"History and Effects of Reserved Constituencies on Indian Democracy"

Historically, India has suffered from a lack of popular representation in government. It wasn't until the 1909 Morley-Minto reforms that India finally gained a semblance of democratic rule. From this time on, Indian political participation increased until August 15, 1947 and the establishment of the modern Indian state. A defining feature of democracy in India from 1909 to the present has been the allocation of a portion of government seats to specific religious or minority groups. This unique process has led to a greater range of voices participating in government, but it has also facilitated the perpetuation of power structures by the ruling classes.

The passage of the Indian Councils Act of 1909, known colloquially as the Morley-Minto reforms, marks the first time in hundreds of years that the Indian people were awarded the ability to elect political representation in government. Although beginning in 1861 a number of Indians had been allowed to serve on the British Governor-General's Legislative Council of India, which essentially functioned as a federal body overseeing all of the Indian territory, these positions had always been filled through nominations by British officials. As such, the Act of 1909 represented a significant change because it allowed for the direct election by Indian citizens of Indian representatives, who were referred to by the British as "Non-Officials" or "additional" members of the legislative body. Though these nicknames show that Indian government members clearly weren't afforded the same respect as the British "Officials," both Official and Non-Official members of the central Council of India were treated the same in practice, receiving equal say in any and all decisions about the administration of the colony (Ilbert).

The Morley-Minto reforms also attempted to "give a representative character to the" Non-Official members of both the central legislature and the provincial legislatures by apportioning seats based on ethnic groups (Ilbert 248). This practice was primarily encouraged

by the Indian Muslim population who were concerned about losing out on representation to the Hindu majority. As the Muslims considered themselves to be a "separate class or community" with values independent of those of the Hindus, they advocated for reserved seats in the legislature to ensure that Muslim voices would be heard without having to defeat Hindu candidates within a majority-Hindu population. In the Governor-General's Legislative Council, eight of the 32 seats assigned to Non-Officials were designated for Muslims; this was accomplished through separate votes in which only Muslim people were allowed to vote and only Muslim candidates were allowed to run, ensuring that Muslim political and cultural interests would be represented alongside those of Hindus and the British in government. Taken at face value, the choice by the British to reserve seats for Muslims can therefore be viewed as a genuine effort to incite popular democracy and represent the population of India as accurately as possible in the government (Ilbert).

In reality, the British most likely had an ulterior motive in creating designated seats for Muslims in the legislature. To understand this, it is first necessary to examine the breakdown of Official and Non-Official seats in the central Legislative Council of India as well as the councils that governed each province (Ilbert 247):

Legislative Council of—	Officials.	Non-Officials.	Majority.
India	36	32	Official. 4
Madras	20	26	Non-official. 6
Bombay	18	28	10
Bengal	20	31	11
United Provinces . . .	20	26	6
Eastern Bengal and Assam. .	17	23	6
Punjab	10	14	4
Burma	6	9	3

Although Official members held a majority of seats within the central council, this was not true in any of the provincial councils, in which Non-Official members possessed a majority of

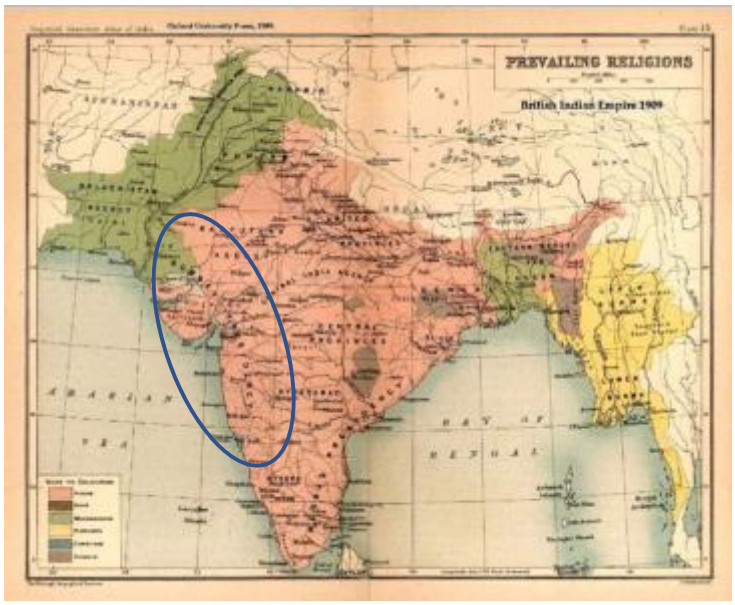
anywhere from three to eleven seats. These provincial legislatures also used slightly different rules for determining the number of seats allocated to specific minority groups. Of particular interest is the designation of seats based on factors other than religion, such as the existence of special interest groups. For example, the Bengal council set aside seats for "representatives of the planting community" while all councils except Bombay accounted for "representatives of Indian commerce" when setting aside special seats (Ilbert 250).

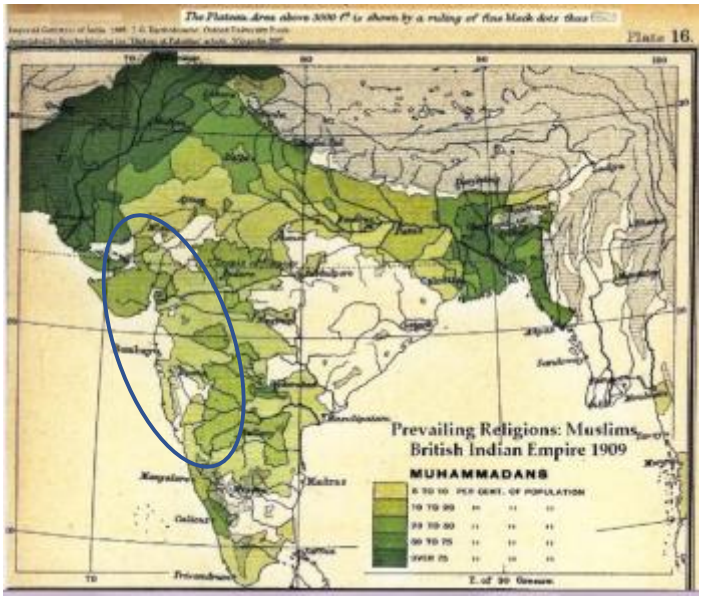
While the use of reserved seats in provincial governments seems like an attempt by the British to maximize the representativeness of the legislative system, it may have actually served as a guarantee that the British would keep control of their territories. If the Non-Official seats had been left free of limitations and people were allowed to vote with no restrictions based on religion or the inclusion of special interest groups, some provinces would likely have only elected Hindu delegates to the legislature. As mentioned previously, these provincial legislatures had a majority of Non-Official seats, so this would have resulted in more Hindus in government than Official British delegates. Political affiliations at the time were normally categorized by religion instead of any formal party system, so the Hindu delegates would likely have voted as a bloc on the vast majority of issues. As a result, Hindus would have power over the councils, which made decisions based on a simple majority[1]. The Hindus would therefore have been given almost complete control over the day to day administration of the provincial territories. But by including special seats for Muslims and other groups, the British were able to prevent such a Hindu majority from ever occurring, as there weren't enough unreserved seats available for Hindu delegates to represent fifty percent of the combined total of Official and Non-Official

[1] This was standard practice within the British Empire at the beginning of the twentieth century.

representatives of the legislature. Consequently, neither the British nor the Hindus had guaranteed control over the provincial government.

The establishment of reserved Muslim seats also created tension between Hindu and Muslim groups. This was primarily caused by the belief that the British were giving Muslims special privileges, essentially discriminating against the Hindu majority. A major reason for this impression of bias was the belief that a greater proportion of legislative seats were being allocated to Muslims than was actually warranted by their comparative population size. A particularly egregious example of this behavior can be found in the election process for the "representative of the Bombay landholders on the Governor-General's council" (Ilbert 250). The maps below show the religious demographic breakdown of India in 1909, the year that the Morley-Minto reforms were passed (Prevailing Religions: British Indian Empire 1909, Prevailing Religions: Muslims, British Indian Empire 1909):





The maps clearly demonstrate that the province of Bombay (circled on the middle left) had a majority Hindu population with only five to twenty percent of people identifying as Muslim in any given area. It would therefore be reasonable to assume that if the British had only

fairness in mind when determining how to reserve seats, they would have ensured that Muslims were given roughly five to twenty percent of seats in the Legislative Council of Bombay and that Muslims represented Bombay in the central Legislative Council of India somewhere between five and twenty percent of the time. In reality, this wasn't the case, as official British policy for determining the "representative of the Bombay landholders on the Governor-General's council" was to alternate between Hindu representatives and Muslim representatives (Ilbert 250). This means that Hindus and Muslims each represented the interests of Bombay to the central legislature roughly half the time, implying that they were essentially seen as having equal weight. In Bombay, about ten percent of people were given fifty percent of power, showing that they were awarded representation far above what their comparative numbers would indicate. It is therefore reasonable to assume that Hindu accusations of British bias were warranted, and Muslims were actually profiting unduly based on the will of the Crown (Ilbert).

The British may have purposely cultivated a rivalry between Hindus and Muslims, as it would be advantageous because it would further solidify British control over Indian legislatures. Recall that the creation of reserved seats for Muslims and special interest groups served to ensure that Hindus couldn't control a majority of seats in the provincial legislatures. However, Non-Official members of these legislatures still held over fifty percent of the seats, so it was theoretically possible for them to form a de facto coalition and end up dominating over government proceedings. By ensuring conflict between Muslims and Hindus, the British could preemptively prevent such a unification from ever taking place, as the two groups would hate each other too much to unite against British policies, effectively "perpetuat[ing] British control by dividing the population into numerous special interests" (Krook and O'Brien 267).

Although the origins of allocating reserved seats to minority groups in India may have been rooted in ensuring continued British control over the subcontinent, the method has left a lasting impression on India's democratic process that has continued through the establishment of Indian independence in 1947 to modern times. Current Indian policies preserve the existence of so-called reserved constituencies for two groups: Scheduled Castes and Scheduled tribes. The former designation is given to members of the lowest social class, previously known as the "Untouchable" or Harajan class, while the latter refers to the indigenous people of India who primarily live away from cities and aren't fully integrated into modern Indian life (Krook and O'Brien).

While it is true that reserved constituencies in post-colonial India still function to promote minorities, it is important to note the distinction between the British practice of awarding special seats to Muslims and other special interest groups and the modern guarantee of political representation to Scheduled Castes and Tribes. Instead of acknowledging "political safeguards for minorities" such as Muslims as a standard policy, current Indian policy only puts special electoral provisions in place "for the specific purpose of ameliorating the social and economic disabilities" of the most disadvantaged groups in society (Bajpai 1837).

One reason for this difference may be identified by examining the underlying motivations for the creation of reserved seats. As previously stated, the British were primarily trying to keep control in their own hands; consequently, they didn't actually care if there was any real justification for singling a minority group out and reserving seats in the legislature for the group's members. In short, reserved constituencies were just a means to an end, not an attempt at any kind of progressive social stance. But by guaranteeing that a diverse group of Indian communities would always be present in the legislature, the British inadvertently created "a

political balance between different" cultural and religious groups (Bajpai 1837). This ensured that the vast majority of Indians would always have political representation in government to some degree, as the greater diversity of voices in government, the smaller the chance of Indian delegates unifying and taking control of legislation from the British (Bajpai).

In contrast to historical British motivations of promoting the Crown's best interests, current Indian policies for reserving seats are not based on any desire for representing as many views as possible in government, but in the service of a sort of governmental affirmative action. These procedures make sure that the groups that have faced consistent historical discrimination by society can be guaranteed representation. The Scheduled Castes and Tribes have traditionally been seen as second class and sometimes even subhuman elements of society; consequently, they would face significant obstacles to being elected to the Indian parliament under normal election conditions, as people of higher castes would be unlikely to vote for "untouchable" people over more well-respected candidates. It is therefore likely that if the existence of reserved constituencies was repealed, "the number of" legislators from Scheduled Castes and Tribes "would decline sharply" (Saberwal 80). This would likely also lead to a decline in access of these groups to India's "political arenas" as well as "to various elite settings," creating "yet greater inequalities" than those that currently exist (Saberwal 80).

When the creation of reserved constituencies in independent India was first discussed in 1947, there was significant debate as to which groups deserved guaranteed seats in government. Early proposals considered including religious minorities as well as underprivileged groups, but this idea gained little support from the Indian National Congress (INC), which represented Hindu interests and dominated the government. Much of the INC's opposition can be explained by their resentment over the decision to partition the colony into India and Pakistan instead of creating a

unified state. The partition weakened the power of Muslims within India, as it was assumed that India would be controlled primarily by Hindus while Muslims would rule Pakistan. This meant that major Islamic groups like the Muslim League spent most of their time setting up their own new country instead of pushing their interests in the Indian government. Altogether the lack of other religious interest groups in the Indian Constituent Assembly left the INC with "few real checks in the way of pushing its agenda through" (Bajpai 1837). Being a Hindu group, the INC wouldn't have wanted to give up any power to other religions, so it wouldn't have made sense for them to continue the British tradition of reserving seats based on religious populations (Bajpai).

Instead, the INC determined eligibility for reserved constituency status "on account of social and economic backwardness" (Bajpai 1838). Furthermore, the INC considered the members of these so-called "backwards" groups to be "culturally a part of the Hindu community," albeit a disadvantaged sector. In this way, the Scheduled Castes and Tribes can be seen as political minorities but not cultural minorities, making them more likely to support the Hindu oriented goals of the INC in parliament.

Although the British and the INC had divergent interpretations of what entitled a minority group to special representation, both interpretations were heavily influenced by a desire to maintain control over the Indian government. In Britain's case, that control came from representing as many voices as possible in order to prevent a majority from forming while the INC kept power by only guaranteeing a voice in government to those likely to agree with their policies. It is therefore important to acknowledge that although the existence of reserved constituencies prevents underrepresentation of minority groups, it is also a powerful political tool that can be utilized to perpetuate the dominance of the ruling party.

It is important to determine if the practice of assigning reserved constituencies provides some actual advantage to disadvantaged groups or if it only benefits the people already in power. An answer to this question lies in the research of Satish Saberwal, who collected "field data from a Punjabi industrial town" in the 1960s to determine the effectiveness of reserved constituencies "for the Scheduled Castes as a mechanism for abridging" sociopolitical "inequalities" (Saberwal 71). Saberwal concluded that the inclusion of Scheduled Caste members in positions of power essentially normalizes them to the rest of the community, forcing people of higher castes to interact with them more and see them in positions of competence. This raises the social status of the Scheduled Caste as a collective whole, not just the status of the elected officials. In this way, reserved constituencies serve their intended purpose, helping to boost the societal position of historically marginalized groups and assisting them to escape from pervasive historical biases.

Saberwal found reserved constituencies to be less beneficial, at least in the town of Modelpur where the study was conducted, at guaranteeing the election of the most qualified candidates to pass legislation that would benefit the Scheduled Castes. This is because of another difference between British and Indian reservations of seats: while the British promoted separate elections where only the minority group in possession of a legislative seat could vote for its representative (i.e. only Muslims could vote in an election for a reserved Muslim seat), the modern Indian practice allows people to vote in reserved constituency elections regardless of whether or not they are a part of any Scheduled Castes or Tribes. Consequently, members of these marginalized groups still have to appeal to all constituents in order to get elected. Saberwal found that "the key" to winning elections in Modelpur was to receive backing from "affluent high caste men," as these men had significant power in the community to influence voting patterns. This creates a situation where members of Scheduled Castes and Tribes in government

are essentially indebted to high caste men, relying on staying in their favor to gain reelection. It is therefore likely that the Scheduled Caste members would represent the interests of the upper classes in government instead of pushing for policies that would benefit their own groups, lessening the extent to which these guaranteed government seats actually create programs of any social benefit to disadvantaged classes (Saberwal).

For the last hundred years, Indian democracy has been shaped by the allocation of legislative seats to minority groups. Although reserved constituencies benefit already-powerful people in keeping control of both regional and national governments, they also ensure the expression of a diverse range of voices and opinions. The pervasive nature of this practice as well as its history of increasing the social status of disadvantaged populations such as the Scheduled Castes and Tribes show that despite its flaws, it serves an important function in the Indian sociopolitical sphere. Although reserved constituencies could possibly be improved in the future through the formation of separate elections in order to facilitate the winning of legislative seats by candidates who would primarily represent the interests of the Scheduled Castes and Tribes, the current system does provide a net benefit to society that will likely remain a major factor in Indian democracy for the foreseeable future.

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