

Whether Ambedkar Wanted Reservation for Only Ten Years?

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1. The Issue

There are several myths against reservations. Two articles (Thorat, Tagade, Naik, 2016; Bhaskar, 2021) on *Economic & Political Weekly* debunked the validity of popular arguments against reservations, including that on merit and efficiency. However, there is another myth against the reservation provisions of the Indian Constitution.

Some individuals, including constitutional office holders, tend to argue that “Ambedkar wanted reservations only for a decade” (Scroll, 2018). It is often argued that reservations were supposed to exist only for 10 years. In this article, I would be demonstrating that the argument of Ambedkar wanting reservations for only a period of 10 years is a lie. For this, one needs to start looking deeply at India’s constitutional history from the Poona Pact (1932), as it marked a significant moment for the discourse around special rights for lower castes in political offices and a time-limit upon it. In this article, the terms ‘Depressed Classes’, ‘untouchables’, and ‘Scheduled Castes’ (SCs) have been used interchangeably, as all these appear in Dr B.R. Ambedkar’s writings in different phases of history. Similarly, Scheduled Tribes (STs) and Adivasis have been used interchangeably in this article.

2. Poona Pact

Dr. Ambedkar had a clash with Mahatma Gandhi during the second Round Table Conference in London in 1931 over the issue of separate electorates for the Depressed Classes. Gandhi was completely opposed to separate electorates for the Depressed Classes (Jaffrelot 2005: p. 60).

In 1932, the British government adjudicated on the issue and announced a communal award providing separate electorates for the Depressed Classes for a period of 20 years (Vundru 2018: p. 53). In protest, Gandhi went on a fast unto death. After this, Ambedkar had to negotiate with him and other caste Hindu leaders on the issue of separate electorates.

Raja Sekhar Vundru (2018) has documented in detail the negotiations which happened during 19 to 24 September 1932 in the Yerawada prison, where Gandhi was fasting. On 23 September, it “was agreed that 18% of the seats allotted to the general electorate for British India should be reserved for the Depressed Classes in the central legislature” (Vundru 2018: p. 53). In replacement of the communal award, Ambedkar demanded that the system of reservation would continue for a period of 25 years, after which there would be a referendum of the voters of the Depressed Classes, by which they “could decide the course of action on their method of election by choosing either separate electorate or joint electorate and reservation of seats” (Ibid).

While the Hindu leaders refused to accept Ambedkar’s position on the time limit for holding a referendum, Gandhi agreed to this proposal (Ibid: p. 54). But, he proposed that the referendum should be held after a period of five years (Ibid: p. 55). While Gandhi was “adamant on this point” (Ibid), Ambedkar also took a strong stand that the referendum be held after ten years. (Ibid). Vundru noted: “For [Ambedkar], the referendum was a strong political weapon in the hands of the Depressed Classes and at any cost, he was not ready to lose it” (Ibid: pp. 55-56).

The time-period for holding the referendum became a non-negotiable point for each of the parties. It was at this juncture that a proposal by C Rajagopalachari resolved the blockage on 24 September 1932. The condition of referendum “was replaced by a clause which [mentioned] that the system of representation of Depressed Classes by reserved seats in the provincial and central legislatures shall continue *until determined by mutual agreement* between both the

communities concerned in the settlement” - the untouchables and the caste Hindus (Ibid: p. 57). The proposal was agreed by both Ambedkar and Gandhi, after which it was accepted by the British government on 26 September 1932 (Ibid: p. 58).

Thus, the time period, which was being discussed during the Poona negotiations, was not for the end of reservations, but for the referendum in which the Depressed Classes got to decide the future method of choosing their own representatives. The Poona Pact was later incorporated into the Government of India Act 1935. The elections of provincial assemblies in 1937 were held on the basis of this electoral arrangement. The issue of the time-period emerged once again during the drafting of the Indian Constitution.

3. Constituent Assembly Debates

The special rights for minorities were a matter of concern for the Constitution framers. To assist the Constituent Assembly, an Advisory Committee on fundamental rights, minorities, and tribal and excluded areas was created under the chairmanship of Sardar Patel. (Austin 1999: 77–78) The Committee was further subdivided, out of which the Minorities sub-committee dealt with minority rights and safeguards (Ibid). When the Minorities sub-committee met for the first time on February 27, 1947, “Ambedkar (a member of the sub-committee) submitted an exhaustive note on the subject of minorities and fundamental rights” (Rao 1968a: p. 748). He proposed that the Scheduled Castes should have a minimum share of representation according to the population in the legislature, ministries, municipalities, local boards, and public services (Ibid). Other suggestions of safeguards for the Scheduled Castes were made by leaders such as Jagjivan Ram, H.J. Khandekar, and organisations such as All India Adi Hindu Depressed Classes Association (Ibid: pp. 749-750). The proposed safeguards “provided that all concessions in privileges given to minority communities should be effective for a period of thirty years, after which the communities should be consulted as regards their modification”

(Ibid: p. 750). These suggestions, among others, were considered in later meetings of the sub-committee.

After discussion between 21 to 27 July, 1947, the Minorities sub-committee decided by a large majority of 26-3 against separate communal electorate for elections to the legislature (Rao 1968a: p. 755; Vundru 2018: p. 125; Austin 1999: p. 187). It was also decided by a large majority of 26-3 that there should be reservation of seats for the “different recognised minorities in the various legislatures; and such reservation would initially be for a period of ten years, the position to be reconsidered at the end of the period” (Rao 1968a: p. 755; Austin: p. 187). The Scheduled Castes were included in this list of minorities (Rao 1968a: p. 755). This period of 10 years was similar to the demand of Ambedkar during the last days of Poona Pact negotiations. Again, this limit was not the fixed time limit to end reservations in joint electorates, rather an initial limit after which the position of joint electorates with reservations would be reconsidered.

The decisions of the Minorities sub-committee were then included in the recommendations of the Advisory Committee Report on minority rights (Rao 1968a: p. 758). These recommendations were then considered by the Constituent Assembly during August 27 and 28, 1947 (Ibid: p. 759), where they were accepted by the Assembly “without any modification” (p. 760). The decision of the Assembly was later incorporated into the draft Constitution by the Constitutional Adviser (Ibid: p. 760). The various provisions related to minority safeguards were then rearranged by the Drafting Committee under the title “Special Provisions Relating to Minorities”, and were published as part of the Draft Constitution in February 1948 (Ibid: p. 764).

3.1 Political Reservation Removed: Except for Scheduled Castes

Some leaders in the Constituent Assembly became sceptical about reserved seats for all minorities, given the change in situation after the partition. A meeting of the Advisory Committee was held on 24 February 1948 to reconsider the reservations of seats in the legislatures for Sikhs in Punjab and minorities in Bengal (Rao 1968a: 766). On Ambedkar's suggestion, a five-member special committee was constituted to look into the matter. This committee comprised of Vallabhbhai Patel (as Chairman), Jawaharlal Nehru, Rajendra Prasad, K.M. Munshi, and B.R. Ambedkar (Ibid).

In its report dated 23 November 1948, the special committee made a fundamental departure from the position adopted by the Constituent Assembly in favour of political safeguards and minorities, and decided against reservation for Sikhs in Punjab and minorities in West Bengal (Ibid: p. 766-768). This decision was then placed before the Advisory Committee, in a meeting called by Sardar Patel on 30 December 1948 (Ibid). However, at this meeting, suggestions were made by few members to completely do away with political reservation for all minorities (Austin: p. 190; Rao 1968b: pp. 599-601, Vundru: p. 136). This would have changed the entire nature of reservation provisions for seats in legislatures. Three members submitted motion of resolution to this effect (Ibid). Muniswami Pillai sought an amendment to the proposed resolution that the Scheduled Casts should be retained for the benefits of political reservation (Ibid). The meeting was adjourned to a later date (Rao 1968b: pp. 599-601). At this stage, Ambedkar decided to walk out of the proceedings of Constitution framing, as the other members were discussing to remove political reservation completely, even for Scheduled Castes (Vundru: p. 138). Ambedkar's stand made the members of the Advisory Committee, especially Sardar Patel, to reconsider their position on doing away the reservations for Scheduled Castes (Ibid).

In its Report dated 11 May 1949, the Advisory Committee by a large majority then adopted the resolution “That the system of reservation for minorities other than Scheduled Castes in Legislatures be abolished” (Rao 1968b: p. 601). It also noted: “the peculiar position of the Scheduled Castes would make it necessary to give them reservation for a period of ten years as originally decided” (Ibid). Again, the decision to keep the reservations for Scheduled Castes for a period of ten years was of the Advisory Committee, and not of Ambedkar.

On 25 May 1949, Sardar Patel, on behalf of Advisory Committee, explained the updated scenario to the Constituent Assembly, and stated that “the time has come” when “the reservations should be dropped” (CAI 1949a). He moved the resolution that the Constituent Assembly recalls its early decision of providing political reservation to all minorities, except for Scheduled Castes (Ibid). Thakur Das Bhargava then moved an amendment to the resolution that reservation of seats would “last for a period of ten years from the commencement of this Constitution” (Ibid). Jawaharlal Nehru noted that even though he wanted an end to all reservations, but “a backward group (Scheduled Castes) ought to be helped” (Ibid). Though he added, “I am glad that this reservation also will be limited to ten years” (Ibid). The proposal of the Advisory Committee and Bhargava’s amendment were adopted by the Constituent Assembly on 26 May 1949, with effect that that no reservation would be operative for more than ten years (CAI 1949b).

3.2 Scheduled Tribes Political Reservation

The Advisory Committee Report (11 May 1949) had also noted that its decision to abolish reservations for all minorities except for SCs would not affect the representation of STs in legislatures (Rao 1968b: p. 601). This was however not discussed during 25-26 May 1949 deliberations in Constituent Assembly on reservations. Previously, the draft Constitution

published in February 1948 had included reservation for STs in limited number of states (Rao 1968a: p. 774).

In a significant change from this position, on 23 August 1949, Ambedkar moved a motion (CAI 1949c) providing for “Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People” in proportion of their population to the total population of the State (current Article 330). This new motion thus extended the benefit of political reservation to Scheduled Tribes in all states, than what was earlier limited to few areas. According to Rao, this “much further” change from the previous position went unnoticed by the Constituent Assembly (1968a: 774).

Furthermore, since there was no discussion on the issue of ST reservation earlier, Ambedkar’s proposal was a progressive development in terms of rights of STs. Jaipal Singh, a leader from Adivasi community, pointed this out. On 24 August 1949, he stated:

“... it is most unfortunate that this House has not had an opportunity to discuss the recommendations made by the two Tribal Sub-Committees. I know we had a debate of two days to consider the report of the Minorities Committee in regard to whether the Scheduled Castes and the Muslims were to get any reservation of seats or not. At that time all the discussion was confined to the Muslim problem only... Having said that, Sir, I would like to congratulate Dr. Ambedkar for his new amendment which he has presented to us today.... Sir, we are not begging anything. I do not come here to beg. It is for the majority community to atone for their sins of the last six thousand odd years.” (CAI 1949d)

He further added:

“One honourable Member said that he was glad that the Muslims and the Christians had given up something, given up the reservation of seats. Sir, the Adivasis are not giving up anything because they never had anything. It seems very surprising that people should talk

of democracy when their whole conduct has been anti-democratic in the past.” (Ibid)

Jaipal Singh also expressed his dissatisfaction with the ten-years limit on political reservations, and stated:

“I am not at all optimistic that in the short space of ten years, which means two general election, Adibasis will have come to the level of the rest of India and therefore at the end of ten years reservation of seats should be done away with. I am not one who will be so bold as to believe in such a miracle. Things are not going to move as fast as we would like them to move. I would have preferred that this matter should have been reviewed at the end of ten years to find out whether Adibasis and Scheduled Castes in the two general elections that will take place during the ten years had made good, whether they had been able to assert themselves in the Councils and take their share in the national life of the country. When that had been made, then I think the Parliament could decide whether or not these reservations should be done away with or continued for a further period of say ten or fifteen or twenty-five years. I would have preferred it that way but if there is any suspicion in the minds of non-Scheduled Caste people or non-Adibasis, I would not insist on it. The generous thing would have been to give them ample scope to come into all the Councils in the provinces and at the Centre and not to limit them only to two general elections.” (Ibid)

Ambedkar’s motion was adopted by the Constituent Assembly on 24 August 1949. On the same day, Ambedkar then moved a new article (current Article 334¹) providing “the reservation of seats for the Scheduled Castes and the Scheduled Tribes either in House of the people or in the Legislative Assembly of a State shall cease to have effect on the expiration of a period of ten years form the commencement of this Constitution” (Ibid). He reiterated that this newly proposed article is “also in accordance with the decision of the House (referring to 25-26 May 1949)” (Ibid). This was not a personal decision of Ambedkar, as he would explain later.

4. Ambedkar’s Position on Ten Years Limit

On 25 August 1949, several members from Scheduled community also expressed anxiety “the period of ten years would be quite an insufficient period and that reservations might be

necessary even thereafter” (Rao 1968a: p. 776; CAI 1949e). Sardar Nagappa wanted an amendment that “reservation should last for ten years, provided the Government takes this actually into its head and sees that these people are brought to the level of the advanced classes” (Ibid). Referring to future governments, he said:

“You must realise that greater responsibility is now laying on your shoulders. You have to bring us to that level by which we will be able to say that we do not want reservations. We cannot go on begging for a favour. As it is, we are making the Government to commit itself for the future advancement of this country and of this community.” (Ibid)

Muniswami Pillai declared the ten-years limit “a premature one” (Ibid). Monomohan Das sought an amendment that “these safeguards will come to an end at the end of ten years, but if the Parliament, after consideration of the situation then of the Scheduled Castes, and the Scheduled Tribes, thinks that these provisions for reservation of seats should be continued, for some further period, then these reservations of seats, these political concessions granted to the Scheduled Castes and the Scheduled Tribes will continue and not come to an end” (Ibid). All these suggestions were not accepted in the Assembly. While Ambedkar was following the earlier mandate of the Constituent Assembly, he clarified that any change in the time limit may be made “by the amendment of the Constitution itself” (Ibid). The motion was adopted on 25 August 1949.

Ambedkar also shared his own opinion that he preferred a longer time for political reservation for Scheduled Castes and Scheduled Tribes, as he noted (Ibid):

“I personally was prepared to press for a larger time, because I do feel that so far as the Scheduled Castes are concerned, they are not treated on the same footing as the other minorities... it would have been quite proper I think, and generous on the part of this House to have given the Scheduled Castes a longer term with regard to these reservations... For the Scheduled tribes I am prepared to give far longer time. But all those who have spoken about the reservations to the Scheduled Castes or to the Scheduled tribes

have been so metriculous that the thing should end by ten years. All I want to say to them in the words of Edmund Burke, is "*Large Empires and small minds go ill together*." (emphasis supplied)

Ambedkar, however, also gave a way out for extending political reservations further, by adding that (Ibid):

“If at the end of the ten years, the Scheduled Castes find that their position has not improved or that they want further extension of this period, *it will not be beyond their capacity or their intelligence to invent new ways of getting the same protection which they are promised here.*” (emphasis supplied)

Thus, it becomes clear that Ambedkar was never in favour of a fixed time limit of 10 years for political reservations for SCs and STs. He wanted a much “larger time”. He even confronted the first elected government on 2 September 1953 in Rajya Sabha, as he asked: “I want to know for myself, especially in view of the fact whether the reservation, which was so blissfully granted to us by the Congress Party for ten years, is going to disappear” (BAWS, Vol 15: p. 857). Therefore, all those who have been saying that Ambedkar wanted the end of reservations after 10 years either have not read history or are deliberately propagating a lie.

5. No Time Limit for Reservation in Services and Educational Institutions

Unlike the deliberations on the time limit of ten years on political reservation, there was no such discussion on time limit on reservations in public services. In this regard, an analysis of the proceedings of the Constituent Assembly related to the drafting of Article 16(4), which provides for reservation in public services for backward classes, can be found in my previous article (Bhaskar 2021). The reservation in educational institutions was introduced, by way of first constitutional amendment, in the year 1951, *i.e.* one year after the Constitution came into force. The debates during the passing of the first constitutional amendment (insertion of Article 15(4)) shows that there was not any discussion on time limit (PoI 1951). The amendment was

brought to undo the decision of the Supreme Court in *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226, which had declared reservations in educational institutions as unconstitutional. Ambedkar, as the then law minister, used harsh words to criticize the *Champakam Dorairajan* judgment, and termed it “utterly unsatisfactory” (PoI 1951).

6. Conclusion

Ambedkar was not in favour of fixed time limit of ten-years, even for political reservations for SCs and STs. His demand during Poona Pact was that after ten years, there should be a reconsideration of the position of reserved constituencies in joint electorates, and that the Scheduled Castes should decide by referendum if they want to continue with the system. This would mean deciding whether to adopt another method of electing candidates from Scheduled Castes. Even though this demand was not included in the final text of the Constitution, Ambedkar had left it to the Scheduled Castes to “*invent new ways of getting the same protection*” (CAI 1949e). In effect, without the consent of SCs and STs, political reservation cannot be done away with. The political reservations were a result of “*mutual agreement*” between Scheduled Castes and caste Hindus. When it was incorporated into the Constitution, it became akin to a constitutional promise. Though the Constituent Assembly fixed a time limit of ten years on political reservations, Ambedkar himself had prescribed the method of constitutional amendment to extend this time limit, if the situation of SCs and STs does not improve (Ibid). The extension of this time limit since 1960 is in spirit of Ambedkar’s demands. There was no time-limit set on reservations for backward classes in public services and educational institutions.

¹ Article 334 of the Constitution, as amended with effect from 25 Jan 2020, states as follows: “Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to— (a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; and (b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination, shall cease to have effect on the expiration of a period of [eighty years in respect of clause (a) and seventy years in respect of clause (b)] from the commencement

of this Constitution: Provided that nothing in this article shall affect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.”

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