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# UNIT 19 CONSTITUTIONAL PROVISIONS AND THE IDEA OF REPRESENTATION

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## 19.0 OBJECTIVES

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This unit would enable you to understand:

- the debate on political representation in the Constituent Assembly;
- Ambedkar's position on political representation in this debate;
- the provisions on representation in the Constitution; and
- Ambedkar's 'personal' representation and the associative practices of a democracy.

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## 19.1 INTRODUCTION

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Ambedkar is often called father of the Indian Constitution. He was the chairman of its Drafting Committee and a member of many other important committees of the Constituent Assembly, including the following:

- Union Constitution Committee
- Fundamental Rights Sub-Committee
- Minorities Sub-Committee.

During the proceedings of the Constituent Assembly, he made many interventions on issues such as the following:

- the right to freedom of religion
- the powers of the judiciary
- federalism
- social and economic requirements of democracy.

In this unit, we will examine his thoughts on an essential component of modern democracy— political representation – and we will place his comments on political representation in the context of the long drawn out debate on representation that

took place in the Constituent Assembly during 1946 to 1950. From support for separate electorates in 1932, Ambedkar's ideas on political representation evolved into advocacy for reserved seats in joint electorates. Ambedkar's position on political representation came from his larger understanding of democracy.

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## 19.2 THE CONSTITUENT ASSEMBLY OF INDIA AS A REPRESENTATIVE BODY

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The Constituent Assembly of India, which began its deliberations in December 1946, on the framing of a constitution for independent India, was from the beginning, accused of being an unrepresentative body. One of the reasons was that the members of the Constituent Assembly had been elected indirectly on a limited franchise. To form a Constituent Assembly on the basis of universal adult franchise would have simply taken too long; therefore the Constituent Assembly chosen by the members of the provincial legislatures elected in the summer of 1946 was accepted, with claims being made that questions of its representative nature were being addressed by other procedures.

The touchstone of representativeness was a central issue for the Indian freedom movement. By the 1930s, it was clear that the Indians would not accept a constitution written by the British and expected to write their own constitution; they roundly rejected the argument that the interests of Indians could be better represented by the British. Self-government meant that the Indians would define their interests and constitute their freedom for themselves. That is why Ambedkar insisted on universal adult franchise as a fundamental right, as opposed to other members of the Constituent Assembly who advocated a restricted franchise. If the British could not represent the interests of Indians, neither could some educated, property-owning Indians claim to represent the interests of other Indians. All adult Indians were to have the right to choose their own representatives. No restrictions based on property or educational qualifications, like those imposed by the Government of India Acts of 1909 or 1919 on the franchise, were to be part of Indian democracy. Such restrictions would narrow the electorate by excluding those belonging predominantly to the lower castes.

Both the drafts of April 3 and April 16, 1947 of the Fundamental Rights sub-committee, Clause 12/13 stated: "Every citizen not below 21 years of age shall have the right to vote at any election to the Legislature of the Union and of any unit thereof." In the proceedings of the Advisory Committee, on 21 and 22 April, 1947, Ambedkar pleaded for including the clause on universal adult franchise in the chapter on fundamental rights, but was overruled. He tried to persuade other members: "Let it be a fundamental right... I must say I attach a very great deal of importance to this clause on adult suffrage, and I do not think we can allow any exception to this." Ambedkar had earlier said that if elections in independent India continued to be on a restricted franchise, then there had to be separate electorates to ensure that the Scheduled Castes would not be outnumbered in a joint electorate and would be able to elect their own representatives. So the first condition of representation was the entitlement to choose one's own representative.

When the Constituent Assembly met on 9 December 1946, members of the Muslim League and representatives of the princely states were not part of the proceedings. As it is, the members who were present had been chosen indirectly on a restricted franchise. However, prominent members of the Constituent Assembly made it a

point to draw attention to the fact that care had been taken to include representatives of different groups. The composition of the Advisory Committee of the Constituent Assembly, a most important committee of the Assembly, was discussed in terms of its 50 members including representatives of the Scheduled Castes, Parsis, Christians, Hindus of the Muslim majority provinces and Muslims of the Hindu majority provinces. These representatives were actually individuals who belonged to the Parsi community, the Muslim and Sikh communities, the general Hindu community, the Christians and the Scheduled Castes.

On 13 December 1946, Nehru had announced that as many groups as possible had been represented in the membership of the Constituent Assembly, but these Assembly members had to take care not to confine their activity to the interests of only the group they represented. They were to represent the interests of India as a whole:

“...we should like to associate with ourselves as many people, as many representatives from the different parts of India and different groups as possible...the future of India that we have envisaged is not confined to any group or section or province”.

These two ideas on representation – the representative as the mirror of the identity of his constituents, but also as someone who identified with the common interests of all Indians – run parallel in the Constituent Assembly.

In his earlier writings, Ambedkar had also stated that

It is erroneous to suppose that electors will vote on the programmes of the candidates without any regard for their persona. As a matter of fact, the electors before they are electors are primarily members of a group. The persona of the candidates does matter with them. Naturally, therefore, as members of a group they prefer the candidate who belongs to their group to another candidate who does not belong to their group though both of them claim to represent the same interest...One crux of popular Government is the representation of interests and opinions. The other crux is personal representation.

For Ambedkar, for true representation, ‘personal’ representation was required, since

...it is difficult to expect that in a country like India where most persons are communally minded those in authority will give equal treatment to those who do not belong to their community.

Once universal adult franchise was granted, Ambedkar accepted the idea of joint electorates in reserved constituencies. The requirement of ‘personal’ representation would now be fulfilled not through separate electorates, but rather through reserved constituencies for different minorities, like the Sikhs, the Scheduled Castes, the Muslims, the Christians and the Scheduled Tribes.

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### 19.3 POLITICAL REPRESENTATION OF MINORITIES IN A DEMOCRACY

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Ambedkar considered ‘personal’ representation to be especially important in the case of minorities. A minority was not to be defined in terms of religious affiliation,

but on the basis of social discrimination practiced against its members. The Scheduled Castes were a minority inspite of their numbers and despite the fact that they were considered Hindus because the upper caste Hindus kept them at a social distance. The Muslims were a minority not so much because they belonged to a different religion but because the Hindu majority practiced social discrimination against them. "...the social relations between the Hindus and the Musalmans are marked by social discrimination." Because of this social discrimination, the protection and advancement of the interests of the minorities required that they be represented by their own men in the legislatures.

Once separate electorates as well as proportional representation were rejected as a method of addressing the problem of minority representation, the other option advocated by Ambedkar was reserved seats in joint electorates. This provision was part of the draft constitution of February 1948 and applied to the religious minorities of the Sikhs and Muslims along with the Scheduled Castes and the Scheduled Tribes. But these provisions were brought up for discussion again in the Constituent Assembly in May 1949, when many members expressed the fear that reserved seats for religious minorities, even in joint electorates, would encourage a feeling of separatism. Reserved seats were dropped for religious minorities and retained only for the Scheduled Castes and the Scheduled Tribes.

Ambedkar had always supported reserved seats for the Scheduled Castes.

The representation of the Depressed Classes has been grossly abused in the past in as much as persons other than the Depressed Classes were nominated to represent them in the Provincial Legislatures, and cases are not wanting in which persons not belonging to the Depressed Classes got themselves nominated as representative of the Depressed Classes. This abuse was due to the fact that while the Governor was given the power to nominate persons to represent the Depressed Classes, he was not required to confine his nomination to persons belonging to the Depressed Classes...the Depressed Classes shall not only have the right to their own Separate Electorates, but they shall also have the right to be represented by their own men.

Here it must be pointed out that though in his writings, Ambedkar did talk of the danger of communal electorates, in the Constituent Assembly he was so concerned about the effective representation of the Scheduled Castes, that one of his supporters, S. Nagappa, suggested that over and above reserved seats for the Scheduled Castes, that only those Scheduled Caste candidates should be considered elected from a reserved constituency who obtained a certain percentage of the votes of the Scheduled Castes. This was to prevent those Scheduled Caste candidates from being elected who were actually in the hands of the upper castes.

An exactly opposite suggestion was made by another member – that only those Scheduled Caste candidates should be considered elected from a reserved constituency who obtained a certain percentage of votes of the general voters – this was to ensure that the candidate had the common interests of all his constituents in mind. This tension between the interest of a particular minority and the so called common interest played out throughout the proceedings of the Assembly. If the caste system was anti-national, then separate electorates could be seen as having a similar effect of encouraging separate identities. Proportional representation was attacked on the same grounds, and reserved seats for religious minorities also rejected on the same grounds. With the Partition in the immediate background, the fear of separatism affected the mechanisms of

representation that were chosen. Ultimately, territorial constituencies and reserved seats only for the Scheduled Castes and the Scheduled Tribes made it into the Constitution.

For Ambedkar, it was not sufficient that there be reservation for representation of the Scheduled Castes and Scheduled Tribes in the legislature. It was also important that there be reservation for them also in the Cabinet, in the bureaucracy and in educational institutions. He pointed out that of 1,056 members of the Indian Civil Service in 1942, only 1 member was from the Scheduled castes. There were no avenues open to them for work in trade and industry because of the discrimination practiced against them. Since jobs were available in the public services, their poor representation there had to be addressed. Ambedkar claimed that two advantages would follow if more members of the Scheduled Castes found a place in the Public Services:

- there would be an incentive for the spread of education among Scheduled Castes because it is only through being educated that an individual can compete for the public services.
- the position of the Scheduled Castes would become better if there were more officers in the public services from these castes because public servants wield enormous power and caste Hindu officers were often found guilty of discrimination.

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## 19.4 REPRESENTATION IN THE IMPERSONAL STATE

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In this section, we examine how Ambedkar's emphasis on 'personal' representation in legislative bodies, at least with respect to the Scheduled Castes and Scheduled Tribes, fits in with his analysis of the associative practices of a democracy. In *The Annihilation of Caste*, Ambedkar defined democracy thus: "Democracy is not merely a form of government. It is primarily a mode of associated living, of conjoint communicated experience." According to him, the difference between Indian society and other societies was not that Indian society was based on group membership and others were not.

The question to be asked in determining whether a given society is an ideal society is not whether there are groups in it, because groups exist in all societies. The questions to be asked...are: How numerous and varied are the interests which are consciously shared by the groups? How full and free is the interplay with other forms of associations? Are the forces that separate groups and classes more numerous than the forces that unite?

If an important aspect of democracy was active social interaction between citizens, then what impact would the political mechanism of 'personal' representation have on this 'associated living'?

Would personal representation discourage these associative practices? Personal representation was criticized by its opponents for weakening nationalist sentiment because it would make membership of different groups and castes more salient than belongingness to the nation. For Ambedkar, it was the caste system that was the biggest anti-national force because it distanced several castes in India from each other. Under 'personal' representation there was nothing to prevent different

groups from interacting with each other. Personal representation was to be a temporary measure till the distancing between the upper castes and the lower castes was done away with.

In addition, getting the lower classes into the legislature through personal representation would strengthen democracy because Ambedkar believed that it was the lower classes and the non-intellectual classes who were the harbingers of change:

...the lower orders are constantly reminded of their adversity, which can be got over only by a social change. The consciousness of mutual dependence resulting from the necessities of a combined action makes for generosity, while the sense of untrained powers and of undeveloped faculties gives them aspirations. It is to the lower classes that we must look for the motive power of progress.

On the one hand, we find Ambedkar advocating personal representation and talking about groups as endemic to every society, but on the other hand, he also wrote about secular common interests and about using the agency of the state to foster secular identities and therefore getting citizens to move away from their religious group identities.

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## **19.5 LET US SUM UP**

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To sum up, Ambedkar wrote both in defence of separate electorates and in criticism of communal electorates. Eventually he came to argue that with universal adult franchise, the problem of minority representation could be addressed by reserved seats and joint electorates. He remained, nevertheless, always concerned about ensuring that such a representative be chosen who would be invested in protecting the interests of minorities. By the middle of 1949, he agreed with the majority of the members of the Constituent Assembly in dropping from the Constitution the articles providing for reserved seats for religious minorities and retaining reserved seats only for the Scheduled Castes and the Scheduled Tribes. Such reserved seats were necessary till the time that the lawmakers chosen through this mechanism would be able to enact policies to end the distancing of the lower castes and instead encourage the conjoint living characteristic of a democracy.

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## **19.6 QUESTIONS TO CHECK YOUR PROGRESS**

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- 1) What were the different positions taken on political representation during the framing of the Indian Constitution?
- 2) To what extent was Ambedkar successful in making the Indian Constitution reflect his position on political representation?
- 3) In your opinion, is there any tension between ‘personal’ representation and what Ambedkar calls the associative practices of a democracy?

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## **SUGGESTED READINGS**

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V. Rodrigues (ed.). The Essential Writings of B.R. Ambedkar. New Delhi: Oxford University Press. 2002.

S. Thorat & N. Kumar (ed.). B.R. Ambedkar: Perspectives on Social Exclusion and Inclusive Policies. New Delhi: Oxford University Press. 2008.

B. Shiva Rao (ed.). The Framing of India's Constitution – Select Documents Vol 2. Delhi: Universal Law Publishing Co., 1967.

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## REFERENCES

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B. Shiva Rao (ed.). The Framing of India's Constitution – Select Documents Vol 2. Delhi: Universal Law Publishing Co., 1967.

Constituent Assembly Debates (Proceedings):<http://parliamentofindia.nic.in/ls/debates/vol1main.htm>

