

**CONTRIBUTION OF DR.B.R.AMBEDKAR ON HUMAN RIGHTS AND HUMAN DIGNITY - A REVIEW****Dr. N. SANTOSH RANGANATH<sup>1</sup> and Dr. M. CHINA SUBBA RAO<sup>2</sup>****1. Assistant Professor and Course Coordinator, Department of Commerce and Management Studies****Dr.B.R.Ambedkar University, Srikakulam****2. Assistant Professor, Department of Commerce and Management Studies****Dr.B.R.Ambedkar University. Srikakulam****Abstract:** 'Everyone has the right to life, liberty and the security of person.'

The right to live with human dignity is one of the fundamental rights guaranteed under Article 21 in the Indian Constitution. It means that every person has the inalienable right to live with dignified life without discrimination. They are entitled to claim equal respect from the state as well as from other persons. The human rights and his thoughts on pertinent issues are debatable in global academics. His human rights perspectives can be found in many incidences. Therefore, this paper is to study the perspective of Dr.B.R.Ambedkar on human rights and human dignity. Dr.B.R.Ambedkar was a crusader of human rights and it is proved from his work on human rights including the drafting of the Indian Constitution which is the first codified document of human rights in India in which rights of every human being is protected. The present paper will lay out how several violations of the body, reputation and equality have been understood and brought under the purview of the right to life and the right to live with dignity.

**Keywords:** Human Rights, UDHR, Right to Equality, Social Democracy and Gender Equality**Introduction**

Human rights are above all the rights and these are inalienable rights of every human being. The codification of these rights has been started after the UN Charter in 1945. The Universal Declaration of Human Rights, 1948 is the first codified document. The role of Dr.B.R.Ambedkar in the protection of human rights is neglected or not much explored area of study. The right to life is undoubtedly the most fundamental of all rights. All other rights add quality to the life in question and depend on the pre-existence of life itself for their operation. As human rights can only attach to living beings, one might expect the right to life itself to be in some sense primary since none of the other rights would have any value or utility without it. There would have been no Fundamental Rights worth mentioning if Article 21 had been interpreted in its original sense. This Section will examine the right to life as interpreted and applied by the Supreme Court of India.

Human rights defined as those fundamental rights which are inalienable and essential for every human

being. Human Rights are for all irrespective of nationality, race, religion, gender, color, caste and class, etc. The nature of human rights is that it is inherent in every human being and which cannot be separated. It is also true that no one can survive without these rights. Article 1 of the Universal Declaration of Human Rights, 1948, provides that "all human beings are born free and each one of them deserves equality in terms of dignity and rights." In addition to this, in India according to the section 2(d) of the Protection of Human Rights Act, 1993, human rights are the right relating to life, liberty, equality, and dignity of an individual recognized by the constitution and international covenants and enforceable by Courts in India.

The concept of human rights and the role of Dr.B.R.Ambedkar in the protection of human rights are closely related. His work for human rights and the emancipation of underprivileged is remarkable in human history. He was born in the underprivileged community but his work suggests that he has worked for humanity in general and that has to be appreciated by all. He is a national leader and symbol of knowledge across the world. He was

a defender of human rights. He was a great philosopher, sociologist, economist, legal luminary, social reformer, politician, and renowned intellectual across the world. He was also a great champion of human rights. However, limiting him as a leader of underprivileged by narrowing his ideology for the liberation of human rights is unjustified. Therefore, in this paper, many incidences are explained how he had incorporated human rights principles in the Constitution of India for the protection of human rights for all and apart from the Constitution other works also suggest his greatness in the protection of human rights.

Dr.B.R.Ambedkar is one of the world's greatest defender and philosopher of human rights. He was a true visionary, contributing to a global evolution of this idea, to the legal enshrinement of rights, and to this day, he continues to inspire human rights defenders.

To understand Dr.B.R.Ambedkar work on human rights, it is a must to understand the concept of human rights in India. India has a very ancient culture and it has a long 3000-year-old history of discrimination against women, lower castes, weaker sections and class struggle, etc. It has many social problems like gender inequality, caste, and class-based discrimination. The development of human rights from 1948 to till date has a place for equality, liberty, fraternity, justice social-economic, and political and it has been found in the Constitution of India.

Therefore, it is important to know the role of Dr.B.R.Ambedkar in the protection of human rights in India. The study of human rights is very important because they are considered essential for human existence. After the failure of the League of Nations, the international community became aware of the protection of human rights in the post-World War II period. The UN Charter and the formation of the United Nations on June 26, 1945, was the first step in the protection of human rights. Shortly afterward, on December 10, 1948, the Universal Declaration of Human Rights (UDHR) came into existence which provides a concrete form for human rights. According to Article 1 of the UDHR, all human beings are born independent and have the same dignity and the same rights. They are endowed with the power of thought and conscience and should treat one another with a spirit of brotherhood.

Member-States of United Nations were urged to effectively recognize and adhere to the rights and freedoms enshrined in the UN Declaration of Human Rights. All member countries observe December 10 as Human Rights Day.

Human rights are very difficult to define because it is a very broad concept. Everyone should have some right not only to survive in society but also to make life better. In this sense, human rights are the natural rights of all people. Human rights do not discriminate against people of any nationality, place of residence, gender, national or ethnic origin, color, religion, language, or any other status. As mentioned above that human rights in India are defined in Section 2 (d) of the Protection of Human Rights Act, 1993.

The main features of human rights can be analyzed as follows: Firstly, Human rights are acquired by every person by birth. Therefore, human rights are applicable everywhere without any discrimination based on caste, class, color, sex, religion, etc. Secondly, Human rights are all-encompassing; this includes all kinds of rights. So there are social, economic, civil, political, cultural rights that are considered necessary for human beings to live with dignity. Thirdly, they can be protected by State law, and even if they are not protected, no one has the right to violate human rights. Fourthly, like all rights, some human rights are not absolute. It can be restricted for public peace, social decency, and political security, and so on. Fifthly, man cannot live without enjoying human rights. All of them have these rights as members of human society. Some people are ignorant of these rights so they should be taught about these rights. Further, the generation of human rights has been explained by Czech Jurist Karel Vasak in 1979. He has given three generations of human rights first is civil and political rights, second economic, cultural, and social rights, third generation is collective rights/group rights. But now there is emerging the fourth generation of human rights i.e. right to digital existence, right to digital reputation, and identity. This is how the human rights has been evolved. The contribution of the International Covenant on Civil and Political Rights, 1966, and The International Covenant on Economic, Social, and Cultural Rights 1966 is another major contribution to the field of human rights.

### Right To Live with Human Dignity

“The right to live includes the right to live with human dignity and all that goes along with it, viz., the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading writing and expressing oneself in diverse forms, freely moving about and mixing and mingling with fellow human beings and must include the right to basic necessities the basic necessities of life and also the right to carry on functions and activities as constitute the bare minimum expression of human self.”

“It is the fundamental right of everyone in this country... to live with human dignity free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief.

“These are the minimum requirements which must exist in order to enable a person to live with human dignity and no State neither the Central Government nor any State Government-has the right to take any action which will deprive a person of the enjoyment of these basic essentials.”

Article 21 of Indian constitution reads:

“No person shall be deprived of his life or personal liberty except according to a procedure established by law.”

In **Francis Coralie Mullin vs The Administrator (1981)**, Justice P. Bhagwati had said that Article 21 ‘embodies a constitutional value of supreme importance in a democratic society’. Further, Justice Iyer characterised Article 21 as ‘the procedural Magna Carta protective of life and liberty’. Article 21 is at the heart of the Constitution. It is the most organic and progressive provision in our living Constitution. Article 21 can only be claimed when a person is deprived of his ‘life or ‘personal liberty’ by the ‘State’ as defined in Article 12. Thus,

violation of the right by private individuals is not within the preview of Article 21.

**Article 21** secures two rights:

**1) Right to life, and**

**2) Right to personal liberty.**

Interpretation of Article 21

Judicial intervention has ensured that the scope of Article 21 is not narrow and restricted. It has been widening by several landmark judgments.

**A few important cases concerned with Article 21:**

1. **AK Gopalan Case (1950):** Until the 1950s, Article 21 had a bit of a narrow scope. In this case, the SC held that the expression ‘procedure established by law’, the Constitution has embodied the British concept of personal liberty rather than the American ‘due process’.
2. **Maneka Gandhi vs. Union of India Case (1978):** This case overturned the Gopalan case judgement. Here, the SC said that Articles 19 and 21 are not watertight compartments. The idea of personal liberty in Article 21 has a wide scope including many rights, some of which are embodied under Article 19, thus giving them ‘additional protection’. The court also held that a law that comes under Article 21 must satisfy the requirements under Article 19 as well.
3. **Francis Coralie Mullin vs. Union Territory of Delhi (1981):** In this case, the court held that any procedure for the deprivation of life or liberty of a person must be reasonable, fair and just and not arbitrary, whimsical or fanciful.
4. **Olga Tellis vs. Bombay Municipal Corporation (1985):** This case reiterated the stand taken earlier that any procedure that would deprive a person’s fundamental rights should conform to the norms of fair play and justice.
5. **Unni Krishnan vs. State of Andhra Pradesh (1993):** In this case, the SC

upheld the expanded interpretation of the right to life.

The Court gave a list of rights that Article 21 covers based on earlier judgments. Some of them are:

1. Right to privacy
2. Right to go abroad
3. Right to shelter
4. Right against solitary confinement
5. Right to social justice and economic empowerment
6. Right against handcuffing
7. Right against custodial death
8. Right against delayed execution
9. Doctors' assistance
10. Right against public hanging
11. Protection of cultural heritage
12. Right to pollution-free water and air
13. Right of every child to a full development
14. Right to health and medical aid
15. Right to education
16. Protection of under-trials

### **Dr.B.R.Ambedkar: A Visionary for Human Rights**

In an unassuming street in London's posh Primrose Hill, there is a buzz about a particular house that was purchased last September by India's state government of Maharashtra, and opened as a museum and learning centre by Prime Minister of India. Its blue plaque reads: 'Dr.B.R.Ambedkar, 1891-1956, Indian Crusader for Social Justice, lived here 1921-22'. To Dr Corinne Lennox, he was also a true visionary and 'one of the world's greatest defenders and philosophers of human rights.'

Bhimrao Ambedkar, a key leader in the global story of human rights but one whose contributions are not adequately understood or recognised. His birthday is widely celebrated in India, where he is

best known for drafting the Indian Constitution, in which he embedded several provisions for the protection of rights of the most marginalised. His statue is dotted throughout the country but his leadership is most significant for the human rights of India, who continue to occupy the lowest rungs of Indian society despite the elevated heights were able to reach.

To illustrate this, the paper will highlight three key progressive strands of his thinking on principles of human rights, and how this projected where the international human rights movement would go in the decades to follow.

First is the interdependence of human rights. A constant refrain in his writings is his call for 'liberty, equality and fraternity'. Equality and non-discrimination are clearly at the core of his conceptual framework of human rights. Yet, in contrast to the use of these principles in the French and American declarations, Dr.B.R.Ambedkar placed social and economic equality alongside political and civic equality.

For example, as India became an independent state, he said, 'On the 26 January 1950, we are going to enter into a life of contradictions. In politics we will have equality, and in social and economic life we will have inequality. How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril.' He was also critical of the efforts in Communist states of the period in supporting economic and social rights at the cost of liberty.

The global human rights movement was dominated for decades by a focus on civil and political rights and only latterly brought economic and social rights more to the forefront of human rights advocacy. Dr.B.R.Ambedkar was prescient in his recognition of the interdependence of civic and political rights with social and economic rights, even at a time when states were working to divide these norms across the two international human rights covenants.

Second, Dr.B.R.Ambedkar said, 'I measure the progress of a community by the degree of progress which women have achieved.' He strived through efforts, including his proposed Hindu Code Bill, to secure rights for women in India in areas such as

inheritance and divorce. Importantly, he was of course referring to all women, not just the progress of elite women, approaching gender equality as he was from the point of view of women.

The recognition of inequalities within the international women's movement itself is still something that we are grappling with, and which came relatively late to the gender equality debate. Emphasis on the concept of 'intersectionality' in gender discrimination is also fairly recent.

Today the voice of women in the movement has been growing ever stronger, as has the voice of women in the women's movement, both nationally and internationally. For example, Asha Kowtal, general secretary of the All India Dalit Mahila Adhikar Manch (All India Dalit Women's Rights Forum, or AIDMAM), led a group of women on a US tour last autumn, bringing attention to the egregious human rights violations faced by women, and connecting with others in the global movement, such as the women leaders of Black Lives Matter.

Third, Dr.B.R.Ambedkar was visionary in his understanding that democracy alone is not a guarantee for the protection of the rights of minorities. This is still an area of human rights where there is a great deal of misunderstanding of how protecting minority groups from discrimination through various tools, such as affirmative action 'reservations' used in the public sector in India today, is essential to members of those groups fulfilling their human rights. Far from being a privilege, these measures are a basic tool for achieving substantive equality in the face of discrimination. In the words of Dr.B.R.Ambedkar, 'Discrimination is another menace which must be guarded against if the fundamental rights [of the Indian Constitution] are to be real rights'.

The global movements continue to strive towards these aims in their struggle to eliminate caste-based discrimination, to achieve fulfillment of their human rights and for the restoration of dignity and justice. Leaders of this movement look to Dr.B.R.Ambedkar for inspiration, putting into practice his famous mantra: 'My final words of advice to you are educate, agitate and organise; have faith in yourself'. Indeed, his words could be a rallying cry for human rights defenders everywhere.

### **The Contribution of Dr.B.R.Ambedkar on Human Rights**

Dr.B.R.Ambedkar is the world's greatest defender and philosopher of human rights. He was a true visionary and no one can ignore his contribution towards protection of human rights. He is still an inspiration for defenders of human rights. Some people may see him as a defender of human rights but why not they see him the defender of human rights more broadly. His lifelong efforts to eradicate caste discrimination are considered to be his greatest achievement. He was a strong follower of the right to equality, liberty, fraternity, and justice. The emancipation of weaker sections is one of the objectives because discrimination prevailing in Indian society. He said that political democracy cannot be achieved unless we have social democracy. He was strong critic of the caste system and therefore he wants to promote social and educational rights for weaker sections. He was against all kinds of discrimination and exploitation against women, Dalits, social, and economically weaker sections of society. He has worked for every sector of human rights like education for all, cultural development, language. Political rights,. His work on Liberty, equality, and fraternity is remarkable. The Liberty, equality, and fraternity are broad concepts and it is difficult to define them in one definition but his works on Article 14 and Article 21 of the Constitution of India are the best example of right to equality and right to life.

In India women, lower castes, and backward classes were treated as inhuman and they don't have any rights except slaves of upper castes and their dependence on them is miserable, and therefore Articles 15, 16, 17 have been incorporated in the Constitution of India to give them social, economic and political justice. In 1946 and 1947 Dr.B.R.Ambedkar approached the UN and Winston Churchill for the cause of human dignity before the independence of India. Dr.B.R.Ambedkar always has an eye on international affairs. Dr.B.R.Ambedkar started writing representations to the UN for the rights of human in India.

The practice of untouchability was made punishable by-law under Article 17 of the Constitution of India and the first legislation for this was the Untouchability Offences Act, 1955, which was amended in 1971 and renamed as the Protection of Civil Rights Act, 1955. However, the



effectiveness of the Civil Rights Act was minimal due to fewer punishments. It is for protection of civil rights of Indians and any kind of untouchability and the social boycott was made punishable. Due to the ineffectiveness of the Civil Act and increasing offences against lower castes the Government of India introduced the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The concept of a right to vote and adult franchise for all is another civil and political right for Indians. The right to participate in elections irrespective of caste, color, gender, is also a part of human rights. The guiding principles of the State contained in the fourth part of the Constitution of India are the economic, social, and cultural rights and duties of the State that symbolize ideals, sentiments, aspirations, and the objectives of our entire freedom movement. In this way, Dr.B.R.Ambedkar has protected human rights in all his endeavors. He was the first Law Minister of India from 15 August 1947 to September 1951, during his tenure the Indian Parliament passed more than 80 legislations, and therefore he was, directly and indirectly, involved in the passing of many legislations.

The RBI was established in 1935 based on his book "Problem of Rupee" and the making of the Banking Regulation Act, 1949. Section 50 of the State Insurance Act, 1948, first introduced the concept of maternity benefits for women. The Factories Act, 1947 was introduced to reduce working hours and their just and humane working condition of workers in factories. The biggest achievement is that the Constitution of Independent India came into existence on 26 November 1949 and adopted on January 26, 1950, and he was considered as the chief architect of the Constitution of India.

His contribution for the making of it was extraordinary. It is evident from the effect of the Universal Declaration of Human Rights on the draft of the third part of the Constitution. The fundamental rights enshrined in Part III of the Constitution are derived from the principle of natural rights and many other rights. Fundamental rights are traditionally known as natural rights. Natural rights transformed into fundamental rights act as a constitutional limitation or as a restriction on the four powers of the organs established by the Constitution or State action. Apart from this

directive principles of state policies and his statement for Article 32 of the Constitution of India that "it is a heart of the Constitution and without which the Constitution is of no use", where anyone can directly approach to the Supreme Court for violation of their fundamental rights. Therefore, one can argue that the role of Dr.B.R.Ambedkar was not limited to a particular community and caste but it was for all and in the interest of justice. His concern for marginalized and deprived communities cannot be limited by restricting his ideology which was beyond the imagination of layman.

### Conclusion

The concept of human rights and Dr. B.R. Ambedkar's perspective of human rights are very closely related. His work for women, underprivileged and weaker sections of society, and for those who are subjected to cruelty and exploitation is itself evident that he was a strong defender of human rights. Human rights are essential for every human being and without which humans cannot survive therefore it is a part and parcel of the Constitution of India. All the above instances are briefly discussed to show the contribution of Dr.B.R.Ambedkar in the field of human rights in India. The contribution of Dr.B.R.Ambedkar towards the human rights and human dignity is remarkable and phenomenal. The credit for making a Law and creating the necessary atmosphere to wipe out these discriminations goes to Dr.B.R.Ambedkar. Therefore, narrowing him to a particular community is an injustice to the work done by him for humanity. No doubt he was a great philosopher, economist, politician, and lawyer but his work for human rights and its implementation in India is exceptionally great. The generation of human rights and the struggle for the incorporation of various human rights perspective by Dr.B.R.Ambedkar can be seen in his writings and speeches.

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