upper house of the Indian Parliament) for the formation of Andhra Pradesh state on the principle of linguistic provinces. He was clearly unhappy with the fact that the Indian Government agreed to form the linguistic state of Andhra only after Potti Sriramalu (a leader demanding linguistic state) sacrificed his life for the sake of creating an Andhra Province.<sup>4</sup> At the same time, he was very critical of the then Home Minister

<sup>4</sup>In his address (September 2, 1953) in the Rajya Sabha, Ambedkar noted: 'And unless and until one honourable gentleman had sacrificed his life for the sake of creating an Andhra Province, the Government did not think it fit to move in the matter. I have no idea and I do not wish to be

K. N. Katju for not making special provisions for ‘granting protection [to minorities, including Dalits as well as linguistic minorities] against tyranny, against oppression, against communalism’ (p. 857) in the proposed Andhra State. Ambedkar suggested that the governor of the state may be given special powers to protect the minorities. This suggestion was contrary to the constitutional principle of ‘aid and advice’ adopted in the Indian Constitution, according to which a governor generally did not have powers of his own and followed the decision of Council of Ministers of the State. Ambedkar’s suggestion was in line of his similar arguments, as stated in the previous section, made in his works, *Communal Deadlock* (1945) and *States and Minorities* (1947), where he made a case for additional special safeguards for minorities. In response, Katju and one other member argued that the existing constitutional provisions were justified by Ambedkar earlier in the Constituent Assembly (Ambedkar, 2019f, pp. 857, 861). It is to justify his own new suggestion that Ambedkar said that he had earlier defended the tradition (of aid and advice) in the Constituent Assembly because the majority of the members had adopted it (p. 860). That was the statesman in him. His (Ibid) quote mentioned this tradition:

‘Now, Sir, we have inherited a tradition. People always keep on saying to me: “Oh, you are the maker of the Constitution.” My answer is I was a hack. What I was asked to do, I did much against my will.’

Ambedkar gave examples from the Canadian Constitution, and British constitutional practices, where there was special protection provided to linguistic minorities. He submitted before the Chairman of the Rajya Sabha that ‘no harm can be done to democracy and to democratic Constitution, if our Constitution was amended and powers similar to those given to the Governor General under [Canadian Constitution] were given to the Governor [in India]’ (p. 861). It is only then there would be a ‘safeguard to certain small linguistic areas or linguistic groups who find that the majority in the State are not doing justice to them’ (Ibid). It was against the argument of not making special provisions for minorities (including Dalits) by the Government that Ambedkar made the rhetorical speech of burning the Constitution, which ought to be quoted fully:

‘It is by placating the sentiments of smaller communities and smaller people who are afraid that the majority may do wrong, that the British Parliament works. Sir, my friends tell me that I have made the Constitution. But I am quite prepared to say that I shall be the first person to burn it out. I do not want it. It does not suit anybody. But, whatever that may be, if our people want to carry on, they must not forget that there are majorities and there are minorities, and they simply cannot ignore the minorities by saying, “Oh, no. To recognise you is to harm democracy.” I should say that the greatest harm will come by injuring the minorities.’ (Ibid, pp. 862–63)

In conclusion of his address, Ambedkar made the submission to the Home Minister to see ‘whether he can find any solution to the problem of linguistic provinces, based on the suggestions that [Ambedkar] made’ (p. 864). It is clear from this discussion

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harsh on the Government; but I am dead certain in my mind that if in any other country a person had to die in order to invoke a principle which had already been accepted, what would have happened to the Government. It is quite possible that the Government might have been lynched. But here nothing has happened’. See Ambedkar, 2019f, pp. 852–853.

that the rhetorical excerpt of Ambedkar's speech was made in a specific context of linguistic states and adopting a provision, which would be different from the already adopted tradition of governors having no power of their own. Even after the said quote, Ambedkar wanted the Home Minister to consider his constitutional proposal. This entire context is not mentioned in any book or article, which cites Ambedkar's rhetorical quote on burning the Constitution. Contrary to these assumptions, Ambedkar was not asking to burn the whole of the Constitution as a matter of principle.

Ambedkar made his position clear in a subsequent discussion (Ibid, pp. 944–961), which happened in Rajya Sabha after two years (March 19, 1955). In a discussion on the Constitution (Fourth Amendment) Bill, 1954, Ambedkar was speaking on the relevance of fundamental rights. He summed up his views on the Constitution as follows:

'If I may say so, and *I say it with a certain amount of pride the Constitution which has been given to this country is a wonderful document.* It has been said so not by myself, but by many people, many other students of the Constitution. It is the simplest and the easiest. Many, many publishers have written to me asking me to write a commentary on the Constitution, promising a good sum. But I have always told them that to write a commentary on this Constitution is to admit that the Constitution is a bad one and an un-understandable one. It is not so. Anyone who can follow English can understand the Constitution. No commentary is necessary.' (Ibid, p. 948) [emphasis added]

To this statement, a fellow Rajya Sabha member, Anup Singh, reminded Ambedkar of his speech to burn the Constitution. Ambedkar responded rhetorically again:

'We built a temple for a god to come in and reside, but before the god could be installed, if the devil had taken possession of it, what else could we do except destroy the temple? We did not intend that it should be occupied by the Asuras (evil). We intended it to be occupied by the devas (good). That is the reason why I said I would rather like to burn it.' (Ibid, p. 949)

When another member, B. K. P. Sinha, passed a remark to 'destroy the devil rather than the temple' (Ibid), Ambedkar initially tried to explain a bit, but pointed it to the Rajya Sabha Chairperson that he was being interrupted from making his submissions on the Constitution Amendment Bill. He clearly said that he was being drawn 'into all sorts of things into which [he did] not wish to enter' (Ibid). He continued with his submissions on 'why the Constitution [esp. fundamental rights] should not be amended and tampered so easily' (p. 954). Thus, Ambedkar himself clarified that he did not want to discuss his previous rhetorical statement.

It is in no way that this entire context could be compared with the burning of *Manusmriti* by Ambedkar, as certain individuals keep 'repeating' (Omvedt, 1994, p. 325). There is no similarity between *Manusmriti* and the Indian Constitution. The *Manusmriti* denied any basic human rights to Dalits, women, and other oppressed, while the Constitution not only provides equal rights, but also includes provisions for their special protection. The *Manusmriti* provided cruel and inhuman punishment for the oppressed, while the Constitution, in the chapter on fundamental rights, criminalises the practice of untouchability against Dalits. Ambedkar (Ibid) recognised the importance of fundamental rights. In the same speech in the Rajya Sabha

(March 19, 1955), Ambedkar was defensive of the fundamental rights enshrined in the Constitution. He noted: ‘Caste system is a sword of political and administrative discrimination. The result was that the fundamental rights became inevitable’ (p. 947). In effect, the Constitution rejected *Manusmriti* in its essence and content, and diluted the caste system.

Furthermore, the entire context shows that Ambedkar’s frustration was with the people entrusted with the responsibility of enforcing the Constitution, and not with the idea of the Constitution itself. He had also previously expressed this sentiment in his letter explaining the reasons for resigning as independent India’s Law Minister in 1951. One of the main reasons was that the Hindu Code Bill, a social reform measure introduced by Ambedkar to provide property inheritance rights for women, was dropped from the Parliament (Ambedkar, 2019g, p. 1325). Expressing his dissatisfaction, Ambedkar noted:

‘To leave inequality between class and class, between sex and sex which is the soul of Hindu Society untouched and to go on passing legislation relating to economic problems is to make a farce of our Constitution and to build a palace on a dung heap.’ (Ibid, p. 1326) [emphasis added]

In his consistent efforts, Ambedkar argued for codification of rights and procedures, as he believed that the people were yet to learn constitutional morality – ‘a paramount reverence for the forms of the Constitution’ (CAD, November 4, 1948). Even in his most radical demands, as reflected in his works *Communal Deadlock* (1945) and *States and Minorities* (1947), Ambedkar wanted a constitutionally encoded solution. His emphasis on the enforcement of the Constitution also reflects the same. Thus, it is not Ambedkar (as few writers have claimed), but the upper castes who have always wanted to attack the Constitution through different means.

## The Counter-Revolution by the Upper Castes

Due to Ambedkar’s struggle and contribution, the Constitution provided a new set of rights for Dalits. The provisions of representation in services and legislatures created new openings to Dalits. Reservation policies allowed Dalits upward economic mobility, and presence in educational institutions, which was earlier considered to be the monopoly and privilege of upper castes (Thorat, 2018a, p. 270). The demand for equality, supported by political mobilisation, generated a powerful conscience among Dalits (Kumar, 2004, p. 1778; Narayan, 2011, p. 69). Later, in the panchayat institutions, the reservation of seats for Dalits and women have changed certain social dynamics and have weakened the grip of the upper castes on political affairs (Dreze, 2020).

It is in all these ways that the Constitution directly challenged the upper caste privilege. Before his death, Ambedkar had proposed to write a detailed treatise with the title *Revolution and Counter Revolution in Ancient India* (Ambedkar, 2019h, p. 149). Ambedkar considered the establishment of democratic principles in the Buddhist era as a revolution. According to him, the counter-revolution pioneered by Brahminical forces resulted into decline and fall of those democratic principles. This history was pointed out by him even in his last address on November 25, 1949 to the Constituent Assembly. If one was to apply that analogy to modern era, then the

adoption of the Constitution of India must be seen as a form of revolution. It is to undo the effects of this modern revolution that upper castes have revolted in the form of a counter-revolution.

The Constitution has faced a consistent line of attack from the time it was being drafted. Various charges were made against the draft Constitution. Ambedkar himself stood up on several occasions to point out the shallowness in these attacks. One main charge against the draft Constitution was that it did not represent the 'ancient polity of India' and that it should have been 'drafted on the ancient Hindu model of a State ... instead of incorporating Western theories' (CAD, November 4, 1948). Ambedkar responded that doing this would have promoted 'a sink of localism, a den of ignorance, narrow-mindedness and communalism' (Ibid), which should not happen. The draft Constitution was also criticised on the ground that it provided special safeguards for the minorities. Ambedkar's conception of minorities was much broader. It included both religious minorities as well as marginalised social groups. According to Ambedkar, the real test for determining whether a social group is minority or not, is social discrimination. (Thorat, 2018b, p. xv). He, therefore, responded 'Speaking for myself, I have no doubt that the Constituent Assembly has done wisely in providing such safeguards for minorities as it has done ... It is for the majority to realise its duty not to discriminate against minorities' (CAD, November 4, 1948). There was also a huge debate on the constitutional provisions providing reservations for Dalits and Adivasis. Several members wanted abolishment of reservations in any form, as they argued that it would dilute efficiency and merit (Bhaskar, 2021). In his capacity as the Chairman of Drafting Committee, Ambedkar rejected all these claims, and stood firmly on the inclusion of reservations in services and legislatures (Ibid; Vundru, 2017, pp. 138–140).

As Jean Dreze (2020) has aptly noted, 'of all the ways upper-caste privilege has been challenged in recent decades, perhaps none is more acutely resented by the upper castes than the system of reservation in education and public employment.' Since reservation was entrenched in the text of the Constitution due to Ambedkar's efforts, the judiciary could not strike it down directly. Instead, a larger narrative was created and promoted against Dalits and Adivasis, where they were declared to be incompetent and inefficient to be a part of services and educational institutions. For a long time, the Supreme Court of India held that reservations dilute efficiency to some extent (*General Manager, Southern Railway v. Rangachari*, AIR 1962 SC 36; *Indra Sawhney v. Union of India*, AIR 1993 SC 477; *M. Nagaraj v. Union of India*, (2006) 8 SCC 212). There was no empirical backing in support of this claim, yet the society at large and the Supreme Court kept on repeating this myth to create caste prejudices against Dalits. Economists Ashwini Deshpande and Thomas E. Weisskopf (2014) have demonstrated through their study that reservations do not dilute efficiency, rather these might enhance efficiency. Another way of weakening the reservation system is the narrative on creamy layer, which has been promoted in recent decades. According to this narrative, only the 'cream' within Dalits, which comprises a distinct group taking away the entire benefit of reservation, and thus should be excluded from benefits. Thorat, Tagade, and Naik (2016), in their study on myths on reservation, show that the beneficiaries of reservation policies have mostly been the economically backward.

Furthermore, the upward economic mobility of the lower caste as a result of reservation and other supportive policies, has met with the rise in atrocities and abuses against Dalits (Thorat, 2018a, pp. 256–60; Berk, 2020, p. 25). While

one may argue that all atrocities are not committed against beneficiaries of reservation in cities, but there is empirical evidence that the rise in atrocities has happened with the upward social mobility of Dalits (Sharma, 2015, pp. 204–226; Berk, 2020, p. 24). In that way, the progress achieved by Dalits as a result of constitutionalism has been responded to by upper castes by way of mythical propaganda and atrocities. Every method has been adopted to discredit the reservation policies. Furthermore, there were once efforts by right wing Bhartiya Janata Party-led government to review the Constitution in 2000 to do away the ‘inability of the Hindutva forces to realize their politically motivated agenda of creating a Hindu nation within the existing constitutional framework’ (Guru, 2008, p. 231). The then Indian President, K. R. Narayanan, who came from Dalit community, publicly opposed any such proposal (Times of India, 2002). The proposal was thereafter changed to review the working of the Constitution, instead of the Constitution itself.

The Indian legal academia also maintains a form of *untouchability* on the issues of caste discrimination and rights of Dalits even within the academic spaces. Most of the scholarly works on the Indian Constitution shy away from discussing Ambedkar as a central figure in constitutionalism, despite his influence during several decades of constitutional reforms (1919–1950). It is only recently that Ambedkar has now resurged in the public sphere (Perrigo, 2020), but credit must be given to the anti-caste movement, which kept the memories of Ambedkar and his contribution to the Constitution alive. The next part deals into this.

## Anti-Caste Constitutionalism

The Constitution does not provide for annihilating caste, but it prohibits discrimination based on caste. While the Constitution may not be implemented on ground in full spirit due to resentment by the upper castes and apathy by the local administration, Dalits have used the appeal of the Indian Constitution to revive Ambedkar’s legacy, claim their own dignity, and assert their identity in the public sphere. Dalits have used the Constitution in radical form, contrary to what scholars perceive.

After Ambedkar’s death in 1956, there was a crisis in the anti-caste movement created due to factionalism within Dalit politicians in Maharashtra. Furthermore, his legacy was being erased by denying him public space. Eleven years after his passing, in 1967, his private papers were initially dumped in an open yard after his wife Dr. Savita Ambedkar was evicted from the rented bungalow of Ambedkar family at Alipur Road, Delhi (Ambedkar, 2016, p. 9). Despite all this, the Dalits have kept alive the powerful memories of their hero (Yusufji, 2017). For them, he has always been ‘*Umneedkar, the one who brings hope*’ (Das, 2010a, p. 21). For instance, it was due to the efforts of Ambedkar’s associate, Bhagwan Das, in collaboration with L. R. Balley of Bheem Patrika Publications (Jalandhar), that a collection of Ambedkar’s speeches on the Constitution and other key issues (such as foreign policy, Brahminism, labour, etc.) was published in 1963. This was the ‘first serious, professional effort to bring out an edition of Ambedkar’s work after his death’ (Das, 2010b, p. 6). It would take another ten years and persistent pressure from the Dalit activists and a court directive, after which the Maharashtra state government constituted a committee in 1978 to collate, edit and issue Ambedkar’s work in the *Babasaheb Ambedkar: Writings and Speeches* volumes that today run to over several thousand pages (Ambedkar, 2016, p. 9). Shoiab

Daniyal (2018), a commentator, has aptly noted, 'Neither the mainstream Left, Centre, nor Right had much space for Ambedkar in their histories.' When the upper caste society and the ruling establishment ignored and belittled Ambedkar after his demise, it was the Dalit movement which forced others to take note of him.

Ambedkar's image as the chief architect of the Constitution was popularised as a part of strategy to revive his legacy and to inculcate a sense of empowerment among Dalits. Social historian Badri Narayan (2014) narrated that Ambedkar's photo was popularised through posters and pamphlets in Maharashtra state and elsewhere (pp. 130–31). He noted:

'After Independence, from 1958 onwards, the Republican Party of India [which Ambedkar had founded] expanded ... With the spread of its political discourse, Ambedkar became a part of the [common Dalit's] collective psyche ... *The image was that [of] a suited and booted, westernized gentleman holding a copy of the Constitution in one hand.* This image appeared to the common Dalits as a symbol of awareness to be achieved through education and their fight for a better future. It also helped them deconstruct the stereotypical notion of Dalits as being oppressed, suppressed and illiterate. [Ambedkar's] photographs were also published on the covers of Dalits' magazines, newspapers, and booklets. This image reached the common and illiterate Dalits; with this when they heard the mythical and eulogizing narratives of him in everyday political talk and occasional speeches, *his image as a savior and the architect of Indian democracy became ingrained in their minds.*' (Ibid, p. 131) (Emphasis added)

The All India Backward and Minority Communities Employees Federation (BAMCEF), an organisation formed by Kanshi Ram in 1978, became a platform 'for large numbers of Dalit public sector employees and civil servants to mobilise' (Daniyal, 2018). The organisation adopted similar initiatives to popularise Ambedkar. After few years, in 1984, when Kanshi Ram, along with leaders such as Mayawati, launched the Bahujan Samaj Party (BSP), and jumped into the political fray in Uttar Pradesh in 1980s, the statues of Ambedkar holding the Constitution began to be installed by Dalit politicians and activists in various places (Ibid). In her speeches, Mayawati credited Ambedkar 'for whatever rights Dalits have in independent India, rights that are enshrined in Ambedkar's handiwork – the Constitution' (Bose, 2012, p. 25). Narayan stated that through Kanshi Ram and Mayawati, Ambedkar's image 'was brought to the Dalits at the grassroots in the region where people knew little about him, unlike in Maharashtra where he was a household name' (Narayan, 2014, p. 131). Sociologist Vivek Kumar (2003) noted that whenever Mayawati became the Chief Minister of Uttar Pradesh, the BSP energised rural Dalits through village development programmes, known as 'Ambedkar Village Scheme' (p. 3870). Ambedkar further became a 'powerful symbol' to radicalize Dalits about the importance of education (Narayan, 2011, p. 78) – the person with influential degrees from foreign universities, and one who played a major role in the drafting of the Indian Constitution. BSP also popularised the political slogan such as '*Vote se lenge CM aur PM, Aarakshan se lenge SP aur DM*' (We will vote to take positions as Chief Minister and Prime Minister, and use reservation (quota/affirmative action policy) to occupy the posts of police superintendents and district magistrates) (Narayan, 2011, p. 100; Mandal, 2019b). The equal voting rights and reservation provided by the Constitution were thus made

part of the political appeal. The educated, middle class Dalits also disseminated information about social issues and icons such as Ambedkar, at the grassroots through small and cheap booklets (Narayan, 2011, pp. 71, 73, 100). Narayan noted: 'Even the illiterate Dalits become aware of the contents of the booklets merely by listening to conversations of their educated brethren. This in turn helped to create a Dalit socio-political and socio-economic awakening' (Ibid, p. 71). Writers and artists engaged in this socio-political activism can be found in different parts of the country (Ibid, pp. 74–76; Ravikumar, 2020; Khurana, 2016; Gauthaman, 2021, p. 46).

The innumerable statues and photos of Ambedkar holding the Constitution, which were installed in different parts of the country, had a deep effect. Ambedkar had once called Indian villages as '[den] of localism ... and communalism' (CAD, November 4, 1948), where the upper castes called every shot. In such places, when Dalits started installing Ambedkar with Constitution statues (Belli, 2014, p. 90), it was a kind of radical assertion of claiming social space. The Constitution of independent India was the biggest achievement which they could have highlighted for their icon. Taking pride over Ambedkar and the Constitution became a method of asserting self-identity and claiming dignity in village spaces.

Thus, until the 1990s, it was the Dalit movement which popularised Ambedkar as the chief architect of the Indian Constitution (Perrigo, 2020). Ambedkar's star came to rise in 1990 when he was conferred with Bharat Ratna during the tenure of Prime Minister Vishwanath Pratap (V. P.) Singh. At that time, Dalit politics, canvassing around the image of Ambedkar, was on rise due to efforts of Kanshi Ram and Mayawati (Narayan, 2014). Ambedkar's portrait was also installed in the Parliament during V. P. Singh's tenure, which was forty years after the adoption of the Constitution. Since then, Ambedkar has been emerging in various discourses. A suggestive example can be seen in the number of times 'Ambedkar' was mentioned in the Supreme Court judgments. A simple search of 'Ambedkar' on legal search engine, *Manupatra*, shows 233 Supreme Court judgments. Out of 233, there were only 30 judgments which referred to Ambedkar before 1990, which means that 'Ambedkar' appeared 86 per cent times after he was conferred with Bharat Ratna in 1990.<sup>5</sup> Even in movies, references to Ambedkar's photographs started to appear after the 1980s (Shinde, 2020). This changed approach is the result of the constitutionalism of Dalits.

This kind of assertion was again challenged by the upper castes. A narrative was started that Ambedkar had no role to play in the framing of the Constitution. Arun Shourie, a right-wing ideologue, wrote a long book titled *Worshipping False Gods* (1997) based on selective quoting and preconceived biases to label Ambedkar as selfish, opportunist, and an anti-national. Another narrative was that Ambedkar had only copied from constitutions of other countries (Bhaskar, 2020a). The fact that a Dalit has been popularly regarded as 'the father of the Indian Constitution' or appreciated for drafting the supreme law of the land is difficult for the casteist people to digest. Therefore, consistent remarks have been made either to denigrate the originality and credentials of the Constitution or to deprive Ambedkar of credit. To such backlash, the Dalit movement made efforts to safeguard Ambedkar's legacy by providing a form of permanency in popular culture. For example, during all her tenures (1995, 1997, 2002–03, and 2007–12) as Chief Minister, Mayawati undertook a tremendous drive to construct memorials reflecting Dalit icons and history. Ambedkar appears in most of these memorials (Sinha and Kant, 2015; Belli, 2014). This contains a psychological

<sup>5</sup>The search on *Manupatra.com* was done on January 15, 2021.

effect: 'The statues of Dalit local heroes, saints, social reformers, Ambedkar, and Buddha are described as creating a new visual and oral sphere of memories that together with commemorative rituals are a cultural resource for arousing political consciousness among Dalits' (Sinha and Kant, 2015, p. 46). The Dalit movement and political power thus used social spaces to give a permanency to Ambedkar's legacy. In using architecture in an urban space like Lucknow city, Mayawati gave a 'presence in time and space' to Ambedkar and the Constitution's image (Belli, 2014, p. 86).

In the context of the United States Congress declaring Dr. Martin Luther King Jr.'s birthday as a major holiday, Nussbaum (2015, p. 132) noted that when the American leaders all over the country participate in its celebration, they are not only backing the 'existing constitutional norms' (such as racial equality), but are also encouraging 'more general emotional attitudes that lie behind these norms and helping the norms to achieve greater firmness.' Similarly, by celebrating Ambedkar and the Constitution, the anti-caste movement has reinforced the constitutional vision of equality, as well as contributed to making those values firm. While the Indian Constitution could not end casteism, it became a tool for the marginalised communities to further their agenda. It became a symbolic tool against upper-caste society, which did not provide space in any form to their past. However, the upper castes continue to vandalise Ambedkar's statues in villages to attack assertion and dignity of Dalits (Neelambaran, 2019).

## Mobilising around Constitution for Social Justice

After independence, there have been several laws to protect Dalits from caste atrocities and to provide them with dignity. Guru (2008, p. 237) stated that 'it is not the ethical insight of the state that has led it to take the lead in legal prohibition of scavenging and atrocities.' Rather, it has been 'Dalit assertion for self-respect in certain parts of the country,' which has forced 'the central and state governments to implement these constitutional provisions in order to ensure cultural justice to the untouchables' (Ibid). The policies made in favour of Dalits and Adivasis have been won by them after constant struggle and sacrifice. Guru added that 'through their constitutional struggles, they would like to assert and prove that they must not be reduced to the level of animals' and have equal comparative worth in society. There have not been many studies which highlight or share the analysis done by Guru. Rohit De, a constitutional historian and author of *A People's Constitution* (2018, p. 274), noted that the literature on constitutionalism by Dalits remains sparse.

To fill this academic gap, three main examples in recent years can be used to highlight how the Dalits have mobilised in the name of Constitution to advance a social justice agenda. The first example covers the work done by human rights organisations on a mass level. Faizan Siddiqui (2020) wrote his PhD thesis on the 'socio-legal mobilization by Dalits in Gujarat for the implementation of land reform laws' (p. 2). In his study, Siddiqui has explored and analysed the work done by Navsarjan Trust, a grassroot organisation, which had prioritised the organisation of legal education workshops as part of mobilisation strategy. He narrated that in the workshops held in villages, Navsarjan trainers spoke about 'Bhimrao Ambedkar's normative emphasis on equality as a fundamental social norm, the reflection of this principle in the Constitution, and the various provisions in the Constitution meant to safeguard Dalits from oppression and exploitation from the upper castes' (Ibid, pp. 15–16). Dalits were told that 'if they respected Babasaheb (as Ambedkar is fondly referred to), they had to

fight for what he gave them [rights, land]' (p. 16). The invocation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989<sup>6</sup> (SC/ST Act) on several occasions, with the help of Navsarjan team, against upper castes 'who treated Dalits unfairly or did not give them their land' instilled a form of fear among upper castes in the area (p. 20). Siddiqui thus pointed that the example from grassroots in Gujarat shows that:

The Indian Constitution – the expressive norms that are enshrined in it, the laws that must constantly be subject to these norms and the public ethic(s) that logically flow from it – serve as important opportunity structures that can empower and legitimize the struggles of marginalized and discriminated groups in their protean struggles for equality and economic development. (p. 8)

Another Dalit rights organisation, the National Commission for Dalit Human Rights (NCDHR), through its wing National Dalit Mission for Justice (NDMJ), has intervened in several atrocity cases against Dalits. The victims/survivors are supported in terms of legal aid, psychological support, and rehabilitation. The activists make efforts to 'pressurize and influence the institutions to implement their mandated constitutional roles for the protection and promotion of Dalits and Adivasis' (NDMJ, 2020). The accomplishments of Navsarjan and NCDHR highlight that the broader values of the Constitution when popularised among Dalits, led to their mobilisation, and further provided them with legal tools which they used to claim back their land.

The second example is related to protests organised by Dalits against the dilution of SC/ST Act by the Supreme Court. In 2018, a two-judge Bench, in the case of *Subhash Kashinath Mahajan v. State of Maharashtra* ((2018) 6 SCC 454), diluted the Act by introducing certain prerequisites on the application of the Act. The judges endorsed the view that SC/ST Act is being misused to often file fake cases, and therefore its effect needs to be neutralised. The judges were just reacting on a 'misconception' built up against the Act (Khora, 2016 & 2018; Teltumbde, 2018; Nawsagaray, 2018). In reality, the conviction rate under the Act has been quite low (Bhaskar, 2018), thus suggesting that it is actually not being enforced on the ground. The judgment created uproar among Dalits, who took to streets against the verdict (Deka, 2018). The Union government was compelled to file a review before the court as well as introduce an amendment to undo the effect of the Act (Live Law, 2019). The Dalits mobilised to protect their constitutional right of protection from oppression. They saw it as an attack on Ambedkar's Constitution. The judge who had authored this judgment attempted to justify (The Indian Express, 2018) his approach by comparing the working of SC/ST Act with excesses committed during the Emergency (1975–77), when fundamental rights were suspended. But later, the Supreme Court recalled this judgment and upheld the validity of the amendment (Rajagopal, 2020). It was the effect of the mobilisation of the Dalits around the Constitution that the Supreme Court was forced to correct its stand.

The third example is from the politics of Chandrashekhar Azad, an emerging leader from Dalit community, who is focusing on using the appeal of the egalitarian Constitution to mobilise people. In his public appearances, Azad comes with a

<sup>6</sup>Scheduled Castes is an administrative categorization used to refer to the ex-untouchable castes, now popularly called 'Dalits'. Scheduled Tribes is an administrative categorization to refer to 'Adivasis' (indigenous tribes).

portrait of Ambedkar and a copy of the Constitution (The Indian Express, 2019). His organisation, Bhim Army, prides itself in the Constitution to cultivate among Dalits and minorities 'a political passion to pursue rights and literacy like Ambedkar envisioned in the Constitution' (Sharma, 2019). This reflects an emerging brand of anti-caste politics with symbolisms and gestures of 'Ambedkar's Constitution' occupying public spaces, thus defying many 'caste dictums' (Samos, 2020). Azad seems to be following the aggressive strategy which Kanshi Ram and Mayawati had adopted in 1980s–1990s.

All these examples demonstrate that Dalits have consistently associated with their 'Babasaheb's Constitution'. Even though it might not be a perfect Constitution, and someone may argue that it does not provide immediate relief, Dalits used it as a language to mobilise in so many radical ways, as discussed in this article. In the current era, when there are attacks on democratic institutions and dissent by ever-strong right-wing ideology, 'Ambedkar' and 'Constitution' have become the language of dissent and of social and political participation (Shinde, 2019; Bhaskar, 2020b, p. 25). This language has even been adopted by the leftist political factions, who once used to be critical of the appeal of the Constitution (Guru, 2008, p. 231).

## Conclusion

While it can be agreed that the Indian Constitution has not been able to generate a feeling of mutual respect in the upper castes for others, yet it has been radically used by Dalits as a tool to reclaim their dignity and mobilise to protect their rights. It gives an endorsement to their demands and struggle, which upper castes have been trying to discredit. At the same time, this article shows that attributing the authorship of the Constitution in popular culture has been a strategy of Dalit movement to revive the legacy of Ambedkar. Until 1990s, it was only the Dalit movement which was focused on celebrating Ambedkar's intellectual authorship of the Constitution. Dalits have taken pride in the Constitution not only because their beloved Ambedkar played a crucial role in its framing, but also because of its egalitarian promises. It is also the legitimising appeal of the Constitution, which has been crucial for them to claim public spaces. It is for this reason that they have not accepted in popular discourse any misrepresentation of Ambedkar's rhetorical speech on burning the Constitution. They have taken pride in the Constitution to reclaim constitutionalism from the elites as well as conservative judges. Their Constitution is very different from the conception of the elites. Furthermore, contrary to both approaches (pro-constitutional and critical) mentioned in the beginning, Dalits have not used constitutionalism as a politics of restraint or passivism. Rather, it has been for a radical anti-caste politics of claiming space and dignity. Scholars can focus on other broader issues of social justice, even without rejecting the contribution of constitutionalism of Dalits.

It is because of Dalit pride in the Constitution that the upper castes have been trying to discredit both the Constitution and Ambedkar's authorship to it. Since that could not happen, the upper castes have now started claiming that Ambedkar was a 'Brahmin'. For example, on a public platform in 2020, Rajendra Trivedi (a Brahmin), the Speaker of Gujarat State Assembly, claimed that the draft of the Indian Constitution was prepared by a Brahmin, and that he has 'no hesitation' in calling Ambedkar 'a Brahmin' (Ghanghar, 2020). There have been several recent efforts to misappropriate Ambedkar within the right-wing ideological politics (Pol, 2020). This inability of the

brahminical castes to accept a Dalit's role in framing the Indian Constitution and its popular appeal only reflects that 'Ambedkar's Constitution' has evolved as a supportive document for the anti-caste movement. It has become a sociological phenomenon, which cannot be dismissed.

The Indian Constitution, therefore, can be referred as 'Ambedkar's Constitution' not only because of Ambedkar's significant contribution, but also because of its egalitarianism principles, and the aspirations for change, which it has generated among one of the most marginalised social groups in the world. Finally, Ambedkar had warned that it is 'perfectly possible to pervert the Constitution ... by merely changing the form of the administration and to make it inconsistent and opposed to the spirit of the Constitution' (CAD, November 4, 1948). Any ruling class or castes may pervert the working of the Constitution, in the name of proclaiming Ambedkar. The constitutionalism asserted by Dalits cannot progress without keeping in mind this warning of Ambedkar. It must defend what 'Ambedkar's Constitution' stands for.

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