

## **Constituent Assembly Debates on Minority Reservations, Untouchability and UCC: Different point of views**

### **INTRODUCTION:**

When the framers of the Constitution were drafting the Indian Constitution, debates and discussions were held on various important topics. The framers had tried the best to inculcate diverse views while ensuring the welfare of India as a whole. These debates and discussions help us today to know the contribution of the framers in the making of the Constitution. In this blog, I will discuss the debates on Minority Reservations and Untouchability.

### **DEBATE ON MINORITY RESERVATIONS**

The topic of reservation has always been conflicted and controversial. While making the constitution different members of the Constituent Assembly had different views on the topic of reservations. Let's discuss viewpoints of some of the members :

**Br Ambedkar:** He was the chairman of the drafting committee for the Constitution of India. According to him, reservation was the integral part of equality of opportunity. He worked hard to include 'depressed classes' in minorities. He believed that reservations should be limited to a number of seats.

He signed Poona Pact with Mahatma Gandhi on September 24, 1932 that granted reserved seats for the Depressed Classes in the provincial and Central Legislatures of British India for a period of 10 years. He was not in favour of ten year period but didn't oppose it as he had already signed poona pact and the option to extend the time period was always available. He propagated for reservation of seats with separate electorate but later agreed for reservation with joint electorate and signed poona pact.

**Kazi Syed Karimuddin:** According to him, the reservation with joint electorate was not a correct option. It was neither here nor there. It was a positive disservice for minorities. The elected representatives would not represent the minorities.

**S Nagappa and Jaipal Singh:** They wanted reservation proportional to population of depressed classes in the cabinet. Jaipal argued for the rights and dignity of Adivasis. According to them, the ten year period should be abolished or it should renew after every 10 years until they get adequate representation in the cabinet.

**Pandit Thakur Das:** He suggested representation of Anglo- Indians in the Legislative Assembly.

**Naziruddin Ahmed:** He found it ambiguous to have a 10 years period.

**Mono Mohan Das and Muniswami:** According to them, the 10 year expiration period should be abolished.

### **UNTOUCHABILITY**

**Draft for Untouchability:** On November 29, 1948, the Constituent Assembly discussed Article 11 (Article 17, Constitution of India 1950). Its goal was to end the untouchability custom. It was a brief argument. Nonetheless, there was some misunderstanding regarding the definition of "untouchability."

**Mr. Naziruddin Ahmad:** He proposed changing Article 11 to read, "No one shall be treated or regarded as an untouchable on account of his religion or caste, and its observance in any form may be made punishable by law."

**Dr. Mono Mohan Das:** According to him, ending untouchability is a crucial fundamental right.

**Professor K.T. Shah:** He suggested that as the Constitution offers no definition of untouchability, it may be unclear what really qualifies as such. He recommended making changes, such as using a different word for "untouchability." He claims that someone is viewed as untouchable if they are disabled for a significant amount of time. He suggested something that Dr. B.R. Ambedkar rejected. Following its adoption, the motion pertaining to Article 11 was incorporated into the Constitution.

**Article 17: 'Abolition Of Untouchability'** Untouchability is outlawed, and its practice is prohibited in all its manifestations. Enforcing any handicap resulting from untouchability will be illegal and subject to legal penalties.

## **UNIFORM CIVIL CODE**

On November 23, 1948, the Constituent Assembly began debating the Uniform Civil Code for the first time. Meenu Masani suggested it, and it was calculated in accordance with Article 35. Article 35 of the 1948 Draft Constitution of India (Article 44 of the 1950 Constitution) states that the State will work to ensure that all Indian people have access to a standard civil code. Women members were the first to embrace the Uniform Civil Code. The Constituent Assembly included fifteen female members. As a member of the Fundamental Rights Subcommittee, Hansa Mehta advocated for a UCC. In addition to Rajkumari Amrit Kaur, Dr. Bhimrao Ambedkar, Meenu Masani, Kanhaiyalal Maniklal Munshi, and Alladi Krishnaswami Iyer, they all firmly advocated for the establishment of a UCC.

## **LEADERS WHO SUPPORTED UCC**

1. **Dr. BR Ambedkar:** He did not discuss the pros and cons of uniform civil code but strongly favoured Article 35 (UCC), which is now Article 44 of the Constitution of India. He was of view that uniform civil code would help in achieving gender equality and providing equal rights to women.
2. **Jawaharlal Nehru:** He was in favour of uniform civil code to be implemented but rejected Hindu Code Bill as he didn't want a religion to overpower others and abolish the personal laws of others. He emphasized on the necessity of social change and modernization.
3. **Dr. Rajendra Prasad:** He was the President of the Constituent Assembly. He supported UCC as a way to promote gender equality and gender justice.
4. **Alladi Krishnaswami Ayyar:** He emphasized that the communities can't live in peace without uniform civil code. The UCC aims to arrive at an agreement in relation to subjects like marriage, divorce and inheritance. He was of view that social justice and gender equality is crucial.
5. **K M Munshi:** He supported the uniform civil code, emphasizing that thought 'personal law is part of religion' has been promoted by the British among Indians. He was of the view that this thought shouldn't be there in minds of Indians.

## **LEADERS WHO OPPOSED UCC**

1. **Maulana Abul Kalam Azad:** He opposed UCC and supported 'cultural diversity and religious harmony'. He was of the view UCC might erode religious autonomy and rights of minorities.
2. **KT Shah:** He was concerned about the potential violation of religious freedom and rights of minorities. He advocated for a slow process of reforming personal laws and was not in favour of complete reform(UCC).
3. **Frank Anthony:** He was not in favour of enforcement of UCC as he was worried that UCC would harm India's diversity and respect for personal laws. He highlighted the necessity to respect pluralism of India.
4. **Begum Aizaz Rasul:** She was not in favour of the enforcement of UCC. She emphasized on the need to protect personal laws of Muslims.

## **CONCLUSION :**

India is a democratic country. Its Constitution was drafted by the Constituent Assembly after lots of discussions and debates. The above mentioned debates and arguments are just a few of them. These debates help us to know different viewpoints and the contribution of all the members in drafting the Indian Constitution.