

# Representation and Participation in Democratic Process: A Study of Ambedkar's Perspective

## Abstract

The democracy, which Ambedkar contemplated, is not merely an idea but a powerful concept, which respects the feelings of everyone to share in one's own rule. Democracy aims to provide a mobile society and a free political process that gives each individual the opportunity to participate in the management of affairs of one's country. To Ambedkar, the success of democratic system depends upon the participation of every human being in the formation of the social, political and economic values that regulated their lives and bound them together.

**Keywords:** Ambedkar, Democracy, Minorities, Representation

## Introduction

Direct and indirect are two known forms of democracy. In direct democracy, the policies are formulated and expressed by the people themselves. Because of the size of population and territory, it is not feasible for most of the countries to adopt direct democracy. Indirect democracy is a more common political system in the contemporary comity of nations. The voters elect their representatives to legislative assemblies, invested with the duty of making laws and bringing harmony of purpose between the government and the governed. Today, representative institutions have become the distinguishing feature of a democratic state and an indispensable instrument of government. There are a number of liberal democratic states and their indispensable instrument called government. There are a number of liberal democratic theories of representation implying not only extension of the franchise but also equality of voting rights as the representative is elected according to geographically demarcated constituencies, not according to classes, occupational distinctions or distinct interests.

## Aim of the Study

This paper aims to analyze the insights of Ambedkar in justifying the need for introducing specific modes of representation for marginalized sections of society in India in order to represent their interest in the Democratic process.

Firstly, there is more emphasis on the importance of individual rights, especially the inviolability of the individual's property, and the necessity of limiting the powers of government to protect those rights. The justification for these individual rights was to be found in theories of natural rights that were beyond the competence of any government interference.

Secondly, its approach is rational; man is a creature of reason who can identify his own interests and his own opinions, and is aware of the wider claims of the community. He will, therefore, use his vote in an intelligent fashion and is consequently entitled to a share in the selection of representatives. Thomas Jefferson laid emphasis on the importance of an educated majority as a prerequisite for American representative government. The view was equally well echoed by the classic English liberals of the mid-nineteenth century. They held human reason superior to historical tradition or haloed customs; therefore, political institutions and practices are to be judged empirically.

This leads to the third characteristic, viz., sovereignty of the people, which is expressed through universal suffrage. The British reformist tradition in the 19<sup>th</sup> century measured its success by the successive Reforms Acts which increased the size of electorate, attempts to equalize the size of constituencies by the introduction of the secret ballot and attack on corrupt electoral practices etc.

In this framework, Ambedkar saw the representative endowed to play a particular role; that was responsible to the electorate but was not its

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delegate ; he represented a geographical collection of opinions, but was not required to surrender personal views. Liberal democracy emphasizes the role of the representative assembly as a protection against encroachment by executive power, especially encroachments on liberties of the individual. Yet he was not oblivious of the problem of the tyrannical majority. Can that popular majority interfere with the 'inalienable rights' of individuals?

Alexander Hamilton outlined the problem during the debates on the American Constitution in 1778.

"Men love power.... Give all power to many, they will oppress the few. Give all power to the few, they will oppress the many. Both, therefore, ought to have power, that they may defend themselves against the other."<sup>1</sup>

The potential conflict between the sovereignty of the majority and the protection of the rights of the individual may be seen in terms of Robert Dahl's concepts of Madisonian and Populistic Democracy.<sup>2</sup> Dahl defines Madisonian democracy as:

"What I am going to call the 'Madisonian' theory of democracy is effort to bring off a compromise between the power of majorities and the power of minorities, between the equality of all adult citizens on the one side,<sup>3</sup> and the desire to limit their sovereignty on the other."<sup>3</sup>

It is this theory that he applies to the American political system with its constitutional checks and balances. His definition of Populist Democracy is that:

"it postulates only two goals to be maximized – political equality and popular sovereignty."<sup>4</sup>

### Minority Representation

In Ambedkar's opinion, such a system of representation, where mere majority election exists, cannot be the real basis of democracy. A democracy is a government of the people meaning whereby that the people constitute the whole mass of the people in a state. It is an essential principle of democracy that it must not deny political participation to a considerable portion of the people. Adequate representation to minorities, therefore, is a vital factor in representative democracy. It would be in place to mention that this was an uphill task for constitution making in the case of India where people are divided both horizontally and vertically and communication has always been the bane of her politics. In other countries, people are essentially divided on their political or economic issues.

A democratic form of government presupposes equal share of every individual in power. Any community on the ground of only its relative numerical strength cannot impose its will on the minority community. In order to avoid the possibility of such grim situation, it is necessary to make some legal-constitutional arrangement and instill confidence in the mind of minority community. It was John Stuart Mill who advocated that in a democracy, the majority must rule, but he insisted that the minority should be represented in proportion to its numbers.

It emerges that to Ambedkar proportional representation is not a remedy to solve two problems of minorities. "Proportional representation is intended

to give proportionate representation to views. It presupposes that voters vote for a candidate because of his views not because of his person. Proportional representative is ill suited. ..."<sup>5</sup>

It is not especially true in a situation in which minority or the majority is perpetually communal and socially, culturally, economically a dominant, discriminating and oppressive in relation to a vulnerable tiny minority.

In this context, Separate Electorate is considered to be the way for achieving adequate and effective representation of the minorities in the legislature. The voters of a community used to vote separately for a candidate of their own community in their respective constituencies. Thus the voters and candidates belong to the same community and the voting takes place separately. Separate electorate as a method of securing communal representation came into operation in India in respect of the Muslims at first under the Act of 1909, in response to their demands to that effect under the leadership of Agha Khan. The Sikhs and the Europeans got separate electorate in 1919, and Indian Christians and Anglo-Indians under the Act of 1935. The obvious purpose of separate electorate is to secure adequate and effective representation to a minority in order to thwart any probable attempt to impose tyranny by communal majority over the communal minority.

Separate electorate, found favour with Ambedkar for securing true representation of the dalits, thereby protecting their interests, who suffer invidious discrimination politically, socially, economically. They form 'a group' by themselves, which was distinct and separate from the Muslims and the Hindus. He thought that the depressed classes were more suppressed than the serfs and slaves. A government for the people, but not by the people, is sure to treat some into master and others into subjects. To be specific, it is not enough to be electors only. It is necessary to be lawmakers; otherwise, who can be lawmakers will be masters of those who can only be electors.

"The most difficult and the most important question of government (is) how to transmit the force of individual opinions and preference into public action. This is the crux of popular institutions," says Professor A.B. Hart.<sup>6</sup> A popular government in Ambedkar's view 'is the most important field for the exercise of individual capacities, it is in the interest of people that no person as such should be denied the opportunity of actively participating in the process of government, meaning thereby that representation of opinion by itself is not sufficient to constitute popular government, it requires personal representation as well.'<sup>7</sup>

### Protection of Separate Interests

The basis of minority representation is the protection of the interest of each community such as:

1. of religious antipathies which are pretty strong in India, or
2. out of the backward state of a community in educational matters, or
3. out of the socio-religious disabilities to which a community may be subject.<sup>8</sup>

Ambedkar was firm in his belief that Dalits have faced more serious problems than this, "...There

are certain communities who besides being very backward, are suffering under a great social tyranny, and the untouchable classes must have their own men in the council hall to fight for the redress of their grievances. The non-Brahmins, as a class, are subjected to the social and intellectual domination of the Brahmin priesthood and may, therefore, rightly advocate separate representation.<sup>9</sup> It is Ambedkar's distinctive and unique approach, which led him to think that, "The problem of the depressed classes will never be solved unless they get political power in their own hands."<sup>10</sup> The interests of the untouchables can be represented by the untouchables alone. "Untouchability constitutes a definite set of interests which the untouchables alone can speak for. Hence it is evident that we must find the untouchables to represent their grievances which are their interests and, secondly, we must find them in such numbers as will constitute a force sufficient to claim redress."<sup>11</sup>

Ambedkar put forth his demand for separate electorate for depressed classes first in 1919 before the Southborough Franchise Committee.<sup>12</sup> The possible method of securing representation seems to him, to be "either to reserve seat in plural constituencies for those minorities that cannot otherwise secure personal representation or grant them communal electorate."<sup>13</sup> The reason for Ambedkar to make a demand for separate electorate for the depressed classes is probably that he visualized the problem of dalits from the political angle as he stated unambiguously that the problem of depressed classes was "eminently political problem and must be treated as such."<sup>14</sup>

Ambedkar recommended adult franchise, and joint electorates with reserved seats for almost all the communities except the Europeans, while giving evidence before the Simon Commission in 1928. Further, he replied to a question, "If there is no adult franchise?", then we would ask for separate electorate."<sup>15</sup> Even at the Round Table Conference (20<sup>th</sup> Nov., 1930) he candidly expressed "No share of this political power can evidently come to us so long as British government remains as it is. It is only in a Swaraj constitution that we stand any chance of getting the political power into our own hands, without which we cannot bring salvation to our people."<sup>16</sup> He added: "we have been called Hindus for political purposes, but we have never been acknowledged socially by the Hindus as their brethren."<sup>17</sup>

Ultimately, Ambedkar demanded, firm inter - alia, separate electorate for depressed classes through a memorandum submitted to the Round Table Conference jointly by himself and R.B.R. Srinivasan who felt that the depressed must be given sufficient political power to influence legislative and executive action for the purpose of securing their welfare. In view of this, they demanded that the following provisions should be made in the electoral law so as to give them:

1. Right to adequate representation in the legislatures of the country, Provincial and Central.
2. Right to elect their own men as their representatives; (a) by adult suffrage, and (b) by separate electorates for the first ten years and thereafter by joint electorates and reserved seats, it being understood that joint electorates shall not

be forced upon the depressed classes against their will unless such joint electorates are accompanied by adult suffrage."<sup>18</sup>

Thus, Ambedkar demanded separated electorates for the depressed classes only for a period of first ten years. The main purpose of Ambedkar was to break the monopoly in shape and form enjoyed by the so-called high castes. He had stated that his aim was to realize in practice the ideal of one-man-one value in all walks of life - political, economic and social. It is because representative government is one means to that and that the depressed classes attach to it as great a value and it is because of its value to us that I have urged upon you the necessity of making your declaration subject to its fulfillment."<sup>19</sup> Ambedkar tried to convince Agha Khan (Muslim), R.B. Pannir Selvam, (Indian Christains), Sir Henry Gidney, (Anglo-Indians) and Sir Hubert Carr; (Europeans), the Indian delegates in the conference and the British delegates including Prime Minister. However, Gandhi who participated in the second Round Table Conference as a representative of the Indian National Congress was not convinced of the demand of separate electorate. He said very emphatically that:

"I will not bargain away their rights for the Kingdom of the whole world ... It will create a division in Hinduism which I cannot possibly look forward to.... I do not mind untouchables, if they so desire, being converted to Islam or Christianity. I should tolerate that, but I cannot possibly tolerate what is in store for Hinduism if there are two divisions set forth in the villages ... I would resist it with my life."<sup>20</sup> Mahatma Gandhi could not allow further fragmentation of our society. Hence he strongly opposed any proposal for further separate representation. He was convinced such a scheme will not ensure social justice. In fact they must be provided protection from social and religion persecution by discarding decadent traditions and customs in Hindu society opposed to the Harijans at Round Table Conference and professed, " ... what these people need more than election to the legislature is protection from social and religious persecution."<sup>21</sup>

However, the British government finally declared the Communal Award on August 4, 1932, which inter-alia stated separate electorate for the depressed classes. "In the history of India, untouchables were for first time given independent political existence and legal right to shape the future of the motherland. It was a victory of Ambedkar's ideology of uplifting the untouchables."<sup>22</sup>

Mahatma Gandhi who was in jail in those days, finally resorted to go on 'fast unto death' on September 20, 1936 in protest against the separate electorates for the depressed classes provided under the Communal Award. The political atmosphere in the country became grim and tense. Several letters threatening the life of Ambedkar poured in and demands were made to save Gandhi's life at any cost. Ambedkar categorically announced " I shall not deter from my pious duty, and betray the just and legitimate interests of my people even if you hang me on the nearest lamp-post in the street."<sup>23</sup> Hence tension was mounting day by day.

Ambedkar was caught in a big dilemma either to save the precious life of M. K. Gandhi or to lose the special safeguards in the form of separate electorate which he achieved after a prolonged intellectual fight against many odds.<sup>24</sup> Eventually, Sir Tej Bahadur Sapru evolved a scheme of primary and secondary elections for the reserved seats in place of separate electorate. After many deliberations, the agreement was signed on 24<sup>th</sup> September 1932 at Poona, as such it is known as "Poona Pact."

The reactions of Ambedkar about Poona Pact were very bitter. He expressed that there existed a conspiracy by the Hindus to make the Poona Pact of no benefit to the depressed classes. He was fully aware of the disadvantages, which the Schedule Castes are to sustain due to joint electorates. The Schedule Caste candidate contesting reserved seat under joint electorate was to win only on the strength of majority caste Hindu votes. They, however, elected such candidates from among the Scheduled Castes who were to serve the interest of the majority caste Hindus and not of the Schedule Castes. Therefore, Ambedkar had rightly observed that: "Poona Pact has completely disfranchised the Schedule Castes."<sup>25</sup> In 1946, he prepared a memorandum on behalf of the Scheduled Castes Federation to be submitted to the Constituent Assembly, later on published under the title of "States and Minorities" where he vehemently demanded separate electorate. He had categorically stated that:

1. The system of election introduced by the Poona Pact shall be abolished.
2. In its place, the system of separate electorate shall be substituted.
3. Franchise shall be adult franchise.
4. The system of voting shall be cumulative\*.<sup>26</sup>

He believed that weightage carved out from the share of majority should be divided among all minority communities equally or in proportion to their economic position, social status and educational advance.

He tried to systematically argue against the objections to the separate electorate in the following way

1. The 'Scheduled Castes are not a 'minority.' His response was that "the meaning of the word 'minority.' Should not be misunderstood. He said that separation in religion is not the only test of a minority. Social discrimination constitutes the real test for determining whether a social group is or is not a minority."<sup>27</sup> In his support, he even quoted Gandhi's views expressed in Harijan dated 21<sup>st</sup> October, 1939, under the heading 'The Fiction of Majority' that the Schedule Caste are the only real minority in India.<sup>28</sup>
2. He contested the statement, "That the Schedule Castes are Hindus and, therefore they cannot have separate electorate."<sup>29</sup> According to him, religious affiliations could not be the ground of separate electorate but social separation could be. In order to prove his statement, he cited the

example of Christian Community who were divided into 3 sections Europeans, Angl-Indians and Indian Christians. In spite of the fact that they all belong and to the same religion, each section had separate electorates. This shows that what is decisive is not religious affiliation but social separation.<sup>30</sup>

3. To the point that separate electorates prevented solidarity between the Untouchables and the Caste Hindus, he held, "if there were joint electorates, it is difficult to understand how social solidarity between the Hindus and the Untouchables could be promoted by their devoting one day for voting together when out of the rest of the five years they were leading severally separate lives? Similarly, assuming that there were separate electorates it was difficult to understand how one day devoted to separate voting in the course of five years could make for greater separation than what already existed?"<sup>31</sup>

Thus, it is 'futile' to say that separate electorate for the untouchables will perpetuate separation between them and the Hindus, he answered.

4. The opponents also argued that it led to anti-nationalism. He, however, stated that 'nationalism and anti-nationalism had nothing to do with the electoral system. They were the result of extra electoral forces'.<sup>32</sup> And the separate electorate "is nothing but a mechanism to enable a minority to return its true representatives to the legislature."<sup>33</sup>

However, after having been entrusted with the responsibility of the Chairmanship of the drafting committee of the Constituent Assembly, Ambedkar could not raise the issue of separate electorate in the Constituent Assembly, as on the one hand the whole nation was still alive to the shock of partition, which it had woefully sustained, in the recent past. On the other hand, it was going to accept universal adult franchise.

Ultimately, Ambedkar succeeded in his fight for securing human right, for the Scheduled Castes and laying provisions under the Constitution in respect of the welfare of Scheduled Castes are as under:

Article 17 "Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

Article 15(1)...

Article 15(4): Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the scheduled tribes.

Article 16(1)...

Article 16(4): Nothing in this article shall prevent the state from making any provision for the reservation of appointments or posts in favour of any backward class of citizens, which, in the opinion of the state, is not adequately represented in the services under the State.

Article 46: The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the scheduled castes and the scheduled

tribes, and shall protect them from social injustice and all forms of exploitation.

Article 164: In the states of Bihar, Madhya Pradesh, Orissa there shall be a Minister in charge of Tribal Welfare who may, in addition, be in charge of the welfare of the scheduled castes and backward classes.

Article 330(1): Seats shall be reserved in the house of the people for (a) the scheduled castes, (b) the scheduled tribes (in proportion to their population).

Article 332(1): Seats shall be reserved in the house of the States for the scheduled castes and the scheduled tribes (in proportion to their population)

Article 338(1): There shall be a special officer for the scheduled castes and scheduled tribes to be appointed by the President. (2) It shall be the duty of the special officer to investigate all matters relating to the safeguards provided for the scheduled castes and scheduled tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each house of Parliament.

### Rethinking

However, during the first few years of the working of the Constitution, he found that the representatives of Scheduled Castes did not prove to be competent in protecting the interests of their brethren. Therefore, Ambedkar was disappointed and the working committee of the Scheduled Castes Federation, under its President, Ambedkar, passed a resolution on August 27, 1955, in favour of abolition of reservation of seats for Schedule castes in the Central and State legislatures ...<sup>34</sup> Further, in his book "Thoughts on Linguistic States" published on December 23, 1955, he states categorically that, "Separate electorate or reservation of seats may not be restored to. It would be enough to have plural member constituencies (of two or three) with cumulative voting in place of the system of single member embodied in the present Constitution. This will allay the fears which the minorities have about linguistic states."<sup>35</sup> Thus, he once again considered the method of representation. It shows that he was very much concerned about the adequate and effective representation of the scheduled castes, no matter by which way, emphasizing that such representation must be able to protect the interests of the scheduled castes as a part of the society as a whole.

### Conclusion

Ambedkar's perspective of representation needs to be revisited and reconsidered in order to give fair representation to the minorities especially dalits in contemporary India. Ambedkar's efforts in terms of Ramsay MacDonald Award which meant that Depressed Classes would have their own constituencies and electorates, and own representatives, apart from voting in a joint electorate to elect caste Hindus also needs to be debated in order to find another alternative. It is equally important to reconsider the existing mechanism of representation as discussed earlier that Ambedkar tried to exhaust his idea of representation in the form of fundamental rights and special protection of minorities and Scheduled Castes. For dalits electoral representation has been a great failure, which

Ambedkar visualized much earlier. The reserved constituencies do not have the dalits as the majority voters; hence Dalit candidate depends and suffers the manipulation of caste Hindus.<sup>36</sup> According to Ambedkar 'what a minority needs is not more representation but effective representation.'<sup>37</sup>

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6. Quoted by Ambedkar, Ibid, p. 247.
7. Ibid.
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12. For detail see Ibid, pp. 247-278.
13. Ibid, p. 252.
14. Dr. Babasaheb Ambedkar, op.cit., Vol. 2, p. 560.
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17. Ibid, p. 533.
18. Ibid, pp. 550-551.
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21. Ibid, pp. 660-661.
22. Quoted by, W.N.Kuber: Ambedkar, A Critically Study, (New Delhi, People Publishing House), 1973, p. 106.
23. Dhananjay, Keer: Dr. Ambedkar's Life and Mission, (Mumbai, Popular Prakshan), 1990, p. 209.
24. Quoted by R.K. Kshirsagar: Political Thought of Dr. Babasaheb Ambedkar (New Delhi, Intellectual Pub. House) 1992, p. 80.
25. Dr. Babasaheb Ambedkar, op.cit , Vol. 1, p. 432. Note: (each voter has as many votes as there are seats and he is allowed to cast his voters either to different candidates, or to a particular candidate).
26. Ibid, p. 401.
27. Ibid, p. 422.
28. Ibid.
29. Ibid.
30. Ibid, p. 423.
31. Ibid.
32. Ibid, p.423.
33. Ibid, p. 424.
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35. Dr. Babasaheb Ambedkar, op.cit., Vol. 1, p. 170.
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# ***Remarking***

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