

Chapter 2

Electoral Law and the Electoral Method for the Scheduled Castes: Part I- (1919-1946)

Election provided the first formal outlet for right to expression in the legal framework in the pre-independence period. It gave the Indians an opportunity for representation to the legislative bodies. As discussed in the introduction, the process that started with the inclusion of Indian representative in the government process started with the nomination in the Governor General's Council in 1861. Later in 1873 it was extended to election, first, for membership in selected municipal committees and second, in local government in 1882. Few decades later, with the aim to further consolidate their base; the British introduced the Morley-Minto reforms in 1909 and established an electoral method called separate electorates. However, the provision for separate electorates¹ remained limited only for the Muslims. With the growing demand for better participation in governance by the Indian National Congress, the British Government gradually started introducing self-governing institutions through the Montagu-Chelmsford reforms. The reforms were outlined in 1918 and formed the basis of the Government of India Act, 1919. The Government of India Act, 1919 in its preamble had clearly stated the pledge of the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral Part of the British Empire.²

There was a growing demand thereafter by the Indians for constitutional parity with the existing Dominions such as Canada and Australia, which meant complete autonomy

¹ The idea of Separate electorates was not a unique idea with India. It existed in other countries. Speaking at the House of Lords on 23 February, 1909, John Morley spoke during the Second reading of the Indian Councils Bill and said: "The Mahomedans demand three things. I had the pleasure of receiving a deputation from them, and I know very well what is in their minds. They demand the election of their own representatives to these councils in all the stages, just as in Cyprus, where I think, the Mahomedans vote by themselves. They have nine votes and the non-Mahomedans have three, or the other way about. So in Bohemia, where the Germans vote alone and have their own register. Therefore we are not without a precedent and a parallel, for the idea of a separate register." *Indian speeches (1907-1909) by John Morley (AKA Viscount Morley)* Accessed from <http://www.gutenberg.org/etext/10956>

² This statement is taken from the speech delivered by the Secretary of State for India, Edwin Montagu to the House of Commons on August 20, 1917. For more details see Richard Danzig, 'The Announcement of August 20th, 1917', *The Journal of Asian Studies*, Vol. 28, No. 1 (Nov., 1968), pp. 19-37.

within the British Commonwealth. However, the British doubted Indians' capacity of running their country on this basis, and saw Dominion status as something that might, perhaps, be aimed for only after a long period of gradual constitutional development, with sufficient "safeguards".

The Government of India Act 1919 had expanded the scope of elections by advocating for the continuation of separate electorates for Muslims and extended the same principle to Sikhs, Europeans, Anglo- Indian and Indian Christians. It also had provision for reservation for non-Brahmins and Mahrattas in the provinces of Madras and Bombay. However, it remained silent on the issue representation of the untouchables in the political institutions. The demands of the representatives of the Depressed Classes for representation in the legislative bodies under the leadership of people like Namdeo Bagde, Subedar Ganpatrao Govind Rokde since 1917³ and later by Ambedkar and G. A. Gawai before the Southborough Committee in 1919,⁴ were not met. Instead they included provisions for nominating members from the Depressed Classes in each Provincial Legislature. It provided only 7 out of 800 seats for the Depressed Classes population which was 1/5th of the entire British India. Ambedkar, however, expressed his dissatisfaction with this and questioned not only the character of representation but also the electoral methods as developed by the British.⁵ He thereafter, started arguing for separate electorate and better opportunities for the untouchables.

This developed tension both, between and within, Indian and British views and resulted in the compromise of the 1935 Act, suggesting at best a lukewarm attitude towards

³ See Eleanor Zelliot, (1970). Learning the use of Political means: The Mahars of Maharashtra, in Rajni Kothari (ed.) *Caste in Indian Politics*, Hyderabad, Orient Longman.

⁴ *Dr. Babasaheb Ambedkar Writings and Speeches*, (1993-2006, 21 volumes) Bombay, Education Department, Government of Maharashtra, Volume I, p.243-278.

⁵ In this nomination process, there were instances that non-depressed class (Brahmins) were nominated in place of Depressed Classes in Madras Presidency.

the untouchables and at worst fulfilling the “minimal need” approach towards Indian political desires. The purpose of this chapter is to trace the conditions that brought the Scheduled Castes in the legal framework of electoral methods and laws prescribed by the Government of India Act 1935 and its consequences. The changes brought into the legal framework of electoral methods in the post-independent India will be discussed in the next chapter.

2.1: Ambedkar and the Simon Commission

After the Montague Chelmsford Reforms in 1919 failed to provide adequate provisions for safeguarding the interests of Depressed Classes and to tackle the issue of representation, Ambedkar appearing before the Simon Commission in 1928 raised some fundamental questions regarding the issue of voting rights to the untouchables.⁶ Defining the franchise as the right to determine the terms of associated life, he felt that the Indian Reforms Committee (Southborough Committee) in 1919 while trying to deal with the issue of representation of untouchables might have faced two important problems. One was the difficulty in forming constituencies and the other difficulty in getting a sufficiently large electorate of untouchable voters. The second difficulty was based on the proposition that one was allowed to be a voter only if he was a tax payer, held property or was educated. So Ambedkar this time demanded instead of restricting their number of representatives, the aim should be to increase the number of untouchable voters by lowering the criteria for franchise. In addition to that Ambedkar was aware of the fact that besides communal electorates (separate electorates), there are other schemes of representation of untouchables, and that the Congress has denied the representation of untouchables despite

⁶ *Dr. Babasaheb Ambedkar Writings and Speeches*, op. cit. Volume II, p.407-458. In presenting evidence before the Southborough Committee in 1919, Dr. Ambedkar was mainly focused on the issue of proportionate and adequate representation of the untouchables and based his request for the number of seats in proportion to the population.

accepting it in the case of Muslims. He was opposed to the view that communal representation would perpetuate social divisions, and therefore, started arguing for admitting the necessity of self-determination rights for untouchables.

2.1.1: Conditional demand for Joint electorate before Simon Commission

While arguing before the Simon Commission for the lowering the qualifications to become a voter, Ambedkar sought reserved seats for Scheduled Castes in the general constituencies and demanded for abandoning of the residential qualification (i.e., to be a voter in the area) and a partial relaxation in the condition as to deposit.⁷

The demand for reserved seats in general constituencies was conditional with the demand for complete adult franchise for the untouchables. This position was clarified by Ambedkar during his evidence before the Indian Statutory Commission (Simon Commission) on 23, October, 1928 in Poona. 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” Ambedkar had replied:

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.

And when asked “if there is no adult franchise”, he added,

We would ask for separate electorates. Further 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.⁸

⁷ Dr. Babasaheb Ambedkar Writings and Speeches, op. cit. Volume II, p.441

⁸ Ibid p.465

Within the next two years with the fast changing political scenario in the British India, the British during 1930s invited members of the Congress, Muslim League and leaders of other groups to a series of Round Table Conferences with the ostensible purpose of finding a just settlement of disputes regarding self-government and the constitutional status of the minorities. With a hope that the ensuing deliberations would pave way for a workable Indian Constitution that would be fair to the groups, it also invited Ambedkar as a delegate to the Round Table Conference⁹. Given such opportunity, Ambedkar, having a consistent understanding on the necessity, asserted his demanded for separate electorate before the First Round Table Conference very strongly;

- (1) Right to adequate representation in the Legislatures of the Country, Provincial and Central. (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.¹⁰

The position taken by Ambedkar in the Scheme submitted to the Round Table Conference was an evolution from his earlier representations before Southborough Committee in 1919 and Simon Commission in 1928. 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. This would enable a large electorate of untouchable voters to participate in the process of electing their own representatives. This remained a contentious issue which was raised during the Poona Pact negotiations but was

⁹ Dhananjay Keer, (1971), *Dr. Ambedkar: Life and Mission*, Bombay: Popular Prakashan, p.163.

¹⁰ A Scheme of political safeguards for the protection of the Depressed classes in the future constitution of the self governing India. See *Dr. Babasaheb Ambedkar Writings and Speeches*, Volume II, p.551. This is listed at No. IV in the Scheme submitted to the Minorities Sub-Committee of the Conference.

ultimately left to the Lothian Committee which was dealing with this issue. Secondly, the issue of separate electorates with a limited time-frame of ten years was placed in the scheme, which Ambedkar felt would have helped in producing the real and true representatives of the Depressed Classes. 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. 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 were forced to organize the Second Round Table Conference in which all parties, including the Congress, participated. 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. On 4th November, 1931 Ambedkar, along with his colleague Rettamalai Srinivasan¹¹ submitted a supplementary memorandum on the claims of the Depressed Classes for special representation. Ambedkar defined the issue of self determination in clear cut terms as a form of referendum that should be available to Depressed Classes while replacing separate electorates with joint electorates.

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

¹¹ Diwan Bahadur Rettamalai Srinivasan (1860-1945), a Scheduled Castes leader from Madras established Paraiyar Mahajana Sabha in 1891 which became Adi-Dravida Mahajana Sabha. Editor of *Paraiyan* (1893).

until after twenty years and until universal adult suffrage has been established.¹²

The issue of referendum as form of self determination for the untouchables became a right that cannot be bargained for in the scheme of Ambedkar's political representation for Depressed Classes. Self determination being a very significant political weapon Ambedkar became very adamant on the issue of referendum when it was opposed by Gandhi, as a Congress Representative. Gandhi while speaking at the Minorities Committee meeting on 13th November, 1931 opposed the position of providing separate electorates to the untouchables and stated:

I would like to repeat what I have said before, that, while the Congress will always accept any solution that may be acceptable to the Hindus, the Mohammedans and the Sikhs, Congress will be no party to the special electorates for any other minorities. One word more as to the so-called Untouchables; I can understand the claims advanced by other minorities, but the claims advanced on behalf of the Untouchables, is the 'unkindest cut of all'. It means the perpetual bar-sinister. I would not sell the vital interests of the Untouchables even for the sake of winning the freedom of India. I claim myself in my own person to represent the vast mass of the Untouchables. Here I speak not merely on behalf of the Congress, but I speak on my own behalf, and I claim that I would get, if there was a referendum of the Untouchables, their vote, and that I would top the poll. And I would work from one end of India to the other to tell the Untouchables that separate electorates, and separate reservation is not the way to remove this bar-sinister, which is the shame, not of them, but of orthodox Hinduism.

Let this Committee and let the whole world know that today there is a body of Hindu reformers who are pledged to remove this blot of untouchability. We do not want on our register and on our census Untouchables classified as a separate class. Sikhs may remain as such in perpetuity, so may Mohammedans and so may Europeans. Will Untouchables remain Untouchables in perpetuity? I would far rather think that Hinduism died than that Untouchability lived. Therefore, with all my regard for Dr. Ambedkar,

¹² Supplementary Memorandum on the claims of the Depressed Classes for special representation, in *Dr. Babasaheb Writings and Speeches*, op. cit. Volume – II, p.671.

and for his desire to see the Untouchables uplifted, with all my regard for his ability, I must say in all humility that here the great wrong under which he has laboured and perhaps the bitter experiences that he has undergone have for the moment warped his judgement. It hurts me to have to say this, but I would be untrue to the cause of the Untouchables, which is as dear to me as life itself, if I did not say it. I will not bargain away their rights for the kingdom of the whole world. I am speaking with a due sense of responsibility, and I say that it is not a proper claim which is registered by Dr. Ambedkar when he seeks to speak for the whole of the Untouchables of India. It will create a division in Hinduism which I cannot possibly look forward to with any satisfaction whatsoever. I do not mind Untouchables, if they so desire, being converted to Islam or Christianity. I should tolerate that, but I cannot possibly tolerate what is in store for Hinduism if there are two divisions set forth in the villages. 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.¹³

Thus, the chances of coming to a consensus on the issue became bleaker and bleaker, and finally the Round Table Conference came to an end without any agreement in 1931. The Prime Minister of Britain on 1st December at the closing of the second session of the Round Table Conference, made it clear that if the communities in India were unable to reach a settlement acceptable to all parties on the communal questions, which the Conference had actually failed to solve, the Government were determined to remove this obstacle by devising and applying themselves a provisional scheme. On March 19th the Government, having been confirmed with the failure of the communities to reach agreement, accordingly decided to include provisions to give effect to a scheme to be laid in due course before Parliament. If, therefore, before a new Government of India Act was passed into law, they were satisfied that the communities who were concerned had mutually agreed upon a practicable alternative scheme, either in respect of any one or more

¹³ B.R.Ambedkar, (1945), *What Congress and Gandhi have done to Untouchables*, Thacker & Co, Bombay, reprinted in *Dr. Babasaheb Writings and Speeches*, op. cit. Volume – 9, pp. 68-69.

of the Governors' Provinces or in respect of the whole of the British India, they will be prepared to recommend to Parliament that that alternative should be substituted for the provisions outlined. Thus, it soon appointed a consultation committee chaired by Lord Lothian.

This committee toured India in early 1932, and gathered together census material (as the first caste census in India was already performed in 1931) and the demands of the different groups across the country. Ambedkar presented his demand again for separate electorate before this committee. However, in a dramatic turn, M C Rajah¹⁴, 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. However, 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,

This para goes too far. 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)¹⁵

¹⁴ M.C.Rajah, also, Rao Bahadur, M.C.Rajah, (1883-1943), a Scheduled Castes leader from Madras. He was the first Depressed Classes leader to be nominated to the Madras Legislative Council in 1920. Rajah's work *The Oppressed Hindus* was published in 1925. For details on a Pact arrived in April, 1932 between M.C.Rajah and B.S.Moonje on Joint electorate between Depressed Classes and Hindus. B.S. Moonje (1872-1948), a caste Hindu leader from Maharashtra who was the All India President of Hindu Mahasabha see Devendra Swarup and Meenakshi Jain (eds.) 2009. *The Rajah-Moonje Pact: Documents on a Forgotten Chapter of Indian History*, Delhi, Originals. The Pact was not recognized by the British.

¹⁵ As cited in Alistair McMillan (2005) *Standing at the Margins: Representation and Electoral Reservation in India*, New Delhi, Oxford University Press p.50

A few months later, on 16th August 1932, the Communal Award was proclaimed. The award not only granted separate electorates to Muslims, Europeans, Sikhs, Indian Christians and Anglo-Indians, with some reserved seats for Mahrattas in selected general constituencies in Bombay, but also extended this to the untouchables, or the Depressed Classes. The untouchables were granted both general voting rights and special and reserved seats. Though the nationalist school viewed (read still views) the award was a unilateral imposition of the British view of representation of different communities in India, it was greeted by different communities with great rejoice. The communal award broke the impasse between communities by creating separate electorates for both communal and non-communal groups, such as Muslim, Sikh, Indian Christian, Anglo-Indian, European, untouchables, and tribal (as category I) and labour, commerce, landholders, universities as well as women (in category II).¹⁶

2.2: Communal Decision by British Government 1932¹⁷

The part of the decision which relates to the untouchables¹⁸ was as produced below;

Members of the “Depressed Classes” were qualified to vote in a general constituency. In view of the fact that for a considerable period these classes would be unlikely, by this means alone, to secure any adequate representation in the Legislature, a number of special seats will be assigned to them as shown in the table. These seats were filled by election from special constituencies in which only members of the “depressed classes” electorally qualified will be entitled to vote. Any person voting in such a special constituency was, as stated above, also entitled to vote in a general constituency. It was intended that these constituencies should be formed in selected areas where the depressed classes were most numerous, and that, except in Madras, they did not cover the whole area of the Province.

¹⁶ Retzlaff 1960: 24 in Ashok Acharya (2009) “Affirmative Action” in Rajeev Bhargava and Ashok Acharya (eds.) *An Introduction to Political Theory*, New Delhi, Longman Pearson. .

¹⁷ Ambedkar, B.R., What Congress and Gandhi have done to the untouchables, p.80-82.

¹⁸ Scheduled Castes were addressed as Untouchables or even Depressed Classes interchangeably before 1935.

In Bengal it seemed possible that in some general constituencies a majority of the voters will belong to the Depressed Classes. Accordingly, pending further investigation, no number was fixed for the members to be returned from the special Depressed Class constituencies in that Province. It was intended to secure that the Depressed Classes' should obtain not less than 10 seats in the Bengal Legislature.

The precise definition in each Province of those who (if electoral qualified) was entitled to vote in the special Depressed Class constituencies was not finally determined till then. It was to be based as a rule on the general principles advocated in the Franchise Committee's Report. Modification, however, was found necessary in some Provinces in Northern India where the application of the general criteria of untouchability would have resulted in a definition unsuitable in some respect to the special conditions of the Province.

The Government did not consider that the special Depressed Classes constituencies were required for more than limited time. They intended that the Constitution would provide that they shall come to an end after 20 years if they have not previously been abolished under the general powers of electoral revision referred in the law.¹⁹

Meanwhile, Gandhi on his return to India after the Round Table Conference threatened to revive the campaign of civil disobedience. He, therefore, was arrested and lodged in the Yeravada Central Prison, Poona. However, remaining strongly opposed to the idea of separate electorates to the Depressed Classes, Gandhi kept himself engaged in a serious correspondence with the Sir Samuel Hoare, Secretary of State and the British Prime Minister, even from the prison and time and again reminded them of resisting any such move with his life.²⁰ Soon after the announcement of the communal decision, when the

¹⁹ B.R. Ambedkar, What Congress and Gandhi have done to the untouchables, pp80-82

²⁰ After the Communal award was announced, Gandhi addressed a letter to J.Ramsay MacDonald, the British Prime Minister on 18th August, 1932 and reminded him of his declaration at the meeting of the

newspapers published Gandhi's correspondence with the British, Gandhi reiterated his position and started his fast unto death. It was in Sardar Patel, that Gandhi confessed his intention of going on a fast to make untouchables a part of Hindus on September 21, 1932.

The possible consequences of separate electorates for Harijans fill me with horror. Separate electorates for all other communities will still leave room for me to deal with them, but I have no other means to deal with

Minorities Committee of the Round Table Conference on 13th October, 1931 at St. James Palace, London, to which the British Prime Minister replied on 8th September, 1932:

"The special advantage initially given under our scheme to the Depressed Classes by means of a limited number of special constituencies, in addition to their normal electoral rights in the general Hindu constituencies, is wholly different in conception and effect from the method of representation adopted for a minority such as the Moslems by means of separate communal electorates. For example, a Moslem cannot vote or be a candidate in a general constituency, whereas any electoral qualified member of the Depressed Classes can vote in and stand for the general constituency.

The number of territorial seats allotted to Moslems is naturally conditioned by the fact that it is impossible for them to gain any further territorial seats and in most provinces they enjoy weightage in excess of their population ratio ; the number of special seats to be tilled from special Depressed Classes constituencies will be seen to be small and has been fixed not to provide a quota numerically appropriate for the total representation of the whole of the Depressed Class population, but solely to secure a minimum number of spokesmen for the Depressed Classes in the legislatures who are chosen exclusively by the Depressed Classes. The proportion of their special seats is everywhere much below the population percentage of the Depressed Classes.

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.

In the light of these very lair and cautious proposals, I am quite unable to understand the reason of the decision you have taken and can only think you have made it under a misapprehension of the actual facts. In response to a very general request from Indians after they had failed to produce a settlement themselves the Government much against its will, undertook to give a decision on the minorities' question. They have now given it, and they cannot be expected to alter it except on the condition they have stated. 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."

Gandhi replied to this on 9th September, 1932 about the finality of fast unto death to be commenced on 20th September, 1932. B.R. Ambedkar, What Congress and Gandhi have done to the untouchables, pp83-87

'untouchables'. These poor fellows will ask why I who claim to be their friend should offer satyagraha simply because they were granted some privileges; they would vote separately but vote with me. They do not realise that the separate electorate will create division among Hindus so much that it will lead to bloodshed. 'Untouchable' hooligans will make common cause with Muslim hooligans and kill caste-Hindus. Has the British Government no idea of all this? I do not think so.²¹

On the other hand, the publication of correspondence prompted Ambedkar to issue two statements. The first one was on 18th September, 1932 and a detailed statement on 19th September, 1932. As a result of fast changing events and lengthy discussions with representatives of Hindus, Ambedkar prepared a charter of demands and placed the proposal on 20th September, 1932, as a possible alteration to the Communal Award. This led to a high intensity of activities in Bombay and Poona between 19th and 24th September 1932 and finally an agreement was arrived by signing a pact on the 24th September, 1932 in Poona between Dr. B.R. Ambedkar on behalf of the Depressed Classes (untouchables) and by Pandit Madan Mohan Malaviya on behalf of the caste Hindus. This pact earlier known as Yeravada Pact later became popular as the Poona Pact²².

Following this, the system of separate electorates for untouchables were done away with and it was compensated by an increase in reserved seats to be elected from joint or undifferentiated electorates, more in number than what was originally stipulated in the Communal Award. The pattern for the representation of Scheduled Castes that continues until today is basically based on this pact. Therefore it is important to present it here and have a deeper understanding of its legal framework.

²¹ Mahadev Desai, Diary Vol.II, p.301, as cited in Eleanor Zelliot, 2004. *Dr. Babasaheb Ambedkar and the Untouchable Movement*, New Delhi, Blumoon Books, p.140.

²² For details see Pyarelal Nayar, Epic Fast,; The Times of India, 19th September, 1932; Ambedkar, B.R., What Congress and Gandhi have done to the untouchables, p.311-317; Janata, dated 1st October, 1932 as cited in Dr. Babasaheb Ambedkar *Writings and Speeches*, Volume 17, Part One, p.153.

2.3: The Poona Pact (24th September, 1932)²³

(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.

(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

²³ B.R Ambedkar, *What Congress and Gandhi have done to the Untouchables*, Dr. Babasaheb Ambedkar *Writings and Speeches*, op. cit Volume 9. pp. 88-89. also in Pyarelal Nayar, *The Epic Fast*, op. cit.

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.

The six days from 19th September, 1932 to 24th September, 1932²⁴ which concluded in the Poona Pact were a landmark event in the history of India and in the history of any marginalised community fighting for its rights. The issues that emerged during the negotiations of the Pact between the Hindus and the untouchables are of immense significance. The questions of proportionate representation, timeframe, method of representation, electoral methods and most importantly the aspect of a referendum as an instrument of decision making from an oppressed community to decide its future course of representation were very important. These issues are relevant because it was the Poona Pact which was incorporated into the sixth schedule of the Government of India Act, 1935 and later in the provisions in the Constitution of India in 1950.

2.3.1: Ambedkar's analysis of Poona Pact

The Poona Pact was signed under the shadow of fast unto death by Mahatma Gandhi. Ambedkar was under so much of pressure that he had to bow before the demands made by the caste Hindus. Ambedkar on the eve of Gandhi's fast had presented a Charter of Demands on behalf of the depressed classes (produced below), but it went in vain.

²⁴ For details see Dr. Babasaheb Ambedkar, *Writings and Speeches*, Volume 17

(Charter of demands made by Dr Ambedkar on the eve of fast unto death of Mahatma Gandhi on 20th September, 1932)²⁵

PART I

(A) The Depressed Classes shall have the following number of seats in the provincial legislatures:-

Madras	...	...	...	...	30 out of 215
Bombay	...	...	...	...	16 out of 200
Bengal	...	...	...	...	50 out of 250
Punjab	...	...	...	...	50 out of 175
United Provinces	...	...	...	...	40 out of 228
Behar & Orissa	...	...	...	...	20 out of 175
C.P. & Berar	...	...	...	...	20 out of 112
Assam	...	...	...	...	11 out of 108

(B) The method of election to these seats shall be by joint electorates and reserved seats, provided that for the first ten years, in 18 single constituencies in Madras, 10 single constituencies in Bombay, the Central Provinces, and in Bengal, in 4 single constituencies in Assam, in 7 single constituencies in Behar and Orissa, in 5 single constituencies in the Punjab, and in 12 single constituencies in the U.P. there shall be held before the general election in primary election of the voters of the Depressed Classes for electing two persons to constitute a panel who thereafter shall contest on behalf of the Depressed Classes for electing two persons of the Depressed Classes in the joint electorate.

(C) After the first ten years the system of primary election shall cease to be in operation and all seats without exception shall continue to be filled by direct election on the system of joint electorates and reserved seats.

(D) The right of the Depressed Classes' to special representation through joint electorates and reserved seats shall be continued to them for a further period of fifteen years. After the said period the matter shall be settled on the basis of referendum of the voters of the Depressed Classes.

(E) The right of the Depressed classes' to special representation in both houses of the Central Legislature shall be recognised on a population ratio on the same terms and in the same manner as is provided for in case of the

²⁵ See Pyarelal, *The Epic Fast*, op. cit. p.219-221; also see Dr. Babasaheb Ambedkar, *Writings and Speeches*, Volume 17, p.153.

Provincial Legislatures.

(F) There shall be adult suffrage at least for the Depressed Classes. The franchise of those classes shall be the same for the Provincial and the Central Legislatures.

PART II

1. The Depressed Classes shall be allowed representation in all the provinces, in all municipalities, local boards, districts and taluka village unions, school boards or panchayats and any local body now existing or to be constituted in the future, on the population basis.

2. In all the public services, central and local, the Depressed Classes shall be guaranteed appointments according to their population ratio as a minimum, subject to qualifications as may be laid down for the same. Provision shall be made for reaching the quota by relaxing the statutory rules that maybe in existence in matters other than educational qualifications.

3. In every province, out of the educational grant a sum equivalent to the population ratio of the Depressed Classes in that province shall be earmarked as a minimum for providing educational facilities to the Depressed Classes.

4. There shall be a provision in the Constitution allowing the Depressed Classes the right of appeal to the Governor and the Viceroy for any neglect of their interest in the matter of education, sanitation, recruitment in the public services etc., on the same terms and in a manner provided in the Constitution of Canada (Section 93).

Thus Ambedkar quickly realized that there were inherent pitfalls in the method of election that was replaced by the Poona Pact. He felt that the method of primary and secondary elections with a panel of four members had all the dangers of foisting Depressed Classes candidates by the Hindus. He therefore, once again proposed an alternative electoral method before Mahatma Gandhi on 23rd April, 1933²⁶. He wanted to alter the Poona Pact so as to do away with the panel system and the process of double election

²⁶ *The Collected works of Mahatma Gandhi*, op. cit. Volume 60, p.445.

which involved primary and secondary election considering the cost involved in two elections on Depressed Class candidates. Instead he suggested that there should be only a single election and proposed that no candidate contesting for a Depressed Classes seat in the general constituency should be declared duly elected unless he had secured at least 25% of votes of the Depressed Class voters.

The proposal of Ambedkar can be understood in two ways²⁷. Firstly, he converted the panel of four to be elected from the primary election, which was agreed in the Poona Pact, into percentage terms. That means that if there are 100 Depressed Classes votes in the primary election and if they 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 then every candidate should be qualified enough to secure at least 25% of the votes of his own community. Secondly, the proposal of Ambedkar also eliminated worthless candidates who would otherwise walk into the secondary election even though they secured very less 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 stipulation of 25% votes of Ambedkar was not new and such a proposal was under discussion especially for the Muslim separate electorates at that point of time²⁸.

²⁷ Keer, Dhananjay Dr. Ambedkar : Life and Mission, p.238 and Gupta, S.K., The Scheduled Castes in Modern Indian Politics, p.306

²⁸ B.R Ambedkar, 1976. *Pakistan or the Partition of India*, New Delhi, Book Traders, p.267.

The process of voting as per the proposal of Ambedkar does have further meaning. He was in favour of only one election where the Depressed Class voters and general category voters would vote for the Depressed Class candidates in separate ballot boxes. The votes of the Depressed Classes voters to their candidates would be counted first. Those candidates who would secure less than 25% votes fold would be 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 would very highly unlikely that only one candidate will be eligible for the next level and to secure that Depressed Class candidates needs to poll more than 76% of the votes from his community. In the eventuality of such a situation, he should be declared elected after counting the votes of the general category.

If in case, nobody secured more than 25% votes from the community then 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 (combined Depressed Classes votes plus general votes) would be declared elected. It should be remembered that these alterations were suggested for double member constituencies, where the number of MPs to be elected from one constituency would be two-one from a Depressed Class (Scheduled Caste) seat and the other from a general category.²⁹ However, Gandhi refused the proposal and Ambedkar's demands were not accepted once again.³⁰ In the meantime, the British enacted the Government of India Act 1935 with the provisions decided upon in the Poona Pact (produced below). Thus, in order to understand the impact of the Poona pact and argue his case more vociferously, Ambedkar, decided to wait until the completion of 1937 and as soon the election result were out he came with a detailed analysis of the 1937

²⁹ In August, 1947 Ambedkar attempted to introduce the same proposal in the Constituent Assembly through a Scheduled Caste member from Kurnool, Sardar Nagappa. The details will be discussed in the following chapters.

³⁰ Ambedkar met Gandhi with this proposal on 23rd April, 1933. This was a Sunday and Gandhi made a special arrangement to meet Ambedkar since he did not see visitors on Sundays. On the next day, since Ambedkar was a member of the Joint Select Committee under the Round Table Conference, he left for London on 24th April, 1933 and returned to Bombay on 8th January, 1934.

elections in his work *What Congress and Gandhi have done to the Untouchables*. Since the Government of India Act, 1935 became the basis for entire Electoral system that India adopted later in 1950, the understanding of this system as it existed becomes, essential.

2.4: Government of India Act, 1935

Chapter III of the Government of India Act, 1935 provided for the Provincial Legislatures and Section 61 of the Act provided for the Composition of the Provincial Legislatures. The Section specifies the composition by means of allocation of seats in the Fifth Schedule of the Act.³¹

Table: 2.1
Allocation of Seats under the Government of India Act, 1935 for the Lower House in each Provincial Legislature (Fifth Schedule)

Provinces	Total Seats	Communal interests								Special Interests				Seats for women				
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Madras	216	146	30	1		28	2	3	8	6	0	1	0	6		1		1
Bombay	175	114	15	1		29	2	3	3	7	2	1	7	5		1		
Bengal	250	78	30			117	3	11	2	19	5	2	8	2		2	1	
United Provinces	228	140	20			64	1	2	2	3	0	1	3	4		2		
Punjab	175	42	8		31	84	1	1	2	1	6	1	3	1	1	2		
Bihar	152	86	15	7		39	1	2	1	4	4	1	3	3		1		
CP and Berar	112	84	20	1		14	1	1		2	3	1	2	3				
Assam	108	47	7	0		34		1	1	11			4	1				
NWFP	60	0			3	30					2							
Orissa	0	44	6	5		4			1	1	2		1	2				
Sind	60	18				33		2		2	2		1	1		1		

In Bombay seven of the general seats shall be reserved for Marathas. In the Punjab one of the Land-holders seats shall be a seat to be filled by a Tumandar. In Assam and Orissa the seats reserved for women shall be non-communal seats. The categories which were allocated seats reserved were as under:

Communal interests

1. General Seats; 2. General Seats reserved for Scheduled Castes; 3. Seats for representatives of Backward areas and tribes; 4. Sikh Seats; 5. Mohameddan Seat; 6. Anglo-Indian Seats; 7. European Seats; 8. Indian Christian Seats

Special Interests

³¹ Government of India Act, 1935

9. Seats for representatives of Commerce, Industry , Mining and Planting; 10. Land holders seats
11. University Seats; 12. Seats for representatives of labour;

Women reserved seats

13. Seats for women – General; 14. Seats for women – Sikh; 15. Seats for women – Mohammedan; 16. Seats for women – Anglo-Indian; 17. Seats for women – Indian Christian

2.5: Electoral Method under the Government of India Act, 1935

The Electoral method under the Act was determined by enabling Government of India Orders issued under the Act. These were- The Government of India (Provincial legislative assemblies) Order, 1936; The Government of India (Provincial elections) Order, 1936; The Government of India (Provincial legislatures) (Miscellaneous Provisions) Order, 1936 etc³².

The eligibility to vote and to be included in the electoral rolls was determined not by universal adult franchise but by restricted franchise under the Sixth Schedule of the Act which provided for the Franchise. Election to the territorial seats allotted to Muhammadan, European, Sikh, Indian Christian and Anglo-Indian constituencies were held by voters voting in separate communal electorates. All qualified electors, who are not voters either in a Muhammadan, Sikh, Indian Christian, Anglo-Indian or European constituency, were entitled to vote in a general constituency. Members of the Depressed Classes were qualified to vote in the reserved seats of a general constituency including those non reserved, general seats.

The Government of India Act, 1935 was the result of the deliberations in the three Round Table Conferences that took place in 1930-32. The Communal Award was given by the British Prime Minister as a result of the failure of the delegates of the Second Round

³² For details see *The Government of India Act, 1935, 1937*, N.Rajagopala Aiyangar, Madras: Madras Law Journal Office with critical comments and detailed explanations. Apart from the Act this volume provides all the Orders issued under the Act and also the Instrument of Instructions to the Governor General of India. The Poona pact finds place in the Fifth schedule of the Act in which the Para 4 gives effect to the separate electorates under the Communal Award and Para 7 gives effect to the Poona Pact.

Table Conference before the Sub-Committee No.III, i.e., The Minorities Committee to arrive at a solution during its discussions in November, 1931. It was left to the Prime Minister to decide with an assurance that the decision will be accepted by all. The Minorities Committee started its work in January, 1932 and finally gave its decision on 17th August, 1932. On 17th August, 1932, the Prime Minister J. Ramsay MacDonald announced "Communal decision by His Majesty's Government 1932" on the basis of the discussion in the Second Round Table Conference that took place in London in October-November, 1931.

2.6: The Hammond Committee

Soon after the British enacted the Government of India Act, 1935, it also appointed a Delimitation Committee to decide upon the constituencies under the chairmanship of Lord Hammond who was supported in India by his two Indian colleagues- one a judge of the High Court of Madras and the other a judge of the High Court of Lahore. Sir Laurie Hammond came to India in September 1935. He began his tour on the last day of September and covered nearly 10,000 miles before January in a short period of just over three months; the committee produced a very detailed report on the subject and took a lot of effort to give quasi-judicial explanations of the many problems involved with the issue.³³

The Commission gave sufficient considerations to the demands raised by Ambedkar about amendments in the Poona Pact and so eventually in the Government of India Act 1935. The issue was discussed at length both in the upper and lower house of the British Parliament, but finally could not come to the conclusion to amend because (1) the agreement of Poona Pact was reached not with British government as a party but between

³³ *House of Commons Debates* - 30 March 1936; also see *Lord Debates* - April 7, 1936. Accessible at <http://yourdemocracy.newstatesman.com/parliament/government-of-india-provincial-legislative-assemblies-order-1936/HAN8539493>

the Indian themselves, and (2) the Pact was duly approved by the British Parliament earlier.³⁴

However, the seriousness and the attention it drew from the British in the House of Lords is worth looking at. The Secretary of State for India (The Marquess of Zetland) who had risen to move on April 7th 1936, the Draft Order as presented to Parliament and reported from the India and Burma Orders Committee on 26th of March 1936, said:

“I now come to a rather more difficult question, that is to say, that of 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. As your Lordships will remember, 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. It was in fact a purely indigenous production, and in accordance with the undertaking given by His Majesty's Government on the assumption that agreement was reached between two communities effected by the Communal Award, they did substitute for their own proposals the agreement reached. In accordance with that promise, the Poona Pact was embodied in the Communal Award, and duly accepted by Parliament. There is, therefore, no question now of accepting or of rejecting the arrangement, and all that the Order in Council seeks to do is to give effect to those provisions in the arrangements which are being made—in the arrangements for the Scheduled Castes' representatives in Provincial Legislatures.

As those of your Lordships who were members of the Joint Select Committee will be aware, I was never myself an ardent admirer of the Poona Pact. It seemed to me that it had been arrived at in circumstances which altogether precluded the possibility of calm and dispassionate consideration of the problem which was being dealt with, and it always seemed to me that there would be considerable difficulties when the time came for applying its provisions. The Agreement was reached, as your Lordships will remember, under the threat of a fast unto death by Mr.

³⁴ Ibid.

Gandhi, and my fears with regard to the results have been, I think, more than borne out by the evidence which was given before Sir Laurie Hammond's Committee, as to the circumstances under which the Poona Pact was reached. Perhaps I may quote to your Lordships the evidence of one of the witnesses. This is an account given by an Indian witness who, I rather infer, was present when the Poona Pact was being discussed. He says: "The representatives of the caste Hindus and the Depressed Classes met at Poona to arrive at a settlement. There was much higgling and haggling about seats. Even after two days' deliberations no compromise was arrived at. On the second day, at about 8 p.m., Mr. Devadas Gandhi rushed to the room where the representatives were sitting and made a scene."

(THE MARQUESS OF SALISBURY: Is that Mr. Gandhi himself?)

THE MARQUESS OF ZETLAND: No, Mr. Gandhi's son. The witness continued: "In the presence of the representatives he began to weep. Mr. Rajagopalachari and others comforted him. Then he stood up and with tears in his eyes addressed Dr. Ambedkar as follows—"Dr. Ambedkar was the leading representative of the Depressed Classes—"Oh, Doctor, is your heart made of stone? My father is in a precarious condition....You do not know what he is going to do for your community. He is going to have another fast for the sake of the Depressed Classes. Please save his life.³⁵" Then the witness goes on: "There was not a soul in that hall which was not moved by his passionate speech." As indeed one could well understand—"The very next day the Pact was concluded." It is not incredible that in those circumstances the Pact should have been arrived at without due consideration of its practical effects when it had to be put into operation.

Let me recall to your Lordships the salient part of the Poona Pact. "The election to these seats shall be by joint electorate, subject however to the following procedure. 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 the four persons getting the highest number of votes in such primary election shall be the candidates for election by the general electorate." That apparently simple document as a matter of fact raises questions of great

³⁵ For a dramatic presentation on the Poona Pact deliberations see the Indian feature film *Dr. Babasaheb Ambedkar* (2000) Directed by Jabbar Patel, National Film Development Corporation, New Delhi

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? I confess that to these questions and to a number of other kindred questions I found myself quite unable to give answers, and I therefore asked Sir Laurie Hammond and his colleagues if they would be good enough to thrash these matters out with the people primarily interested in India and make recommendations to us after having done so. The result is that there is embodied in these Orders the scheme which Sir Laurie Hammond has arrived at after long discussion of the matter in India. There is only one point in connection with it, I think, upon which I need comment. On one point of some importance special provision is made in the case of Bengal, where the application of the provisions of the Pact is surrounded by very special difficulties. In Bengal a member of the Scheduled Castes will not be entitled to hold a non-reserved seat in a constituency in which seats are reserved for the Scheduled Castes, unless he has first been elected to the panel in a primary election.”³⁶

2.7: The 1937 Elections

In the meantime, Ambedkar, in order to make his presence felt in the parliamentary politics formed a political party independent of Congress in the name of Independent Labour Party (*henceforth ILP*), which performed fairly well in the 1937 elections. Ambedkar was elected to the Bombay legislative assembly from Bombay City and ILP won 11 of 15 seats reserved for the Scheduled Castes in Bombay Province. In Ratnagiri district general candidates of ILP won seats with the help of Scheduled Caste votes. ILP due to paucity of funds and organisation could not contest seats in other provinces. It could only support others in Central provinces (CP) where most of the Scheduled caste candidates who won were non-congressmen and were supported by the ILP³⁷.

³⁶ *Lord Debates* - April 7, 1936. Accessible at <http://yourdemocracy.newstatesman.com/parliament/government-of-india-provincial-legislative-assemblies-order-1936/HAN8539493>

³⁷ *Dr. Babasaheb Ambedkar Writing and Speeches*, op.cit. Vol.10, p.7

Ambedkar analyzed the results of the 1937 elections, but before that he painstakingly undertook the task of analyzing electoral system and the method of voting under which the 1937 elections took place in his work *What Congress and Gandhi have done to Untouchables* in the following ways³⁸:

1. There are four elements of an Electoral System, namely (1) Electorates which is the Indian term for constituencies, (2) Right to vote, (3) Right to stand as a candidate for election and (4) Rules for determining who is a successful candidate.
2. There are two sorts of Electorates recognised by the Government of India Act, 1935; (1) Non-Territorial and (2) Territorial. The *Non-Territorial Electorates* are Electorates which are designed to give representation to special interests such as Landlords, Chambers of Commerce, Trade Unions, etc. The *Territorial Electorates* fall into three categories: (i) Separate Territorial Electorates known in their abbreviated form as Separate Electorates, (ii) General Territorial Electorates, and (iii) Joint Territorial Electorates with Reserved Seats, commonly spoken of as Joint Electorates.
3. *Separate Electorates* are Communal Electorates³⁹. They are designed to give representation to specified Communities, namely, Muslims, Indian Christians, Europeans and Anglo-Indians. The voters of each of these Communities in a given area are grouped into one Electorate, separate from the rest. They elect a voter of their Community as their representative exclusively by their own votes. The governing feature of a separate electorate is that in an election through a separate electorate only voters of a Community can vote and stand for election. If it is a Muslim Electorate the voter and the candidate must be a Musalman; if it is a Christian, Electorate the voter and the candidate must be a Christian and so on. The election is decided by a majority of votes cast by voters of the particular community.
4. A *General Electorate* is the normal usual form of the electorate, *an electorate which comprises of voters of all communities living in an area*

³⁸ B.R. Ambedkar, *What Congress and Gandhi have done to the Untouchables*, op. cit. pp.150-153

³⁹ For detailed account on the Muslim Separate Electorates in British India see Farzana Shaikh, (1989), *Community and Consensus in Islam: Muslim representation in Colonial India 1860-1947*, Cambridge: Cambridge University Press.

but which are outside the system of Separate Electorates. It is called a General Electorate because it is an electorate in which neither community nor religion finds any recognition. It is an electorate of the Rest i.e. other than Muslims, Indian Christians, Europeans and Anglo-Indians.

5. In a General Electorate: (i) No voter who is in a Separate Electorate has a right to vote in or stand for election, (ii) every voter who is on its electoral roll has a right to vote and to stand for election without reference to his caste, creed or community, and (iii) the result of the election is determined by a simple majority of votes cast.
6. A *Joint Electorate* is a cross between Separate Electorate and the General Electorate. It has some things in common with Separate Electorate and the General Electorate, but it also differs from both in other particulars.

The points of agreement and of difference are set out below:

- (1) Joint Electorate is akin to Separate Electorate in as much as both aim to earmark a seat for a particular community.
- (2) Joint Electorate differs from a Separate Electorate in two respects:
 - (a) In a Separate Electorate the right to vote in the election is confined to voters of the community for which the seat is earmarked, while in a Joint Electorate, though the seat is earmarked for a particular community, in other words though the right to stand is confined to a member of a particular community, the right to vote in the election for that seat is open to other communities which make up the General Electorate.
 - (b) In both cases the poll is declared on the basis of majority votes. But in the case of a separate electorate the majority is and must be of the voters belonging to the same community as that of the candidate, while in the case of a joint electorate majority need not be of the same community as that of the candidate.

Joint Electorate compared with General Electorate:

- (1) A Joint electorate is akin to a General Electorate in as much as in both a voter is free to vote for any candidate standing for a general Constituency.
- (2) A Joint Electorate differs from a Separate Electorate in two respects: (a) A General Electorate may be a single member

electorate. But a Joint Electorate must at least be a two-member electorate one general and one reserved.

(b) In a General Electorate no seat is earmarked for any community. But in a Joint Electorate one at least must be reserved.

7. Special Features of Joint Electorate.

A Joint Electorate with Reserved Seats is essentially a General Electorate with the following distinguishing features: (1) A General Electorate may be a single member electorate. But a Joint Electorate must necessarily be a plural member Electorate, (2) In a General Electorate the seat or seats to be filled by Election are open to all, and all communities not enclosed in separate electorates are entitled to contest and the result of the election is determined by majority of the votes polled by the candidates without reference to community of the voter or the candidate. But in a Joint Electorate at least one seat is reserved for some particular community which means that the right to stand as a candidate for such reserved seat is restricted to members of that community, (3) While the right to stand in a Joint Electorate is restricted, the right to vote is unrestricted and all voters in the General Electorates, i.e., even voters of communities other than the one for which the seat is reserved are free to vote for the election of the candidate for the Reserved Seat, and (4) In declaring the result of the election to the reserved seat, there is no requirement that the successful candidate must have obtained a specified quantum of votes of the voters of this community. The rule is that the candidate of the community for which the seat is reserved if there is only one or if there be more than one candidate then the one who polls the highest number of votes must be declared to be elected even if another candidate belonging to the general community has secured a greater number of votes than the community's candidate.

Such was the Electoral system which was operational in India after Poona Pact. The system made applicable to the Untouchables was the one referred to as the system of Joint Electorates with Reserved Seats (described under 7 above). To give effect to the principle of reservation for the Untouchables what was done was to pick out a requisite number of General Electorates, convert them into plural member electorates and reserve in each such

electorate one or two seats for the Scheduled Castes⁴⁰. Different Provinces had different number of such Joint Electorates. Their actual number was determined by the number of seats allotted to the Scheduled Castes in the Provincial Legislature and by the number of seats reserved for them in each Joint Electorate. Ambedkar in his analysis also brought in attention to some features of the plan, which from the point of view of results were of crucial character. "The Joint Electorate", he said,

"is a general electorate. But it must not on that account be supposed that it is a constituency consisting of the generality of voters. As has already been pointed out, the Muslims, Indian Christians, Anglo-Indians and Europeans, have been given, separate electorates and consequently, the Muslim, Indian, Christian, Anglo-Indian and European voters are excluded from a Joint Electorate. The result is that the Joint Electorate is a constituency in which the only voters who are included are those belonging to the Scheduled Castes, Hindus, Parsis and Jews. As the Parsis and Jews are negligible except in Bombay, the Joint Electorate consists of Hindus and Scheduled Castes only.

Although the General Electorate selected for reserving a seat for the Untouchables may be bigger than a two-member constituency and although it is open to reserve more than one seat for the Untouchables in one General Electorate, in all provinces the general plan is to select a two-member General Electorate, and to reserve one seat for the Hindus and one seat for the Scheduled Castes. It is only in Bengal there are three constituencies in which two seats are reserved for the Scheduled Castes.

The Joint Electorate is thus a linked constituency. Two features of this Joint Electorate should be noted: (1) The Hindu voters in a Joint Electorate are almost always in a majority, if not in an overwhelming majority and the Scheduled Castes voters are almost always in a minority, if not in a hopeless minority, and (2) A Hindu voter can vote for the election of a Scheduled Caste candidate standing for the seat reserved for the Scheduled Castes and a Scheduled Caste voter can vote for the election of a Hindu candidate standing for the Hindu seat⁴¹.

Ambedkar argued that under this system, there was no assurance whether the Scheduled

⁴⁰ B.R. Ambedkar, *What Congress and Gandhi have done to the Untouchables*, op. cit. p.158

⁴¹ Ibid. pp.153-4.

Castes would be able to elect a Scheduled Caste candidate who had their confidence to the seat reserved for them. In fact, according to Ambedkar there were strong chances that Hindus would elect a Scheduled Caste candidate who was their tool and who had no confidence of the Scheduled Castes. Explaining the possibilities under this system, he argued,

The probabilities will be determined by two considerations: (1) by the number of seats reserved for the Hindus and (2) by the nature of the political organisations prevailing among the Hindus. If there is only one seat reserved for the Hindus and if the Hindus are so organised that they can prevent a contest for their seat and avoid frittering away their votes then it is absolutely certain that the Hindu nominee from the Scheduled Castes will win. The reason is that the Hindus who have a larger voting strength will find a surplus of votes which they do not need for election to their seat and which they can bestow upon their nominee from the Scheduled Castes and help him to win the seat reserved for the Scheduled Castes.

The system of joint electorate and reserved seats which is in operation is a system of two member constituency. The Hindus under the Congress are so completely organised that there is no possibility of an electoral contest and consequent waste of votes. The result is that the system helps the Hindus to win the reserved seats and works against the Scheduled Castes.

The Hindus are greatly aided in this matter by reason of the fact that for winning the seat reserved for the Scheduled Castes in a Joint Electorate it is not necessary that the majority of voters should belong to the Scheduled Castes for whom the seat is reserved.⁴²

After having explained the election method, Ambedkar went on to examine the election results.⁴³ 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. He also showed that Congress won only 78 Scheduled Castes reserved seats whereas other parties managed to capture 73 seats; more importantly, the 78 seats that the

⁴² Ibid. pp.154-5

⁴³ For details on 1937 election results see Appendix III

Congress won, was with a majority of votes other than that of the untouchables. 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. In the 1937 elections only 10% of the people were granted the right to vote, out of which 53% casted their votes against the Congress. As a result Congress secured only 777 seats out of 1758 seats⁴⁴ 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, needed a serious consideration also because democracy in the country was still in its nascent form and passing through a process of evolution.

Arguing for the ideal representation of the untouchables, Ambedkar made two very bold propositions⁴⁵: (1) that where an untouchable candidate whose majority was the result of split of votes in the camp of general (in other words, who would have lost if there was no such split) cannot be taken as a real representative of untouchables, and (2) that a candidate for a reserved seat for untouchables who got selected when there was very less voting by the untouchable voters cannot be a representative merely because the seat is an untouchable seat. Analyzing on these propositions, he found that Congress was representing

⁴⁴ B.R. Ambedkar, *What Congress and Gandhi have done to the Untouchables*, op. cit. pp.366-375

⁴⁵ Ibid. p.157

untouchables only on 78 out of 151 seats. All these seats were the additional seats that were bargained by Congress in the Poona Pact. Thus by signing Poona Pact, Ambedkar clearly showed that Congress made a handsome gain of capturing all those additional seats (by using the majority Hindu votes in a joint electorate to elect untouchable candidates of their choice) and the real representation issue of the untouchables was shelved off.

The real representation Ambedkar argued⁴⁶ was considered in the Communal Award. It gave two benefits to the untouchables: (1) a fixed quota of seats to be elected by separate electorate of Untouchables and to be filled by persons belonging to the Untouchables, and (2) double vote-one to be used through separate electorates and the other to be used in the general electorates. However, the Poona Pact in the guise of increasing the fixed quota of seats took away the right to double vote. The second vote given by the Communal Award was a priceless privilege, and the increase in seats could never compensate for that loss. Its value as a political weapon was beyond reckoning. The voting strength of the Untouchables in each constituency was one to ten. With this voting strength free to be used in the election of caste Hindu candidates, the Untouchables would have been in a better position to determine, if not to dictate, the issue of the General Election. No caste Hindu candidate could have dared to neglect the Untouchable in his constituency or be hostile to their interest if he was made dependent upon, the votes of the Untouchables.

The 1935 Act, though granted Untouchables a few more seats than declared in the Communal Award, but was this adequate enough? If the Communal Award with its system of double voting had remained in its original form, the Untouchables would have had a few

⁴⁶ Ibid. pp 90-91

seats less but every member would have been a representative of the Untouchables. The increase in the number of seats for the Untouchables is no increase in representation.

Taking a dip into the working of the internal party affairs of the Congress, Ambedkar showed how the policy adopted by Congress Parliamentary Board in selecting candidates for election was very intrigue and laid with deep game behind it. For candidates who came from high caste background, though the criteria adopted for selection for a Congress ticket was that of higher qualification; in case of a Scheduled Caste candidate, a wealthier person was often preferred to the poor and better lot⁴⁷. The candidates selected from untouchables were just above illiterates (probably meaning elementary school level). Ambedkar suggested that this was a well planned execution, because if a well qualified untouchable would have got elected from Congress, he/she would certainly aspire to be a minister in the Cabinet, which the Congress did not want.⁴⁸ Ambedkar also found that the untouchable Congress men were subjected to rigorous party disciplines and were completely under the control of the party executive. The status of Scheduled Caste Legislatures was such that (1) they could never ask a question which the party did not like, (2) they could not move a resolution which the party did not permit, (3) they could not bring in a legislation to which the party objected, (4) they could not vote as they chose, and (5) they could speak what they felt.

Ambedkar strongly felt that one of the objectives of obtaining political representation for the untouchables in the legislatures was to enable them to ventilate the grievances of the Scheduled Castes and to obtain redressal from the government. However,

⁴⁷ Ibid. p100

⁴⁸ Ibid. p.101

the Congress had successfully and effectively prevented this and “treated Scheduled Caste legislatures as dumb driven cattle.”⁴⁹

2.8: War, Transfer of Power and the Depressed Classes

During the inter-war period (1939-1945) Congress under Gandhi’s tactical leadership, on the one hand used the situation to demand complete independence from British by launching the Quit India movement (1942), and on the other hand tried continuously to convince the British that Congress is the most appropriate body of representation of the Scheduled Castes as untouchables are a part and parcel of Hindu community. More importantly, in order to show that this claim was supported by the Depressed Classes and also by an alternate leader in opposition to Ambedkar, Congress raised Jagjiwan Ram.⁵⁰ Ambedkar, however, continued his opposition to the Congress in general and Gandhi in particular. On 9th October, 1939 Ambedkar met the Viceroy and in a statement the next day he said,

In the absence of multi member constituencies the real representatives of Scheduled classes (castes) were not returned to the legislature. He intended to raise the question at the next revision (of constitution) which he anticipated would be earlier than originally planned. Unless some method of securing the representation of the real representatives of the scheduled classes was found, he was afraid he would have to insist on separate electorate for his community.⁵¹

This was Ambedkar’s second attempt, after 23rd April, 1933 meeting with Gandhi, to revise electoral methods to bring out the real representation of the Scheduled Castes. In case of

⁴⁹ Ibid., p.102.

⁵⁰ Soon Jagjiwan Ram started making public statements against Ambedkar. For more details see Source Material on *Dr. Babasaheb Ambedkar and the Movement of Untouchables*, Vol.1, p.202.

⁵¹ Source Material on *Dr. Babasaheb Ambedkar and the Movement of Untouchables*, op. cit. Vol.1, p.200

non approval, Ambedkar thought that demand for separate electorate would be brought up again. Speaking on the issue of the resignation of Congress Ministers on the wake of British involvement in the world war on 26th October 1939 in the Bombay legislative Assembly, he said:

That so far as the demands of the country are concerned, I have never lagged behind...But also leave no doubt in the minds of the people of this country that I have another loyalty to which I am bound and which I can never forsake. That loyalty is the community of untouchables, in which I am born, to which I belong and which I hope I will never desert. And I say this to this house as strongly as I possibly can that whenever there is any conflict of interest between the country and the untouchables, so far I am concerned, the untouchables' interests will take precedence over the interests of the country. I am not going to support a tyrannising majority simply because it happens to speak in the name of the country. I shall not do that. Let everybody here and everywhere understand that this is my position. As between the country and myself, the country will take precedence; as between the country and depressed classes, the depressed classes will have precedence – the country will not have precedence.⁵²

In the year 1941, the British formed a Cripps Mission to frame a new constitution for India in the form of a draft declaration.⁵³ However, the proposal 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 minorities⁵⁴”. It completely ignored the pleas of Depressed Classes to have an independent voice in granting the political

⁵² *Dr. Babasaheb Ambedkar Writings and Speeches*, op. cit. Volume 2, pp.258-261 The Prime Minister of Bombay, B.G.Kher, a great friend of Ambedkar, commented the next day on the statement of Ambedkar. He said that the “Part can never be greater than the whole. The whole must contain the part” meaning untouchables are an integral part of the country. Ambedkar replied: “I am not the part of the whole. I am a part apart.”

⁵³ 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.

⁵⁴ B.R Ambedkar, *What Congress and Gandhi have done to the Untouchables*, op. cit. pp.334-336

recognition to these classes. Ambedkar opposed the Cripps proposals. In his objection to Cripps Proposals, Ambedkar said, “the Scheduled Castes are bound hand and foot and handed over to the caste Hindus”,

“Who offer them nothing; stone instead of bread. For the Constituent Assembly is nothing short of a betrayal of the Depressed Classes. There can be no doubt as to what the position of the Depressed Classes will be in the Constituent Assembly; nor can there be any doubt regarding the political programme of the Constituent Assembly. In the Constituent Assembly, there may be no representatives of the Depressed Classes at all because no communal quotas are fixed by these proposals. If they are there, they cannot have a free, independent and decisive vote. In the first place, the representatives of the Depressed Classes will be in a hopeless minority.

In the second place, all decisions of the Constituent Assembly are not required to be by a unanimous vote. A majority vote is enough to decide any question no matter what its constitutional importance is. It is clear that under this system the voice of the Depressed Classes in the Constituent Assembly cannot count.

In the third place, the present system of proportional representation by which the members to the Constituent Assembly are to be elected under the terms contained in His Majesty's proposals cannot but result in the caste Hindus having virtually the right to nominate the representatives of the Depressed Classes to the Constituent Assembly. Such representatives of the Depressed Classes will be the tools of the caste Hindu.

In the fourth place, the Constituent Assembly will be filled with the Congressites who will form the dominant majority party able to carry out its own programme. There is no doubt that Mr. Gandhi, whatever may be said about his endeavours in the matter of the social uplift of the Depressed Classes, is totally opposed to giving political recognition to the Depressed Classes in the Constitution as a separate and distinct element in the national life of India.

That being the case, the programme of the majority party in the Constituent Assembly will be to wipe out the political safeguards already granted to the Depressed Classes in the present Constitution. Any one, who realises what is implied in the Constituent Assembly, will admit that His Majesty's

Government by their proposals has literally thrown the Depressed Classes to the wolves.⁵⁵

Following the failure of the Cripps proposals and rejection by all the parties including the Depressed Classes, Congress under Gandhi declared quit India movement in August, 1942, and all its leaders were arrested. Negotiations started between Gandhi and Lord Wavell (the Viceroy) only after the release from jail in 1944. However, Lord Wavell this time made specific reference to Depressed Classes. In one of the letter of Wavell to Gandhi on 15th August, 1944, he wrote;

That it is impossible during the period of hostilities to bring about any change in the Constitution by which means alone a "National Government" such as you suggest could be made responsible to the Central Assembly. The object of these conditions was to ensure the fulfilment of their duty to safeguard the interests of the racial and religious minorities of the Depressed Classes and their treaty obligations to the Indian States.⁵⁶

But ultimately the Congress once again campaigned successfully against the demands of the Depressed Classes and the Wavell Plan that declared its plan in 1945 with an aim to expand the Executive council put forward only one post of Scheduled Caste member. Five seats for 90 million Muslims and one seat for 6 million Sikhs and one seta for 50 million untouchables was certainly a strange and sinister kind of a political arithmetic. Ambedkar once again opposed it on this ground and the Wavell plan failed. Soon after that, the British organized a Conference in Shimla in June 1945 and it was finally agreed upon that a new committee would be appointed to settle the constitutional matters. A new Committee with the name of Cabinet Mission was formed. It also led to the British government to make two

⁵⁵ *Dr. Babasaheb Ambedkar Writing and Speeches*, op. cit. Vol.9, pp.334-340.

⁵⁶ *Babasaheb Ambedkar Writings and Speeches*, op. cit. Volume IX, p.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, 1986, *Emergence of the Depressed Classes*, Bhuwaneshwar, Bookland International, p.284.

announcements: one, elections to be held in the winter of 1945 for the provincial and central legislative assemblies, and two, after the elections a Constituent Assembly would be created 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. On 3rd October, 1945, therefore, the All India Scheduled Castes federation (AISCF) in its meeting in Poona, opposed the proposed election on the ground that;⁵⁷

- (i) There is no representation of Scheduled Castes in the central legislative assembly
- (ii) The Constituent assembly will be dominated by the majority community
- (iii) The elections to provincial assemblies are taking place with limited franchise where a large mass of people will not have so say in the election, and those elected in the provincial assemblies will nominate the members to the constituent assembly.
- (iv) The system of joint electorates as per the Poona pact was not a real representatives of scheduled castes.

2.9: Cabinet Mission and the Question of Scheduled Castes Representation

In a meeting with the Cabinet Mission on 5th April, 1946, Ambedkar explained how with the present electoral method, the Constituent Assembly would be dominated by caste Hindus and Scheduled Caste members would remain no more than a small minority which would always be out voted even if a $\frac{3}{4}$ or $\frac{2}{3}$ majority were required for decisions. Describing the condition of 60 million Scheduled Castes of India, Ambedkar said;

Politically, although the Scheduled Castes like the other communities had been granted separate electorates in 1932, they had virtually been deprived of them by the Poona Pact. Instead they had got the system of double elections which meant that in the second election, in which all the Hindus voted, the Caste Hindus could nullify the result of the first election in which Untouchables were the only voters....The Central Legislature had been

⁵⁷ B.R. Ambedkar, *What Congress and Gandhi have done to the Untouchables*, op. cit., pp.346-353.

inexistence since 1919, yet no questions were ever asked, resolutions moved or anything else done with the object of helping the Scheduled Castes.⁵⁸

He referred to the figures appended to the Working Committee's resolution of April 2nd which showed, firstly that in many cases the Congress Scheduled Caste candidates, though outvoted by the Federation candidates in the primary elections, had beaten them in the primary elections, had beaten them in the final elections: and, secondly, how small was the number of Scheduled Castes voters in comparison with the total of general voters. Even so, Congress had resorted to loot and arson to ensure the success of their candidates; he produced a volume of photographs to show what they had done.⁵⁹

Ambedkar reiterated that as long as there were joint electorates, Scheduled Caste voters would be so few that Hindu candidates could safely ignore their wishes. Caste Hindus would never support Scheduled Caste candidates.⁶⁰ Admittedly under the present system they had to vote for Untouchables in the final elections; but their object in doing so was never to favour their own candidate but merely to outvote the candidate put up by his own Federation. Separate electorates were fundamental, since without them the Scheduled Castes would never have their own representatives. However, looking at the conservative position of Cabinet Mission regarding separate electorate, Ambedkar, later writing a telegram to Attlee⁶¹ said;

⁵⁸ Note of meeting between Cabinet delegation, Field Marshal Viscount Wavell and Dr. B.R. Ambedkar on Friday, 5th April, 1946 at 12 noon in *Dr. Babasaheb Ambedkar, Writing and Speeches*, op. cit. Volume X, pp.484-486.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Clement Attlee (1883-1967) served as Prime Minister of Britain 1945-1951. He was also the first person to hold the office of Deputy Prime Minister, under Winston Churchill in the wartime coalition government, before leading the Labour Party to a landslide election victory over Churchill's Conservative Party in 1945.

At time of last year's Simla Conference Viceroy on my protest and with consent of Home Government promised to increase Scheduled Castes representation in Interim Government to two seats in Council of fourteen. I had demanded three. Compromise I accepted two. New proposals interim government I accepted two. New proposals interim government announced yesterday give Scheduled Castes only one seat. This is a gross breach of solemn promise given after due deliberation. One seat most unfair. Mission is treating Sikhs three million Christians in matter of representation. Scheduled Caste nominee does not represent Scheduled Castes is elected entirely by Hindu Votes and creature of Congress. Representation to Scheduled Castes congressmen is no representation to Scheduled Castes. It is representation to Congress. Cabinet Mission heaping upon Scheduled Castes one wrong after another bent on sacrificing them with view appease Congress and destroying their independent position in public of country. Please intervene and redress wrong by directing Mission to give Scheduled caste two seats to be filled by nominees of Federation which Mission knows alone representative Scheduled Castes. Scheduled Castes insist on two seats or none. To avoid misunderstanding of my motive I like state that I have no desired to be in Interim Government and will stand out. I am fighting for rights of Scheduled Castes. Hope there is some sense of justice left in British Government.⁶²

The change in the stance on the part of the Cabinet mission not to give representation for Scheduled Castes from that of the position of Simla Conference in 1945 which proposed to give only two representatives raised serious doubts on the intentions of British regarding the demand of Scheduled Castes for constitutional safeguards. On 3rd May, 1946 Ambedkar wrote a letter to Lord Wavell, Governor General of India highlighting the issue of separate electorates again;

This is...with regard to three...demands, namely, (1) separate electorates, (2) proper representation in the Central Executive, and (3) undertaking from parties to accept certain general principles in regard to the safeguarding of

⁶² Telegram to Clement Attlee by Dr.B.R.Ambedkar on 17th May, 1946 as Member of the Viceroy's Executive Council, as cited in Khairmode, Vol 9.

the interest of the Scheduled Castes in the future constitution as a condition precedent for an interim Government.

The demand for Separate Electorates by Majority Community as is the case of Muslims in the Punjab, N.W.F. Province, Sind and Bengal, stands on a different footing from the demand for Separate Electorates by a Minority Community such as the Scheduled Castes. A demand for Separate Electorates by a Majority Community must require the consent of the Minority community. But the demand for Separate Electorates by a Minority Community can never be made dependent upon the wishes of the Majority Community. The Electorate is primarily a Mechanism devised for protecting a Minority against the Majority. That being so, whether the Electorate should be joint or separate must be left entirely to Minority to determine on the ground that the Minority knows what is best in its own interest. The Majority can have no say in the matter and must really accept the decision of the Minority. Following this up the Hindus can have very little to say as to whether the Scheduled Castes should or should not have Separate Electorates.

The demand of the Scheduled Castes for Separate Electorates does not adversely affect any other community, not even the Hindus. That is why this demand is accepted by all other Communities. The contention of the Hindus that the Scheduled Castes are Hindus and therefore cannot have a Separate Electorates is simply purely and misses the essential point that Separate Electorates is really a mechanism for the protection of the minorities and has nothing to do with religion. If any evidence of this is necessary, one could refer to the case of Europeans, Anglo Indians and Indian Christians who are all one by religion yet each have a Separate Electorate.

If the Cabinet Mission took these facts and arguments into consideration there would be nothing unnatural if it accepted the contention of the Scheduled Castes that the consent of the Hindus is not necessary and that it was entirely a matter for the Cabinet Mission to decide, particularly when it has been proved that Joint Electorates have made representation of the Scheduled Castes a farce.⁶³

⁶³ Dr. Ambedkar to Lord Wavell, Governor General of India in *Dr. Babasaheb Ambedkar Writings and Speeches*, op.cit. Volume 10, pp.486-490.

On 14th May, 1946 again, Ambedkar reiterated his demand for separate electorates by writing to A.V. Alexandar, a Member of the Cabinet Mission;

No safeguards are going to be of any value to the Untouchables unless the Untouchables get a separate electorate. Separate electorate is the crux of the matter. For joint electorates means giving the Untouchables office without power. What the Untouchables want is office with power. This, they can only get through separate electorates and that is why they are insisting upon it. I believe the case in favour of separate electorates for the Scheduled Castes is a cast-iron case. Every other party except the Congress accepts it. The arguments in favour of separate electorates have been set out by me in my letter of 3rd May, 1946 addressed to Lord Wavell which he must have shown to you and it is therefore unnecessary to repeat them here. The question is : what the Mission is going to do with this demand of Scheduled Castes. Are they going to make the Untouchables free from political yoke of the Hindus? Or, are they going to throw them to the wolves by favouring the system of joint electorates in order to make friends with the Congress and the Hindu majority whom it represents? The Scheduled Castes are entitled to ask His Majesty's Government that before the British abdicate, His Majesty's Government shall make sure that Swaraj does not become a strangle-hold for the Untouchables.⁶⁴

The Cabinet Mission in March 1946 finally disowned the responsibility for the protection of Scheduled Castes in the future constitution of India and did not make any reservation of seats for Scheduled Castes in the Constituent Assembly. Thus, on 4th June 1946, the All India Scheduled Caste Federation (AISCF) once again passed a resolution in Bombay criticising the attitude of Cabinet Mission towards Scheduled Castes.

“The Cabinet Mission in its hurry to placate the Congress Party had not dared to include this provision in clause 22 of its first statement although it had formed part of the Cripps proposals of 1942. While the Working Committee is glad that the Mission has retrieved its position and saved the honour of the British people in whose name pledges were given to the Scheduled Castes, the Working Committee demands that the plan of the Cabinet Mission should be amended in the following respects:

⁶⁴ Dr. Ambedkar to Rt. Hon'ble A.V.Alexander, Member, Cabinet Mission, in *Dr. Babasaheb Ambedkar Writings and Speeches*, op. cit. Volume 10, pp.495-496.

(1) The following clauses should be added as clauses (7) and (8) to paragraph 15 of the statement:

(7) The Scheduled Castes should have the right to be represented in the Legislatures through separate electorates.

(8) That the Constitution shall contain a provision making it obligatory on the Government to undertake the formation of separate settlements for the Scheduled Castes.

(2) Paragraph 20 of the first statement should be so amended as to make those members of the Scheduled Castes who topped the polls in the last primary elections, members of the Advisory Committee and be allowed to elect five other representatives of the Scheduled Castes to the Advisory Committee.

The Working Committee desires to inform His Majesty's Government and the British Labour Party that they should prove their sincerity towards the Scheduled Castes by proceeding at once to rectify the wrong done to them by the Cabinet Mission. Failing this, there will be no alternative for the Scheduled Castes but to resort to direct action. If circumstances require, the Working Committee, in order to save the Scheduled Castes from this impending catastrophe, will not hesitate to ask the Scheduled Castes to resort to direct action.”⁶⁵

However, this could not bring change in the attitude of Dalits and Ambedkar finally resigned from the Viceroy's Executive Council on 24th August, 1946 to pave way for the formation of interim government in India.

2.10: Final attempts for Separate Electorates under British

After the Cabinet Mission completely neglected the claims of the untouchables, Ambedkar resigned from the Executive Council of the Viceroy and left on a political mission to Britain on October 14, 1946 to meet C.R. Attlee, Prime Minister of Britain and Winston Churchill to discuss Indian Constitutional matters with them.⁶⁶ On November 4, 1946 Ambedkar spent a whole day with the former Prime Minister of Britain Winston Churchill at his country home at Westerham in Kent and a day later he addressed a meeting of the Conservative India committee of the House of Commons which was also attended by

⁶⁵ *Dr. Babasaheb Ambedkar Writings and Speeches*, op. cit. Vol 10, pp.506-7

⁶⁶ The Bombay Chronicle dated 24th October, 1946 as cited in *Dr. Babasaheb Ambedkar Writings and Speeches*, op. cit. Vol. 10, p.319.

few labour party MPs and liberal MP and expressed his profound disappointment at the Cabinet Mission's work. He explained to the members that he presented a memorandum to Mr. Winston Churchill and Lord Pethic Lawrence which attempts to show that the Congress does not represent the untouchables. He also demanded the abrogation of the Poona Pact signed by him and Mahatma Gandhi and demanded the restoration of separate electorates as envisaged in Mr. MacDonalds Communal Award.⁶⁷

However, it was reported that the Labour Members who were in power in Britain at that time questioned him closely which also indicated that the labour party which was in power "is in no mode of raking up the whole communal issue". He was told by the committee he needs to adjust himself to the changed station and a try his luck in the new constituent assembly. The United Press of India⁶⁸ which reported this news commented that Ambedkar has, however, little hopes of succeeding in his mission except in Mr. Churchill being returned to power. The news agencies also reported that Ambedkar left for India as a disappointed man, carrying back home nothing else except sympathy.

Though disappointed personally, Ambedkar after his return to India while speaking to the press in Karachi said that the Prime Minister of Britain, Clement Attlee had an impressive knowledge of the Indian situation and he thought that the Prime Minister was aware that the Scheduled Castes need to be looked after. Winston Churchill was very keen and desirous of seeing that the Scheduled Castes were protected in any constitution that might be framed. He hoped that the British government before granting independence to India would take some definite steps to ascertain the real wishes of minorities including the scheduled castes.⁶⁹ He even at the eleventh hour appealed the Congress party to grant the

⁶⁷ The Times of India, dated 6th November, 1946

⁶⁸ News item referred in Source Material on *Dr. BabaSaheb Ambedkar and the Movement of Untouchables*, volume-I, p.324 in Bombay Chronicle, dated 7th November, 1946.

⁶⁹ News item referred in Source Material on *Dr. BabaSaheb Ambedkar and the Movement of Untouchables*, volume-I, p.325 dated November 15, 1946, newspaper not quoted.

separate political representation for Scheduled Castes in order to ensure absolute peace between Hindus and the Untouchables and ascertained that he would still act in constitutional manner to further the cause, and consider other means only after all constitutional means were exhausted.

After Ambedkar returned to India on November 15, 1946, the British Government did not interfere into the affairs of the Constituent Assembly. Neither the party in power- the Labour Party and its Prime Minister Clement Attlee, nor the Governor General of India, Lord Mountbatten showed interest in the affairs of the Scheduled Castes. Historically the British which played a major role in agreeing with the arguments of Ambedkar at the Round Table Conference and in the Viceroy's Executive Council later withdrew its support for the cause of the untouchables. Ambedkar questioned this sudden change in the attitude of British between 1945 and 1946. This can be ascribed to the change in the government in Britain when the Conservative Party of Winston Churchill lost in the elections after the cessation of the World War II. The Labour Party under Prime Minister Clement Attlee was inclined to grant independence to India and had little interest in providing support to the cause of untouchables. The independent dalit politics initiated by Ambedkar since his first appearance before the Southborough Committee and the safeguards achieved by him through the Round Table Conference, the Communal Award, the Poona Pact, The 1935 Act and as Member of the Viceroy's Executive Council were in peril and were subsumed in the crisis of politics at the stage of transfer of power between 1945 and 1947.⁷⁰

⁷⁰ Shekhar Bandyopadhyay, 2000, Transfer of Power and the crisis of Dalit Politics in India, 1945-47, *Modern Asian Studies*, Vol. 34, No.4, pp 893-942. Also see James Chiriyankandath, 1992. 'Democracy' under the Raj: Elections and Separate Representation in British India' *Commonwealth & Comparative Politics*, Volume 30, Issue 1 March, pp.39-63.