
Perspectives on Caste, Poverty and Representation of Minorities in the Constituent Assembly Debates

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Abstract: Constituent Assembly Debates provide an authentic platform for the original views regarding social, economic, and political structures of future India. These Debates are still a guiding principle and force to decide any issue of national importance. The top court of the country takes the help of Constituent Assembly Debates to understand the true spirit of the matter related to constitutional laws. The problems of social (caste), economic (poverty) and representation of minorities, as fundamental problems, were discussed with its just solutions in the Assembly. This paper highlights the different perspectives on the solutions of the fundamental problem of caste and poverty with the problem of minority representations in the institutions of Indian State.

Keywords: Caste, Poverty, Minorities, Constituent Assembly Debates, Backward Classes

The Constituent Assembly Debates might be seen as the most important platform of original ideas, thoughts and views to laid the future social, economic, political and religious foundations and executive, administrative and judicial structures of India. These Debates represent true visions and paths shown by the Indian leaders, activists, thinkers, and statesmen to decide the destiny of the country. Prominent leaders who were representing different interests and communities were the products of various socio-religious and political movements that began in the 19th century. The most prominent voice in the Constituent Assembly were the voices of Jawaharlal Nehru as the First Prime Minister of Independent India and the leader in the Assembly and Dr. Bhim Rao Ambedkar as the Chairman of the Drafting Committee and the Chief Architect of Indian Constitution. Mohan Das Karamchand Gandhi was an undisputed conservative national leader, he was who had deeply influenced the Congress, and the Nehru's ideas.¹ Gandhi carried the legacy of Hindu revivalists of 19th Century into the politics of Congress in 20th century. However, Gandhi was not present in the Constituent Assembly to represent his views in person but Nehru represented his views on caste and poverty as a product of the Gandhian movement. Similarly, Ambedkar was the product of 19th century anti-caste and humanitarian movement of Satya Shodhak Samaj started by Mahatma Jotiba Phule. Gandhi, Ambedkar and Nehru were the tallest leaders of 20th century who had their profound influence on the national life of India. This paper is primarily focused on the Nehruvian and Ambedkarite views represented in the Constituent Assembly to redress the key issues of caste, poverty and religious minorities.

In continuity to understand the background of Nehru's ideas on caste, poverty and the question of representation of religious minorities in the institutions of the state, it may be

worth knowing Gandhi's views on caste or the caste system. Gandhi expressed his views about caste system in an article published in a Gujarati Journal *Nav-Jivan* in 1921-22. He stated, "I believe that if Hindu Society has been able to stand it is because it is found on the caste system... To destroy the caste system and adopt Western European system means that Hindus must give up the principle of hereditary occupation which is the soul of the caste system. Hereditary principle is an eternal principle. To change it is to create disorder. I have no use for a Brahmin if I cannot call him a Brahmin for my life. It will be chaos if everyday a Brahmin is to be changed into a Shudra and a Shudra is to be changed into a Brahmin. The caste system is a natural order of society. In India it has been given a religious coating... I am oppose to all those who are out to destroy the caste System...I believe that interdining or intermarriage are not necessary for promotion of national unity."²This discourse reveals Gandhi's adherence to the sprit of caste system because it was the foundation of Hinduism. He wishes to maintain the hierarchy of hereditary occupations and high regard for Brahmans in his life.

In 1925 Gandhi defended the Varna system and expressed his views in the manner of an orthodox Hindu. He said, "I believe that divisions into *Varna* is based on birth. There is nothing in the *Varna* system which stands in the way of the *Shudra* acquiring or studying military art of offence or defense. Contra it is open to a Kshatriya to serve. The *Varna* system is no bar to him. What the *Varna* system enjoins is that a Shudra will not make learning a way of living. Similarly a Brahmin may learn the art of war or trade. But he must not make them a way of earning his living. Contra a Vaishya may acquire learning or may cultivate the art of war. But he must not make them a way of earning his living.... The object of the *Varna* system is to prevent competition and class struggle and class war. I believe in the *Varna* system because it fixes the duties and occupations of persons."³

Gandhi's ideas are in complete juxtapose to Dr. Ambedkar's ideas. In 1936 a speech prepared by Dr. Ambedkar for the Annual Conference of the Jat-Pat-Todak Mandal that was later published in the form of a book entitled *Annihilation of Caste*. In this speech Dr. Ambedkar revealed the characteristics of the caste system. He stated, "Caste is not just merely a division of labour. It is also a division of labourers." Further, he explained, "As a form of division of labour the Caste System suffers from another serious effect. The Division of labour brought about by the Caste System is not a division based on choice. Individual sentiments, individual preference has no place in it. It is based on the dogma of predestination."⁴ In Dr. Ambedkar's views the Caste System was not only division of labourers. It had created many serious ill effects on public life of the Hindus. Such as, "Caste has killed public sprit. Caste has destroyed the sense of public charity. Caste has made public opinion impossible. A Hindu's public is caste. His responsibility is to his caste. His loyalty is restricted only to his caste. Virtue has become caste-ridden and morality has become caste bound. There is no sympathy to the deserving. There is no appreciation of the meritorious."⁵Hence, "The genius of caste is to divide and to disintegrate."⁶

Dr. Ambedkar revealed the sociological and historical relationship between caste and Varna. In Indian society, “Just as the Hindus are divided into so many castes, castes are divided into different classes of castes. The Hindu is caste-conscious. He is also class conscious. Whether he is caste conscious or class conscious depends upon the caste with which he comes in conflict. If the caste with which he comes in conflict is a caste within the class to which he belongs he is caste conscious. If the caste is outside the class to which he belongs he is class conscious. Anyone who needs any evidence on this point may study the Non-Brahman Movement in the Madras and the Presidency of Bombay. Such a study will leave no doubt that to a Hindu caste periphery is as real as class periphery and caste conscious is as real as class conscious.... Caste is a perversion of Varna. At any rate it is an evolution in the opposite direction. But while caste has completely perverted the Varna system it has borrowed the class system from the Varna system. Indeed the Class-caste system follows closely the class cleavage of the Varna system.”⁷

It was this ideological conflict between Ambedkar and Gandhi which was reflected in the Constituent Assembly Debates between Nehru and Ambedkar in the Constituent Assembly. Nehru represented the orthodox and traditional Hindu position of Gandhi and Ambedkar represented the revolutionary and progressive position of his master Mahatma Jotiba Phule on the caste system and eradication of poverty. The Constituent Assembly Debates were the historic moment to decide and determine the destiny of the backward communities such as the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Religious Minorities (SC/ST/OBC/RMs) in the Constitution of India. Ambedkar realized this fact better than any leader and politician in his lifetime. His realization of this historic movement compelled him to utilize all his resources and energies to enter into the Constituent Assembly. In the Constituent assembly Dr. Ambedkar fought against Gandhian ideas to secure the representation of the SC/ST/OBC/RMs in the new Constitution of India. Framing the reservation policy and identification of the criteria to define the Other Backward Classes was the ample task before Dr. Ambedkar being as the chairman of the Drafting Committee and the architect of Indian Constitution. The policy of reservation became the issue of contention between Nehru and Congress, and Dr. Ambedkar in the Constituent Assembly. Nehru represented the line of Gandhi and fundamentally opposed the policy of reservation on the basis of social backwardness *per se* caste and educational backwardness as the results of caste system in India. Earlier at the times of the Round Table Conferences (1930-32) at London, both Ambedkar and Gandhi had encountered on the issues of the representations of the Depressed Classes and the religious minorities.

The Constituent Assembly appointed an Advisory Committee on the rights of citizens, minorities, and tribals and excluded area on January 24, 1947 under the chairmanship of Ballabhbhai Patel. The Committee's task was to prepare the articles related to protection and safeguards of such communities. Patel was the strongest opponent of Dr. Ambedkar. Patel in the capacity chairman of the Committee creates several sub-committees. One among them was Sub-Committee on Minorities' Fundamental Rights. It first dealt with the issue of

reservation and recommended that 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth' and that there should be 'equality of opportunity for all citizens in the matters of public employment.'⁸ It became articles 16(2) & (1) in the Constitution of India. These proposals left Dr. Ambedkar dejected who was member of the Sub-Committee. He immediately pressed the demand to incorporate a clause which would not prevent the Government to reserve the certain share of public services for the minorities in general.

The representation of the backward classes in public services was a matter of prime importance for Ambedkar in the Constituent Assembly. He stated, "There is another matter which must be of special concern for the Depressed Classes for their safety. The power to administer law is not less important than the power to make law. And the spirit of the legislators may easily be violated if not nullified by the machinations of the administrator. This not the only reason why the Depressed Classes should show special interest for securing power of control over administration.... In a country like India where the public service is almost exclusively manned by people of one community, there is a great danger of this vast discretionary power being abused for the aggrandisement of a class. The best antidote against it is to insist on a proper admixture of caste and creeds including the Depressed Classes in the public services of the country. We should demand a certain percentage in the public service to be preserved for the Depressed Classes and there will be no difficulty in guaranteeing this safeguard to us by a clause in the Constitution."⁹ Similarly, Ambedkar was also strongly advocated the representations of religious minorities and his views were well-known since the inception of the Round Table Conferences between 1930 and 1932 organized at London by the British Government. Ambedkar who was a member of the Sub-Committee on the fundamental right to the Advisory Committee suggested an amendment which would not 'prevent the Government to subscribe a certain proportion of posts of public service for minorities - whoever they may be'.¹⁰ In his view the representation of minorities in general and the representation of the Depressed Classes in particular in public services was equally important as in the legislatures because the administration was the agency to execute the law. The representations in the administration were a means of social prestige and power. For him it was the best way to mix the various castes through the apparatus of the State. The Members agreed to Dr. Ambedkar's suggestion to incorporate a clause in the Sub-Committee recommendations. The minorities were defined as 'backward class of the citizens' in the Clause. The Clause was voted by the Constituent Assembly and became the Article 16 (4) the Constitution of India. The term 'backward class' definitely includes the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and the Religious Minorities. The Article became the foundation stone of the reservation policy for the representation of backward and minority communities who were not adequately represented in the services under the State. Thus, reservation in public services for the Backward Classes became the part of Fundamental Rights in the Constitution under the Articles 15(4) and 16(4).

The minority status of the Scheduled Castes, separate electorates, separate settlement and representation in executive and higher education were other most important safeguards along with reservation in public services demanded by Dr. Ambedkar to be secured in the Constitution. He submitted these safeguards to the Constituent Assembly through a memorandum widely known as the *States and Minority* in 1947 which defines the Fundamental Rights, Minority Rights and Safeguards for the Scheduled Castes. But such issues for the safety and security of the minorities were overlooked by the Constituent Assembly dominated by the Congress members.

In the Constituent Assembly, the Congress under the leadership of Nehru and Patel abolished the minority status of the Scheduled Castes and the reservations for the religious minorities in the legislatures, executive (cabinets) and public services. The reservations for the religious minorities, particularly the Muslims and Christians, in independent India were abolished with the help of Hindu upper castes converted Christians and Muslims leaders who were representing these communities in the Constituent Assembly. The Advisory Committee on Minorities Fundamental Rights under the chairmanship of Patel in its report submitted to the Constituent Assembly on August 8, 1947 recommended to abolish the separate electorates, however, reservation of seats in the legislatures for the Muslims, the Sikhs and the Christians in proportion to their population with joint electorates might be continued.¹¹ But later on the reservations for the minorities in the legislatures with joint electorates was also abolished. H. C. Mookerjee, a Brahman converted Christian leader, representing the Indian Christians opposed any reservation for them in the Constitution.¹² It was the Congress that had elected Mr. Mookerjee as the Vice President of the Constituent Assembly. The Congress supported the abolition of separate electorates for the minorities for two reasons. Firstly, the majority of the converts to the Islam, Christianity and Sikhism were from the Shudras, the Untouchables and the Aboriginal Tribes. Secondly, it would have created independent leadership among the minorities and they would have been able to elect the representatives of their choice to the legislatures who would fight for their interests and safeguards without compromise with the majorities.

The Advisory Committee retained the minority status of the Scheduled Caste in its report. But during the discussions on the Report, two Hindu orthodox and dedicated Gandhian K.M. Munshi and Shibban Lal Saksena moved an amendment to change the status of the Scheduled Castes from a Minority Status to a Hindu Status. As a result, the list of Scheduled Castes was limited only to the Hindus so the benefits of reservations in the legislatures, educational institutions and public services were limited only to Hindu Scheduled Castes excluding those who were Christians, Sikhs, Buddhists and Muslims by faith. The unique non-Hindu identity of the Scheduled Castes based on the distinct element of untouchability was abolished. Dr. B. R. Ambedkar struggled a lot between 1919 and 1935 to achieve a unique Non-Hindu identity for the Scheduled Castes. The amendment was accepted and passed by the House without much discussion. The Scheduled Castes were made a part of the Hindu Community by just adding a new paragraph which comprehended: "The section of the Hindu Community

referred to as Scheduled Castes as defined in Schedule 1 of the Government of India Act, 1935, shall have the same rights and benefits which are herein provided for minorities specified in the Scheduled to Para 1.”¹³The Minorities i.e. Muslims, Christians and Sikh kept silent on the amendment and left the Scheduled Castes to face its consequences.

When the dust of partition was set, the Congress under the leadership of Prime Minister Nehru and Home Minister Patel targeted the provisions of reservation for the minorities in the Legislatures embodied in Part XIV of the Draft Constitution as recommended by the Advisory Committee in its report submitted on August 8, 1947. The Advisory Committee in its meeting held on February 24, 1948, appointed a Special Sub-Committee consisting Ballabhbai Patel, Jawaharlal Nehru, Dr. Rajendra Prasad, K.M. Munshi and Dr. Ambedkar. All the members of this Sub-Committee except Ambedkar were from the Congress and known for anti-reservation rigor. This Sub-Committee submitted its report on November 23, 1948 to the Advisory Committee which was discussed in the Advisory Committee’s meeting held on December 30, 1948. Dr. H.C. Mookerjee, [sic] moved a motion for the dropping of the clause on reservation of castes in the legislature on population basis. When this proposal was moved, Mr. Munniswami Pillai, who was representing the Scheduled Castes, moved an amendment to the effect that the provision for reservation, so far as the Scheduled Castes are concerned, may be continued for a period of ten years.¹⁴The Advisory Committee accepted the amendment moved by Munniswami and passed the resolution which stated: “That the system of reservation for minorities other than Scheduled Castes in Legislatures be abolished.”¹⁵Dr. Ambedkar had a different reason to agree with the recommendations of the Special Sub-Committee and resolution of the Advisory Committee. But in his observation, the reservation in the legislatures with the joint electorate was an instrument to produce such leaders or representatives who would fulfill the needs and aspirations of caste Hindus rather than the Scheduled Castes. In joint electorates the Scheduled Castes would not be able to elect representatives of their choice into the legislatures who might truly represent their aspirations and interests.

Nehru was indeed not in favour of reservation on the basis upon the elements of religion and caste. On the suggestions of reservation for the minorities in the Second Report of Advisory Committee, on May 26, 1949 Nehru stated, “Frankly I would like this proposal to go further and put an end to such reservations as there still remain... I try to look upon the problem not in the sense of religious minority, but rather in the sense of helping backward groups in the country. I do not look at it from the religious point of view or the caste point of view, but from the point of view that a backward group ought to be helped.”¹⁶

There was an uphill task before the Constituent Assembly to define who was the backward classes or groups as stated by Nehru in his above statement. The definition of the backward classes was significant to extend the benefits of reservation policy to them under Article 16 (4). The Congress and Nehru were least interested to define the backward classes. In the Constituent Assembly the matter to define the Backward Classes was the longest debated issue from 1947 to 1950 until the proposal was voted on January 26, 1950. This delay was a

result of the confusions created by the upper caste Hindu members over the definition of the Backward Classes. Finally, Dr. Ambedkar, the Chairman of the Drafting Committee, decided the criteria of social and educational backwardness and moved the proposal to the Constituent Assembly. The proposal was accepted by the Assembly and became the Article 340 of the Constitution. The Article reads: "The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of the socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their conditions".¹⁷

In articles 340 and 16(4) the term 'class' is preferred over the term 'caste'.¹⁸ Nehru was opposed to identify caste as constitutional criteria for social backwardness unlike Dr. Ambedkar. This difference became more apparent during the debates on the first amendment to the Constitution enacted in 1951 in a response to the verdict of the Supreme Court in the case of Madras State. The decision impeded reservation in the educational institutions on the ground that it violated the principle of equality inserted in Article 15(1) and Article 29(2). This verdict revealed the inherent contradictions between the Fundamental Rights and the Directive Principles. Dr. Ambedkar suggested the Parliament to remove this inherent contradiction. The debate in Parliament was concentrated to define the 'backward classes.' Dr. Ambedkar clearly defined that the backward classes were 'nothing but a collection of certain castes.'¹⁹ Nehru did not want to recognize the caste as a specific category. He stated, "We have to deal with the situation where for a variety of case for which the present generation is not to blame, the past has the responsibility, there are group, classes, individuals, communities... who are backward. They are backward in many ways- economically, socially, and educationally- some times they are not backward in one of these respects and yet backward in regard to another... We want to put an end to ...all those infinitive divisions that have grown up in social life... we may call them by any name you like, the caste system or caste religious divisions etc."²⁰

In Nehru's scheme, economic advancement was the way to solve the problem of the caste (social backwardness). But in Ambedkar's analysis of the Hindu social structure caste system was the root cause of the economic backwardness. Hence, poverty is the byproduct of the caste system. Political life of India is a relentless struggle between Ambedkarite and Nehruvian ideas after independence. The judiciary, media, bureaucracy and academia adopted Nehruvian ideology and vision rather than Ambedkarite vision and philosophy. Nehruvian line of argument related to the issue of reservation may clearly be seen in the judgment of Allahabad High Court in the case of Pyrelal vs State of Uttar Pradesh. The High Court verdict reads that 'social Backwardness in its ultimate analysis is the result of acute poverty.'²¹ In another example of the reflection of Nehruvian ideology was expressed by the highest judiciary of the country. At the time of the 93rd Constitutional Amendment in 2005 when the SC/ST/OBC/RMs Member of Parliament demanded reservation to be included in the 9th Schedule of the Constitution, the Supreme Court observed that that the 9th Scheduled

is not out the purview of the Court to be reviewed.²² Nehruvian vision aims at social welfare but Ambedkar's ideology and vision are aimed at social justice to achieve social welfare enshrined in the Fundamental Rights and the Directive Principles.

Ambedkar was deeply anxious and worried about the tragic social and economic condition of the country. He expressed his worry in grief: "It is a sin to take birth in a country whose people are so caste ridden and prejudiced. In the existing set-up, it is very difficult to maintain one's interest in the affair of this country as people are not ready to accept any other view which does not concur with that of the Prime Minister. To what extent the country is sinking!"²³ The implementation of the Constitution is the only remedy to all the evils of the caste system. How to implement the Constitution? Final solution was the political power with the adult franchise. Babasaheb Dr. Ambedkar said, "Political power is the key to all social progress... The Backward Classes had suffered because of their aloofness. They must forge a united front in order to wrest political power from the higher classes. The system of adult franchise had brought political power to the masses... I said that I was not anxious to establish inter-dining and inter-marriage between the Scheduled Castes and the Backward Classes. They must well remain separate social entities. There is no reason why they should not join hands to form a political party to remove their backward condition... You must organize yourself under one Leader, one Party and one Programme."²⁴ This was the ultimate path suggested by Ambedkar to the backward communities of the country to get rid of their social slavery and economic miseries.

The Constituent Assembly Debates highlight the fundamental social and economic problems of the country and their just solutions enshrined in the Preamble, Fundamental Rights and Directive Principles of the State Policy. Naturally there emerged different views, perspectives and approaches to look into major problems and its solutions among the prominent leaders and statesmen. Their perspective and approaches influenced the formation of state policies despite explained Directive Principles of the Constitution in transforming social and economic life of the people of the country. In independent India, the Nehruvian government preferred economic policies to promote welfare programs rather than the policies dedicated to social justice and minimizing inherent social conflicts and contradictions among various communities and social groups of the country by securing their representation and participation at a wider scale in the institutions of state.

Endnotes and References:

1. See Christophe Jaffrelot, *India's Silent Revolution*, (New Delhi: Permanent Black, 2005), pp. 25-30 for the conservative influence of Gandhi on the Congress and Nehru. Also See Jawaharlal Nehru, *The Discovery of India* (New Delhi: Oxford University Press, 1989. First published in 1946 by the Signet Press, Calcutta), pp. 69-135 for Nehru's ideas about caste system and its origin in India.
2. Gandhi Quoted in B. R. Ambedkar, 'What Congress and Gandhi have done to the Untouchables' in *Dr. Babasaheb Ambedkar Writings and Speeches* (hereafter BAWs), Vol. 9 (Bombay: Govt. of Maharashtra, Bombay, 1990), p. 276.

3. Ibid.,p. 277.
4. B. R. Ambedkar, 'Annihilation of Caste' in *BAWS*, Vol. I(Bombay: Govt. of Maharashtra, Bombay, 1979), pp. 47-48.
5. Ibid.,p. 56.
6. B. R. Ambedkar, comp. Vasant Moon, *BAWS*, Vol. V(Bombay: Govt. of Maharashtra, Bombay, 1989), p. 211.
7. B. R. Ambedkar, *BAWS*, Vol. III(Bombay: Govt. of Maharashtra, Bombay, 1987), pp.146-47.
8. *Constituent Assembly Debates (hereafter CAD)*, Vol. 1 (New Delhi: Lok Sabha Secretariat, 1989), p. 59.
9. Ambedkar quoted in V.R. Krishna Iyer, *Ambedkar Memorial Lectures* (New Delhi: Jawaharlal Nehru University, 1976), pp. 10-11.
10. Draft of the Report of Sub-Committee on fundamental rights to the Advisory Committee (3 April 1947) in B. Shiva Rao ed. *The Framing of India's Constitution-Select Documents* (New Delhi: The Indian Institute of Public Administration, 1968), p.171.
11. *CAD*, Vols. 5-6, pp. 266-71.
12. *CAD*, Vol. 8, p. 269.
13. *CAD*, Vol-5, p. 229.
14. *CAD*, Vol. 8, pp. 269-71.
15. *CAD*, Vol. 8, pp. 310-312.
16. *CAD*, Vol. 8, pp. 329-332.
17. *The Constitution of India, The Constitution of India*, (New Delhi: Ministry of Law and Justice 2005), p. 147.
18. Article 340 refers to 'socially and educationally backward classes' while Article 16 (4) refers to 'backward classes of citizens'.
19. Ambedkar quoted in Christophe Jaffrelot, *India's Silent Revolution*, (New Delhi: Permanent Black, 2005), p. 221.
20. Nehru quoted in Jaffrelot, *India's Silent Revolution*, p.221.
21. A.I.R., 1979 Allahabad 135 cited in the *Mandal Commission Report of the Backward Classes Commission*, Vol. I (New Delhi: Govt. of India, 1980), p. 33.
22. *The Frontline*, February 9, 2007, pp.4-24.
23. Nanak Chand Rattu, *Reminiscences and Remembrances of Dr. B.R. Ambedkar* (New Delhi: Falcon Books, 1995),p. 192.
24. B. R. Ambedkar, *Dr. Babasaheb Ambedkar Writings and Speeches*, Vol. XXVII (Part-III) (Bombay: Govt. of Maharashtra, 1989), pp. 391-92.