

## REFLECTION OF BUDDHISM ON THE CONSTITUTION OF INDIA

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### Introduction

Buddhism is an Indian-born religion that began around the sixth century, B.C.E, and is based on the guidelines of Gautam Buddha. It has influenced the civilization of the Indian subcontinent and most countries of Asia since its beginning. The Buddha throughout his wandering life delivered lectures for the emancipation of mankind and tried to equalize the unequal society through his knowledge where an individual can live with dignity, respect, and peace. In the Buddha's Dhamma wisdom, kindness, patience, generosity, and compassion were important virtues. The Buddha in his sermons and meetings talked about the universal idea of peace, nonviolence, equality, loving, kindness, humanity and focused on the welfare of all the creatures without being biased. He therefore strictly rejected one's claims of superiority on the ground of birth, caste, color, sex, language, religion, or region. Because of its positive and liberal approach towards life, it left a deep impact on the mind and heart of ordinary people. In this way, the religion of Buddha became the religion of commoners and laymen people of India. They saw it as the only way that leads towards the emancipation of life. From the historical perspective, various rulers like Asoka - The Great, Milinda (Menander), Kaniska, Harsa, etc adopted the teachings of the Buddha and made their sincere efforts to propagate it within India as well as abroad. This approach of Buddhism towards treating all individuals had a great impact on the mind of the members of the drafting committee and thus adopted the values of Buddhism in the constitution of republic India. They found Dhamma of the Buddha as an epitome of Liberty, Fraternity, Equality, scientific and rational. It also observed that the base of Buddhism is morality, its epicenter is a man and its aim is good for mankind. The members of the Drafting committee finally concluded that the way of the Buddha is good for the progress and development of the country. The Chairman of the drafting committee pointed out that Buddhism also emphasizes other aspects, namely, social freedom, intellectual freedom, economic freedom, and political freedom. Dr.B.R. Ambedker in his speech in the constitution assembly retreated that these values in the constitution are the result of Buddhism and not from any foreign source.

## **Decline of Buddhism**

The process of falling and shifting of Buddhism up to the 12th century is well known as the period of decline of Buddhism in India. Though Buddhism was the main religion of Indian, over time various factors contributed to the decline of Buddhism from the mainland of Indian. The downfall of Buddhism in India can be seen after the end of the Gupta Empire {320-650 CE}. 2 While Gupta period can be counted as the golden age of Buddhism in India, as Buddhism flourished during this period at the highest peak. Mahayana Buddhism flourished during the Gupta dynasty. Important Buddhist learning centers like Nalanda and others at Kushinagar were the important contributions of the Gupta dynastic towards Buddhism after the end of the Gupta Empire. The rulers of India got engaged in the services of other religions flourishing within India which may be seen as the initial factor towards the decline of Buddhism in India. Rulers did not provide donations and other financial assistance to Buddhist monasteries during this period. Later on, Hun ruler Mihirakula (515 CE) who ruled near the north-western region invaded India and destroyed Buddhist monasteries to large extent up to Allahabad (Prayagraj) in Uttar Pradesh. The pieces of evidence of the same can be collected from the writings of Chinese travelers like Faxian, Xuanzang, Yijing, Hui-sheng, and Sung-Yuan who wrote about the Huns invasion in the 6th century CE and the destruction of Buddhist learning centers in India. After the Hun's Attack on Buddhism, Religious competition became an important feature towards the degrading of Buddhism from India. Buddhism declined in Indian part because of the rise of the Hinduism and its influence in various aspects of the society like socio, economical and political process of the country, It was after the 7th century the new dynasties supported Hinduism which includes the Karkotas and Pratiharas dynasty of the north, the Rashtrakutas dynasty of the Deccan, and the Pandyas and Pallavas dynasty of the south. This was a tough period for Buddhism for its survival in India. Apart from this various spiritual and devotional movements started arousing in Hinduism which includes Vaishnavism, Bhakti, Tantra, and Shaivism which started countering various sects of Buddhism in India. Back to back attacks by the Shahabuddin Gouri and Mohammad Bin Bakhtiyar Khilji, the Buddhist monks and students were brutally killed. The main centers of Buddhist learning are like Nalanda, Odantpuri, and Vikramashilla were put on fire and destroyed. The attack on these Buddhist learning centers leads to huge destruction which overall includes the death of thousands of monks, intellectuals, scholars, and students, destruction of Buddhist infrastructure and loss of Buddhist knowledge, literature more than 10 million manuscripts which were written thousands and thousands of years

ago resulted in uprooted of Buddhist base of learning from the Indian mainland and shifting the Buddhist knowledge towards the Northern-Eastern and Eastern-Western part of India like Ladakh, China, Tibet, Nepal, Mongolia, Sri Lanka<sup>3</sup>. Since then many attempts were made so far in the history of India by various Buddhist intellectuals and monks for the revival of Buddhism in the motherland in its original form. One of the important contributions done by the framer's team of the constitution.

### **Philosophy of Buddhism in the Indian Constitution**

The constitution was framed by the Drafting committee under the chairmanship of Dr. Bheem Rao Ambedkar along with other six members. The Constitution came into existence on 26 January 1950 after it's adopted on 26 November 1949. The document of the constitution lays down the framework defining fundamental political principles, establishes the structure, procedures, powers, and duties of government institutions, and sets up fundamental rights, directive principles, and the duties of citizens. In the constitution, many articles and provisions are closely related to the norms such as in Buddhist Sangha like Democracy, Equality, Justice, Freedom, and so on. Within the Sangha, all the monks were treated equally. But depending on seniority or admission of ordination there was a slight difference in the status of monks. Within the Buddhist institutions, all decisions related to the Dhamma or norms were taken by vote, and problems were settled by mutual consensus with a quorum. In this way, the Buddhist institutions served as a model of social equality, sharing of resources, and democratic process. The constitutional draft was also prepared on the Buddhist democratic pattern by the members of the drafting committee. The essential terms of democracy like Justice, Freedom, and Equality which have their roots in Buddhism were made a part of the preamble and the main part of the constitution. Quoting the same in his last speech by Dr. Bheem Rao Ambedkar in the Constitutional Assembly stated that:

*“Although Justice, Liberty, Equality, and Fraternity are the result of the French revolution and also written in the French Constitution in 1791. This is nowadays part of their national heritage. The Buddhist philosophy too was "enshrined" in these words. Let no one however say that I have borrowed my philosophy from the French Revolution. I have not. I have derived them from the teachings of my master, The Buddha. I found that his teaching was democratic to the core".*

The opening lines of the preamble that is ‘WE THE PEOPLE’ reflects the Buddha words that people are their own master. He declared that a person

is his own master; he has to build his future on his own'. In the same way, the framers of the constitution describe that the people of India are the master of their land and country. Dr. Ambedker in his final speech in the constituent assembly said that it is the people of this country who framed and implement this constitution<sup>5</sup>.

These aspects like justice, liberty, equality, and fraternity are elaborated again in the Fundamental Rights, Fundamental Duties, and Directive Principles of the State. In the Fundamental Rights, there is a long list of justice able rights (JUSTICE, EQUALITY, and LIBERTY). Fundamental Rights are rightly described as the Magna Carta of India and are enshrined in part III of the constitution from Article 14 to 326. Such rights uphold the equality of all individuals, the dignity of individuals, the large public interest, and the unity of the nation and are guaranteed by the constitution to all persons without any discrimination. These rights are the spirit of Buddhism in the constitution which upholds the dignity of individual equality and justice of all without any kind of partiality. Buddhism too recognizes that human beings are entitled to dignity, that all members of the human family and inalienable right to liberty not just in terms of political freedom but also at the fundamental level of freedom from fear and want. The idea of the democratic form of government is the result of Buddhism which is the biggest contribution to the Indian constitution in particular and the world in general. Though Buddha never preferred any form of government whether it is monarchical, aristocratic, or democratic. He advocated that any form may be good if it functions on the democratic spirit keeping in view the welfare of its subjects. The Buddha implement the same in his institution- The Sangha which is also the second jewel of Buddhism was a model democratic society, purely based on democratic norms. Within the Sangha Buddha was also a common member and there were no special privileges fixed for him. Within this fraternity, all the decisions were taken employing vote, and problems were settled by debates, opinions, and consensus. Therefore the Sangha always served as a model of social equality based on the democratic process. That is why the chairman of the drafting committee preferred the democratic form of government by keeping because of the Indian conditions for stable and good governance and the same was adopted by the constitutional assembly. Dr. Ambedker said in his interview to All India Radio that the idea of Democracy is not adopted from any other source, but has from Buddhism<sup>7</sup>.

Further, the provision of Article 368 in Part XX of the Constitution deals with the powers of Parliament to amend the Constitution and its procedure. Article 368 gives special power to the Parliament to repeal any provision of the Constitution following the procedure. Article 368 of the constitution reflects the spirit of the theory of the Middle Path of Buddhism and his statement as reflected in the Mahaparinibbana Sutra in which he believed in the practical interpretation of things and knowledge. Here Buddha was satisfied being called a Margadata and not a Mokshadata. Even Buddha never claimed infallibility for his message but was always opened to re-evaluation and re-examination. Thus the Buddha opened the doors for discussions and dialogues over his knowledge by terming that his teachings and philosophies are not final but can be modified following social changes. The Buddha in the Mahaparinibbana Sutta: stated that

*“Buddhism is based on reason and experience. The followers of Buddhism should not accept his teaching as correct and binding merely because they emanated from him. Being based on reason and experience they were free to modify or even abandon any of his teachings if it was found that at any given time and in given circumstances, they do not apply.”*

The same has been quoted by Dr. Ambedkar in “Buddha and his Dhamma as:

*“The Buddha did not promise to give salvation. He claimed himself to be Marga Data (Way Finder) and not Moksha Datta (Giver of Salvation).”*

Finally, the National Emblem of India, adopted by the Government of India on 26th of January 1950, is borrowed from a pillar set up at Sarnath Lion capital erected by Emperor Ashoka. The National Emblem is mounted on the abacus and is made of four lions but only three lions are visible and the fourth one is hidden from the view. The National Emblem which is the symbol of identity and sovereignty of independent India is also the official seal of the Central and State government and also of the President of India. It is also printed in the currency of the country. Republic India has also adopted the Dharmacakra from Ashoka's Lion Capital in the center of the National flag. On January 22, 1947. The Dharmacakra has been adopted by the Ministry of Human Resource Development as the logo of the University Grant Commission.<sup>8</sup>

The first sermon that the Buddha delivered at the Deer Park in Sarnath, after enlightenment to the five old companions, is called **Dhamma Chakka PavattanaSutta, or Turning the wheel of Dhamma**. The

Buddha in his first sermon strongly emphasizes and instructs his five disciples to work for all for the sake of humanity, fraternity, and happiness.<sup>9</sup> The philosophy of the first sermon is seemed and interpreted as **Bahujan Hitaya Bahujan Sukhaya, which is for the welfare and happiness of many**<sup>10</sup>. Thus anything related to Buddhism which does not relate to the welfare of an individual cannot be treated as the statement of Buddha. The spirit of the Indian constitution reflects the philosophy of **Bahujan Hitaya Bahujan Sukhaya** that is the welfare of many, happiness of many in the form of Directive Principles of the state policy. Directive Principles of the state policy which are often termed as Instrument of Instructions are vested in Part IV of the constitution from Articles 36-51. The constitution of India provides a set of instructions to establish a welfare state by securing social and economic justice by minimizing the inequalities in income as well as inequalities in status and opportunities. The government should work for securing the right to an adequate means of livelihood both for men and women living within its jurisdiction. The government must ensure proper health, educational, recreational and so facilities to its citizens. Also, the government keeps a check on social problems like child abuse, drugs, early marriage, dowry, and sexual harassment, and so on under the aegis of **Bahujan Hitaya Bahujan Sukhaya**. Lastly, we can say that the framer's committee has deeply influenced upon the Buddhist value to make the draft of the Indian Constitution, in which it took the Buddhism values in the final draft of the Indian Constitution.

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