

# **Recent Trends In Humanities and Social Sciences**

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## Chapter - 2

### Constituent Assembly Debates on Reservation Policy-Constitution of India: An Analysis Study

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## Chapter - 2

### Constituent Assembly Debates on Reservation Policy- Constitution of India: An Analysis Study

Dr. Vijay Madhu Gawas

#### Abstract

The Constituent Assembly in India worked for about three years, and the first time, met on 9 December 1946. It took three years to framing the largest constitution of the world. The Indian Constitution basically for the protection of socially backward communities. During the Colonial Period the members of the Assembly<sup>1</sup> were indirectly elected by the members of the provincial assemblies<sup>2</sup>. This paper looks into the reservation debate between the drafters of the constitution that took place in the Constituent Assembly and brings out major arguments from the debate.

Against this backdrop, the paper examining the Constituent Assembly Debates on Reservation Policy, and placing it in both its historical injustice. I will attempt to prove that as far as the nature and structure of fundamental rights is concerned the framing is better understood the concept of social justice<sup>3</sup>. Consequently, the members of the constituency Assembly conservative approach toward Reservation. The drafting of the Indian constitution took months and years of debates and it was not an easy task. The Constitution was enacted on January 26, 1950 after the discussions to arrive at the final draft of the Indian constitution<sup>4</sup>.

The present paper covers Constituent Assembly Debates on Reservation Policy-Constitution of India: An Analysis Study, and for this purpose the

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<sup>1</sup> [https://eparlib.nic.in/bitstream//123456789/58229/1/constitution\\_constituent\\_Assembly.pdf](https://eparlib.nic.in/bitstream//123456789/58229/1/constitution_constituent_Assembly.pdf)

<sup>2</sup> <https://www.inflibnet.ac.in>

<sup>3</sup>

[http://irgu.unigoa.ac.in/drs/bitstream/handle/unigoa/6327/gawas\\_v\\_m\\_2020.pdf?sequence=1&isAllowed=y](http://irgu.unigoa.ac.in/drs/bitstream/handle/unigoa/6327/gawas_v_m_2020.pdf?sequence=1&isAllowed=y)

<sup>4</sup>

[https://shodhganga.inflibnet.ac.in/8443/jspui/pdfToThesis.jsp?toHandle=https://shodhganga.inflibnet.ac.in/handle/10603/60892&toFile=https://shodhganga.inflibnet.ac.in/bitstream/10603/60892/7/07\\_chapter%201.pdf](https://shodhganga.inflibnet.ac.in/8443/jspui/pdfToThesis.jsp?toHandle=https://shodhganga.inflibnet.ac.in/handle/10603/60892&toFile=https://shodhganga.inflibnet.ac.in/bitstream/10603/60892/7/07_chapter%201.pdf)

secondary data from Law books, Constitutional Assembly Volumes, Articles, Law Journals, Newspaper, website etc. have been used.

**Keywords:** Constituent assembly, debates, reservation, backward class, time limit

## Introduction

Social stratification and hierarchy have resulted in an unequal society. There is a need to reduce the widening gap of the social and economic spheres in society. This is the basic principle prompting the Indian Constitution to recommend the reservation policy in order to improve the position of the Scheduled Tribes. Dr. Ambedkar, the Founding Father of the Indian Constitution and architect of Modern India, dreamed of establishing India on the principles of equality, liberty and fraternity. Articles 15(4), 16(4), 330, 332, 334 of the Constitution provide for special treatment of SCs, and STs<sup>[5]</sup>. The doctrine of "Protective Discrimination" or "Compensatory Justice" or "Affirmative Action" or "Social Justice". Reservation has been provided for uplift of socially and educationally backward classes of citizens<sup>[6]</sup>. In this chapter, the researcher deals with the debates over reservation policy in the Constituent Assembly, as well as the progress of the reservation policy after the Indian Constitution came into existence, with emphasis on the National Commission of Kaka Saheb Kalelkar and the Mandal Commission which gave flesh to the reservation policy in India<sup>[7]</sup>.

## Historical background on constituent assembly debates on reservation policy

The Constituent Assembly was constituted through nominations by the provincial legislative assemblies<sup>[8]</sup>. The 5 members of the Constituent Assembly met for the first time on 9<sup>th</sup> December 1946<sup>[9]</sup>. On 13<sup>th</sup> December

<sup>5</sup> M.P. Singh, 2011, Comparative Constitutional Law, Eastern Book Company

<sup>6</sup> [http://irgu.unigoa.ac.in/drs/bitstream/handle/unigoa/6327/gawas\\_v\\_m\\_2020.pdf?sequence=1&isAllowed](http://irgu.unigoa.ac.in/drs/bitstream/handle/unigoa/6327/gawas_v_m_2020.pdf?sequence=1&isAllowed)

<sup>7</sup> Lal Shyam Lal, Saxena K. S, 2008, Ambedkar and nation building, Prem Rawat for Rawat publications, Jaipur-(India), pp.at 263

<sup>8</sup> M.P. Jain, 2005, Indian Constitutional Law, Wadhwa, Nagpur

<sup>9</sup> **Explanation Note:** The first temporary two day president of the Constituent Assembly was Dr. Sachchidananda Sinha, and latter Rajendra Prasad was elected president of the Constituent Assembly. The Constituent Assembly set up a Drafting Committee under the Chairmanship of Dr. Ambedkar to prepare a draft Constitution for India. Dr. B.R. Ambedkar, "Jawaharlal Nehru, C. Rajagopalachari, Rajendra Prasad, Sardar Vallabhbhai Patel, Maulana Abul Kalam Azad, Shyama Prasad Mukherjee were some important figure in the Assembly. The Prominent jurists like Alladi Krishnaswamy, Sir B.N. Rao, Syed M. Sadullah, Sir. N. Gopalaswami Iyengar, K.

1946, Mr. Jawaharlal Nehru moved the historic Objectives Resolution<sup>[10]</sup> in the Constituent Assembly<sup>[11]</sup>. The main objective of the Resolution was in the nature of a pledge, a statement of policy and an introduction to the philosophy underlying the Indian Constitution<sup>[12]</sup>. The Resolution was adopted on January 22, 1947.

The Objectives Resolution gave expression to the principles and hopes of the people of India. Its purpose was to guide the Constituent Assembly in its deliberations while framing the Constitution. The principles embodied in the Objectives Resolution were incorporated into the Preamble of the Constitution of India.

This resolution which was moved by Nehru was welcomed by different communities represented in the Indian Constituent Assembly. In no uncertain terms, it assured the protection of the interests of the Minorities, Backward Classes, including Scheduled Tribes. However, Nehru opposed a similar demand made by the Muslim League for job reservations for Muslim minorities in public services, and also denied its incorporation in the Constitution and statutory enactments.

He also stated that State appointments should be fairly and adequately distributed and that no community should have cause to complain. According to Nehru, fairness could be attained by convention and agreement, and he also emphasised that the backward communities should give special educational training to bring them up to higher level<sup>[13]</sup>.

However, the Congress Party always attempted to oppose the continuation of the British policy of communal reservation. They were also not in favour of providing any reservation for any vulnerable group in public service.

Thereafter, many members gave suggestions about the formation of the cabinet mission plan and advisory committee. They also suggested setting up five sub-committees in the Constituent Assembly, containing due

M. Munshi, Sir B.L. Mitter and Shri D.P. Khaitan<sup>9</sup>. Subsequently, the Drafting Committee was reconstituted due to cause of death of Shri D.P. Khaitan. In Latter, Shri, N. Madhava Rao was appointed to replace Sir, B. L. Mitter and Shri. T. T. Krishnamachari instead to fill the vacancy caused by the death of Shri D.P. Khaitan.

<sup>10</sup> Explanation Note: Some of the Objectives Resolution read:

<sup>11</sup>

<sup>12</sup> Vinay Chandra Mishra, Dr. Parmanand Singh, Reservation Crisis in India-Legal and Sociological Study on Mandal Commission Report, Bar Council of India Trust Universal Book Traders, (1991), Delhi, at 323

<sup>13</sup> Ibid 4 at 324.

representation of all sections of society i.e., Hindus, Muslims, Scheduled Castes, Scheduled Tribes, Sikhs, Indian Christians, Parsis and Anglo Indians.

When the Constituent Assembly adopted this historic Objectives Resolution on 22<sup>nd</sup> January 1947<sup>[14]</sup>, it formed the basis of various provisions of the Constitution and also the Preamble. The members of the Constituent Assembly unanimously approved the resolution and resolved to draw up a Constitution, guaranteeing the same, *inter alia*.

After the Constituent Assembly adopted the aforesaid resolution, the Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas came into existence by a resolution proposed by Pt. Govind Ballabh Pant<sup>[15]</sup>. The first meeting of the Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas<sup>[16]</sup> was held on 27<sup>th</sup> February 1947. This Committee set up four sub-committees, including the Fundamental Rights Sub-Committee<sup>[17]</sup>, Minorities Sub-Committee<sup>[18]</sup>, North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Areas Sub-Committee<sup>[19]</sup>, and Excluded and Partially Excluded Areas (Other than those in Assam) Sub-committee<sup>[20]</sup>. During the next meeting which was held on 24<sup>th</sup> March 1947, two minority communities, namely the Sikhs and the Anglo-Indians made a special demand for the reservation of posts for their communities.

Dr. B. R. Ambedkar was the chief spokesperson on behalf of the 'untouchable' communities. He made a very strong case for boosting the socio-economic condition of the Depressed Classes, with adequate representation in the legislatures and services commensurate with their population. He drew the attention of the sub-committees to the deprivation and

<sup>14</sup> Dr. Subesh C. Kashyap, Constitutional Law of India, Universal Law publishing co. Pvt. Ltd. 2008, vol-2, Delhi, at 497.

<sup>15</sup> Ibid

<sup>16</sup> Explanation Note: Sardar Vallabhai Patel was elected the chairman of Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Area of the constituent Assembly of India.

<sup>17</sup> Explanation Note: Acharya Kripalani was elected the chairman of Fundamental Rights sub-committee of the constituent Assembly of India.

<sup>18</sup> Explanation Note: Harendra Coomar Mookerjee was elected the chairman of Minorities Sub-Committee sub-committee of the constituent Assembly of India.

<sup>19</sup> Explanation Note: Gopinath Bardoloi was elected the chairman of North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Area Sub-Committee of the constituent Assembly of India.

<sup>20</sup> Explanation Note: A.V. Thakkar was elected the chairman of Excluded and Partially Excluded Area (other than those in Assam) Sub-committee of the constituent Assembly of India.

the disadvantages suffered by the downtrodden masses for many centuries, and also insisted that the policy of preferential treatment was imperative for their upward socio-economic mobility.

During the discussion of the aforementioned clause, Prof. K. T. Shah proposed to add the terms 'Scheduled Castes' or 'Backward Tribes' for their advantage, safeguard and betterment. He further stated his object as under: "In regard to the Scheduled Castes and backward tribes, it is an open secret that they have been neglected in the past; and their right and claims to enjoy and have the capacity to enjoy as equal citizens happens to be denied to them because of their backwardness. I seek therefore by this motion to include them also within the scope of this sub-clause (2) Article 9, so that any special discrimination in favour of them may not be regarded as violating the basic principles of equality for all classes of citizens in the country. He further elaborated that at least for some time they need to be given special treatment in regard to education, opportunity for employment, and in many other cases where their present inequality and their present backwardness is only a hindrance to the rapid development of the country<sup>[21]</sup>.

Dr. B. R. Ambedkar opposed Shah's amendment stating that similar clauses existed: Article 16 Clause (4) which discussed reservation in service, and Article 15 Clause (4) which safeguarded the rights of the reserved categories in the educational field, by stating that the State could open separate educational and other facilities exclusively for the Scheduled Castes and Scheduled Tribes without offending the equality guaranteed in Articles 14, 15 and 29<sup>[22]</sup>.

The advisory committee did not incorporate any provision in Part IV of the Constitution that requires the State to secure adequate representation to the backward classes in public service, since it felt that Article 46 of the Constitution was broad enough to cover all compensatory measures to benefit the backward groups. But they incorporated the same in article 16(4) in Part III of the Constitution by way of abundant caution.

Another important debate was surrounding Article 15(4). Who can be considered as belonging to the socially and educationally backward classes? Prof. K.T. Shah proposed an amendment for the addition of the word 'economically' along with the words 'socially' and 'educationally'. Shah's

<sup>21</sup> Explanation Note: Prof. K. T. Shah had moved an amendment under clause (2) of article 9 of the constitutional draft (now present Articles 15 clauses 3 of Indian Constitution) in the constituent Assembly.

<sup>22</sup> See, Supra Note 5 at 333.

aim was that Article 15(4) should also be able to eradicate economic backwardness.

Nehru, however, was not of the same opinion, stating that: "[M]y difficulty is that when we chose those particular words (socially and educationally) there we chose them because they occur in Article 340 and we wanted to bring them bodily from there. Otherwise, I would have not the slightest objection to add economically". Nehru explained that a person should be helped socially as it is a word having a much wider meaning including many things and certainly including economically. Finally, the selected committee report also made similar clarifications for not including the word 'economically' in Article 15(4).

Nehru accepted that the reorganisation of castes and communities went against the principles of equality and non-discrimination. He also felt that: "[W]e have to deal with the situation where for a variety of causes for which the present generation is not to blame, the past has the responsibility, there are groups, individuals, communities... who are backward." He further stated that there are various ways to interpret the term 'backward' viz. economically, socially and educationally. He believed that the aim of compensatory or protective discrimination was to eliminate inequalities based on past prejudices associated with discrimination prevalent in society. He believed that in raising the backward groups, equality was the ultimate goal <sup>[23]</sup>.

Dr. B.R. Ambedkar stated that backward classes are nothing but a collection of certain classes. Many members of the Constituent Assembly were fearful that Article 15(4) might be misused by the State in creating a communal quota. Thus, it might perpetuate casteism and communalism in the country. However, Ambedkar assured the select committee about the inclusion of Article 15(4), stating that it was: "Not likely to be and cannot indeed be misused by any government for perpetuating any class distinction against the spirit of the Constitution by treating non-backward classes as backward for the purpose of conferring privileges on them" <sup>[24]</sup>.

#### i) Test to determine backward class

When the criteria were being drawn up to determine who are the backward classes for whom a special provision for reservation of service posts was made in the Constitution, some members expressed the view that the term

backward classes meant only the 'untouchables'; others stated that it included the broader group of people who were educationally, economically and socially backward, regardless of their religion, race or caste; while still others said that they were the members of historically disadvantaged groups.

Thereafter, Dr. B. R. Ambedkar proposed a resolution to change the term 'classes' in clause 5 draft under Article 10 which read: 'Nothing herein contained shall prevent the State from making provision for reservations in favour of classes who, in the opinion of the State, are not adequately represented in the public services' <sup>[25]</sup>. According to Ambedkar, the words 'adequately represented' might give rise to a lot of litigation on the question of 'adequacy of representation'.

C. Rajagopalachari opposed the suggestion, saying that it would enable the State to make reservation even for the majority community when the sole aim of clause 5 under Article 10 was to protect minorities. According to him the word 'minorities' should be used instead of 'classes', as the former term would include even political minorities. But some members believed that the word of 'classes' should replace the word 'minorities'. Finally, the drafting committee decided to make the reservation policy only for the backward classes and not for any religious or linguistic minority.

The Drafting Committee prefixed to the word 'classes' the word 'backward' under the draft Article 10(3) of the Constitution, which lays down that the State has been empowered to make any provisions relating to reservation of appointments or posts in favour of any backward class of citizens, who are not adequately represented in the service under the State <sup>[26]</sup>. The article clarifies the real beneficiaries of protective discrimination. Finally, by using the word 'backward', the Drafting Committee made very clear that a minority could not be entitled to have the benefit for reservation instead of the backward classes who were socially, economically and educationally weak.

A majority of the members were of the opinion that the meaning of the term 'backward class' and the term 'backwardness' was too vague. Some members were undecided on the use of the term 'backward' in judicial review, or to rather use the term 'scheduled caste' or 'depressed classes' instead of backward classes. Finally, all the members concluded that the broader term covered all backward castes and communities who were socially, economically, and educationally backward.

<sup>23</sup> Supra Note 14 at 335.

<sup>24</sup> Explanation Note: Dr. B. R. Ambedkar defending clause (4) under Article 15 and clause (4) under Article 16 justified the reason for their classification under two Articles.

<sup>25</sup> Explanation Note: The constitutional draft under Article 10(3) (presently articles 16 clauses 4 of Indian Constitution) was moved in the Constituent Assembly,

<sup>26</sup> Ibid at 17.

According to K. M. Munshi, during the negotiations that proceeded, mooted the argument that except backward classes who are economically and socially backward and the scheduled castes and scheduled tribes who have a special claim of their own, no other minority should be recognised in the Constitution. He also observed that the scheme of reservation was pursued for the fulfilment of the social and economic needs of the backward classes who as result of historical circumstances were denied equal opportunity in socio-economic life.

When the question of whether there was any intention of including them in the backward classes was raised by some members of the Scheduled Castes, K. M. Munshi replied: "I cannot imagine for the life of me now, after an experience of one and a half years of the Constituent Assembly, that any honourable member of the scheduled castes should have feelings that they will not be included in the backward classes so long as they are backward. I also cannot imagine a time when there is a backward class in India which does not include the scheduled castes. 'Backward class' covered not only scheduled castes and scheduled tribes but also covered other socially, educationally and economically backward classes" [27].

K. M. Munshi further said that draft Article 10(3) was read with draft Article 301 to make clear beyond doubt that the term 'backward' was significant, rather than the class of people. It does not matter who is called 'untouchable' or 'touchable'. But what was significant is whether they belonged to a depressed class community or class of people who are so backward that special protection is required in the services. In order to clarify the doubts of some members regarding 'who are the backward classes?' he stated that Article 301 (now present article 340) makes it clear that there will be a commission appointed for the purpose of investigating who are the backward classes, which includes not only the Scheduled Castes and Scheduled Tribes but also other backward classes, who are economically, educationally and socially backward. We need not therefore define or restrict the scope of the word backward to particular community [28].

<sup>27</sup> Explanation Note: K. M. Munshi also clarified through article 301 of the draft constitution (now present article 340 of the Indian constitution). The expression term of backward class as used in draft article 10(3) draft of the constitution (now present article 16(4) of the Indian constitution).

<sup>28</sup> Explanation Note: K. M. Munshi clarified that the expression economically, socially, and educationally backward class was the legitimate way to acquire benefits under the present article 16(4) read with article 340 of the Indian constitution. He stated that neither article 16(4) nor article 340 use the expression economically.

K. M. Munshi made a speech in the Constituent Assembly to the effect that the word 'social' includes 'economic' also, and that the word 'backward' includes even economic backwardness is reinforced by the wording of Article 46 which directs the State to encourage particularly the depressed classes—those who are economically and educationally backward—and also to protect them from social injustice and all forms of exploitation.

He also cleared the doubts of all the members of the Constituent Assembly that article 16(4) should be read with Articles 340 and 46. The expression 'weaker sections' would certainly include educationally and economically backward classes. He further said that Article 46 also used the term 'social justice' along with economic interest. In the constituent assembly, he also stressed the need to include economically backward classes i.e., the weaker sections of society, for the purpose of securing social justice to those people, by making reservations in employment for them [29].

While referring to the arguments regarding the use of the word 'backward' in clause (3) of the draft of Article 10, Dr. B. R. Ambedkar said that the Drafting Committee had to reconcile opposing points of view to yield a "practicable solution which will be accepted by all." If this was borne in mind, it would be seen that no better formula could be produced than the one embodied in clause (3). Further, he added, "Unless you use some such qualifying phrase as 'backward' the exception made in favour of reservation will ultimately eat up the rule altogether" [30].

An analysis of the entire debates on both Articles 15(4) and 16(4) indicates that the drafters themselves were not all clear about the meaning of the term 'backward classes'.

The terms 'communities' and 'castes' were proposed to be included for protective discrimination. This was clarified by the chief architect, Dr. B. R. Ambedkar, under article 15(4) and 16(4) which gave preference to the class rather than to the individual.

The decision was taken in the Constituent Assembly after recommendation of the Advisory Committee on fundamental rights. Similarly, sub-clause (4) of Article 294 laid down that the number of seats reserved should be in proportion to the population of the depressed classes in the concerned

<sup>29</sup> Supra Note 7 at 330.

<sup>30</sup> Explanation Note: After clarification still doubts prevailed among the members of the constituent assembly regarding exact meaning and scope of the word backward class. T.T. Krishnamachari was of the opinion that the Article 10(3) of the constitution drafts the term backward class as a paradox for lawyers, leading to a lot of litigation.



## ii) Time limit for reservation

A special meeting was held to discuss the said Article 292 (the present article 334 of the Constitution) and also the time limit of reservation. The majority of the members of the Advisory Committee supported granting reservation for a period of ten years to the Depressed Classes. The Advisory Committee proposed that the reservation should be provided only for the Depressed Classes, which proposal was adopted by the Constituent Assembly.

Dr. Ambedkar moved an amendment to the constitutional draft of Article 292 for providing reservation of seats for Scheduled Tribes in the parliamentary elections. Further, he proposed a separate declaration of the Scheduled Tribes in the autonomous districts of Assam and of those outside.

The revised draft also laid down that the number of seats would be reserved according to the population. Ambedkar mentioned that this revised draft article was an exact reproduction of the decision of the Advisory Committee. Ambedkar's amendment made provision for reservation in all the states-irrespective of whether they were in Part I, Part II or Part III of the First Schedule <sup>[32]</sup>.

Dr. Ambedkar also made a demand through his constitutional draft under Article 294 that the reservations should be confined in the State Assemblies to Scheduled Tribes and should be proportionate to the number of seats reserved in the autonomous districts of Assam. He also stated in his constitutional draft that a person who is not a member belonging to a Scheduled Tribe would be eligible for election from an autonomous district of Assam.

The reservation of seats for Scheduled Castes and Scheduled Tribes would apply to all the States mentioned in Part I and Part II of the First Schedule <sup>[33]</sup> i.e., all the Provinces and all the Indian States except those constituted as Chief Commissioners' Provinces. This article was adopted without any amendment.

<sup>31</sup> On October 1947 sub-clause (4) of Article 60 was drafted by the Constitutional Adviser to provide for reservation of seats in parliament inter alia for scheduled castes and Scheduled tribes.

<sup>32</sup> Explanation Note: On February 1948 the drafting committee prepared a draft of Article 292 which sought to reserve seats in the House of the people for Muslims, scheduled castes, Scheduled Tribes, etc.

<sup>33</sup> Explanation Note: The most important feature of the revised new constitutional draft under article 294 (now present under article 330) was the debate in the Constituent Assembly.

Simultaneously, T. T. Krishnamachari moved an amendment to add a proviso to the effect that in case the ten-year period ended in the midst of the term of a House, the termination should take effect only on the dissolution of the existing House or Assembly. Ambedkar accepted the amendment suggested by T. D. Bhargava and T. T. Krishnamachari, that the period for reservation of seats would be necessary for a longer period because the ten years' period was the result of a general agreement among the parties accepted by the Constituent Assembly, and it would not be right to go back on those provisions at that stage. At the end of ten years, if the condition of tribes had not improved or they wanted a further extension of the period, he stated, it would not be beyond their capacity or their intelligence to invent new ways of getting the same protection which they promised here.

Ambedkar envisaged reservation to Scheduled Tribes would be necessary for a longer period, but the other members who had spoken about reservation specified that it should end after ten years <sup>[34]</sup>.

Ambedkar moved an amended clause restricting the Scheduled Tribes to any special treatment in the matter of recruitment in public service, but extending the scope of preference to Part III states i.e. Indian states <sup>[35]</sup>. When the Constituent Assembly gave its concurrence to the reopening of the issue, an acrimonious debate followed that no change should be made in the constitutional draft Article 296. Ambedkar moved an amendment making it clear that in regard to public service, the Constitution should require the Central and State governments to give special consideration to all minorities including Scheduled Tribes. Finally, the amended draft as proposed by Ambedkar was adopted by the Assembly.

The draft was amended in two important aspects. Firstly, the jurisdiction was limited to Scheduled Tribes, Scheduled Castes, Anglo-Indians, and other

<sup>34</sup> Explanation Note: Dr. Ambedkar moved a new draft under Article 295A to incorporate an Amendment of Thakur Das Bhargava which was adopted by the House in earlier time. According to this new draft Article 295A, reservation of seats for Scheduled castes and Scheduled Tribes would cease to be in force after the expiration of ten years from the commencement of this constitution. Notwithstanding anything contained in the foregoing provision of this part, the provisions of this constitution relating to the reservation of seats for the Scheduled Castes and the Scheduled Tribes either in the House of the people or in the Legislative Assembly of a state shall cease to have effect on the expiration of a period of ten years from the commencement of this constitution. With the amendments accepted by Ambedkar, Article 295-A was added to constitution by the constituent Assembly.

<sup>35</sup> Explanation Note: The constitutional draft Article 296 relating to preferential treatment to be given to scheduled tribe, etc...in the matter of public appointment came up for discussion in the constituent Assembly.

backward classes. Secondly, there was to be only one special officer to be appointed by the Union Government who would function for the Centre, as well as, for the States.

The draft of the Constitution was finally adopted by the Constituent Assembly on Nov 26, 1949.

### Discussion and Conclusion

The four significant amendments were put forward by the Debate on Reservations in Constituent Assembly. The first list of amendments was Representation of Anglo-Indians in the legislative assembly: It was suggested by Pandit Thakur Das Bhargava, a member of the INC and Constituent Assembly. It was suggested by Mr Naziruddin Ahmed Ambiguous 10 years' time period. He stated whether or not those holding reserved positions will be required to resign from their positions if the government is in power and the ten-year timeframe has passed. It was suggested by Mr Monomohan Das and Mr Muniswami that No expiration period for a reservation.

Subsequently, Dr Ambedkar rejected the amendment on the grounds that the legislature had previously unanimously chosen the expiration period and that any future changes to the section would require a constitutional amendment. During the Debate on Reservations in Constituent Assembly it required the Extension of Reservation for Schedule Castes. According to Dr Ambedkar, other minorities had enjoyed privileges in the past for a longer period of time, such as Muslims since 1892 and Christians since the 1920 Constitution, whereas the scheduled caste had enjoyed privileges since the 1935 Constitution and practically since 1937, which had also been discontinued by 1939. Further the Scheduled Caste had only been receiving benefits for two years at that point, he thought they should be granted a reservation for a longer period of time.

The resolution to end the ten-year period has been enacted, and the option to extend the time frame if necessary would always be available Conclusion. In order to achieve the ultimate aim of the reservation, which is to overcome historical injustice, provide a level playing field for all, ensure adequate representation for all<sup>36</sup>, and ensure equality among all, the caste system and other forms of discrimination must be completely abolished. In order to seek benefits for the disadvantaged classes' marginalised groups, it is currently necessary to reform India's reservation policy. Along with this, equal attention should be placed on ending the caste system and untouchability malpractices.

<sup>36</sup> <https://wikileaks.wikimee.org/cable/2009/07/09ASHGABAT847.html>

### Conclusion

The issue of proper implementation of reservation has not been resolved in India and the parliament and the entire country are still working on it. Some people are benefiting from it, and others are suffering, however, is due to a lack of checks and balances<sup>37</sup>. The settings set back then are no longer valid in today's world. The policy must be updated over time and in accordance with current demands. Social, Education, economic and Caste -based reservation may be a viable option at this time and reservation must expand, because it will be more chances India be able to meet the constitutional values of equality and non-discrimination. The following remarks of Dr. Ambedkar on how this Preamble is to be interpreted are revealing: It means a way of life which recognizes Liberty, Equality and Fraternity which are not treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of Democracy. Liberty cannot be divorced from Equality and Equality cannot be divorced from Liberty, nor can Liberty and Equality be divorced from Fraternity<sup>38</sup>.

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### Chapter - 3 Analytic Trends in Philosophy

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