

Historical Background and Development Of Reservation In India: An Analysis

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Abstract: The varna or caste system has been imbibed in Indian culture since time immemorial. Hindu society is divided into four Varna, or classes, a convention which had its origins in the Rig Veda, the first and most important set of hymns in Hindu scripture which dates back to 1500-1000 B.C.¹ At the top of the hierarchy are the Brahmins, or priests, followed by the Kshatriyas, or warriors. The Vaisyas, the farmers and artisans, constitute the third class. At the bottom are the Shudras, the class responsible for serving the three higher groups. Finally, the Untouchables fall completely outside of this system. It is for this reason that the untouchables have also been termed a Varna (“no class”). The paper intends to highlight the conceptual development of reservation in colonial India.

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I. INTRODUCTION

Hindu society is divided into four Varna, or classes, a convention which had its origins in the Rig Veda, the first and most important set of hymns in Hindu scripture which dates back to 1500-1000 B.C.² At the top of the hierarchy are the Brahmins, or priests, followed by the Kshatriyas, or warriors. The Vaisyas, the farmers and artisans, constitute the third class. At the bottom are the Shudras, the class responsible for serving the three higher groups. Finally, the Untouchables fall completely outside of this system. It is for this reason that the untouchables have also been termed a Varna (“no class”).

Development of Reservations Policy In The Pre-Independence Period

Jati, or caste, is a second factor specifying rank in the Hindu social hierarchy. Jatis are roughly determined by occupation. Often region-specific, they are more precise than the sweeping Varna system which is common across India and can be divided further into sub castes and sub-sub castes. This is also the case among untouchables. Andre Beteille defines caste as “a small and named group of persons characterized by endogamy, hereditary membership, and a specific style of life which sometimes includes the pursuit by tradition of a particular occupation and is usually associated with a more or less distinct ritual status in a hierarchical system.”³

Despite constitutional prohibitions and laws, most recently the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989, violence and injustices against untouchables continue today, particularly in rural areas of India.⁴ Accounts of caste-driven abuses continually appear in Western media and surely affect foreigners’ perceptions of India. American economist Thomas Sowell drew on a 1978 case in which an

¹ C.J. Fuller, *The Camphor Flame: Popular Hinduism and Society in India* (Princeton: Princeton University Press, 1992), 12.

² C.J. Fuller, *The Camphor Flame: Popular Hinduism and Society in India* (Princeton: Princeton University Press, 1992), 12.

³ Andre Beteille, *Caste, Class and Power: Changing Patterns of Stratification in a Tanjore Village* (Delhi: Oxford University Press, 1996), 46.

⁴ Since the early 20th century, several terms have been used to describe the same group of people. The earliest and still most widely known terms are “untouchables” and “outcastes.” Gandhi, because of the unfavorable connotation of “untouchable,” dubbed them “harijans” (children of God). From the 1930s, they have also been known collectively as “scheduled castes,” after the schedules appended to laws affecting their status. In the 1970s, they came to call themselves “Dalits” (the oppressed).

untouchable girl had her ears cut off for drawing water from an upper-caste well in one of his books⁵. More recent examples include Dalit students at a government school in Rajasthan who were punished for asking to drink water from a pitcher used by higher caste students and a Dalit in Punjab who was murdered by “affluent Rajput Hindu youths” after his dog ran into a Hindu temple.⁶

Pre-Independence Initiatives to Eliminate Untouchability

Christian missionaries took the lead in adopting the cause of the Depressed Classes seeking to provide welfare for them. By the 1850s, either inspired or shamed into action by the missionaries’ example, Hindu reformers emerged. Jyotiba Phule was one such activist, and in 1860 he called attention to the plight of victims of caste discrimination in Maharashtra.⁷

British and other Indian leaders soon followed suit, spurred on in part by reports of discrimination against Indians in South Africa. Thus, in the 1880s, British officials set up scholarships, special schools, and other programs to benefit the Depressed Classes. Forward-thinking maharajas (princes) in “native” states like Baroda, Kolhapur, and Travancore, which were not under direct British administration, established similar initiatives.

As early as 1858, the government of Bombay Presidency, which included today’s Maharashtra, declared that “all schools maintained at the sole cost of Government shall be open to all classes of its subjects without discrimination.” Although a 1915 press note revealed that this policy was not being enforced—in one case, a Mahar boy was not allowed to enter the schoolroom, but was relegated to the veranda—the Bombay government maintained its position on the issue, and, in 1923, announced a resolution cutting off aid to educational institutions that refused admission to members of the Depressed Classes⁸.

The Government of India Act of 1919

Caught in the turmoil of World War I, Britain focused its attention on Europe, not on India. Nevertheless, the British passed important legislation during this turbulent period that would have a significant impact on the development of Indian governmental institutions: The Government of India Act of 1919. The Act had its immediate origins on August 20, 1917. With Britain in a war for survival in Europe, in need of continued support from India and the Empire, and desiring to avoid confrontation with the Indian independence movement, Secretary of State for India Edwin Montagu, in an announcement in Parliament, defined Britain’s India policy as:

“increasing [the] association of Indians in every branch of the administration and 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.”⁹

Montagu and Lord Chelmsford, then Viceroy, embarked on an analysis of the Indian situation, eventually laying out proposals forming the basis for the 1919 Government of India Act. Despite mention of greater Indian participation in politics, the 1919 Act still contained provisions guaranteeing a continued active British presence and dominance:

“While we do everything that we can to encourage Indians to settle their own problems for themselves we must retain power to restrain them from seeking to do so in a way that threatens the stability of the country.”¹⁰

The reforms included devolution of more authority to provincial governments and dyarchy, a system in which elected Indian ministers, responsible to the legislatures, were to share power with appointed British governors and ministers. The Act also addressed minority safeguards, including the particularly vexing issue of communal electorates.

⁵ Thomas Sowell, *Preferential Policies: An International Perspective* (New York: William Morrow and Company, Inc., 1990), 92 News, 25 September 2000 and Manpreet Singh’ “Justice Delayed for Dalits,” *Christianity Today*, Vol.44, Issue 13, November 13, 2000, 34.

⁵ National Commission for Scheduled Castes and Scheduled Tribes, *Fourth Report: 1996-97 and 1997-98*, New Delhi, 1998, 232. .

⁶ BBC News, 25 September 2000 and Manpreet Singh’ “Justice Delayed for Dalits,” *Christianity Today*, Vol.44, Issue 13, November 13, 2000, 34.

⁷ V.A. Pai Panandiker, ed., *The Politics of Backwardness: Reservation Policy in India* (New Delhi: Konark Publishers Pvt Ltd, 1997), 94.

⁸ Department of Social Welfare, Government of India. *Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Connected Documents* (1969), 3.

⁹ Sir Harcourt Butler, *India Insistent*. (London: William Heinemann Ltd., 1931.) 73.

¹⁰ Government of Britain: India Office. *Report on Indian Constitutional Reforms (Montagu-Chelmsford Proposals)*, (1918), 7.

Despite their repudiation of communal electorates, Montagu and Chelmsford realized it would be unfeasible to take away communal representation already granted to Muslims by the 1909 Morley-Minto reforms. At Lucknow in 1916 the Indian National Congress and the All India Muslim League had agreed to separate electorates for Muslims. Britain for political reasons was not willing to risk the combined ire of these Indian groups. Other, including Sikhs, Anglo-Indians, Europeans, Indian Christians, and non-Brahmins, also clamored for special representation, but Montagu and Chelmsford largely resisted their demands—they did grant the Sikhs (described as a “gallant and valuable element to the Indian Army”) communal representation—proposing instead a system of nomination. If nomination proved ineffective, they proposed reserving seats for communities in plural constituencies, but with a general electoral roll.

The Simon Commission

In keeping with the 1919 Government of India Act, the British government in 1927 appointed a commission to assess the Montagu-Chelmsford reforms and “whether, and to what extent it [was] desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government existing therein.” The seven-member commission was headed by John Simon, MP, and included MP Clement Attlee.¹¹

The Simon Commission toured every Indian province. Its findings were based largely on memoranda from the Government of India, from committees appointed by the provincial legislative councils, and from non-official sources¹². The final report contained recommendations for reform.

One area the Commission identified was the need to safeguard minorities and other disadvantaged members of Indian society. Noting that “the spirit of toleration has made little progress in India,” the Simon report detailed the plight of the Depressed Classes in particular, which it saw not only as a problem of caste, but as an issue with distinct political overtones.

Based on its assumption that the “true cause of communal conflict is the struggle for political power and for the opportunities which political power confers,” the committee saw the improvement of the Depressed Classes’ situation as hinging on increased political influence.

Support for separate electorates was strong among the Depressed Classes. Their representatives proposed combining separate electorates and reserved seats. They also demanded a wider franchise, since property and educational requirements significantly restricted their right to vote and to participate in government. The Bengal Depressed Classes Association, for instance, lobbied for separate electorates with seats reserved according to the proportion of Depressed Class members to the total population as well as for adult franchise. The All-India Depressed Classes Association proposed separate electorates for each of what it termed the four major groups in India: the Brahmins, Muslims, Depressed Classes, and Non-Brahmins. The governments of Assam and Bombay supported similar concepts.

The Round Table Conferences

In 1931, sixth months after the Simon Commission’s report was published, a Round Table Conference convened in London to review the Commission’s proposals and how they might be incorporated into a new constitution. This time, there were Indian delegates from various interest groups. Ambedkar represented the Depressed Classes, along with Rai Bahadur R. Srinivasan. Gandhi and his Indian National Congress were conspicuously absent, refusing to participate on the grounds that Congress alone represented Indian opinion.¹³

How to treat minorities was a major topic at the conference. Prime Minister Ramsay MacDonald chaired a subcommittee to focus on this problem. Ambedkar and Srinivasan appealed for separate electorates and adult suffrage. Separate electorates were designed to be temporary. After ten years, general electorates with reserved seats would replace separate electorates with the consent of the Depressed Classes and enfranchisement of all adults. In the end, the subcommittee could not reach an agreement, a general reflection of the entire conference, which was inconclusive. A second Roundtable Conference convened eight months later. Ambedkar and Srinivasan again attended. Gandhi also joined, representing the Congress. Having taken up the cause of the Harijans (“children of God,” a term the Congress leader coined), Gandhi adamantly opposed separate electorates, especially for the Depressed Classes.¹⁴

¹¹ Nearly 20 years later, Attlee would be Prime Minister when Britain granted India independence

¹² United States Office of Strategic Services, *The Depressed Classes of India* (Washington: Office of Strategic Services, 1943) 31.

¹³ Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Berkeley: University of California Press, 1984) 31.

¹⁴ Politically active Dalits consider the term “Harijan” patronizing and condescending. Its use was prohibited in all government business in 1990. (Nabhi’s Brochure on Reservation and Concession (New Delhi: Nabhi Publications, 2001) 335.)

Arguing that untouchability was inseparable from Hinduism, he linked creation of separate electorates for the Depressed Classes to alleged British “divide and rule” strategy and asserted that the group should be included in the main body of Hindus. As a result of staunch opposition from Gandhi and the Congress on separate electorates, the second conference was inconclusive and the minority issue remained unresolved.¹⁵

Ambedkar originally had misgivings about separate electorates as well, but was compelled to ask for them at the second Roundtable conference when he felt the Depressed Classes were in danger of not gaining any concessions.¹⁶ Earlier in the conference, Ambedkar had attempted to compromise with Gandhi on reserved seats in a common electorate, but Gandhi, who had declared himself spokesman for India’s oppressed, rejected Ambedkar’s proposal, and denounced the other delegates, including Ambedkar, as unrepresentative. At the same time, Gandhi attempted to strike a deal with Muslims, promising to support their demands as long as the Muslims voted against separate electorates for the Depressed Classes. It is apparent that political considerations might have also motivated Gandhi to adopt this position.

Given the failure of the conference to settle minority representation, Prime Minister Ramsay MacDonald, who had chaired the committee on minorities, offered to mediate on the condition that the other members of the committee supported his decision. The product of this mediation was the Communal Award of 1932.

MacDonald’s Communal Award and the Poona Pact

MacDonald announced the Communal Award on August 16, 1932. Based on the findings of the Indian Franchise Committee, called the Lothian Committee,¹⁷ the Communal Award established separate electorates and reserved seats for minorities, including the Depressed Classes which were granted seventy-eight, reserved seats. Unlike previous communal electorates set up for Muslims and other communities, the Award provided for the Depressed Classes to vote in both general and special constituencies, essentially granting a “double vote.”

Gandhi, who was in the Yeravada Prison in the city of Poona at the time because of his civil disobedience campaign, reacted by declaring a hunger strike “unto death.”¹⁸ In his opposition to the Award, he compared the creation of separate electorates for the Depressed Classes to the “injection of a poison that is calculated to destroy Hinduism and do no good whatever.” Others were similarly critical of the Award. Ambedkar felt too few seats were reserved for the Depressed Classes. Rajah, another leader of the Depressed Classes, opposed the separation of the community from the Hindu fold.

As a result of widespread disapproval of the Award and Gandhi’s hunger strike, a new agreement, the Poona Pact, was reached on September 24, 1932. The Pact called for a single (non-Muslim) general electorate for each of the provinces of British India and for seats in the Central Legislature. At the same time, specified numbers of seats, totaling 148 for the provincial legislatures and to be taken from seats allotted to the general electorate, were reserved for the Depressed Classes. In the Central Legislature, the Depressed Classes were to get eighteen percent of the seats. Voting members of the Depressed Classes in each reserved seat constituency were to form an “electoral college” to select four candidates from among their number. The Pact also called for “every endeavor” to give the Depressed Classes “fair representation” in the public services “subject to such educational qualifications as may be laid down.”¹⁹

Like each of its antecedents, the system of representation of Depressed Classes by reservation outlined in the Pact was intended to be temporary, continuing, “Until determined by mutual agreement between the communities concerned in the statement.”

The Government of India Act of 1935

The reservation of seats for the Depressed Classes was incorporated into the Government of India Act of 1935, legislation by the British designed to give Indian provinces greater self-rule and set up a national federal structure that would incorporate the princely states. The Act went into force in 1937.

The Act brought the term “scheduled castes,” now the Indian Government’s official designation, into use, defining the group as including “such castes, races or tribes or parts of or groups within castes, races or tribes, being castes, races, tribes, parts of groups which appear to His Majesty in Council to correspond to the classes of persons formerly known as “the Depressed Classes,” as His Majesty in Council may specify.”²⁰ This

¹⁵ Anthony Read and David Fisher, *The Proudest Day: India’s Long Road to Independence* (New York: W.W. Norton and Company, 1997) 243-244.

¹⁶ Kusum Sharma, *Ambedkar and Indian Constitution* (New Delhi: Ashish Publishing House, 1992) p.224-25.

¹⁷ Report of the Indian Franchise Committee, 1932 (Calcutta: Government of India Central Publication Branch, 1932) 4.

¹⁸ Jagadis Chandra Mandal, *Poona Pact and Depressed Classes* (Calcutta: Sujan Publications, 1999) v.

¹⁹ Text of Pact at www.harijansevaksangh.org/poona

²⁰ Chuni Lal Anand, ed., *The Government of India Act, 1935* (Lahore: The University Book Agency) 180

vague classification was later clarified in “The Government of India (Scheduled Castes) Order, 1936 which contained a list, or “schedule,” of scheduled castes throughout the British provinces.

All-India Depressed Classes Conference at Nagpur, 1942

Efforts by both Indians and British officials encouraged untouchables and the lower castes to form their own organizations to call for more equitable treatment and to demand economic assistance. Ambedkar was at the center of these activities. Seeking a vehicle to bring pressure to bear on the government to secure more resources for the Depressed Classes he had formed the Independent Labor Party in 1936. Changing tactics, he used a July 1942 All India Depressed Classes Conference in Nagpur to establish an All India Depressed Classes Federation. Among the group’s demands were those for a new constitution with provisions in provincial budgets, specifically in the form of money for education, to support the advancement of the scheduled castes; representation by statute in all legislatures and local bodies; separate electorates; representation on public service commission’s; the creation of separate villages for scheduled castes, “away from and independent of the Hindu villages,” as well as a government-sponsored “Settlement Commission” to administer the new villages; and the establishment of an All-India Scheduled Castes Federation.²¹

When in 1942 Congress Party leaders launched a “Quit India” movement, the British, engaged in a war for survival, rounded up Nehru, Gandhi, and other leaders and jailed them for the duration of the struggle with Germany and Japan. Ambedkar, by contrast, supported the war effort and became a member of the Viceroy’s Executive Council. He used his new position to advance the interests of the Scheduled Castes.

II. CONCLUSION

Jati, or caste, is a second factor specifying rank in the Hindu social hierarchy. Jatis are roughly determined by occupation. Often region-specific, they are more precise than the sweeping Varna system which is common across India and can be divided further into sub castes and sub-sub castes. This is also the case among untouchables. Andre Beteille defines caste as “a small and named group of persons characterized by endogamy, hereditary membership, and a specific style of life which sometimes includes the pursuit by tradition of a particular occupation and is usually associated with a more or less distinct ritual status in a hierarchical system.”²²

It can be inferred that the concept of Reservation is not new or the one which developed after independence only. The historical background reflects that it was introduced, directly or indirectly during the Colonial period also and the consequences of which were faced during independence too.

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²¹ Report of the Proceedings of the 3rd Session of the All India Depressed Classes Conference held at Nagpur on July 18 and 19, 1942.

²² Andre Beteille, *Caste, Class and Power: Changing Patterns of Stratification in a Tanjore Village* (Delhi: Oxford University Press, 1996), 46.