



**NMML
OCCASIONAL PAPER**

HISTORY AND SOCIETY

New Series

12

**Political Representation:
Ambedkar and the Electoral Method**

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Nehru Memorial Museum and Library
2013



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Published by

Nehru Memorial Museum and Library
Teen Murti House
New Delhi-110011

e-mail : ddnehrumemorial@gmail.com

ISBN : 81-87614-53-6

Price Rs. 100/-; US \$ 10

Page setting & Printed by : A.D. Print Studio, 1749 B/6, Govind Puri
Extn. Kalkaji, New Delhi - 110019. E-mail : studio.adprint@gmail.com



Political Representation: Ambedkar and the Electoral Method*

Raja Sekhar Vundru

‘Exclusion from political power is the essence of the distinction between the ruling race and a subject race.’



Dr B R Ambedkar in *Thoughts on Pakistan*, 1940

All diverse societies face the important challenge of ensuring representation of different sections of society at the level of decision making for the well being of all. A number of institutional arrangements, therefore, are aimed to secure representation of this kind, especially through the process of democratization. However, the evidential base for judging the effectiveness of different institutional arrangements has remained somewhat limited because there has been a lack of systematic inquiry into different types of

*Lecture delivered at the Nehru Memorial Museum and Library, New Delhi on July 10, 2012.

consequences of choosing a specific mechanism of representation. The institutional arrangements chosen for providing political representation for different sections of society in India has been of affirmative action. It has a history longer than India's independence, yet it remains much more understudied than we usually assume. This paper contributes to the study of representational consequences of electoral mechanisms by analyzing the legal framework of affirmative action in political representation in the case of the Scheduled Castes in India.

Election was the first political tool that provided Indians the right to freely express their concerns in the politico-legal framework. This ignited a chain of events, ultimately leading to the inclusion of Indian representatives from all sections of society in the decision making process. Starting with the nomination of a person of Indian origin in the Governor General's Council in 1861, the system soon reached to an arrangement of separate electorates (limited only for the Muslims) through the Morley-Minto reforms in 1909.¹ The Depressed Classes also started pressing for their representation in the legislative bodies since 1917, but it was not given serious considerations until the advent of Dr B R Ambedkar, a Columbia-London educated untouchable leader, who brought the issue of political representation of the Depressed Classes, slowly yet firmly, in the mainstream discourse. Ambedkar questioned the representative character of the electoral system as developed by the British, and started arguing for arranging better opportunities for the 'untouchables'. Presenting evidences before the Southborough Committee in 1919, Ambedkar (along with G A Gawai) alike Muslims, demanded separate electorates for the Depressed Classes.² However, the committee did not accept this and instead provided them with an option of nominating members from the Depressed Classes to each Provincial Legislature in the Government of India Act 1919.

For the Congress, the demand for separate electorates by the depressed classes was creating worries, and it opted to remain indifferent until Mohandas Karamchand Gandhi emerged on the Indian political scene. Gandhi's approach to this issue was very different from that of Ambedkar. Gandhi believed that political reforms should precede social reform. He started his campaign against untouchability by extending his support to the Vaikom temple entry Satyagraha in Travancore in 1924-25.³ He believed that if there is something that needs to be changed, it is the behaviour of the upper-castes towards untouchables, and therefore, preferred appeal over antagonism.⁴ Gandhi found temple entry as an emancipatory step. Ambedkar, on the contrary, believed in pressing for the equal rights and emancipation of the social and economic condition of untouchables as a step towards their empowerment. Thus, the two leaders always remained diametrically opposed to each other and the issue of political representation of the untouchables remained highly contested. While Gandhi emerged as a mass leader, Ambedkar became the champion of the Depressed Classes, and brought the issue of political representation of the Depressed Classes into the mainstream discourse. In 1927, when the British appointed a Statutory Commission (popularly known as Simon Commission) to undertake a constitutional review without any Indian member, Ambedkar applauded it by saying that 'by their [Indians] non-appointment the depressed classes, are at any rate, saved from the prejudices that would have otherwise caused to their case.'⁵ In what follows below, this paper studies the representational consequences of electoral mechanisms by analyzing the legal framework of affirmative action in political representation in the case of the Scheduled Castes in India.

Ambedkar's Early Attempts

Presenting before the Simon Commission in Poona on 23 October 1928, Ambedkar replying to a question as to 'what is that you want to represent as the proper way in which the Constitution of India should deal with these (untouchables) people', said:

I would submit that as a matter of demand for political protection, we claim representation on the same basis as the Mahomedan minority. We claim reserved seats if accompanied by adult franchise.⁶

And when asked ‘if there is no adult franchise’, he added, ‘We would ask for separate electorates.’⁷ Later, when the British organized the Round Table Conferences in London in 1930-32, Ambedkar raised the issue of separate electorates for the Untouchables once again. The Congress representatives, including Gandhi, opposed it on the ground that it would disintegrate Hindu society.⁸ With the growing interest and rapidly changing attitude of the Muslims towards the problem of the Untouchables, as expressed openly at the Shimla delegation in 1906, it had become important for caste-hindu leaders to keep untouchables within the Hindu fold for the larger politics of numbers. In 1909 the Muslims took the bold step of suggesting that the Depressed Classes should not be enrolled in the census as Hindus.⁹ In fact, much of the jealousy developed among the Hindus for the Muslims was believed to have arisen out of the fear that the latter might add to its number by converting the Depressed Classes. This was evident even in the address of the Congress President in 1923:

The quarrels about ALAMS and PIPAL trees and musical processions are truly childish; but there is one question which can easily furnish a ground for complaint of unfriendly action if communal activities are not amicably adjusted. It is the question of the conversion of the Suppressed Classes, if Hindu society does not speedily absorb them.¹⁰

Ambedkar’s demand for separate electorate at the first Round Table Conference was based on two fundamental arguments: (1) Right to adequate representation in the Legislatures of the Country- Provincial and Central; and (2) Right to elect their own men as their representatives (a) by adult suffrage and (b) by separate electorates for the first ten years and thereafter by joint electorates and reserved seats (it being understood that joint

electorates shall not be forced upon the Depressed Classes against their will unless such joint electorates are accompanied by adult suffrage).

In his argument Ambedkar combined three basic issues: firstly, the issue of adult suffrage to be provided to the untouchables irrespective of the conditions of property etc; secondly, the provision demanding for shifting of separate electorates after ten years by joint electorates and reserved seats was a natural corollary as he had understood the limitations of separate electorates in the existing political milieu. And finally, on the aspect of self determination of the untouchables in political representation, it was proposed that joint electorate shall not be forced upon the Depressed Classes against their will.

However, owing to the non-participation of the Congress in its proceedings, the First Round Table Conference failed to come to any conclusion, and the British organized the Second Round Table Conference with all parties' participation. This once again provided Ambedkar to dwell at length on questions of untouchables' representation, and he positioning himself in support of all minorities, reiterated his demand for separate electorates. Here Ambedkar defined the issue of self determination in clear terms and mentioned that separate electorates for the Depressed Classes shall not be liable to be replaced by a system of joint electorates and reserved seats, except when the following conditions are fulfilled:

- (a) A referendum of the voters held at the demand of a majority of their representatives in the Legislatures concerned and resulting in an absolute majority of the members of the Depressed Classes having the franchise.
- (b) No such referendum shall be resorted to until after twenty years and until universal adult suffrage has been established.

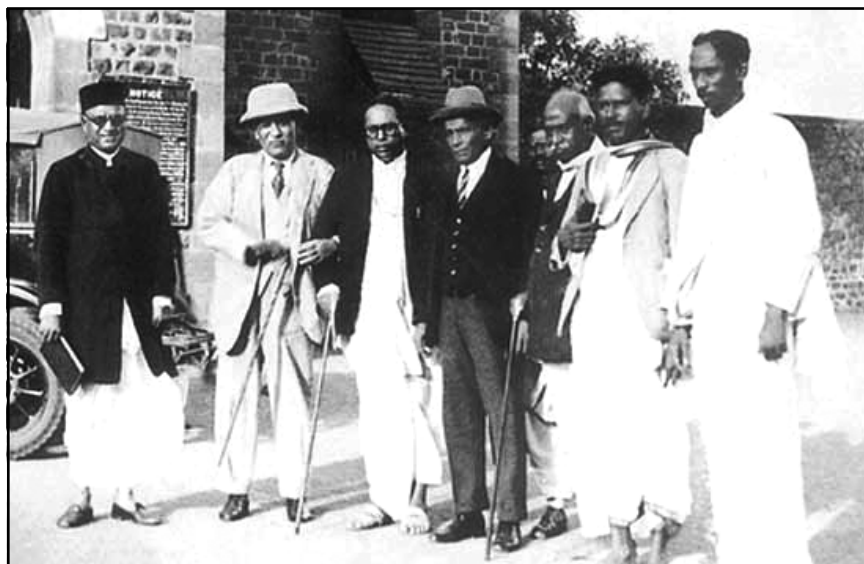
Gandhi, however, felt that untouchables with separate electorate would make a common cause with the Muslims in

opposing the Hindus; and thus opposed Ambedkar's idea of separate electorate at the Minorities Committee meeting on 13 November 1931.¹¹ In his speech, Gandhi stated:

Those who speak of the political right of Untouchables do not know their India, do not know how Indian society is today constructed, and therefore I want to say with all the emphasis that I can command that if I was the only person to resist this thing I would resist it with my life.¹²

Gandhi-Ambedkar Contestation

Having forced to close that Round Table Conference, the British Prime Minister appointed a consultation committee chaired by Lord Lothian which toured India in early 1932, and gathered together census material (the first caste census in India was just over in 1931) and the demands of the different groups across the country. Ambedkar once again presented his demand for separate electorate before this committee.¹³ Agreeing with Ambedkar's contention, the British government awarded separate electorates for the untouchables on 16 August 1932.¹⁴ Sticking to his words, Gandhi started his fast unto death from the Yerwada jail, where he was lodged in Poona then.¹⁵ This led to the creation of tremendous pressure on Ambedkar and he finally had to agree upon giving up his demand. An agreement was reached between the representatives of caste Hindus and Ambedkar at Poona (famously known as The Poona Pact; see Appendix I) which altered the provisions of Communal Award by replacing the separate electorate by reserved seats in joint or undifferentiated electorates.¹⁶ This attempt by Gandhi was less an agreement about giving due representation to the untouchable communities in the electoral process and more about showcasing Dalits as a part of Hinduism.¹⁷ It critically altered the method of electing a Scheduled Caste representative (from the system of separate electorates to), making the non-scheduled caste voters the prime deciding factor in the election.¹⁸



Leaders who participated in the discussions of Poona Pact with Dr Ambedkar in front of Yerwada Jail. Barrister M R Jaykar and cricketer P Balu are seen at far left and far right respectively.¹⁹

The two-stage election, as envisaged in the Poona Pact faced immediate criticism from Ambedkar and he started demanding for alteration in the electoral method. Ambedkar opined that the Poona Pact though increased the quota of seats for the untouchables; it took away the right to double vote. This increase in seats in no way was a justifiable compensation for the loss of the double vote. 'The second vote given by the Communal award was a priceless privilege. Its value as a political weapon was beyond reckoning.'²⁰ Ambedkar, therefore, soon met Gandhi on 23 April 1933 to propose some changes in the Poona Pact. He proposed to do away with the panel system and the process of double election which involved primary and secondary election considering the cost involved in two elections of Depressed Class candidates. Instead he suggested that there should be only a single election and that no candidate contesting for a Depressed Class seat in the reserved constituency should be declared elected unless he had secured at least 25% of votes of the Depressed Class voters.

This can be understood in two ways. Firstly, he converted the panel of four to be elected from the primary election, which was agreed in the Poona Pact, into percentage terms. In other words, it meant that if there were 100 Depressed Classes votes in the primary election and if they were equally divided, each candidate should get 25% votes since only 4 persons are to be elected in the primary election solely by the Depressed Class voters. Secondly, it also eliminated worthless candidates who would otherwise walk into the secondary election even though they secured very small number of votes. If the Hindus so decide, they can certainly elect such worthless candidates even though they have failed to secure good number of votes in the primary election. Since Ambedkar's original proposal for number of candidates to be selected in the primary election was only two, he feared given the very low number of voters available from the Depressed Class communities, there was a likelihood that four or less candidates could be contesting in the primary elections and all of them would easily walk into the secondary elections.

The process of voting as per the proposal of Ambedkar had further meaning. In this crucial proposal, in a single election, the voters of the Depressed Class and general category would vote for the Depressed Class candidates in separate ballot boxes. The votes of the Depressed Classes voters would be counted first and candidates securing less than 25% votes would be automatically eliminated. The votes of the general category would be then counted and added to those candidates who have 'qualified' by getting more than 25% votes. It was very unlikely that only one candidate would have become eligible for the next level as the Depressed Class candidates would need at least 76% of the votes from his community. In cases of fractured voting, where no Depressed Class candidate secured more than 25% votes from the community, the top two candidates will be selected and their votes from the general category will be added up. Out of these two, the one who secures highest number of votes (combining both the Depressed Classes votes and the general votes) would be declared elected.

The Pact in no way was an attempt to address the issue of representation of the Scheduled Castes. In the House of Lords at London, discussing on the non-seriousness of the Pact the Secretary of State for India (The Marquess of Zetland) had recorded:

...the method of election in the case of the Scheduled Castes under that part of the Communal Award which is known as the Poona Pact...was no part of the original Communal Award of His Majesty's Government. It was an agreement come to among Indians themselves. No official, and indeed no Englishman, had any part in the framing of the Agreement....I was never myself an ardent admirer of the Poona Pact....The Agreement was reached, as your Lordships will remember, under the threat of a fast unto death by Mr Gandhi, and my fears with regard to the results have been...that apparently simple document as a matter of fact raises questions of great difficulty. Take for example a panel of four candidates. Was the panel of four to be the maximum or the minimum? Then again, after the primary election, assuming that four candidates had been elected, were withdrawals to be allowed? Shall a man who has been elected be permitted to withdraw before the final election takes place?²¹

Gandhi, however, did not accept the fact that the Pact was done in haste and pressure and refused to accept Ambedkar's proposal out rightly.²² It should also be remembered that Poona Pact despite talking about joint electorate did not talk about double or multi-member constituencies, where two or more members would stand from the same constituency. It was the Government of India Act, 1935 which in addition to fulfilling the spirit underlying the Poona Pact also accommodated the demands of Ambedkar and introduced the idea of multi-member constituencies with cumulative voting system. In other words, it rewarded back the electors of reserved constituencies (both general and Scheduled Castes) as many votes as there were seats,

that one could give either in one bunch for one candidate or spread them about, as many votes as he has, among several candidates. Explaining the reason for choosing this system over simple voting, the House of Lords recorded that 'it will broaden the choice of the elector and will tend to break down those boundaries of caste and creed which are the basis of all India's difficulties'.²³

But Ambedkar knew that this attempt by the British would be of not much use. Given the political conditions and the electoral method, the Scheduled Caste representatives elected to the legislative bodies could not be the true representatives of the community, and the objective of enabling them to ventilate the grievances and obtain redressal from the government would remain unfulfilled. And therefore, he continued his efforts to rectify the provisions. To sustain his argument further Ambedkar wrote a detailed treatise supported by the statistical data of the 1937 elections in his book, *What Congress and Gandhi Have Done to the Untouchables*. In the analysis, Ambedkar succeeded in showing that:

Only 18% of the votes polled by untouchables were in favour of the Congress and 82% against the Congress....Congress won only 78 Scheduled Castes reserved seats whereas other parties managed to capture 73 seats....The 78 seats that the Congress won, was with a majority of votes other than that of the untouchables.... The Congress treated Scheduled Caste legislatures as dumb driven cattle.

For a casual reader, his analysis might sound nothing more than an ingenious attempt to delegate the Congress performance in the primary elections, but there is lot more meaning to it, when studied in the legal framework of the electoral methods. Ambedkar was arguing that Congress did not represent the untouchables as the candidates chosen by the untouchable voters in the primary elections had been rejected by the general voters in the secondary elections. This he also effectively proved by using the principle of simple majority by calculating the combined



strength of Congress party in the provincial assemblies and councils. Only 10% of the people were granted the right to vote, out of which 53% cast their votes against the Congress. As a result Congress secured only 777 seats out of 1758 seats in both the assemblies and councils. Since it did not get either 50% of the seats or 50% of the votes, this showed that it was neither a majority party nor did it prove to represent all the communities in the country. This situation, he opined, also needed a serious consideration because democracy in the country was still in its nascent form and passing through a process of evolution.

The Constituent Assembly: Ambedkar-Patel Contestations

When the British formed a Cripps Mission to frame a new constitution for India in 1941, it once again did not explicitly recognize the Depressed Classes as a separate element and remained vague, as usual, with the usage of term ‘racial and religious minorities’.²⁴ It completely ignored the pleas of Depressed Classes to have an independent voice recognized by granting political recognition to these classes. Ambedkar opposed the Cripps proposals saying that ‘the Scheduled Castes are bound hand and foot and handed over to the caste Hindus’. However, two years later when negotiations started again, the British this time made specific reference to Depressed Classes.²⁵ This disturbed the Congress once again and it started campaigning against it. So forceful was its campaign that British ultimately succumbed to it. The Wavell Plan declared, its plan in 1945, to expand the Executive council, but put forward only one representative per 50 million Scheduled Castes.²⁶ Ambedkar once again opposed this sinister political arithmetic and the Wavell plan failed.

Soon after that, the British formed the Cabinet Mission in June 1945 and made two announcements: one, elections to be held in the winter of 1945 for the provincial and central legislative assemblies; and two, a Constituent Assembly would be created after the elections for framing the new constitution. Interestingly the Central Legislative Assembly (CLA) had no reserved seats. The provisions of the Government of India Act, 1935 related to

this were never implemented in the CLA and thus, it had only one nominated member from the Scheduled Caste category. Ambedkar, thus, opposed it once again in a meeting with the Cabinet Mission on 5 April 1946.²⁷ He produced evidences to show the committee how in several cases Congress Scheduled Caste candidates who were outvoted by the SCF candidates in the primary elections, were beaten in the final elections in 1946; and how the small number of Scheduled Castes voters were terrorized by the loot and arson ensured by the Congress candidates.²⁸ Soon thereafter, the SCF under Ambedkar's leadership in July 1946 launched a Satyagraha for the rights of untouchables in Bombay, Poona, Lucknow and Kanpur. The Congress felt the need for rapprochement, asked Sardar Patel to meet Ambedkar, but it could not come to any settlement, because the consternation for Sardar Vallabhbhai Patel remained confined to criticizing Ambedkar for his attitude towards Gandhi in his writings and speeches.²⁹ Following the meeting, Ambedkar however, wrote a letter along with a detailed memorandum to Sardar Vallabhbhai Patel proposing alternatives to Poona Pact, but it remained unheard again.³⁰

Ambedkar's last attempt in this direction was at the Constituent Assembly, the entry to which was not an easy sail through for him.³¹ On 15 April, 1947 the All India Adi-Hindu Depressed Classes Association on behalf of the Scheduled Castes submitted a memorandum arguing that the system of joint electorates has deprived the Scheduled Castes of true and effective political representation and urged for the abrogation of the Poona Pact. The Association also demanded that the representation in the legislatures should be done by separate electorates, and if not, then by securing 40% of the total number of Scheduled Caste votes should be made compulsory for a Scheduled Caste candidate to win in joint electorates. However, the sub-committee in its meeting on 21 July 1947 decided by a majority of 28-3 that there should be no *separate electorate* for the elections to the legislature and that as a general principle there should be reservation of seats for the Scheduled Castes. While arriving at this decision, the option of discussing various methods of joint electorates, as

suggested by the All India Adi-Hindu Depressed Classes Association, was left open. The Sub-Committee also decided that the reservation should be for ten years and after that, the position can be reconsidered.³²

However, the decision on the electoral method of representation of Scheduled Castes and other minorities, based on a polling of some quota of votes from the community before he is declared elected, grew contentious;³³ as the Sub-Committee got divided by 7 votes on each side, and had to refer this matter to the Advisory Committee.³⁴ This attracted a considerable discussion even before the Advisory Committee, but finally K M Munshi with a support of a large majority in the Committee moved a resolution that there should not be such stipulation. This alternative method of electoral representation of a reserved seat was one of the options of the substitution of the separate electorates, but this got defeated.

Ambedkar knew it since the beginning that despite his strong efforts to bring in a settlement on the issue of the electoral method for the election of Scheduled Caste representatives, the Congress would virtually sweep aside any of his proposals. Facing a situation where the 'Harijan' members of the Congress in the Constituent Assembly were not speaking up for the rights of untouchables, Ambedkar at one point of time even thought of disassociating himself with the Constituent Assembly itself.³⁵

You should however remember that in the Constituent assembly of 292 or so I am one single, solitary individual. You should also bear in mind that no matter how great a man may have intellect or the capacity to argue and to defend, he is after all one man, a single individual. If the rest of 291 are determined not to listen to the reason, not listen to the argument but to oppose their opponent you can well realize my possible helplessness in the Constituent assembly of 292 where I am, only one.

At last when Ambedkar's demand found support in Nagappa's voice on 28 August 1947, who brought in a minimum stipulation of 35% of the votes for a qualified joint electorate, Patel nipping it in the bud, and said;³⁶

Mr. Nagappa wanted to move his amendment to fulfill a promise or undertaking or at least to show his community that he was not purchased by the majority community. Well, he has done his job, but other people took him seriously and took a lot of time....³⁷

As if this was not all, the Advisory Committee lead by Sardar Patel in May 1948 decided to abolish reservations for minorities, including those for the Scheduled Castes. It was at this stage that Ambedkar, the Chairman of the Drafting Committee of the Constitution and also the Law Minister of India, decided to walk out of the Constituent Assembly, saying:

I have laboured for three years preparing the Constitution on the cost of my health so that I could do something for the welfare of the Scheduled Castes....If seats were not kept reserved for the depressed classes in the Constitution, I would walk out of the Constituent assembly so that in the pages of the history it would remain written that how the Hindus opposed to the question of welfare of untouchables, when it came before them.³⁸

Ambedkar went out from the meeting and did not attend the House until Congress agreed on the inclusion of certain provisions for the welfare of the untouchables. Later, on 16 November 1949, Congress moved a resolution to substitute the word 'minorities' by the words 'certain classes', and exclude the Scheduled Castes from the ambit of minority permanently.³⁹ The amendment was adopted and with this came the special provision of reservation of seats in the House of the People for the Scheduled Castes by article 330 (1) of the Constitution. The Clause (2) of this article (330) also provided that the number of seats reserved in any State

for the Scheduled Castes or the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State in the House of the People as the population of the Scheduled Castes in the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

Important to mention, is the fact, that Mahatma Gandhi, the only person other than Ambedkar, albeit with different frame of mind and plan of action than him, was assassinated on 30 January 1948. Significantly, apart from Gandhi, there was no one in the Congress, who cared about the question of rights of Scheduled Castes. Jawaharlal Nehru had least interest in affairs of the untouchables and he barely grasped any issue regarding untouchables, including the Poona Pact. Sardar Patel, who was a witness to the Poona Pact and who understood the mind of Mahatma Gandhi, virtually took over the reins of deciding the issues related to Minorities and Scheduled Castes in the post-Pakistan and post-Gandhi India. In less than a month after the tragic assassination of Mahatma Gandhi, the Advisory Committee on Minorities held its crucial meetings under the leadership of Patel, who by then was known to have held his independent views different from that of the Prime Minister Jawaharlal Nehru, and who on decisions made by Patel remained mere a spectator.

The reluctance of the Congress leaders for inclusion of political safeguards for the untouchables becomes evident in the fact that the political safeguards were limited for a period of 10 years only. The speeches of Patel and Nehru made in the Constituent Assembly on 25 and 26 May 1949, while adopting the motion to abolish reservation for all minorities except Scheduled Castes, reflect the same disposition. The position taken by Ambedkar to ensure the political safeguards for untouchables despite the loss of reservations for minorities was result of the discussions outside the Constituent assembly. The Congress' decision to abolish all the reservations and describing them as evil could be seen in many of the speeches in the Constituent assembly. The extreme stance to walk out of the Constituent

assembly by Ambedkar, thereby threatening to leave the Congress in the lurch without a Constitution, might be the reason why the Congress leaders gave the concession albeit reluctantly for a limited period of 10 years.

The Constitution of Republic India completely outlawed the provision for separate electorate for Parliament and the state legislatures through Article 325; and made a provision of reservation for Scheduled Castes and Scheduled Tribes, along with few others categories through Article 330.⁴⁰ Neither seats were reserved for Scheduled Castes in the upper houses at centre or states, ie Rajya Sabha or Vidhan Parishads, nor were there any provisions for their representation in other political bodies. It was left merely at the behest of the state to make special provisions for the backward people within the scope of Article 15(4) of the Constitution.⁴¹

Change in Electoral methods after 1950 and its consequences

Most importantly, the reservation in political representation was kept subjected to constitutional time limit of ten years only. The Constitution also changed the electoral method from a two-stage election with a separate electoral roll for scheduled caste voters for the primary elections, as enacted in the Government of India Act 1935, to that of a single election based on a common electoral roll. This method was put to test for the first time in 1951-52 general elections. This method resulted in the defeat of Ambedkar in the elections.⁴² The defeat of Ambedkar at the hands of the Congress candidate, Kajrolkar Narayan Sadoba in the first Lok sabha elections (see Table 1), had a margin of 14,561 votes. However, this did not come on its own. There was a determined effort of using the electoral method.

Table 1

Constituency: Bombay North			Number of Seats 2	
No.	Candidate	Party	Votes	Votes %
1	Gandhi Vithal Balkrishna (winner from the General Seat)	INC	149138	20.83%
2	Mehta Ashok Ranjitram	SP	139741	19.52%
3	Kajrolkar Narayan Sadoba (winner from the Reserved Seat)	INC	138137	19.30%
4	Ambedkar Bhimrao Ramji	SCF	123576	17.26%
5	Dange Shripad Amrit	CPI	96755	13.52%
6	Deshmukh Gopal Vinayak		40786	5.70%
7	Joshi Keshav Balkrishna	RRP	15195	2.12%
8	Parulekar Nilkanth Baburao		12560	1.75%
Electors : 730126		Voters : 715888		
Poll Percentage : 49.02%		Valid Votes 715888		

Source: Election Commission of India

Before the election, S G Petkar and Bapurao Jagtap, on behalf of the Left Election Front (an alliance of CPI; Left Socialist Group and Kamgar Kisan Paksha) published a handbill that contained an appeal addressed to the voters of the Bombay North Constituency stating that S A Dange, who was contesting for the general seat to the House of the People as a candidate of the Left Election Front, was the most capable among the candidates contesting the election and asked the voters to give both their votes to him.

Five days before the date of the election on December 29, 1951, the newspaper 'Yugantar' carried the same instructions to voters in Bombay. These instructions told the voters that they would receive two ballot papers and that both of these should be dropped in the box of 'the engine', the election symbol of Left Election Front in Bombay. Another handbill issued by Dange himself, said that all those who wanted to make the United Front of Leftists' nominees successful should give both their votes to 'the engine'.

Deshmukh had also issued a similar appeal to his followers in the press statement issued by him and printed in the newspaper 'Vividh Vritta' on December 30, 1951 to drop both their votes in the box of a caste Hindu, because it was feared that since the Socialists had entered into a pact with the Party of Ambedkar, the Scheduled Caste Federation, both the Parliamentary seats in this constituency might go to the two members of the Scheduled Castes, Ambedkar and Mr Kajrolkar. The handbill also stated that it was not obligatory on the voters to cast one of their votes for a Scheduled Castes candidate, and that both votes could be given to a Caste Hindu candidate as voting in this manner was not in any way illegal.

Considering the large number of votes wasted, if we are allowed to think free, we come across three important situations:

Had Ambedkar got all the wasted (77,333) votes: Ambedkar had received 1,23,576 votes in the election. An addition of 77,333 votes would have made his share of votes to 2,00,909 (123576+77333), highest in the constituency and declared the winner from the non-reserved seat. Thus, in this case, both the seats would have gone to the Scheduled caste candidates.

Had Ambedkar got only 45,849 votes wasted in the ballots of Dange (CPI: 39,165) and Deshmukh (IND: 6,684): Even in this case Ambedkar's share of votes would have been highest in the constituency (1,69,425) and declared winner from the non-reserved seat. Both the seats would again have gone to the Scheduled caste candidates.

Had Ambedkar got only 39,165 votes wasted in Dange's ballot: In this case too, Ambedkar's share of votes would have been highest in the constituency (1,69,425) and declared winner from the non-reserved seat. Both the seats would again have gone to the Scheduled caste candidates. In fact, even the half of the votes wasted in Dange's ballot would have made Ambedkar win the election from the general seat.

However, neither the tribunal nor the political leadership of the time thought the issue worth considering, and pondering over the loss conferred upon the Scheduled Castes. On the contrary, they remained hell bent upon propagating the manufactured fact that Ambedkar, the leader of the Scheduled Castes could not win an election even from the reserved seat against Congress. The irony of the matter is that even 60 years after this episode, people still do not know the reasons that were responsible for Ambedkar's electoral defeat. Social scientists, including those who have been referred in this study for their pioneering work on Dalit issue in general and Ambedkar in particular, too have ignored this matter completely.

Ironically, few years later, the government abolished the arrangement of double member constituencies by the Constitution's Eighth Amendment on 5 January 1960. The argument forwarded was the election's cost, cumbersomeness, confusion among voters. But the fact of the matter was that the abolition was conspired primarily due to the fear of defeat of general candidates at the hands of reserved ones. The most famous case being that of Parvathipuram Constituency, where the INC general candidate V V Giri was defeated by an independent Scheduled Tribe candidate (see Table 2).

Table 2				
Constituency: Parvathipuram			Number of Seats 2	
	Candidate	Party	Votes	Votes %
1	B Satyanarayana (winner from the Reserved Seat)	INC	126792	25.65%
2	Vasireddy Krishnamurthy Naidu	IND	118968	24.06%
3	V V Giri	INC	124039	25.09%
4	Dippala Suri Dora (winner from the General Seat)	IND	124604	25.20%
Electors: 827104 Voters: 494403 Poll Percentage: 29.89%				
Valid Votes: 494403				

Source: Election Commission of India

Since then, all the elections have been conducted under single-member electoral system, with reservation of seats for the Scheduled Caste and Scheduled Tribe population on the basis of their percentage in every state. The single member reserved constituency system has seen several elections in the past 50 years, since the provision of reserved seats has been continuously extended after every ten years under article 334 of the Constitution.

It is evident that the electoral method for the reserved constituencies between 1931 proposal for separate electorates to the 1961 abolition of double member constituencies have kept changing at a fast pace. However, in the next 50 years from 1961, it strictly remained as a single electoral roll of joint electorate for both Scheduled Caste and non-Scheduled Caste voters under a single member reserved seat (see Table 3).

Table 3
The Timing, Reasons, and Names of the Acts for the Changes in Reservation for Political Representation of Scheduled Castes in India

Names of the Act	Year of Effect	Enacted in the Election Years	Reasons for Change	Machinery responsible
Delimitation of Parliamentary and Assembly Constitution Order 1956	1956	1957, 1962	State Reorganization Act 1956	Delimitation Commission
Two-Member Constituencies Abolition Act 1961	Jan 1961	1962 onwards	Two member jurisdiction abolished	Election Commission
Punjab Reorganization Act 1966	1 Nov 1966	1967 onwards	Reorganization of Harvana and Puniab	Election Commission
Delimitation Commission Act 1962	July 1966	1967, 1968, 1971, 1972	Revised in line with 1961 census count	Delimitation Commission
Delimitation Act 1972	Oct 20, 1975	1974, 1976	Revised in line with 1971 census count	Delimitation Commission
SC-ST Orders Act 1976	1976	1977, 1978, 1980	Reorganization due to Area Restriction Removal Act	Election Commission
Delimitation Act, 2002	2002	2004, 2005, 2006, 2007, 2008, 2009	Revised in line with 2001 census count	Delimitation Commission

Source: Election Commission of India

While during the first 40 years the alternative schemes for separate electorates or for a qualified joint electorate with the stipulation of minimum number of votes to be secured by the winning candidate from his/her own community, as demanded by Ambedkar was never agreed upon; in the latter period there has been hardly anyone in the Parliament who has argued for its continuance, yet it is extended after every ten years without any debate.

The bill to abolish double-member constituencies was introduced by a private member on the ground of its cost, cumbersomeness, confusion among voters and misunderstanding among candidates of the same political parties;⁴³ but the fact of the matter remains that the abolition was inspired principally due to the fear of defeat of general candidates at the hands of reserved candidates. The allocation of the reserved seats to one of the two areas of the double member constituencies turned out to be quite a problem in a number of cases, mainly because of the lack of detailed population figures for smaller administrative units.⁴⁴ In the case of seats reserved for Scheduled Castes, the Commission began by first reserving the constituencies with the highest concentration of Scheduled Castes - usually not more than 20 percent and then selecting others by the dispersal criterion. Since the Scheduled Caste, population, was evenly dispersed, the constituencies reserved for them contained far fewer Scheduled Caste members.

Among the 76 Lok Sabha constituencies reserved for Scheduled Castes, they nowhere comprised a majority and only in 13 they comprised nearly 30 per cent. Most of the Scheduled Castes constituencies contained between 10 and 30 per cent of Scheduled Castes and the vast majority of the SC population—perhaps 75 per cent—were left outside the constituencies reserved for them. Of the 111 Lok Sabha constituencies where Scheduled Castes comprised more than 20 percent of the population, only 46 were reserved, while 29 constituencies reserved had less than 20 per cent SC population.⁴⁵

In Lieu of Conclusion

It is the Gandhi-Ambedkar contestation that has shaped the electoral method of this country. In the initial stages Gandhi's position was of full denial of any such rights for the untouchables. However, when in 1932 he realized that political representation for Untouchables under the Ramsay McDonald award [Communal award] was inevitable, his position shifted to altering the Electoral Method by which a Scheduled caste member was to be elected. The Electoral Method was in contention for the Separate Electorate method. This was already applied in the case of Muslims since 1909 and it was extended to other Minorities in the Communal award in 1932. Once Gandhi stood steady against the Separate Electorate method, all efforts of Ambedkar during Poona Pact were to secure a method other than a joint electorate method. His focus was to find an Electoral Method or formula by which the Scheduled Caste elected representative of the Scheduled Caste constituency and caters to the interests of the Scheduled castes.

The Poona Pact which initiated the formula of two stage election had elements of both separate and Joint electorate was a compromise for Ambedkar and a great victory for Gandhi. It eventually became a formula by which the winner was decided by the Hindu majority. The 1937 election analysis by Ambedkar had clearly proved this point; that invariably the candidate whom scheduled castes chose as their number one candidate on the list in Primary Election, lost in the Joint electorate vote in stage two. This was clear enough to prove that whosoever was voted by the majority of untouchables in the primary election was deliberately voted out by the caste Hindus in the secondary elections.

The book, *What Congress and Gandhi Have Done to the Untouchables*, was Ambedkar's scathing attack (for he was forced to sign the Poona Pact against his will due to threat to Gandhi's life) on Gandhi. This pitted Congress and the likes of Sardar Vallabhbhai Patel against Ambedkar and further consolidated Congress opposition to any concessions to be provided to

untouchables. In the later stage of 1945, Congress upped the ante against Ambedkar and in 1946 elections the Congress election strategist, Sardar Patel effectively rooted out any opposition from the Untouchables to Congress including Ambedkar. In such a situation, Ambedkar continued to valiantly argue his point at every opportunity and at every negotiation, that Scheduled castes representatives have to be elected by such a method that will enable them to air the grievances of the untouchables. The demand for political representation for Scheduled Castes by Ambedkar had to overcome the resistance of a very powerful Gandhi, and therefore he could argue only till a certain point during Poona pact negotiations.

After Gandhi, people like Sardar Patel even went to the extent of abolishing all reservations. Therefore, as the scheduled caste votes for an election to a reserved constituency becomes irrelevant or least important, thereby the issues related to scheduled castes have also become irrelevant for the elected member. Since the upper castes/other backwards castes/other non-SCs still discriminate and behave in such a manner which proves the oppressive nature of social relations, the non-SC constituency in a territorial delimited electoral constituency would never like to have a SC representative from a reserved constituency who would take the sides with Scheduled Castes, and would be pleased to have one who toes the line of the non-SC majority of his constituency, and basically the upper/powerful castes in that constituency. Since the election nomination process of every party (except few SC parties) is controlled by upper castes the Scheduled caste representative does not even behave in favour of Scheduled castes, not only in the legislative body but also in the public fora.

Tracing the evolution of the question of representation that was raised by Ambedkar, it is clear that the Electoral Method that is adopted to elect a scheduled caste representative from a reserved constituency fails to fulfill the representative character of the reserved members.

A recent survey conducted in two states namely Andhra Pradesh and Punjab, to understand the existing legal framework of electoral methods needed to implement the affirmative action through political representation of the Scheduled Castes, in short, the representative character of Scheduled caste representatives; in the year 2010 shows some interesting facts:⁴⁶

- 76.8 percent of respondent said 'NO' to the question as to whether their MLAs have ever raised issue of Dalits in Legislative Assembly.
- 57.6 percent replied in negative in response to a question whether their MPs have ever raised the issue of Dalits in the Parliament.
- 49.2 percent felt that the MLA and MPs do not raise the issue related to Scheduled Caste community because they had to depend on other caste voter (for their election). In this particular response only 27.1 percent replied in the negative.
- Out of those who met/requested their MLAs/MPs for some work related to Scheduled Caste community, more than two-third (61.5%) percent felt that the response of MLA/MP was negative.
- Nearly 60 percent felt that their MLA/MP has not helped them in getting basic amenities such as house, water, road or transport for Scheduled Castes; 82.5 percent of the respondents felt that the MLA/MP did not help the Scheduled Caste in getting education facilities and 91.5 percent expressed dissatisfaction with the role of their MLAs/MPs in helping them to get employment.
- On the issue of atrocities or mistreatment of Schedule Castes, nearly 70 percent of the respondents felt that atrocities take place in their locality. Among them while a significant number (every sixth respondent) felt that the frequency of such incidences was very regular (everyday); every 12th respondent said that the incidents were repeated once or twice in a month. However, an overwhelming

majority (81.2 percent) felt that the response of their MLAs/MPs on these issues, when approached was negative.

- Only 8.5 percent of the respondent felt that they were satisfied with the system of political representation for Schedule Caste. A good 65 percent was not satisfied and 21 percent were little satisfied.
- To a leading question whether they wanted some change in the political system, a majority (56.5 per cent) of them replied in positive.
- Nearly 50 percent of the respondents expressed their agreement with the idea that a Schedule Caste representative should be elected only by Schedule Caste voters. Among those who opposed this idea, about 72 percent agreed that the Schedule Caste members should compulsorily secure at least one third of the Scheduled Caste votes in that constituency. Thus, on the whole, out of 177 respondents, 135 (76.27 per cent) felt that there should be a change in the electoral system.

A further analysis of the relationship between the dissatisfied response of the respondent with the performance of the Schedule Caste representatives requires (i) raising the issues related to Schedule Caste in the assembly (ii) raising the issues related to Scheduled Caste in the parliament (iii) performance on the issues of basic amenities (iv) education facilities, (v) employment access and (vi) atrocities committed against the Schedule Castes, indicated that the voters felt that the Schedule Caste representatives were not representing their communities interest.

While seeking solution as to whether a separate electorate methods should be used, 66 respondents felt that dependence on the other caste voters was one of the reasons to bring in a change in the electoral method. Similarly, 88 (49.7 per cent) qualified joint electorate method seekers also found the dependence on other caste voters as a factor. 80 respondents (45 per cent) who were not or little satisfied with the present system of political

representation sought separate electorate, and out of those who rejected the separate electorate (i.e. 67) 36 respondents (i.e. 53 per cent) sought qualified joint electorate.

There was a clear division in the opinion of respondents from Punjab and Andhra Pradesh on the choice of the new electorate method. It is evident that a majority of the respondent were not satisfied with the present system of political representation. Out of these respondents, the ones from Punjab found qualified joint electorate as a better method while the ones from Andhra Pradesh selected the separate electorate method. But in variably majority was not satisfied with the present system and they chose a change in the electoral method.

Appendix 1

POONA PACT.

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The following agreement has been arrived at between leaders acting on behalf of the depressed classes of the various Provinces, regarding the representation of the depressed classes in the Legislatures and certain other matters affecting their welfare:-

1. There shall be seats reserved for the depressed classes in the Provincial Legislatures as follows:-

Bombay 20 out of 245, Madras 20 out of 245, Punjab 8 out of 175, Bihar and Orissa 12 out of 175, Central Provinces 20 out of 245, Assam 7 out of 145, Madhya Pradesh 20 out of 245. The United Provinces 20 out of 245.

Total 143 out of 1460 seats. These figures are based on the total strength of the Provincial Councils announced in the Prime Minister's address.

2. Elections to these seats shall be by joint electorates subject however, to the following principles:-

All the members of the depressed classes registered in the general electoral roll of a constituency will form an electoral college which will elect a panel of four candidates belonging to the depressed classes for each of such reserved seats by the method of the single vote and four persons getting the highest number of votes in each primary election shall be the candidates for election by the general electorate.

3. The representation of the depressed classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of primary election in the manner provided for in clause 2 above for ^{their} representation in the Provincial Legislatures.

4. In the Central Legislature 15 per centum of the seats allotted to the general electorate for British India

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in the said Legislature shall be reserved for the depressed classes.

5. The system of primary election to a panel of candidates for election to the Central and Provincial Legislatures as herein before mentioned shall come to an end after the first 10 years, unless terminated sooner by mutual agreement under the provisions of clause 6 below.

6. The system of representation of depressed classes by reserved seats in the Provincial and Central Legislatures as provided for in clauses 1 and 4 shall continue until determined by mutual agreement between the communities concerned in this settlement.

7. The franchise for the Central and Provincial Legislatures for the depressed classes shall be indicated in the Indian Committee's report.

8. There shall be no disabilities attaching to any one on the ground of his being a member of the depressed classes in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure a fair representation of the depressed classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Services.

9. In every province out of the educational grant an adequate sum shall be earmarked for providing educational facilities for the members of the depressed classes.

Poona, 24th September 1932

P. R. Kumbhar
 C. R. ...
 Jy. Bahadur Sahu
 S. D. ...
 ...

Madan Mohan Malaviya
 ... M.L.A., K.C.
 M. R. Jayakar
 Chinnalal V. ...
 P. G. Solanki ...

...
 ...

H. J. Chetani

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M. T. Godhale

Hansa Mehta

Jyeshthi Raji

Chuntika Jadhav

Monika Mehta

Manjla Mehta

Jyoti Dadas Vanshi

✓ K. G. D. K. K. K.

K. P. Limay

H. R. ~~...~~

✓ Bhaji Keshari Patil

B. F. Shrivastava

✓ S. S. S. S. S.

Vinayak Vamshi Bhatt

A. R. Bhat, K. S. H. P.

✓ B. J. Desai

✓ Damodar Panalwar Chokre

Chaitanya P. Gidwanji

K. Nagawara Rao

✓ Sriam Sharma

Appendix-2**Text of Poona Pact**

The following is the text of the agreement:

- (1) There shall be seats reserved for the Depressed Classes out of the general electorate seats in the Provincial Legislatures as follows:

Madras 30, Bombay with Sind 15, Punjab 8, Bihar and Orissa 18, Central Provinces 20, Assam 7, Bengal 30, United Provinces 20; Total 148.

These figures are based on the total strength of the Provincial Councils, announced in the Prime Minister's decision.

- (2) Election to these seats shall be by joint electorates subject, however, to the following procedure :

All the members of the Depressed Classes, registered in the general electoral roll in a constituency, will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote ; the four persons getting the highest number of votes in such primary election shall be candidates for election by the general electorate.

- (3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates, and reserved seats by the method of primary election in the manner provided for in Clause 2 above, for their representation in the Provincial Legislatures.
- (4) In the Central Legislature, eighteen per cent of the seats allotted to the general electorate for British India in the said legislature shall be reserved for the Depressed Classes.
- (5) The system of primary election to a panel of candidates for election to the Central and Provincial Legislatures, as hereinbefore mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of Clause 6 below.
- (6) The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislatures as provided for in Clauses I and 4 shall continue until determined by mutual agreement between the communities concerned in the settlement.
- (7) Franchise for the Central and Provincial Legislatures for the Depressed Classes shall be as indicated in the Lothian Committee Report.



Political Representation

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- (8) There shall be no disabilities attaching to any one on the ground of his being a member of the Depressed Classes in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Services.
- (9) In every province out of the educational grant, an adequate sum shall be earmarked for providing educational facilities to the Members of the Depressed Classes.

Notes :

¹The introduction of separate representation principle was started during the Indian Councils Act 1892. The Act though said nothing about the principle of separate representation; it was in the directions issued to those charged with the duty of framing regulations, that Muslims were named as a class and representation of their interest was to be provided for. For many, the reason for the same is still a mystery because it was introduced so silently and so stealthily without any demand put forth by any organized Muslim association. Probably, the Viceroy, Lord Dufferin's opinion that, 'the necessity that in India representation will have to be, not in the way representation is secured in England, but representation by interests' led to this way and separate representation became, for the first time, a feature of the Indian Constitution; not as conferring any right of selection upon, or a right to claim a fixed number of seats for the Muslim community, but to give them the right to separate representation. The Muslims did not fail to appreciate the social value of separate political rights and soon a Muslim delegation led by Aga Khan in 1906 met the viceroy at Simla with three important demands: one, it argued for the recognition of communal identity in policy formation, reflecting the views that this should have 'due regard always to the diversity of race and religion'. Second, it argued that Muslim representation should be 'commensurate not merely with their numerical strength but also with their political importance and the value of contribution which they make to the defense of the Empire'. In a way, it argued that the proportional representation was not always sufficient. And at last it questioned the actual size of the 'Hindu majority' and their right to speak on behalf of the 'untouchables'. However, the British only considered the first point as it gave them the way for communal representation. It was during these days that the British had started the process of enumerating caste in the Census. For details see B. R. Ambedkar, *Thoughts on Pakistan* (Bombay: Thacker and Company Limited, 1940); also see address presented by a deputation of the Muslim Community of India on 1st October 1906 at Simla to H. E. Lord Minto, Viceroy and Governor General of India. Ambedkar calls the meeting of the delegation, a Command performance; also see C.H. Philips, *The Evolution of India and Pakistan 1858 to 1947: Select Documents* (London: Oxford University Press, 1962). Also see Alistair McMillan, *Standing at the Margins: Representation and Electoral Reservation in India* (New Delhi: Oxford University Press, 2005). For more especially on the Muslim Separate Electorates in British India see Farzana Shaikh, *Community and*

Consensus in Islam: Muslim representation in Colonial India 1860-1947 (Cambridge: Cambridge University Press, 1989).

² B. R. Ambedkar, *Dr. Babasaheb Ambedkar Writings and Speeches* (Bombay: Education Department - Government of Maharashtra, 1979), Vol. 1. (henceforth referred as *BAWS*)

³ For details see Gandhi (Mahatma), *Collected Works of Mahatama Gandhi*, (New Delhi: Ministry of Information and Broadcasting, 1994), Vols. 29-33. (henceforth referred as *CWMG*)

⁴ The analysis of the approach of Gandhi towards the issue of untouchability as attempted by few scholars remains limited in its scope and therefore demands a more serious study.

⁵ The other important leaders of the Depressed Class organizations like G.A. Gavai and M.C. Rajah too responded in similar ways. For more details see S. K. Gupta, *The Scheduled Castes in Modern Indian Politics: Their Emergence as a Political Power* (New Delhi: Munshiram Manoharlal, 1985), pp. 238-9.

⁶ *BAWS*, Vol. I.

⁷ Ambedkar further added that 'we would like to have certain safeguards either in the constitution, if it is possible, or else in the way of advice in the instrument to the Governor regarding the education of Depressed Classes and their entry into the public services.' *Ibid.*

⁸ See *CWMG*, Vols. 57-58.

⁹ Ambedkar, *Thoughts*, p. 31.

¹⁰ *Ibid.*

¹¹ Mahadev Desai, *Diary Vol.II*, p.301, Quoted in Zelliott, Eleanor, *Dr. Babasaheb Ambedkar and The Untouchable Movement* (British Columbia: Bluemoon Books,2004), p.140.

¹² B.R. Ambedkar, *What Congress and Gandhi have done to Untouchables* (Bombay: Thacker & Co., 1945), reprinted in *BAWS*, Vol. IX, pp. 68-69.

¹³ However, in a dramatic turn, M. C. Rajah, leader of the Madras Depressed Classes and the only member of the Central Assembly in Delhi, who had earlier supported Ambedkar during the Second Round Table Conference on the issue of separate electorates against that of Gandhi, went ahead with an agreement with B.S.Moonje, a Hindu

Mahasabha leader, and compromised on the question of separate electorate. As a result, the Lothain committee in its report, like its predecessor Simon Commission, rejected the idea of separate electorate for the depressed classes. See Devendra Swarup and Meenakshi Jain (eds.), *The Rajah-Moonje Pact: Documents on a Forgotten Chapter of Indian History* (New Delhi: Low Price Publications, 2009). The Pact was not recognized by the British.

¹⁴ The British government in London was of the view that Ambedkar was the most important leader of the Depressed Classes and the Secretary of State for India, Samuel Hoare while presenting this report in the Parliament said, 'We must be careful not to appear to Cut down Ambedkar or to accept the claims of the Rajah party' (8 August 1932, IOR L/PO/6/80(i)/169) [As cited in Alistair McMillan, *Standing at the Margins: Representation and Electoral Reservation in India* (New Delhi: Oxford University Press, 2005), p.50].

¹⁵ Gandhi, in fact, reminded the British PM about his threat to resist it with his life through a letter, to which the British Prime Minister had replied: 'As I understand your attitude, you propose to adopt the extreme course of starving yourself to death not in order to secure that the Depressed Classes should have joint electorate with other Hindus, because that is already provided, nor to maintain the unity of Hindus, which is also provided, but solely to prevent the Depressed Classes, who admittedly suffer from terrible disabilities today, from being able to secure a limited number of representatives of their own choosing to speak on their behalf in the legislatures which will have a dominating influence over their future.... I am afraid, therefore, that my answer to you must be that the Government's decision stands and that only agreement of the communities themselves can substitute other electoral arrangements for those that Government have devised in a sincere endeavour to weigh the conflicting claims on their just merits.' Ambedkar, *What Congress*, pp. 83-87.

¹⁶ This was incorporated in the Government of India Act, 1935. The genesis of the term Scheduled Caste (henceforth interchangeably referred to as SC) is also to be found in the same Act, for it officially scheduled or listed a number of castes who were tested to be qualifying the test for untouchability.

¹⁷ This was clearly evident from Gandhi's comment to Ambedkar in 1933 that 'in accepting the Poona Pact you accept the position that you are Hindus.' Cited in C. Jaffrelot, *Dr. Ambedkar and*

Untouchability: Analysing and Fighting Caste (New Delhi: Orient Longman, 2004), p. 67.

¹⁸ Election to these reserved seats in joint electorates was to the following procedure: All the members of the Depressed Classes, registered in the general electoral roll in a constituency, will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote; the four persons getting the highest number of votes in such primary election shall be candidates for election by the general electorate. Pyarelal Nayar, 'Epic Fast', *The Times of India*, 19 Sep. 1932.

¹⁹ Photo credit : Dr. Babasaheb Ambedkar (Mumbai: Lokvangmay Griha, 2007), p.128.

²⁰ Ambedkar, *What Congress*, pp. 83-87; and *States and Minorities*,

²¹ *Lord Debates* - April 7, 1936. Accessible at <http://yourdemocracy.newstatesman.com/parliament/government-of-india-provincial-legislative-assemblies-order-1936/HAN8539493>

²² There are two versions of this significant meeting between the two leaders that could have had the great impact on the electoral system of future India. The author has looked at both the versions to come to this conclusion on the basis of what transpired between them.

²³ *Lord Debates* - April 7, 1936.

²⁴ During this time (July 1941) British had appointed Ambedkar to the National Defence Council. Later (1942-1946) they made him a Member of the Viceroy's Executive Council. It was during this time that Ambedkar initiated the reservations for Scheduled Castes in employment and introduced education grant through scholarships.

²⁵ Wavell's letter to Gandhi on 15 August 1944. See *BAWS*, Vol. IX, pp. 334-336. These were done at the instance of British war cabinet and the Prime Minister Winston Churchill, for more details see A.C. Pradhan, *Emergence of the Depressed Classes* (Bhuwaneshwar: Bookland International, 1986), p. 284.

²⁶ The same plan had 5 seats for 90 million Muslims and 1 seat for 6 million Sikhs.

²⁷ Note of meeting between Cabinet delegation, Field Marshal Viscount Wavell and Dr. B.R. Ambedkar on Friday, 5 April 1946 at 12 noon in

BAWS Vol. X, pp. 484-486.

²⁸ *Does the Indian National congress represent the Scheduled castes (untouchables) of India?* reproduced in BAWS, Vol. X, pp. 525-527

²⁹ For details see Vundru, Raja Sekhar, 'Affirmative Action in Political Representation: Legal Framework and Electoral Methods in the case of Scheduled Castes in India', *Unpublished Thesis* (Bengaluru: National Law school of India University, 2011).

³⁰ As quoted by Sardar Patel in his letter dated September 1, 1946, reproduced in Sumit Sarkar (ed.), *Towards Freedom: 1946* (New Delhi: Oxford University Press, 2007), pp. 908-909. For the details of the proposed plans of Ambedkar on non-territorial constituencies in that letter, see Vundru, Raja Sekhar, 2011. *Unpublished Thesis*, Op.Cit.

³¹ The Congress in power headed by Prime Minister B.G. Kher, under instructions from Sardar Patel had ensured that Ambedkar could not get elected. However, the people of the Depressed Classes across the country got annoyed with this move and finally Jogendranath Mandal, a strong critique of Congress and head of Bengal Unit of SCF, made way to the Constituent Assembly for Ambedkar from Bengal. Mandal managed to secure the votes of six Congress Scheduled Caste legislators in Bengal to ensure Ambedkar's nomination to the Constituent Assembly. See Usuda, *Masayuki*, 1997. 'Pushed towards the Partition: Jogendranath Mandal and the Constraint Namashudra Movement' in H. Kotani (ed.), *Caste system, untouchability and Depressed* (New Delhi, Manohar Publishers, 2003), p. 254. Thus finally, the communal composition of the Constituent Assembly after the 1946 elections had 161 Hindus, 80 Muslims, 3 Anglo-Indians, 6 Indian Christians, 3 Parsees, 6 tribes and 31 Scheduled Castes (28 Congress nominees; one from the Unionist Party, one Dr. Ambedkar himself, and one from the others). See Shekar Bandyopadhyay, 'Transfer of Power and Crisis of Dalit Politics in India: 1945-1947', *Modern Asian Studies*, 34/4 (2000), p. 918.

³² B. Shiva Rao (ed.), *The Framing of India's Constitution* (New Delhi, IIPA, 1966-1968), Vol. II.

³³ The stipulation of minimum number of votes for a reserved candidate as proposed by Ambedkar was 25% of that by the All India Adi-Hindu Depressed Classes Association before the Minorities Sub-Committee was 40%.

³⁴ The Advisory Committee comprised of 57 members including Sardar

Vallabhbhai Patel as the Chairman. The Advisory Committee submitted its report to the Constituent assembly on 27th August 1947. See Rao (ed.), Op.Cit.

³⁵ *BAWS*, Vol. XVII (part three), p.371-372.

³⁶ Sardar Nagappa was a Scheduled Caste member of the Constituent Assembly from Andhra Pradesh. He was also the Convenor of Scheduled Castes members of the Constituent Assembly. For more details see R.K. Kshirsagar, *Dalit Movement in India and its Leaders (1857-1956)* (New Delhi: M.D. Publications, 1994).

³⁷ Clause 6: No condition for a minimum number of votes of one's own community: There shall be no stipulation that a minority candidate standing for election for a reserved seat shall poll a minimum number of votes of his own community before he is declared elected. *Constituent Assembly Debates*, Vol. V, p.259-270.

³⁸ Prem Parkash, *Ambedkar: Politics and the Scheduled Castes* (New Delhi: Ashish Publishing House, 2002).

³⁹ See K.K. Wadhwa, *Minority Safeguards in India: Constitutional Safeguards and their Implementation*, (New Delhi: Thomson Press India, 1975), pp.4-8.

⁴⁰ *The Constitution of India*, Government of India, Ministry of Law and Justice (as modified upto the 1st December 2007), p. 198. *Emphasis added*.

⁴¹ However, the constitutional provision of reservation for SCs and STs was supported by the provision of smaller election deposit for the people from SC/ST categories in both reserved as well as non-reserved seats. See Representation of People Act, 1951.

⁴² For detailed analysis see Vundru, Raja Sekhar, *Unpublished Thesis*, (2011) Op. Cit.

⁴³ Lelah Dushkin, 'Scheduled Caste Politics', in Michael J. Mahar, *The Untouchables in Contemporary India*, (Tucson: University of Arizona Press, 1972).

⁴⁴ This was primarily because the 1951 census gave the scheduled castes and scheduled tribes population only for 'tracts' the size and composition of which varied greatly. Sometimes a tract covered 'the rural areas of two or three tehsils in a district, or three or four small towns, or some such grouping, which made it impossible to determine

accurately the scheduled castes or scheduled tribes population of an assembly constituency as a whole or of a specified part of a constituency.' The method of computing by the rule of proportion which had perforce to be adopted in these circumstances was not satisfactory. As a result of this experience, the Election Commission strongly recommended to the Census Commissioner for India that the 1961 census must give the scheduled castes and scheduled tribes population figures for each primary unit (like a village or a municipal ward or a mohalla in a town) for which the total population is shown. *Election Commissions of India's 'Report on the Third General Elections in India'*, 1962, Vol I.

⁴⁵ For more details see Marc Galanter, 'Compensatory Discrimination in Political Representation: A Preliminary Assessment of India's Thirty-Year Experience with Reserved Seats in Legislatures', *Economic and Political Weekly*, Vol. 14, No. 7/8, Annual Number: Class and Caste in India (1979), pp. 437-454.

⁴⁶ The two districts chosen in these States were Hoshiarpur (Punjab) and East Godavari (Andhra Pradesh) due to very high concentration of schedule castes in these districts. In each District, two assembly segments were selected, out of which one was a non reserved constituency. In Punjab the constituencies were Hoshiarpur and Sham Churasi and in Andhra Pradesh they are P. Gannavaram and Mandapeta. For details see Vundru, Raja Sekhar, 2011. 'Affirmative Action in Political Representation': *Unpublished Thesis*, Op.Cit.