

Ambedkar's Legacy: Critique of Religion, Quest for Social Justice and the Paradox of Constitutionalism

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May I begin my talk this evening by thanking His Excellency Y. K. Sinha the Indian High Commissioner in Colombo for inviting me to deliver this lecture on B. R. Ambedkar? This event is part of a series of celebrations in connection with the 125th birth anniversary of Babasaheb Ambedkar, which fell on the 14th of April. I am afraid my talk may not celebrate great Ambedkar's memory and legacy as such. It will only present some disjointed and hurriedly constructed thoughts about the life and legacy of this great son of South Asia.

Ambedkar's name is well known in Sri Lanka. In Sinhalese society, the popular culture of which I am somewhat familiar with, Ambedkar is known as the leader of India's Harijan communities. The word dalit is not in much use in Sinhalese society. The Gandhian neologism of harijan is better known. Ambedkar is respected as the Harijan leader who embraced Buddhism along with several thousands of his followers. Sinhalese Buddhists are particularly sympathetic to Ambedkar and his social reform movement. For them, Ambedkar's project constituted a critique and a rejection of Hinduism. This is despite the fact that Buddhism has historically and in terms

of elite as well as popular practices been closely interwoven with Hinduism. Quite independent of Ambedkar, Sri Lankan Buddhists have a somewhat ambivalent attitude towards Hinduism and Hindu traditions as well. It is almost like their ambivalence towards India in general, as some of their intellectuals and professionals seem to be inclined to demonstrate these days.

At the same time, talking publicly of Ambedkar by an ordinary non-Indian South Asian before an audience with even a few well-informed Indian citizens is no mean task. Ambedkar's life, work and thought have been understood, interpreted, appropriated and commented on a variety of different ways in India. A Sri Lankan, following the debates and controversies taking place in the Indian media around Ambedkar's legacy, can only be perplexed by the sheer complexity of even the very idea of what his legacy might mean. Three recent events occurred in India add to this unending political drama of making sense of the life, work and thought of one of the greatest Indians of the twentieth century. The suicide of Rohith Vemula, a post-graduate student of the Hyderabad Central University, the arrest and release from custody of, and the subsequent speech by, Kanhaiya Kumar of New Delhi's Jawaharlal Nehru University, and the public embrace of Buddhism by the mother and brother of Rohith Vemula on the day of Ambedkar Jayanthi last week are these three very recent events in which the invocation of Ambedkar's legacy has been made to some dramatic effect.

Having these most contemporary events in the backdrop, in this talk, I want to focus on three aspects of Ambedkar's legacy, which I presume are not very well known in Sri Lanka. The first is Ambedkar's critique of religion, religion as such as well as Hinduism and the re-interpretation of Buddhism. The second is his quest for justice and quality for the untouchable communities in India that he sought to represent and give political leadership to. The third is Ambedkar's complex relationship with constitutionalism and the constitutional state as pathways to ensuring egalitarian social reform.

As is well known, Ambedkar was the chairman of the Drafting Committee of India's first Constituent Assembly. For eminently justifiable reasons, he is remembered as the architect of independent India's constitution, which is arguably one of the most respected and distinguished constitutional documents of the world today.

It is probably such a great irony and coincidence that the architects of the first constitutions of both India and Pakistan were dalit leaders from India. In Pakistan's case, it was the destiny of a dalit leader from Bengal, Jogendra Nath Mandal, to be entrusted with the task of drafting the new nation's first constitution. After the creation of Pakistan in August 1947, Mandal migrated to Karachi, became a member of the first Constituent Assembly and then its chairman, and subsequently the Minister of Law and Labour. Ambedkar was independent India's first Minister of Law as well as the chairman of the constitutional drafting committee of the Constituent Assembly. There was another parallel between these two dalit leaders-turned constitutional architects of India and Pakistan respectively. Both quit their positions in disappointment and frustration within just a few years of being ministers of law and constitutional architects. Jogendra Nath Mandal resigned from the Muslim League and the Cabinet after Mohamed Ali Jinnah's death and migrated back to India in 1951. Ambedkar quit the congress government the same year, in 1951. Five years later, in 1956, he staged a still greater quitting, by publicly leaving Hinduism, along with nearly four hundred thousand of women and children of dalit communities. By renouncing Hinduism, Ambedkar and his fellow dalits embraced Buddhism in an act of mass conversion. It was also an unprecedented act of mass defiance and self-assertion.

At this point, a brief biographical account of Ambedkar is in order. Bhimrao Ramji Ambedkar was born on April 14, 1891, in the British-founded cantonment town of Mhow, in the then Maharashtra (Sangharakshitha, 1986). As any biographer of Ambedkar would mention in the very first page, if not the first paragraph, as the

most important piece of demographic data pertaining to the life of the hero, Ambedkar's family belonged to the Hindu Mahar community, one of the untouchable castes in Western India. The word 'untouchable', which is used in India to refer to the extremely marginalized and excluded caste communities, seems to be a twentieth century linguistic invention. Ambedkar uses this word in his 1936 essay, *Annihilation of Caste* as the English translation of the Sanskrit, Hindi, Marathi word *anthyaja* – literally, the 'last born'. The word *panchama* also has a similar discursive meaning – the 'fifth born.' The 'last' and the 'fifth' in both these constructions refer to communities that are placed outside the four-fold varna structure of the Indian caste system.

Biographers of Ambedkar hardly miss another point, his exceptional educational achievements. Ambedkar succeeded in collecting two doctorates, one from New York's Columbia University and the other, a D. Sc. from the LSE, despite the formidable social and structural barriers that could have prevented him from moving beyond secondary education at best. He also studied law in England and became a barrister. Professor Lord Bhikhu Parekh, an Indian-British academic originally from Gujarat with fairly humble social origins, was quick to note the following points when he delivered the inaugural Ambedkar Memorial Lecture at the Ambedkar University in New Delhi in 2009: Ambedkar was "the most highly educated Indian of all times." And he wrote "more scholarly books than almost all the Indian leaders." He was also "a great political leader and social and political thinker of twentieth century India" (Parekh, 2009) Sangharakshitha (1986) makes a similar assertion about Ambedkar. According to him, although Ambedkar had been a Buddhist for only seven weeks, — he died in the seventh week — "during that period he had probably done more for the promotion of Buddhism than any other Indian since Ashoka." Do I, with my very limited familiarity with India's political and intellectual histories, have anything more to add?

Conversion to liberal constitutionalism is another of Ambedkar's significant biographical events.

Although his biographers would usually acknowledge the tremendous contribution Ambedkar made to modern India by guiding and giving leadership to the drafting of the independent constitution, hardly anybody would characterize his involvement with constitution-making as a 'conversion' as such. But, in this lecture, I will use conversion as a metaphor to describe Ambedkar's experiment with building a liberal constitutional state for post-colonial India as an act of conversion that ended in eventual disillusionment. Ambedkar's embracing of Buddhism in 1956 can be interpreted as his second conversion in search for social equality.

India's constitution, to which Ambedkar gave intellectual leadership as well as political and legal form, is in fact a hybrid liberal constitution. Its hybridity rests on its creative synthesis of liberal constitutionalism, centred on the principle of individual rights of citizens, with a social democratic and social egalitarian premise of collective rights. The latter was in the agenda of Indian National Congress as well since the 1930s within a discourse of social justice. However, Ambedkar had a particular reason to constitutionalize collective rights. In Ambedkar's early writings, it was the classical European concept of equality and individual freedom that guided his critique of Hindu caste system and advocacy of equality. In fact, he freely used the slogan of the French revolution – 'liberty, equality and fraternity' – in advancing his vision of social transformation. It was also Ambedkar, more than the Indian national Congress, who singularly argued for a radical re-making of India, grounded on radical social equality. The relentless critique of Hinduism and the hegemony of caste Hindu elites and the advocacy of 'annihilation of caste' – this was the title of a polemical pamphlet, the text of an undelivered lecture, published in 1936 – marked the first phase of Ambedkar's political and intellectual life. The drafting of the constitution and being India's first law minister can be interpreted as representing second phase of Ambedkar's life, from 1946 to 1951. The third phase is the five years from 1951 to 1956.

The second phase is most important to understand, appreciate and evaluate Ambedkar's political and intellectual legacy. The specificity of Ambedkar's career during this second phase seems to be marked by two factors: (a) his entry into a Congress government, after being outside the Indian National Congress throughout the period before 1946, and (b) his commitment to making the post-colonial Indian state based on liberal-societal democratic principles of constitutionalism.

In taking up the responsibility of drafting independent India's constitution, Ambedkar had obviously decided to re-focus his energies on a set of new questions: What kind of India, what kind of Indian state and what type of Indian citizen to be created through constitutional engineering? All modern Indian political leaders during the pre-independence period – Gandhi, Nehru, Patel, Ambedkar, for example – had grappled with a simple, yet profoundly difficult issue: what is it to be an Indian? This question has once again re-appeared in India today with dramatic shifts, turns and consequences. Ambedkar's vision, shared with the Congress, was for an India in which all Indian citizens had constitutionally guaranteed rights to equality, justice and rights. It was also an India in which the state played an active role in enabling the marginalized masses the space and opportunities for the access to positive rights. The constitution in its directive principles as well as many other substantive clauses was to embody this approach to social transformation through constitutional engineering.

Ambedkar, who was never a member of the Congress, had earlier been harshly critical of both Gandhi and Nehru. He had been attacking Hinduism and caste Hindus relentlessly. Yet he had the singular honour of heading the seven-member drafting committee of the Constituent Assembly. That was in 1947. That was also the year in which colonial India became independent India after the partition of British India. Prime Minister Nehru invited Ambedkar to be the law minister of the new government. The constitution making process was slow and Nehru used to make

some caustic remarks about the slow progress of drafting of the new constitution by Ambedkar and his team. Nehru's impatience with the slowness of the constitutional process was soon depicted in a cartoon, drawn by Keshav Shankar Pillai, a leading political cartoonist of India at the time. The cartoon originally published in 1949 depicted Nehru holding a whip, standing behind Ambedkar who was sitting on the back of a snail. Ambedkar was driving the snail that did not seem to be very keen to move forward. The snail represented India's constitution.

This cartoon was reproduced in a high-school textbook in political science, published 2006 by India's National Council of Educational Research and Training. In 2012, several dalit organizations objected to the inclusion of this cartoon in a school textbook, on the grounds that it insulted the dalits and their iconic leader. The issue soon became a major public controversy, and the government at the time reacted by admitting that the cartoon was inappropriate and withdrawing the textbook from circulation. What seems to have offended the dalit activists was that high caste Nehru was whipping Ambedkar, the dalit.

That obviously was a reductionist reading of the cartoon. But, as we all know, populist politics of all hues thrives on reductionist readings. The action by the then Minister of Human Resources, an eminent liberal lawyer in Delhi, amounted to book banning, not a very liberal action by a government. Interestingly, when the cartoon was first published, there was no criticism of it. But six decades after the constitution, reservation and positive discrimination policies, and with dalit communities achieving greater levels of political mobilization and even representation in national and state governments, dalit politics in India seems to have entered a phase of intense political sensitivity, with post-liberal overtones. The angry reaction by dalit activists and politicians to Ashis Nandy's unreflectively intriguing comments about dalits made at the Jaipur Literary Festival in 2013 generated a similar public controversy. It raged through a couple of weeks, attracting a great deal of media attention and commensurate public anger expressed by dalit spokespersons. Are dalit

elites and activists – or, the dalit political and intellectual class – now more sensitive to negative critique which their communities are routinely subjected to than they were in 1949 when Ambedkar was drafting India's constitution, and Shankar Pillay published the cartoon in his magazine? Or, is there something qualitatively new in India's dalit political consciousness today that makes critique itself negative politics? Does it mean that this new political sensitivity is framed outside the discourse of liberal constitutionalism that has traditionally privileged freedom of expression as a cardinal virtue of modern political life? Does it show the triumph of post-liberal politics in India to which Ashis Nandy himself may have made a contribution, though inadvertently? These questions do not seem have been adequately explored as yet in India's contemporary intellectual discussions.

Paradox of Constitutionalism

On the question of equality and justice for India's untouchable communities, Ambedkar's political and social beliefs seem to have rested on two significant assumptions. The first was the efficacy of liberal discourse of equality, liberty and fraternity. The second was the usefulness of shaping a state to advance such a liberal project of equality and justice by constitutionalizing a revisionist framework of equality in which group rights, in addition to individual rights, are recognized. Both these assumptions were not confined to Ambedkar's political thought alone. They were a part of the Nehruvian Congress project as well. What is paradoxically significant, nevertheless, is that, as Ambedkar realized before long, actually within just four years as the law minister, the Indian state had begun to acquire a social majoritarian character vis a vis the dalit communities, despite all the constitutionalist safeguards provided for its prevention.

Reading biographies of Ambedkar, one is struck by a profound paradox that defined the last phase of his life. His experiment with constitutionalism to ensure equality and justice to the vast mass of India's untouchable communities failed. This failure seems to have culminated in the rejection by the cabinet and parliament his attempt to

reform Hindu common law framework through a uniform civil code. When the cabinet stalled this significant reform bill, which incidentally aimed at empowering women too, Ambedkar resigned from his cabinet position as law minister. This was in 1951. Then, as the popular narrative goes, Ambedkar turned, rather returned, to Buddhism to advance his continuing effort to reform Indian society towards social equality. Ambedkar's abandoning of the state reform project for social equality constitutes one dimension of the paradox we have just noted. The account given by Sangharakshita, Ambedkar's biographer, encapsulates this dilemma:

"The new Constitution gave general satisfaction and Ambedkar was warmly congratulated by friend and foe alike. Never had he been so popular. The press hailed him as the Modern Manu, and the irony of the fact that it was an Untouchable who had given Free India its Constitution was widely commented upon. Though he lived for seven more years, it was as the Architect of the Constitution and the Modern Manu that he was destined to pass into official history. When his statue came to be erected outside the parliament building after his death it was therefore as the Modern Manu that he was depicted, holding the Constitution underneath his arm and pointing in the direction of the parliament building. But though by 1948 Ambedkar had achieved so much, and though today he is most widely remembered as the author of the Indian Constitution, his greatest achievement was in fact still to come.

This achievement was an essentially spiritual one, and it came only at the very end of his life, when he had spent several years in the political wilderness after failing to secure the passage of the Hindu Code Bill. The Bill represented a putting into shape by Ambedkar of work accomplished during the previous decade by a number of eminent Hindu lawyers and dealt with such matters as marriage and divorce, adoption, joint family property, women's property, and succession. Though it was a reforming rather than a revolutionary measure, the Bill met with violent opposition both inside and outside the Assembly,

and even within the Cabinet. Ambedkar was accused of trying to destroy Hinduism and there were angry exchanges on the Assembly floor between him and his orthodox opponents. In the end the Bill was dropped after only four clauses had been passed and in September 1951, tired and disgusted, Ambedkar resigned from the Cabinet. In his resignation statement (which he was prevented from making in the Assembly itself) he explained that he had left the Cabinet for five reasons. The second of these was that it was apathetic to the uplift of the Scheduled Castes, the fifth that Pandit Nehru had failed to give adequate support to the Hindu Code Bill."

Ambedkar quit the congress government, and at the subsequent Lok Sabha elections of 1952, contested as an independent candidate in Bombay. Ambedkar lost to a relatively unknown opponent. The four remaining years of his life, Ambedkar devoted entirely to fight Hinduism and project a program of social emancipation of Indian dalits through the rejection of Hinduism. As Sangharakshita's biography of Ambedkar vividly shows, failing health did not prevent him from being once again energetically engaged in both socio-religious activism and intellectual work. The last phase of his life seems to have been consumed by a singular objective, that is, advancing Buddhism as the religious, moral and social alternative available for human emancipation.

From Constitutional Engineering to Re-working of Buddhism

We can identify two important and interrelated themes that dominate the story of Ambedkar during the years 1951-1956: his reconstruction of Buddhism, and his decision to convert to Buddhism.

Ananya Vajpeyi in her book *Righteous Republic* (2012) has examined somewhat extensively the question of why Ambedkar became a Buddhist, a question that has not been adequately and critically reflected on in the vast literature on Ambedkar. Vajpeyi cites three reasons. The first is the one expounded by Ambedkar himself. It is derived from his own

theory about the Indian untouchable communities, as elaborated in his book *The Untouchables: A Thesis on the Origin of Untouchability*, published in 1948. Ambedkar's contention was that the Untouchables in the Hindu caste order were in fact none other than former Buddhists. Therefore, for modern day Untouchables, to become Buddhists meant that "they would be making a return to Buddhism and not a fresh entry to a religion with which they had no prior historical contact" (Vajpey, 2012: 213). In this sense, the embracing of Buddhism by the Untouchables was not a 'conversion', but essentially a 'return.'

The second reason, which Ananya Vajpey extrapolates from Ambedkar's own writings on Buddhism, particularly the Buddha and His Dhamma is his understanding of the "primacy of dukkha" in the Buddha's teaching. The third reason is this rejection of other religions – Christianity, Islam, and Sikhism as alternatives to Hinduism.

The second reason of Ambedkar's conversion to Buddhism, as suggested by Vajpeyi, warrants some in-depth reflection. When one reads Ambedkar's text, one gets the impression that Ambedkar has been working on a new Buddhist moral and social ethics for quite sometime in a way that would be a remaking of Buddhism entirely from the perspective of the socially downtrodden. It is quite an intellectual irony that Buddhism which has also been seen as a religion of social equality was founded by a member of India's kshatriya community, twenty six centuries ago. Similarly, Marxism, the most radical secular doctrine committed to social equality and emancipation, was founded by an intellectual of elite class background. Ambedkar's is the first social emancipatory re-interpretation of Buddhism in its entire history of twenty six centuries. One can even go to the extent of saying that all traditions of Buddhist hermeneutics focused on *dukkha* – suffering – in its individualistic construction. In Ambedkar's reinterpretation, it is not surprising that he foregrounded the Buddhist concept of *dukkha*, not just as individual suffering as it has been in the tradition, but as Ananya Vajpeyi shows – this is an

important point – as 'social suffering.' Ambedkar's radical Buddhist hermeneutics rejected the conventional theorizing of *dukkha* – suffering – within the framework of Four Noble Truths – *chathurarya sathya*. Vajpeyi makes the assertion that Ambedkar reinterpreted the concept of *dukkha*,

"not as individual, karmic suffering, but as collective, social suffering. In other words, in undermining the Four Noble Truths, what Ambedkar challenged was the notion that all persons of whatever caste, class, or gender, need to face and transcend their suffering; rather, according to him, suffering has to be seen as socially constituted and historically specific, and could be conquered only via creed that placed suffering at the very centre of its entire ethical architecture. Thus, even after moving the Four Noble Truths to one side," it was Buddhism that would best deliver the Untouchables as a group from their very specific *dukkha*, which was discrimination and denigration at the hands of caste Hindus." (Vajpeyi, 2012: 214)

Although not well-developed, Ambedkar's critique of Buddhist doctrine of Four Noble Truths showed his discomfort with what he saw as the individualistic, different to social, theorizing of suffering. He saw the four Aryan Truths, as he called them, as constituting a problem, a puzzle to non-Buddhists. He wrote in *Buddha and His Dhamma*:

"Do they [the Four Aryan Truths] form part of the original teachings of the Buddha? This formula cuts at the root of Buddhism. If life is sorrow, death is sorrow and rebirth is sorrow, then there is an end of everything. Neither religion nor philosophy can help a man to achieve happiness in the world. If there is no escape from sorrow, then what can religion do, what can Buddha do to relieve man from such sorrow which is ever there in birth itself? The four Aryan Truths are a great stumbling block in the way of non-Buddhists accepting the gospel of Buddhism. For the four Aryan Truths deny hope to man. The four Aryan Truths make the gospel of the Buddha a gospel of pessimism. Do they form part of the original

gospel or are they a later accretion by the monks?" (in *Selected Works*, 154).

We may be tempted to speculate at this point that Ambedkar's critique of the doctrines of Four Noble Truths as well as Karma may have been influenced by Marxism. Ambedkar seems to have a slightly different take on Marxism and Buddhism. In Buddha or Marx, a posthumously published essay, Ambedkar attempted to respond to Indian Marxists who viewed Marxism and Buddhism as two incompatible doctrines. Two positions he asserted in this essay are worth noting: (a) If the Marxists kept back their prejudices and studied the Buddha and studies what he stood for, they would change their attitude to Buddhism. They would also realize that "there is something in the Buddha's teachings which is worth their while to take note of." (b) Although communists, as exemplified in the Russian revolution, could give humankind equality, it failed to give fraternity and liberty. "Equality will be of no value without fraternity or liberty. It seems that the three can coexist only if one follows the way of the Buddha. Communism can give one but not all."

As we all can easily make the claim now, the conversion of Harijans to Buddhism did not resolve the question of inequality and discrimination suffered by them. Does it mean that Ambedkar's efforts for an egalitarian society have gone totally unrewarded? It is obviously not correct to say that Ambedkar had any utopian expectations from his project of dalit communities embracing Buddhism. The conversion programme had a much more significant goal and consequence, as noted by Ananaya Vajpeyi. It gave the dalit communities a distinct group identity that can be framed in religious, moral and legal terms outside the ontological frameworks defined by the Hindu texts and practices. He wanted the Untouchables to reconstitute themselves as a 'religious' community, with a religion some of the key tenets of which being re-interpreted. This component of Ambedkar's project does not seem to have taken forward by any of his successors. It is probably the case that the radical hermeneutics of

Ambedkar's 'neo-Buddhism' – *nava yana* – has not progressed much since his death

Meanwhile, post-Ambedkar India is also a post-Nehru India. It has also become a post-liberal, post-democratic India, as much as the rest of South Asia actually is. Meanwhile, caste as a social, cultural, ideological and political phenomenon in India seems to have acquired a continuing, powerful and regenerative dynamic of reproduction, revitalization and resurgence under conditions of electoral democracy, federalism, decentralization, policies of positive discrimination and affirmative action and of course the uneven penetration of capitalism, particularly in the rural countryside. Contrary to what Ambedkar has envisaged, his own policies of positive discrimination and affirmative action has enabled the marginalized caste and ethnic communities in post-colonial India to produce their own localized political elites. These elites have been effectively making use of their status of oppression as a resource for democratic and electoral mobilization as well as social protests, and also as a sharp weapon of the weak. If the Ambedkar's legacy were to have any significant contemporary appeal, the struggle for equality should once again become a weapon of the weak in India for the emancipation of the weak.

In this talk, I briefly referred to the recent incidents at the Hyderabad University and the JNU involving young dalit scholars and the Indian state. This confrontation shows among other things that there are emerging signs of and possibilities for a new radicalization of dalit politics, quite independent of the established political parties as well as dalit political elites who have become even political managers of state governments. The kind of anger that these young students demonstrate highlights one theme that continues to miss the attention of the media – humiliation that dalits continue to suffer as individuals as well as a social group. Ambedkar's writings that are harshly critical of Hinduism and caste-Hindu elites have constantly highlighted the experience of humiliation of dalits. This is a reality that non-dalit leaders, even Gandhi, have not been able to comprehend, because,

phenomenologically caste, ethnic, gender etc. humiliation is not something that everybody, including the upper caste members of the Communist Party of India, experience in equal personal intensity. One has to be a victim of hierarchies to experience social humiliation fully, as Ambedkar as well as young Rohith Vemula and Kanniah Kumar have told us with great passion.

Let me conclude this talk by summarizing the main thrust of my presentation. Ambedkar's legacy in India does not seem to be under contestation any longer. Rather, dominant as well as dalit political elites are competing to inherit it, claim it and domesticate it. Electoral mobilization and expansion as well as weakening of democratic political life in Indian society repeatedly highlights the relevance as well as limits of the agenda for social transformation that Ambedkar advanced single handedly for decades. Meanwhile, the movement for equality and justice for the dalit masses in India through political, constitutional and religio-social reforms seem to have lost its edge. The emergence of new political and intellectual classes from among the dalit elites has shifted the agenda for social justice along new directions. The project of India's dalit emancipation seems to have reached a deadlock as reflected in a new political consciousness in which critique is seen by these elites as negative politics. Meanwhile, there are also signs that post-Ambedkar dalit politics in India may enter a new phase of direct confrontation in a sort of return to reclaiming Ambedkar's legacy. However, these new efforts to return to Ambedkar's legacy might be handicapped by the absence of a new egalitarian-emancipatory hermeneutic that can capture the imagination of dalit masses once again.

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