

## “Evolution Of Reservation Policy During British India”



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India has a good background of the rich tradition of social upliftment of downtrodden women Dalit and Adivashi's. Mahatma Jotiba Phule, a great social reformer from Maharashtra upheld the cause of Dalit emancipation and matriarchal social structure and believed in the biological superiority of female.<sup>1</sup> Shahu Maharaja, a king of former Princely state of Kolhapur and Dr. Bhimrao Ramji Ambedkar undisputed leader of Dalits followed in the footsteps of Phule in twentieth century and contributed a lot for the upliftment of Dalit and women. At the same time Dalit Movement is also popular for Political and Social Mobilization.<sup>2</sup> This historic effort has had large impact in the policies of the government providing protection like reservation, protective discrimination and inclusive policies to Dalits.

Since the early 20th century, several terms have been used to describe the disadvantage 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)<sup>3</sup>.

Pre-Independence Initiatives to demolish 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. The prominent Dalit politician and lawyer, Bhimrao Ramji Ambedkar (1891-1956), who saw the demolition of the caste system as necessary for the emancipation of India's Dalits,

converted to Buddhism at the end of his life. Over time, significant numbers, although only a tiny portion of India's Dalits, have followed his example. Jyotiba Phule was one such activist from the 1850s these communities were loosely referred to as the Depressed Classes. And in 1860 he called attention to the plight of victims of caste discrimination in Maharashtra. 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. Ambedkar, from the Mahar caste of Maharashtra, was one beneficiary<sup>4</sup>. The Mahars had a long association with the British-organized Indian Army, in which Ambedkar's father and grandfather had served. One result was that Ambedkar was able to attend government primary and secondary schools. The Maharaja of Baroda, recognizing Ambedkar's gifts for scholarship, sponsored his study abroad, first at Columbia University in New York, where Ambedkar obtained a Ph.D. in Economics, and later at London University, where he earned a DSc

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Shahu Chhatrapati First king in India - implemented Reservation Policy (Provided 50% Reservation in his state, on 26 July 1902) Revolutionary Legal Reforms appealed for caste-free India and abolition of untouchability. Shahu Chhatrapati is also known to have done a lot for the upliftment of the poor and the down trodden. He tried his level best to make education and jobs available to all those living in his domain. He also passed laws to allow the training of non-Brahmin men as temple priests. Shahu Chhatrapati was the Maharaja or the king of the Indian princely state of Kolhapur. Also known by the name of Rajarshi Shahu, he was known to be a great social reformer of his time.

Shahu maharaj is credited with doing much to further the lot of the lower castes, and indeed this assessment is warranted. He did much to make education and employment available to all. He not only subsidized education in his state, eventually providing free education to all, but also opened several hostels in Kolhapur for students hailing from many different non-brahmin communities, thereby facilitating the education of the rural and low-caste indigent. Shahu's other initiatives included restricting Child marriage in his state and the encouragement of intercaste marriage and widow remarriage. He long patronized the Satya Shodhak Samaj but later moved towards the Arya Samaj. Under the influence of these social-reform movements, Shahu arranged for several non-brahmin youths to be trained to function as priests, in defiance of timeless convention which reserved the priesthood for those of the brahmin caste. However, he faced opposition from many including Lokamanya Bal Gangadhar Tilak, the very famous patriot of that time. After Shahu Maharaj's death, this reform died its natural death. Chhatrapati Shahu was very fond of wrestling and encouraged it in his kingdom. Many wrestlers from all over India came to Kolhapur as wrestling enjoyed royal patronage in Kolhapur.

The Indian postal department has issued a stamp dedicated to Shahu. On the first-issue citation, the government of India hails Shahu as A social revolutionary, a true democrat, and a visionary, a patron of the theatre, music and sports and a prince of the masses. Chhatrapati Shahu was a many-splendoured personality who thought and acted far ahead of his times<sup>5</sup>. 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 Classes. Other initiatives followed including the 1943 Bombay Harijan Temple Entry Act and the 1947 Bombay Harijan (Removal of Civil Disabilities) Act. In the United Provinces, now Uttar Pradesh, the 1947 United Provinces Removal of Social Disabilities Act was put in force<sup>5</sup>.

The early part of the 20th century saw a flurry of activity in the British government to assess the feasibility of responsible self-government for India. The Morley-Minto Reforms Report, Montagu-Chelmsford Reforms Report, and the Simon Commission were some of the initiatives that happened in this context. One of the hotly contested issues in the proposed reforms was the topic of reservation of seats for the Depressed Classes in provincial and central legislatures.

#### **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 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 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. 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<sup>6</sup>. Another important feature of the 1919 Act was the provision for the appointment of a statutory commission after ten years for the purpose of enquiring into the working of the system of government, the growth of education and the development of representative institutions in British India

#### **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. Nearly 20 years later, Attlee would be Prime Minister when Britain granted India independence<sup>7</sup>.

Gandhi and the Congress on separate electorates, the second conference was inconclusive and the minority issue remained unresolved. 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. 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.

A Turning Point was 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. The Lothian Committee, which included both British and Indian representatives, was formed in 1932 to study extension of the franchise, women's suffrage, representation of the Depressed Classes and other related issues. Regarding representation of the Depressed Classes, the committee decided that provision should be made in Award established separate electorates and reserved seats for minorities, including the Depressed Classes which were granted seventy eight, reserved seats.

In 1935 the British passed The Government of India Act 1935, designed to give Indian provinces greater self-rule and set up a national federal structure. Reservation of seats for the Depressed Classes was incorporated into the act, which came into force in 1937. The Act brought the term Scheduled Castes into use, and defined the group as including such castes, races or tribes or parts of groups within castes, races or tribes, 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 prefer. This discretionary definition was clarified in The Government of India (Scheduled Castes) Order, 1936 which contained a list, or Schedule, of castes throughout the British administered provinces<sup>8</sup>.

#### **Indian Constitution and reservations Policy:**

After independence, the Constituent Assembly continued the prevailing definition of Scheduled Castes and Tribes, and gave (via articles 341, 342) the President of India and Governors of states responsibility to compile a full listing of castes and tribes, and also the power to edit it later as required. The actual complete listing of castes and tribes was made via two orders The Constitution (Scheduled Castes) Order, 1950, and The Constitution (Scheduled Tribes) Order, 1950 respectively. For Ambedkar, it was an opportunity to influence preparation of the new constitution and protect Scheduled Caste interests. From the outset, the Constituent Assembly laid out clearly its objectives and philosophy for the new constitution. Several of the framers' main goals, articulated in the Objectives Resolution, included guarantees of equality, basic freedoms of expression, as well as adequate safeguards for minorities, backward and tribal areas, and depressed and other backward classes. These principles guided the delegates throughout the Constitution-making process.

The Assembly set up a special Advisory Committee to tackle minority rights issues. This committee was further divided into several subcommittees. The Subcommittee on Minorities focused on representation in legislatures, reservation of seats for minorities in cabinets, reservation for minorities in the public services, and administrative machinery to ensure the protection of minority rights<sup>9</sup>.

Treatment of the Scheduled Castes was extensively debated efforts by Ambedkar and his allies to craft a provision requiring a tripwire 35 percent of Scheduled Caste votes in a constituency reserved for the Scheduled Castes failed. The principle of common voting and reserved seats in legislative bodies throughout the country was retained despite strong opposition

from influential Constituent Assembly members like Nehru. However, the colonial-era system of having the Scheduled Castes choose candidates for reserved seats through local electoral colleges was dropped. Throughout the debate, caste Hindus permitted nothing that would suggest splitting off the Scheduled Castes in an electoral sense from the Hindu community.

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