

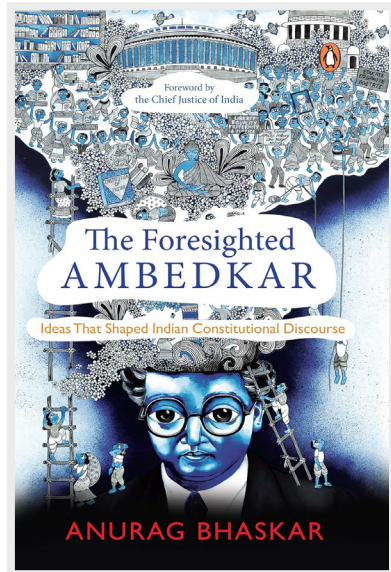
‘The Foresighted Ambedkar: Ideas That Shaped Indian Constitutional Discourse’

Author: *Anurag Bhaskar*

Publisher: *Penguin Random House India*

Year: 2024

Reviewer: *Shubham Kumar¹*



Introduction

Dr. B.R. Ambedkar is popularly celebrated for his role in drafting the Indian Constitution. His commitment to the annihilation of caste, his advocacy for social justice, and his tireless work for the inclusion of the oppressed communities into the social and political fabric of India, laid the foundations for the egalitarian principles of modern India (Thorat & Kumar, 2009).

However, only a handful of scholarly work dealt with exploring Ambedkar’s contributions in the framing of the Indian Constitution. These include Raosaheb Kasbe’s Marathi book *Dr. Ambedkar Ani Bhartiya Rajyaghatana*, translated in English as *Dr. Ambedkar and the Indian Constitution* (Kasbe, 2016) and DC Ahir’s *Dr. Ambedkar and the Indian Constitution* (Ahir, 1997). These works focus on the Constituent Assembly Debates to highlight Ambedkar’s key role in the framing of the Constitution. In *The Foresighted Ambedkar*, Anurag Bhaskar extends this exploration to a broader historical context, highlighting Ambedkar’s influence not only during the Constituent Assembly (1946-50) but also in the preceding three decades. Bhaskar argues that understanding the constitution-making process should encompass negotiations dating back to 1919, illustrating how Ambedkar shaped key moments leading up to setting up of the Assembly.

Bhaskar also provides a detailed examination of several critical historical events that previous works have not discussed, such as Ambedkar’s role in the framing of the Government of India Act 1935, his constitutional arguments against possible secession from India by the erstwhile princely states, among other topics. The book

¹Advocate, Supreme Court of India
Email: kumarshubham2309@gmail.com

also demolishes several myths spread against Dr. Ambedkar, such as that he wanted to burn the Constitution, or that he wanted *quotas* in jobs and education to end after a period of ten years. In other words, Bhaskar offers an in-depth and meticulously researched exploration of Ambedkar's constitutional philosophy, situating his contributions within a broader, multidimensional framework that intertwines global constitutionalism, the struggles of anti-caste movements, and the ever-evolving discourses on rights, justice, and governance. Bhaskar's work thus provides readers with a comprehensive understanding of Ambedkar's vision for a democratic society rooted in the principles of social justice and substantive equality, a vision that continues to resonate in contemporary debates on democracy and governance.

Constitutional Evolution and Ambedkar's Radical Engagement

At the outset, the book traces Ambedkar's early rise, positioning his socio-political development within the context of colonial India's deeply entrenched caste system. Ambedkar's journey was marked by his education and exposure to liberal democratic ideals, human rights discourses, and social reform movements, which profoundly shaped his perspectives on how to address the deeply discriminatory and hierarchical structures of Indian society (Omvedt, 1994). His formative years were spent grappling with the reality of being born into an 'untouchable' caste, and yet, his academic achievements, notably his education at Columbia University and the London School of Economics, and his wide reading of global history, provided him with the intellectual tools to envisage a radically different future for India. In this initial section, Bhaskar meticulously charts Ambedkar's rise from a personal and symbolic subaltern trajectory, marking him as a representative figure challenging hegemonic social structures through constitutional means.

Following this, the book delves into the constitutional discourse that predated Ambedkar's involvement and its evolution during and after his interventions. Bhaskar carefully situates Ambedkar's work in the context of colonial constitutional reforms, such as the Government of India Acts, which while laying the groundwork for limited self-rule, remained exclusionary, particularly toward oppressed castes (B. Ambedkar, 2014). Ambedkar's engagement with constitutionalism, therefore, represented both a continuation of and a radical departure from prior constitutional discussions. While colonial constitutional reforms sought to preserve the interests of the ruling elites, Ambedkar infused his constitutional philosophy with a strong egalitarian ethos, anchored in social justice and the need to dismantle caste-based oppression (Bhaskar, 2021). Through this analysis, Bhaskar highlights how Ambedkar's vision for India's future was rooted in the recognition that the country's social hierarchies could only be effectively challenged through the creation of a just and inclusive legal and political system.

A significant portion of Bhaskar's work is dedicated to exploring Ambedkar's ideas on popular government and citizenship, which form the crux of his democratic vision. For Ambedkar, democracy was never a matter of mere procedural formalities,

such as elections and majority rule, but was fundamentally concerned with the material realization of social and economic justice. Democracy, in Ambedkar's view, had to be substantive—concerned not only with the protection of individual political rights but also with the redistribution of resources and opportunities in ways that would enable marginalized communities to participate fully and equally in the political process (B.R. Ambedkar, 2010). Bhaskar draws extensively from Ambedkar's speeches, writings, and debates within the Constituent Assembly to critically examine how Ambedkar's insistence on the link between political democracy and economic justice was instrumental to his broader constitutional vision.

Ambedkar firmly rejected the notion that democracy should be limited to the understanding of numerical majorities and electoral outcomes. Instead, his conception of democracy was rooted in the recognition that India's deeply hierarchical social structure necessitated constitutional mechanisms that would protect the rights of minority groups, particularly Dalits and other oppressed castes (Nussbaum, 2016). Bhaskar's analysis of this aspect of Ambedkar's thought is particularly illuminating, as it highlights how Ambedkar sought to create a constitutional framework that would transcend the formal legal equality of citizenship and instead actively protect the rights of marginalized communities through institutional safeguards. This section offers a thorough analysis of Ambedkar's efforts to create a substantive democracy, one that was not only formally democratic but also rooted in the principles of social justice, inclusion, and equality.

One of the most significant contributions that Ambedkar made to modern constitutional thought is his pioneering work in shaping the language and framework of rights within the Indian Constitution. Bhaskar devotes considerable attention to analyzing Ambedkar's role in drafting key provisions that not only guaranteed civil and political rights but also extended the scope of constitutional protections to include socio-economic rights. Ambedkar's vision of rights was far-reaching and transformative, moving beyond the narrow confines of the liberal tradition's focus on individual liberties to include a broader commitment to collective justice, especially for historically marginalized and oppressed communities.

Ambedkar's innovative approach to constitutional rights is vividly illustrated in Bhaskar's discussion of his efforts to intertwine personal freedoms with social justice. For Ambedkar, political democracy could not exist in isolation from social and economic democracy. He believed that the protection of civil liberties had to be accompanied by measures to ensure the equitable distribution of resources and opportunities (Austin, 1999). This section of the book delves deeply into Ambedkar's advocacy for affirmative action provisions—such as reservations in education and employment for Scheduled Castes and Scheduled Tribes—as essential tools for dismantling caste-based discrimination. In this regard, a crucial aspect of Ambedkar's constitutional vision, as Bhaskar underscores, is his incisive critique of the historical privileges conferred upon dominant castes. Ambedkar's advocacy for affirmative action policies, aimed at supporting oppressed castes, was grounded in his understanding of justice as both distributive and compensatory (Bhaskar, 2021).

Bhaskar's analysis of Ambedkar's approach to affirmative action is particularly thought-provoking, as he examines how Ambedkar rejected the system of generation privilege and hegemony over institutions, that disproportionately benefited dominant castes, and instead articulated a vision of justice that recognized the need for remedial measures to address historical injustices and systemic inequalities. By juxtaposing the privileges of dominant castes with his advocacy for affirmative action, Bhaskar reveals the sophisticated nature of Ambedkar's constitutional thought, which sought to strike a balance between individual rights and the need for collective social justice.

Through a close reading of Ambedkar's speeches, writings, and debates during the drafting of the Constitution, Bhaskar illustrates how Ambedkar's work on rights extended beyond merely protecting individuals from state interference. Instead, Ambedkar sought to create a constitutional framework that would actively address the socio-economic disparities that had historically disadvantaged marginalized communities (Austin, 1999). Bhaskar's analysis of this aspect of Ambedkar's work reveals how he envisioned the Indian Constitution as a living document, one that would evolve to meet the changing needs of Indian society. Ambedkar's efforts to weave together individual liberties with the imperative of collective justice, Bhaskar argues, remain a "cornerstone"—borrowing the term from Granville Austin—of India's constitutional ethos, establishing a foundation for a more inclusive and equitable society.

The book also explores key episodes in Ambedkar's political career, such as the Mahad Satyagraha, which Bhaskar describes as a crucial moment in Ambedkar's legal and constitutional thought. Ambedkar's struggle for the basic right to access public water sources became symbolic of a broader assertion of equality and human dignity (Jangam, 2017). Bhaskar examines the Mahad Satyagraha as both an act of resistance against oppressive social structures and as a formative moment in Ambedkar's evolving ideas on constitutionalism and social justice. Labelling this episode as the "First Walk to Freedom," Bhaskar situates it within Ambedkar's larger legal and political philosophy, revealing how such acts of civil disobedience informed his later work on the Indian Constitution.

One of Ambedkar's most radical contributions to India's constitutional framework, as Bhaskar highlights, was his advocacy for universal adult franchise. At a time when widespread illiteracy and deeply rooted hierarchical divisions pervaded Indian society, Ambedkar's insistence on equal voting rights for all citizens, regardless of caste or class, was both revolutionary and forward-thinking. Bhaskar provides a nuanced examination of the socio-political milieu in which Ambedkar articulated his arguments for universal suffrage, emphasizing the radical nature of this proposal in a context where political participation had been historically restricted to the privileged classes (Bhaskar, 2021). For Ambedkar, universal suffrage was not merely a procedural mechanism for expanding political participation; it was a fundamental pillar of his vision for a truly democratic India. By championing equal voting rights, Ambedkar sought to empower the disenfranchised and ensure that the voices of the marginalized, especially those from oppressed castes, would be heard in the political arena (Nussbaum, 2016). Bhaskar traces the enduring impact of Ambedkar's advocacy

on democratic participation in India, underscoring how his push for universal adult franchise continues to shape the struggle for equality and representation in contemporary Indian society.

In addition to his focus on constitutional rights and justice, Bhaskar devotes significant attention to Ambedkar's ideas on the structure and functioning of government. Ambedkar's commitment to a system of checks and balances, his emphasis on the need for an independent judiciary, and his insistence on federalism as a means of addressing India's diverse social and linguistic landscape are all carefully examined in the book. Bhaskar draws on Ambedkar's contributions to key debates in the Constituent Assembly to illustrate how his approach to the structure of government was informed by both his deep understanding of constitutional theory and his pragmatic awareness of the unique challenges posed by India's social and political realities.

Bhaskar's examination of Ambedkar's constitutional philosophy also touches on his views regarding the relationship between law and social change. For Ambedkar, the Constitution was not a static document but a living one that should evolve to meet the changing needs of society (B.R. Ambedkar, 2010). Bhaskar highlights Ambedkar's recognition that legal reforms, while necessary, were not sufficient in themselves to achieve social justice. Ambedkar understood that deep-seated social structures, particularly the caste system, required more than just legal solutions; they needed sustained social and political efforts to dismantle. Nonetheless, Ambedkar saw the Constitution as a powerful tool for initiating and supporting social change (Austin, 1999). By establishing legal principles of equality and justice, the Constitution could serve as a foundation for broader social reforms aimed at eradicating caste-based discrimination and ensuring the inclusion of marginalized communities in all aspects of Indian life.

In this context, Bhaskar examines Ambedkar's views on the limits of constitutionalism in effecting social transformation. While Ambedkar was a staunch advocate of using constitutional means to achieve social justice, he was also acutely aware of the potential for laws to be subverted by entrenched interests. Bhaskar draws on Ambedkar's writings and speeches to illustrate his concerns about the possibility that the Constitution's egalitarian principles could be undermined by dominant social groups who sought to preserve their privileges. Ambedkar's insistence on the need for continuous vigilance in protecting the rights of marginalized communities is a recurring theme in Bhaskar's analysis, underscoring his belief that constitutional democracy required active participation and engagement by all citizens to ensure that the principles of justice and equality were upheld.

Relevance of Ambedkar's Vision in Contemporary Debates

The book also delves into Ambedkar's critical reflections on the challenges of implementing constitutional ideals in practice. Bhaskar explores Ambedkar's observations on the gap between the lofty principles of the Constitution and the reality of social and political life in post-independence India. Ambedkar was deeply concerned that without meaningful social and economic reforms, the Constitution's

promises of equality and justice would remain unfulfilled (Austin, 1999). Bhaskar's analysis of this aspect of Ambedkar's thought reveals his pragmatic understanding of the limitations of constitutional law in addressing deeply ingrained social inequalities. Ambedkar's emphasis on the need for continuous social and economic reform as a complement to constitutional change is a central theme of the book, offering readers a comprehensive view of his broader vision for social transformation.

In the final sections of the book, Bhaskar turns to a discussion of Ambedkar's legacy and its relevance to contemporary constitutional debates in India. Ambedkar's foresight in addressing issues such as caste-based discrimination, the protection of minority rights, and the need for social and economic justice continues to resonate in modern constitutional jurisprudence. Bhaskar provides a detailed examination of how Ambedkar's ideas have influenced key judicial decisions in India, particularly those related to affirmative action, the right to education, and the protection of minority rights (*Indra Sawhney vs Union of India and Others, n.d.*). By tracing the enduring impact of Ambedkar's constitutional philosophy on contemporary legal and political discourses, Bhaskar demonstrates the ongoing relevance of his thought in shaping India's democratic institutions and legal frameworks.

Bhaskar notably argues that while Ambedkar's constitutional vision laid the groundwork for legal protections and affirmative action policies, much work remains to be done in realizing the full promise of social justice. In this context, Bhaskar's discussion of Ambedkar's legacy serves as both a reminder of the transformative potential of constitutionalism and a call to action for those who continue to fight for a more just and inclusive society.

The final chapter of the book critically engages with the ongoing discourse regarding the so-called ten-year limit on reservations, effectively dismantling the notion that such measures should be restricted to a predefined period. Ambedkar argued that the historical and deeply entrenched context of oppression required a more flexible and adaptive approach to affirmative action—one that is responsive to the changing socio-political landscape rather than constrained by arbitrary deadlines (Bhaskar, 2022).

Another positive aspect of the book is that it is written in simple language, devoid of any jargons or verbose content. Such writing style makes it easier for a non-legal reader to engage with the content of the book. The book undisputedly establishes Dr. Ambedkar as a leading figure who shaped India's constitutional trajectory.

As the author himself noted, the book is about Indian constitutional history. In narrating the contributions, Bhaskar builds on the scholarship on various facets of Ambedkar's philosophy. For instance, he quoted Shailaja Paik (2022), whose work on Ambedkar's perspectives on gender and its intersection with caste offers insight into his wider social philosophy. In expanding the scholarship on Ambedkar, Bhaskar reveals how his vision of equality extended beyond the boundaries of caste to encompass a more comprehensive approach to human dignity and equity (Kumar & Preet, 2020). Reading Bhaskar's book along with the previous scholarship on his engagement with Buddhist principles, Western philosophical traditions, or Indian intellectual discourses would expand the reader's understanding of his conceptions

of justice and democracy. Such an examination would not only deepen the reader's grasp of Ambedkar's philosophical lineage but also emphasize the moral and ethical dimensions of his approach to law, governance, and human rights.

Bhaskar ends his book reflecting on the unfinished legacy of Ambedkar. Another interesting project which the author could take is an exploration of Ambedkar's representation in popular culture, literature, and art, showcasing the cultural dimensions of his legacy beyond legal and political frameworks (Jangam, 2017). This would highlight how Ambedkar's ideas resonate across various media, underscoring their impact on Indian society as a whole. Such a perspective would add a richer, multidimensional view of Ambedkar's influence, illustrating how his thought has permeated and shaped not only legal and political landscapes but also cultural and social consciousness in modern India.

The Foresighted Ambedkar by Anurag Bhaskar is a comprehensive and insightful exploration of Ambedkar's constitutional philosophy and its enduring impact on Indian democracy. Bhaskar's work stands as a testament to Ambedkar's foresight in addressing the deep-rooted social and political challenges facing India, and it serves as an important resource for scholars, students, and anyone interested in understanding the foundational principles of India's constitutional democracy.

References

- Ahir, D. (1997). *Dr. Ambedkar and Indian Constitution* (2nd ed.). Low Price Publication.
- Ambedkar, B. (2014). *Dr. Babasaheb Ambedkar: Writings and Speeches, vols 1–17*. Mumbai: Education Department of the Government of Maharashtra.
- Ambedkar, B.R. (2010). *The essential writings of B. R. Ambedkar* (V. Rodrigues, Ed.; 8. impr). Oxford University Press.
- Austin, G. (1999). *The Indian Constitution: Cornerstone of a nation*. Oxford University Press.
- Bhaskar, A. (2021). "Ambedkar's Constitution": A Radical Phenomenon in Anti-Caste Discourse? *Caste*, 2(1), 109–131. <https://doi.org/10.26812/caste.v2i1.282>
- Bhaskar, A. (2022). The Myth of the Ten-Year Limit on Reservations and Dr Ambedkar's Stance. *Contemporary Voice of Dalit*, 2455328X221101674. <https://doi.org/10.1177/2455328X221101674>
- Indra Sawhney vs Union Of India and Others, 1993 AIR 477 (Supreme Court of India).
- Jangam, C. (2017). *Dalits and the making of modern India* (First edition). Oxford University Press.
- Kasbe, R. (2016). *Dr. Ambedkar and the Indian Constitution*. Sanay Publication.
- Kumar, S., & Preet, P. (2020). Manual Scavenging: Women Face Double Discrimination as Caste and Gender Inequalities Converge. *Economic and Political Weekly*, 55(26–27). <https://www.epw.in/engage/article/manual-scavenging-women-face-double-discrimination-caste-gender>
- Nussbaum, M.C. (2016). Ambedkar's constitution: Promoting inclusion, opposing majority tyranny. In T. Ginsburg & A. Huq (Eds.), *Assessing Constitutional Performance* (1st ed., pp. 295–336). Cambridge University Press. <https://doi.org/10.1017/CBO9781316651018.011>
- Omvedt, G. (1994). *Dalits and the democratic revolution: Dr. Ambedkar and the Dalit movement in colonial India*. Sage Publications.
- Thorat, S., & Kumar, N. (2009). *B.R. Ambedkar: Perspectives on Social Exclusion and Inclusive Policies*. Oxford University Press. <https://books.google.co.in/books?id=95hLPwAACAAJ>