INDIAN ELECTORAL SYSTEM AND UNDERREPRESENTATION OF MUSLIMS

Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements
for the award of the degree of

MASTER OF PHILOSOPHY

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CERTIFICATE

It is certified that the dissertation entitled *INDIAN ELECTORAL SYSTEM AND UNDERREPRESENTATION OF MUSLIMS* submitted by Adnan Farooqui is in partial fulfillment of the requirements for the award of the degree of *MASTER OF PHILOSOPHY* of this university. This dissertation has not been submitted for the award of any other degree in this university or any other university and is his own work.

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For My Parents

Acknowledgement

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Chapter 1

Introduction

The multifaceted nature of the concept of representation and the complexity of the link between the templates of representation laid down and actual system of government makes any question on the quality of representation difficult to answer. Representation can be judged in terms of the accountability or responsiveness of the legislators, the social or political composition of the legislature, and the overall effectiveness or inclusiveness of the government. The mechanism of any mode of political representation can be judged in terms of individual political rights and electoral system, and as part of the broader government machinery. This conceptual ambiguity and methodological complexity means that broad measure of the quality of representation are indeterminate, and narrow measures often lead to the exploration of merely a single facet of representation.

A basic tenet of liberal democracies is that, because each citizen is worthy of equal dignity and respect, the needs and interests of all members of the polity should be taken into account in policy formulation and implementation. Universal suffrage and other democratic rights such as the rights to form political parties and run for political office are intended to ensure that all citizens can advocate equitably for their interests. Since government responsiveness to citizens needs generally depends on political participation, however, when citizens are unable to participate or remain under-represented in the political process.

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The inability to participate and be represented entails inequality in the relative attention and concern given to one's interests and to this extent is a violation of the aforementioned democratic ideal. Participatory inequalities are particularly problematic for liberal democracies when the factors responsible for the inability to participate are on the one hand, systematically interrelated and mutually reinforcing and, on the other, is not the result of volitional decisions on the part of the relevant political actors. The norm of political equality is grossly violated when structural social conditions —such as pervasive ethno cultural discrimination hinder effective participation.

The fact is that group differentiated rights need to be interpreted before being institutionally implemented and generally, majority and minority cultural groups need to engage continually in political negotiations to resolve differences in needs and interests. For the outcomes of these political processes to be fair, it is essential that cultural minorities be equitably represented in governing bodies, judicial institutions, appointed committees and commissions. It is due to these discrepancies that political under representation of ethno cultural minorities remains, unfortunately, a fact of life in many democracies.

Justification of special representation rights are predicated upon the basic multicultural understanding that to ensure equal citizenship and genuine inclusion, group differences should not be eliminated.[1] Rather diverse communities should have an opportunity to set public agendas and enrich public policies by contributing their distinctive cultural perspective and experiences. Although separate representation rights

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[1] Mahajan, Gurpreet, (2002). *'The Multicultural Path: Issues of Diversity and Discrimination in Democracy'*, Delhi: Sage, 111.

also enable minorities to protect their special interests, what is emphasized here is that they allow differences to be counted and weighed in decision making.

One of the most common demands of minorities therefore is for greater representation within the political processes. In the Constituent Assembly, representatives of the religious minorities had demanded reservation in legislative bodies on the grounds that sufficient numbers of their community would not be returned in open elections based on the principle of universal adult franchise.

Minority claims for special representation assumed forms other than those for separate electorates. At different stages of constitution–making various forms of proportional representation were proposed by minority representatives, primarily in the context of the election of the members to the lower house and the formation of the cabinet.[2] During the initial stages, when religious minorities were included in provisions for quota in legislatures, proportional representation was favoured so that members of minority groups could have a greater voice in the election of their representatives and minority representation could thus be more authentic. Legislative quotas under joint electorates were regarded as illusory safeguards as they did not allow members of a community to have a preponderant voice in the selection of representatives and hence did not ensure that the person elected was a 'true' or 'real' representative of the community.

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[2]Jha, Shefali, (2003). '*Rights versus Representation: Defending Minority Interests in the Constituent Assembly*'. Economic and Political Weekly, April 19.1581

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Majority in the Constituent Assembly felt that it was not desirable that minorities should have reserved seats in the legislature. This, it was said could lead to further separatism and conflicted with the idea of the secular democratic state.

The Constitution of India, provided cultural rights to religious minorities, but it did not offer any special consideration or privilege to them in political domain. Seats were neither reserved for them in the legislature, nor were they guaranteed special considerations in public services. In taking this decision, the Constituent Assembly had distinguished between cultural and political rights of minority communities.

However, the Constituent Assembly was extremely aware of India's heterogeneity and sensitized to the issues of representation of various groups in legislature, cabinets, and public employment. But the debates within the Constituent Assembly centered on the then four-decade-old issue of joint versus separate electorates and representation, including reservation for minorities and SCs and STs. Explicit debates on the merits of alternative electoral systems did not take place except in the context of amendments moved almost entirely by members of the assembly belonging to the Muslim minority.[3] In the later stage of constitution making, when quotas for religious minorities no longer obtained, proportional representation was proposed as a mechanism that would facilitate the representation of minority opinion, and, as one of its consequences, enable some representatives of the minority community to be elected.

The Constituent Assembly finally rejected the proposal of proportional representation on grounds of both feasibility and desirability. First, it was too difficult to

[3] Sridharan, E, 'The Origins of the Electoral Systems: Rules, Representation, and Power-sharing in India's Democracy', in Hasan, Zoya, Sridharan, E and Sudharshan, S, (ed) (2002). India's Living Constitution: Ideas, Practices, Controversies. New Delhi: Permanent Black.355

administer and to be easily grasped by the average voter and second, it was considered to go against the grain of a unitary democratic structure. In the Constituent assembly the underlying assumption of the carry forward of the First-past-the post system was very strong.

However, in first-past-the post systems many voters are excluded from political representation. This electoral system violates the democratic principle that voters are politically empowered only if their votes count toward the election of a candidate who represents their needs and interests. Of course, in no democracy is the implementation of one's position on policy issue guaranteed. Yet, if a society is to call itself a democratic republic, it is imperative that the position of most of the voting citizenry on policy issues should be at least represented in the governing bodies which make collectively binding decisions. If an electoral system thwarts the opportunity of a sizable portion of citizenry to elect representatives who will voice their positions on policy issues, and if there are alternative systems that do a much better job of fair democratic representation, then the members of the polity have a right to demand that the state employ the latter electoral systems.

In the first-past- the post system since parties with only a plurality can win a majority, the collective majority of voters remain unrepresentative in the government formed. This can over time lead to feelings of dissatisfaction, even political hopelessness.

Of all the minorities, the Muslims occupy a distinctive place in Indian politics for many reasons: because of their proportion in the population which makes them the single biggest minority; because of their historical and cultural contribution; social

distinctiveness and urban and semi-urban habitation contrasted with their present cultural bewilderment, social degeneracy, educational decline and economic backwardness; and because of their sense of political despair so unwisely perpetuated by the existence of exclusivist non-secular ,uncreative and inept leadership.

Recent studies have further highlighted the fact that educationally, economically and politically, Muslims lag behind other religious groups. Relative educational backwardness has in turn ensured the Muslim economic backwardness during past five decades. The economic backwardness of the Muslims is a cyclical and ongoing process leading to educational and social backwardness and in turn to economic backwardness. Coupled with these factors has been the overall underrepresentation of Muslims in government administration.

Keeping all this in mind it is instructive to look at the representation of Muslims in general in the political structure over the past fifty years. Overall percentage of Muslims has been 5.8%, which is less than half their share in the population of India as a whole in the Lok Sabha. What has been the status of Muslim representation in India's electoral system over the past fifty years? How does the electoral system help or hinder minority and small party representation in general and Muslim representation in particular? How does it interact with prevailing communal prejudices? This dissertation attempts to answer these questions. Other issues relating to the protection of rights of individuals and groups and representation of the marginalized are effectively dealt with in order to situate the problem of underrepresentation of Indian Muslims in a wider theoretical debate on minority rights, multiculturalism, and representation.

Structure of the Dissertation

Chapter 1 reflects the concern for redistribution and social justice within a democracy. In addition, an argument is made that the existence of different interests in societies needs to be acknowledged and need to explore ways representing them in government highlighted.

Chapter 2 provides an overview of various types of electoral systems and their consequences especially on representation. In the section electoral reforms in India, effects of the first-past-the post system on Indian polity is considered with reference to the underrepresentation of women, Muslims, and the gross underrepresentation of the majority due to seat-vote disproportionality. In first-past-the post system many voters are left without actual political representation. Candidates usually run in single-member districts and the candidate with the most votes wins the election. In these winner takes all systems, a sizable portion of electorate may end up without a representative to advocate their views on elections .Various proposals made to rectify this are carefully reviewed keeping in mind their effects on the stability of the government formed and representation.

Chapter 3 attempts to situate the arguments made in chapter 1 in the Indian context especially in terms of the Constituent Assembly debates. It focuses on the neglected aspect of India's constitutional history: the withdrawal of political safeguards for religious minorities during the making of the constitution. How granting of a range of individual and collective individual rights to the minorities was used ,in the Constituent Assembly, to justify the refusal of their demand for more adequate mechanisms of

representation like proportional representation or reserved seats in the legislature. It raises questions about pluralism and political power in the context of minority rights.

In section two I summarize the national trends for political discourse and gives a comprehensive overview of Indian politics vis-à-vis Indian Muslims. Examining the causes behind the underrepresentation of Muslims in the polity, role of secular parties and the Muslim leadership is critically examined. It assesses the marginalization of Muslims in education and jobs and how this has impacted their place in the Indian society since independence.

Research Methodology

The research is grounded within the framework of minority rights, democratic equality, rights and representation. The study is interdisciplinary in nature as the entire discourse is located and contextualized within historical developments, sociological insights and contemporary political events. The research depends on both primary and secondary sources for information. The primary sources include both documentary and archival texts –Constitutional Assembly debates, Election Commission of India Statistical Reports for the state assembly elections and the parliamentary elections, various reports on electoral reforms, National Election Study conducted by the Centre for the Study of Developing Societies (CSDS).The secondary sources consist of journals, media reportage, unpublished papers, and informal discussions with people working in related field.

Chapter2

Towards Effective Participation of Minorities

Introduction

Democracy is everywhere praised, yet nowhere achieved. As an ideal, it has become the dominant political aspiration of the world today. As a practice it remains flawed, subject to new and serious challenges.

It is clear that the complexity of modern politics and the increasing globalization of the market confront democracy with significant and new challenges. Democracy is faced with deep problems in theory and practice. These difficulties arise out of the often conflicting demands of multicultural societies, the phenomenon of 'identity politics' and its sometimes divisive and particularist appeal to citizens and more generally, from postmodern skepticism about universal foundation. Even the hallowed canon of democratic political theory has been revealed to be culturally and economically biased, confused and inconsistent.

In this chapter, I argue that the primary function of a political community is to ensure the prosperity of its members in the political, economic and socio-cultural spheres. The goal is to establish sound and sustainable multicultural democracies. In order to do so, it is essential that all groups comprising the polity, including marginalized groups, believe in the fairness of social and democratic institutions and have a vested interest in the common civic life of the political community.

Multicultural Citizenship

Since antiquity, citizenship has been defined as the legal status of membership in a political community. With the creation of the modern state, citizenship came to signify equality with regard to the rights and duties of membership in the community. As a legal status, citizenship implies a unique, reciprocal and unmediated relationship between the individual and the political community.[1] Citizenship in short, 'is nothing less than the rights to have rights.'

Individual rights are generally prioritized over assertions and legal entitlements based on subnational group affiliations. Thus Liberal, Republican, and ethnocultural models of membership all share in common a basic mistrust of 'identity groups' as a relevant component of citizenship theory. Proponents of a multicultural understanding of citizenship, on the other hand, are concerned with the power of the state and dominant social groups with the potential to erode identity of minority groups. This concern derives from the historical position that stresses the role of culture in constituting 'a person's understanding of who they are, of their fundamental defining characteristics as a human being.' Charles Taylor, in his influential essay *The Politics of Recognition*, argues that we form our identities and our conception of ourselves as free and equal agents through a dialogical process, using certain given cultural scripts. Culture, under this view, is not just something that we use to evaluate the world; it also is a fundamental part of us.[2]

Kymlicka likewise holds that membership in an identity group combined with active participation in its cultural expressions (as distinct from mere *blood* ties) can

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[1] Brubaker, Rogers, (1992).*Citizenship and Nationhood in France and Germany*. Cambridge MA: Harvard University Press.35-49.

[2] Taylor, Charles, '*The Politics of Recognition*,' in Multiculturalism: Examining the Politics of Recognition, Gutmann, Amy (ed),(1994).Princeton, NJ: Princeton University Press.25

provide individuals with an *intelligible* context of choice and a secure sense of identity and belonging. This emphasis on the links among culture, identity and group membership stands at the core of the quest for a new multicultural understanding of citizenship. Under this new understanding, persons 'stand forth with their differences acknowledged and respected', and they participate in the public sphere without shedding their distinct identities.[3]

Even though Kymlicka does not use the language of self determination, he is concerned with articulating and justifying the rights and institutional structures that would enable ethnocultural minorities to control their cultural and political destinies. To this end, he introduces three kinds of group-differentiated rights – self government rights, polyethnic rights, and special representation rights – intended to rectify minority group underrepresentation in governing bodies. These rights may include guaranteed minority seats in legislatures, veto power on policies that directly affect ethnocultural minorities, and the formation of power-sharing arrangements in which minorities are provided equitable political participation.[4]

Multicultural societies are beset by significant and persistent differences in socioeconomic and political power between cultural groups. Such differences can provide more powerful groups with inordinate and unjustified advantages. The doctrine of epistemological egalitarianism addresses these problems.[5] According to this doctrine, all members of a multicultural society should have equal access to epistemological resources

[3] Kymlicka, Will, (1995).*Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.76-83.

[4] I rely on chapter 2 and 6 of Kymlicka, William, (1995). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press, for the exposition of group-differentiated rights.

[5] Valadez, M.Jorge, (2001).*Deliberative Democracy, Political Legitimacy, and Self- Determination in Multicultural Societies*. Boulder : Westview Press.71-105.

needed for effective participation in the public deliberation. If reasoned public deliberation is recognized as a priority in a multicultural society, then assuming that we accept the ideal of political equality – providing resources and competencies that make it possible for members of all cultural groups to compete on an equal basis – should also be a priority. Specifically, all members of a multicultural society should have equal access to educational opportunities to develop critical thinking abilities for analyzing and evaluating information and equal access to the social and material means necessary for the intracultural and intercultural exchange of information.

The inability to participate entails inequality in the relative attention and concern given to one's interests and to this extent is a violation of the democratic ideal that the needs and interests of all citizens should receive equal consideration. Participatory inequalities are particularly problematic for liberal democracies when the factors responsible for the inability to participate are on the one hand, systematically interconnected and mutually reinforcing and on the other, is not the result of volitional decisions on the part of the relevant political actors. For instance when the inability to participate is brought about by a lack of resources resulting from structural social conditions such as pervasive ethno cultural discrimination, participatory inequalities violate the normative tenet of political equality of all decisions.

A prominent account of the requirement for equal political functioning is provided by John Rawls.[6] He maintains that primary goods – which include income and wealth, basic liberties, 'freedom of movement and occupation', 'powers and prerogative of offices and positions of responsibility' and 'the social bases of self–respect' – are

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[6] Rawls, John. (1971) *A Theory of Justice*. Cambridge, MA: Harvard University Press.60-65.

things that we can reasonably suppose everyone wants. Members of the polity should be guaranteed a minimum threshold of these primary goods so that they can attain the economic and political goals that they deem desirable.

According to Rawls therefore, a just society need not require anything beyond this minimal threshold for political equality. Regarding the effective use of these primary goods, Rawls assumes that agents will have the moral, intellectual and physical capacities necessary to use their resources effectively. Even though he maintains that the worth of political liberty for all citizens should be roughly equal, in the sense that all should have the opportunity to hold public office and influence political decisions, ultimately he merely assumes that approximate equality of capacities to make effective use of resources will be in place.

In contrast to Rawl's conception of political equality, Amartya Sen points out that a minimal threshold is not sufficient for political equality, because there are great differences in individual's capacities to use a given threshold of resources.[7] According to Sen, because significant variations exist between the ability of different people to use resources at their disposal to attain their goals, we cannot assume that guaranteeing a minimal amount of primary goods will result in equality of political functioning.

Sen distinguishes between the *means* that one may have to accomplish the goals which one deems desirable and the *extent* or range of goals that one can feasibly accomplish.[8] He believes that to attain an adequate understanding of the freedom an individual actually possesses, we should focus on the 'alternative sets of accomplishments' that the individual has the power to achieve. By looking at the number

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[7] Sen, Amartya. (1992). *Inequality Reexamined*. Cambridge, MA: Harvard University Press.26.
[8] ibid, 26-28.

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of accomplishments that the individual can realistically attain, we will obtain a better understanding of the extent of her freedom than by looking merely at the reasons that she possesses. Because there are limitations in our capacities to employ resources effectively, focusing solely on resources or means does not provide an accurate measure of the achievements the individual can obtain in the political (or other) realm. Capabilities to employ resources effectively thus emerge as being of central importance in determining the political efficacy of individuals.

One of the most common demands of minorities is for greater representation within the political processes. In some cases, the demand is simply that mainstream political parties be made more inclusive, by reducing the barriers which inhabit the members of minority groups from becoming party candidates or leaders (for e.g., establishing search committees within each party to help identify and nominate potential candidates from minority groups).

But there is also increased interest in the idea that minorities should be given a certain level of representation in the political process. Arend Lijphart suggests one of the more familiar forms of group-based political representation viz. consociationalism. Under a scheme of consociational democracy or 'power-sharing', each group is guaranteed a place in the cabinet, which therefore becomes a grand coalition, as well as a degree of proportionality in other areas of the bureaucratic process. Moreover, minority groups have veto over certain basic issues that affect their vital interests.

Lijphart argues that this system helps ensure basic fairness in political decision making, and prevents democracy from degenerating into a system of majority tyranny.[9]

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[9] Lijphart has developed this argument in various works ,including *The Politics of Accommodation*,(2nd

But one danger with consociationalism, or any other form of group representation, is that it requires someone to decide what the relevant groups are, and who belongs to which group. In some cases this may be relatively uncontroversial, but in other cases it may be source of great conflict and manipulation. Lijphart therefore discusses an alternative form of consociationalism, in which groups would be free to organize themselves into separate political parties, which would then be elected on the basis of a system of proportional representation. This he argues would combine the benefit of minority representation with the benefits of authentic and consensual, rather than coercively imposed, group self-identification.

Lijphart describes this alternative as a form of 'self-determination', in contrast to the traditional consociational pattern which involves the 'pre-determination' of groups. What Lijphart refers to as 'self-determination', involves giving self-identified groups greater influence within the central legislature.

Anne Phillips discusses similar issues from a feminist stand point. She notes that contemporary feminist theory has decisively rejected the 'abstract individualism' of liberal theory, which ignores or denies the profound ways that people are shaped by their physical embodiment and social environment.[10] This has led many theorists, like Iris Marion Young, to insist on the need for proportional representation of social groups, such as ethnic and racial minorities, as well as women and other disadvantaged groups.[11] But Phillips, like Lijphart, worries about how these groups are defined ,and whether group representation will encourage the 'freezing' or 'closure' of group identities and

edn; University of California Press, Berkeley, 1975); Democracy in Plural Societies (Yale University Press, New Haven, 1977).

[10] Phillips, Anne, (1995). *The Politics of Presence*, Oxford: Clarendon Press.33-36.

[11] Young, Marion Iris, (1990)*.Justice and the Politics of Presence*. Princeton: Princeton University Press, 150-151.

discourage people from adopting a wider perspective that takes into account the interests of other groups, and the common good of the society.

Moreover, Phillips raises important questions about accountability within group-based quota systems which guarantee a certain number of seats in the legislature for the members of various groups. There is often no mechanism to hold these legislators accountable to the members of the group they supposedly represent, and no way to determine what the group's members actually want .As Phillips puts it:

> Accountability is always the other side of representation, and in the absence of procedures for establishing what any group wants or thinks, we cannot usefully talk of their political representation.

While expressing scepticim, Phillips nonetheless insists that the underrepresentation of minority groups is a serious issue that must be addressed if political decisions are to be fair and democratic procedures to be legitimate.

Minorities and Public Policies

Public policy serves multiple roles in democratic society. It must solve problems emphasized by the policy scientists; it must support democratic values and institutions with rules and ethics through which communities can engage in collective action for the common good; it must reflect and respond to the mobilization and exercise of political power as emphasized by pluralists, and it must engage, enlighten and emancipate citizens and serve justice as the critical theorists contend.

Policy designs are produced through a dynamic historical process involving the social construction of knowledge and identities of target populations, power relationships and institutions.[12] The context giving rise to public policies are socially constructed, and

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[12] Schneider, and Ingram, (1997).*Policy Design For Democracy*, Kansas: University Press of Kansas, 5.

the dynamics that provide the engine for policy action are grounded in a socially constructed world. These yield interpretations and give meaning to several factors: the conditions of democracy , the events that are implicated in the emergence of an issue, the potential target population involved in an issue, and the facts and values that come together into a coherent , credible scientific theory explaining causes and consequences. Several different 'realities' are sought to be collapsed into a frame of reference that will permit a politically feasible policy to emerge.

The social constructions that arise remain embedded in the design itself and have subsequently affect for issue contexts and conditions of democratic life. When issue contexts become highly politicized and the dynamics centre on the power and social construction of target populations, public policies usually treat different target populations quite unequally, carrying messages of privilege and disentitlement and democratic values.

The designing dynamics that lead to such destructive policies grow out of a pattern of risks and opportunities confronted by elected officials and others involved in the policy-making process. Always anxious not to be caught in opposition to prevailing values, elected political leaders often succumb to prevailing images and stereotypes.

Even though policy makers work within institutions that have considerable influence over their behavior they are not captives of these institutions or the issue context in any deterministic sense, but are capable of human agency and ingenuity. Policy makers and others involved in the designing process attempt to construct the issue to ensure that values favourable to them will become dominant within the issue context.

Designing dynamics also allows for the exercise of leadership in modifying institution. Leaders have the capacity to change the character of interpersonal relationships and the forms of deliberation that ensue. Leaders are also influential in how the issues are framed and how the various design elements are themselves portrayed.

A basic tenet of liberal democracies is that each citizen is worthy of equal dignity and respect, and therefore, the needs and interests of all members of the polity should be taken into account in policy formulation and implementation. Universal suffrage and other democratic rights such as the rights to form political parties and run for political office are intended to ensure that all citizens can advocate equitably for their interests. Since government responsiveness to citizens needs generally depends on political participation, however, when citizens are unable to participate and therefore influence the political process, they are incapable of adequately protecting their interests.

A more democratic representative polity would have various layers and sites of elected, appointed and volunteer bodies that discuss policy options, make policy decisions, or review policy effectiveness. In such bodies it is possible and desirable to give specific representation to particular social group perspectives which might not otherwise be present. And commitment to political equality entails that democratic institutions and practices take measure explicitly to include the representation of social groups whose perspectives would likely to be excluded from expression in discussion without those measures.

Defining Representation

Representation is one of the more problematic concepts in the vocabulary of democratic theory. The antithesis between direct and representative democracy has been

a constant theme in its history. If democracy involves the ideal of popular sovereignty, of 'people power' then how must the people rule themselves? Do consideration of scale, available time and perhaps also differential expertise and knowledge of political matters make representation inevitable in any large-scale political community? If so, does this then open up the danger of a gap between representatives and represented?

More contemporary discussion has also grappled with the problem of what it is to represent, and how this should be done, whether the bases of representation should be individual or group based.

Following Hannah Pitkin, *descriptive representation* can be defined as 'the making present of something absent by resemblance or reflection, as in a mirror or in art.'[13] In other words a representative chamber should reflect the overall constituency in terms of characteristics (physical traits, cleavages, etc).As John Adams argues, the legislature 'should be an exact portrait...of the people at large.' For descriptive representation it is not necessary how a representative legislature votes, but how it looks which determines whether it adequately represents the people.

The mirror model of representation recurs throughout modern political history, the exact nature and grounds for mirror representation have tended to vacillate between two logically distinct propositions. Sometimes the claim seems to be that demographically unrepresentative assemblies cannot (or usually do not, in practice) represent well the ideas and interests of excluded groups.[14] Other times, the claim seems

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[13] Pitkin, Hannah, (1967).*The Concept of Representation*. Berkeley: University of California Press, 11.
[14] ibid

to be a more symbolic one, that demographically unrepresentative assemblies cannot represent the identities and images of the excluded.[15]

In a typical case, both of these propositions are true .Making the assembly mirror the identities and images of people in the larger society is typically one good way to help ensure representation of their ideas, interests and opinion.

Descriptive representation is not popular among normative theorists. For some theorists, the critique is more fundamental. Brian Barry argues vehemently against pursuing certain outcomes, like descriptive representation:

> The egalitarian liberal position is that justice requires equal rights and opportunities but not necessarily equal outcomes defined over groups.[16]

Thus, a country should guarantee opportunity but ought not to be concerned if a certain group is underrepresented in politics or business. Rather than implying that the cause of this underrepresentation may be structural or institutional in nature, liberals should accept that different people have different goals and preferences. Or, in Barry's words,

> The general theorem is that equality of opportunity plus cultural diversity is almost certain to bring about a different distribution of outcomes in different groups.

Perhaps his general theorem explains the lack of proportional representation for minorities. Thomas Sowell argues that the introduction of preferential treatment changes the structure of institutions and the political incentives for actors in such a way that they become entrenched and defended by sectional interests. He argues that claims that special

[15] Phillips, Anne, (1995).*Politics of Presence*. Oxford: Clarendon Press, 39-41.
[16] Barry, Brian, (2001).*Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge MA: Harvard University Press, 92.

measure will only be temporary are 'mocked by the actual course of events', and that 'neither the duration nor the scope of preferential policies has proved to be controllable in practice'.[17] Furthermore, he suggests that the incentive structures often work in such a way that where they are justified as a means of addressing a social problem associated with a particular group, the addition of incentive related to the maintenance of special treatment often counters effort to overcome that particular problem.

These critics favour *substantive representation* as the standard for minority representation. In this view, a legislator represents the interests of her constituents. Unlike descriptive representation, it is not what the legislative body looks like, but what it does that is important. Hannah Pitkin defines it as follows:

> A representative government might, however, be distinguished....as one that pursues its subjects' interests to a very high degree.[18]

The debate about representation also involves the problem of inclusion and exclusion. Who is being represented and on what terms? Should representation be of individuals, as in the classic liberal tradition? In that case this may lead to the exclusion of particular groups, and especially of marginalized or oppressed minorities. Anne Phillips suggests the need for a 'politics of presence' which would place at the forefront hitherto excluded or marginalized by the individualist representation of liberal democracy. To quote Phillips,

> Many of the current arguments over democracy revolve around what we might call demands for political presence: demands for the equal representation of women with men, demands for a more even-handed balance between different ethnic groups that make up

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[17] Sowell, Thomas, (1990). *Preferential Policies: An International Perspective*. New York: Quill.220-222

[18] Pitkin, Hannah, (1967). *The Concept of Representation*. Berkeley: University of California Press, 229.

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each society; demands for the political exclusion of groups that have come to see themselves as marginalized or silenced or excluded. In this major reframing of the problem of democratic equality, the separation between "who" and "what" is to be represented, and the subordination of the first to the second, is very much up for question. The politics of ideas is being challenged by an alternative politics of presence.[19]

The basic premise of the politics of presence is that no one can speak for members of another group. Members of each distinct group must be physically present to speak for themselves. Distinct groups are defined for these purposes, in terms of identities and self-conceptions which are rooted in an ongoing practice of discrimination and oppression.

The politics of ideas here implies the Westminster system, although often competing and sometimes overlapping, views about what the basis of system of representation is or should be. Even though Phillip echoes Pitkin's criticism of any one conception of representation, arguing that 'while the politics of idea is an inadequate vehicle for dealing with political exclusion there is little to be gained by simply switching to a politics of presence.'[20] However this does not rule out such measures as electoral reservation, which maintains the main functions of a majoritarian electoral system, whilst appending a measure which changes the social composition of the legislature whilst having a minimal effect on the structure of party competition.

Charles Beitz highlights the discrepancy between equality of opportunity and equality of outcome. He seeks to develop procedural conceptions of political equality, which suggest that a representative system is dependent on individual choice and neutral institutions (one person one vote, fair rules), noting that this approach often leaves certain groups marginalized. His solution is *complex proceduralism*, a system whereby the

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[19] Phillips, Anne, (1995). *Politics of Presence*. Oxford: Clarendon Press.5
[20] ibid,25

guarantee of certain 'high-order' interests (recognition, equitable treatment, and deliberative responsibility) ensures widespread participation (or the fact that no reasonable member of society would refuse to participate). Beitz avoids formalizing his theory[21], but goes on to discuss how his theory relates to electoral politics, looking at the first-past-the-post system (FPTP) and proportional representation (PR). He rejects the idea that complex proceduralism inevitably leads to proportional representation, arguing that group interests may be indirectly represented, but accepts that where the FPTP excluded 'permanent' minorities, there may have to undertake institutional innovation.

Melissa Williams accepts Beitz Framework, but is more forthright in her challenge to individualistic conceptions of representation. Williams's sets out clearly the reasons why what she terms marginalized groups are forced to press for institutional procedures which are based on group membership. Legislative representation is required in circumstances where a marginalized group has interests which can only be articulated by members of that group, and where this changes the outcomes of the deliberative process.[22]

Why Descriptive Representation?

The benefits of descriptive representation can be considered in terms of being a means to a variety of ends and an end in itself. The question of whether descriptive representation necessarily contributes to substantive representation must be considered.

[21] Beitz, Charles R. (1989). *Political Equality: An Essay in Democratic Theory*. Princeton: Princeton University Press. 155.

[22] Williams, Melisa, (1998). *Voice, Trust, and Memory: Marginalized Groups and the Failings of Liberal Representation*. Princeton: Princeton University Press. 26 & 194.

Nevertheless, the advantages of descriptive representation go beyond simply augmenting substantive representation, however important that aspect may be.

In her political theory text, Iris Marion Yong explains why she thinks descriptive representation 'promote justice better' than a unified public .First, she claims that specific group representation guarantees that there will be fairness in setting the public agenda. Second, since the oppressed will have a stronger voice, the democracy will be more likely to address the needs of all people, rather than just a privileged few. Third, she considers this type of system to be better because it changes the discourse from one based on 'wants' to one based on 'entitlements', appealing to a common sense of justice. Finally, she appreciates the advantages that diversity adds to democratic procedures.[23]

In certain historical conditions what it means to be a member of a particular social group includes some form of 'second-class citizenship'. Whenever this is the case, the presence or absence in the ruling assembly (and other ruling bodies ,such as the executive and judiciary) of a proportional number of individuals carrying the ascriptive characteristics shapes the social meaning of those characteristics in a way that affects most bearers of those characteristics in the polity.[24]

Similarly, when descriptive characteristics signal major status differences connected with citizenship, then a low percentage of a given descriptive group in the representational body creates social meanings attached to those characteristics that affect all holders of the characteristics.

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[23] Young, Marion Young, (1990). *Justice and the Politics of Presence*. Rrinceton: Princeton University Press 184-185.
[24] Mansbridge, Janes, '*What does a representative do?*' in Will Kymlicka and Wayne Norman(ed), (2000). Citizenship in Diverse Society, New York: Oxford University Press, 119.

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In addition to Young's more theoretical consideration of group representation, Jane Mansbridge proposes several functions that can only be served by descriptive representatives. First, in contexts of mistrust, descriptive representation is necessary to ensure communication between legislators and constituents. Second, when interests are crystallized, descriptive representatives may improve deliberation through innovative thinking, or at least providing a group perspective different from the majority's.[25] In this regard, particularly, a few token representatives may be not enough .As Mansbridge argues,

> ...deliberation is often synergistic. More representatives usually produce more, and sometimes better, information and insight.....
> [Significantly] representative of disadvantaged groups may need a critical mass of their own members to become willing to enunciate minority positions.

Third, minority legislators serve as role models, thereby 'creating a social meaning of ability to rule' for members of a group in historical contexts where that ability has been seriously questioned. But beyond simply serving as role models, minority representatives also serves to increase trust in government.[26] As Barbara Burrell argues,

> The composition of governmental bodies contributes to the legitimacy of political regimes in democratic polities...We accept the argument that ethnic minorities may be more passionately and fairly represented by someone of their own group, and that their members in elected office provide valuable role models. When citizens can identify with their representatives they become less alienated and more involved in the political system.[27]

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[25]Mansbridge, Jane. (1999)."*Should Black Represent Blacks and Women Represent Women? A Contingent 'Yes'.*" The Journal of Politics.61.3 (August) 628-57.

[26] Ibid.636.

[27] Burrell. Barber, (1994).*A Woman's Place in the House. Campaigning for Congress in the Feminist Era.* Ann Arbor: University of Michigan Press.6.

Thus justification for special representation rights is predicated upon the basic multicultural understanding that to ensure equal citizenship and genuine inclusion, group differences should not be eliminated. Rather diverse communities should have an opportunity to set public agendas and enrich policies by contributing their distinctive cultural perspective and experiences. Although separate representation rights also enable minorities to protect their special needs and interests, what is emphasized here is that they allow differences to be counted and weighed in decision making.[28]

Separate representation rights are thus conceived as a mode of enriching the political domain. By bringing to bear upon all deliberations the diverse experiences and perspectives of various groups, particularly oppressed minorities, can be a powerful tool in redefining the public norms and creating a deliberative consensus. While acknowledging the role of separate representation rights in enhancing diversity in the public domain, most multiculturalists justify these rights only for oppressed or marginalized minorities.

The concern of advocates of special group representation is not a general one about how to ensure all the ways that individuals may have special needs or interests attain government representation. Such a 'mirror' view would hardly be realistic, except perhaps in such small jurisdictions that direct democratic participation could obviate the need for any but minimum representative structures. Their recommendations are instead for measures specifically designed to address what they describe as persisting marginalization, oppression or exclusion of people by virtue of their membership in categories of people, such as women or minorities. Due to the myriad and subtle ways in

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[28] Mahajan, Gurpreet, (2002). *The Multicultural Path: Issues of Diversity and Discrimination in Democracy*, Delhi: Sage, 111.

which ostensibly fair principles and procedures can reproduce structural inequalities',[29] as Williams puts it such situations call for special measure.

As to the way that groups might be represented, Williams provides a list of the most common recommendations.[30]Some measures apply to elections and comprise proportional representation; holding reserved seats in legislative bodies for members of underrepresented marginalized groups; redrawing of electoral boundaries when underrepresented groups are concentrated geographically or providing for multimember districts when appropriate; and providing for quotas for underrepresented groups in political party candidate lists. In contrast to Pitkin, who regards symbolic 'standing for' as a largely impractical form of representation, Williams maintains the mere presence of people from marginalized groups in a legislative forum goes some way towards encouraging inclusive deliberation.

Conclusion

Bernard Menin, Adam Przerworski , and Susan Stokes probably reflect the stance of most theorists who address the question of representation in assuming that, if for no other reason than the size and complexity of modern societies and for better or for worse , representative democracy is our form of government.[31] Their aim and that of others (Pitkins, Williams et al) is to identify features of electoral system that defeat responsiveness and accountability of representatives to an electorate. These treatments implicate abstract debates over the meaning of the term 'representation' itself, and they

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[29] Williams, Melissa, (1998). *Voice, Trust, and Memory: Marginalized Groups and the Failings of Liberal Representation.* Princeton: Princeton University Press.194
[30] ibid, 221-233.
[31] Pzerworski, Adam, Stokes, Susan S., and Menin, Bernard, (1999).*Democracy, Accountability and Representation,* New York: Cambridge University Press.1-2.

call to mind concrete recommendations by feminists and other social activists for opening representative institutions to previously excluded categories of people.

People structurally or systematically excluded or marginalized are, the theorists insist, caught in downward spiral where underrepresentation in government due to discriminatory attitudes and lack of access to political resources facilitates government inattention to their economic, educational, and other needs, and this in turn makes it even more difficult for them to acquire political resources and further feeds discrimination. Accordingly, special group representation is seen as part of campaign to arrest these downward spirals and replace them with upward ones.

Chapter 3

Forms and Dynamics of Electoral Systems and their Consequences

Introduction

Elections seem to be the critical democratic instruments. They claim to establish connections that compel or greatly encourage the policy makers to pay attention to citizens. There is a widespread consensus that presence of competitive elections, more than any other feature, identifies a contemporary nation-state as a democratic system.

However, apparent consensus that elections are significant conceals deep disagreements about whether and how they serve to link citizens to policy makers. They are partially conceptual, reflecting different understandings of how the preferences of citizens can be aggregated. They are partially normative; they reflect different ideals of the relationship between citizens and policy makers. They are partially empirical, grounded in alternative theories about what kind of institutional arrangements will best serve to link the people and their representatives.[1]

Voting is a widespread practice in the modern world. Its supposed goal is to have 'the people' express their will and choose their own leaders and representatives. It is a fairly new practice though, in world history. Very few elections were being held two centuries ago, and even a hundred years ago very few people in very few places were entitled to participate. Nowadays, most countries have some sort of elections but the methods used and the outcomes obtained vary widely.

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[1] Powell, Bingham, Jr. (2000). *Elections as Instruments of Democracy*, New Haven: Yale University Press. 4.

Election outcomes do not depend on popular votes but also on the rules used. The seat allocation rules vary widely from country to country. It is a question of how votes are computed and how seats are allocated. Some electoral rules work strongly in favour of the largest party or two largest parties, so the third parties are denied seats and tend to shrivel. Some other electoral rules give even the smallest parties a chance to obtain seats in proportion to their percentage of votes. This often enables so many parties to gain seats that any government may be based on a coalition.

The way in which winners are determined and seats allocated does matter, different countries use very different methods. There is no absolutely best way, it depends on what one wants to obtain. Some countries value Proportional Representation (PR), that is, seats allocated in proportion to votes obtained, but the resulting coalition government may be unstable. Some countries value the governmental stability achieved by giving the largest party a comfortable majority so that it can rule alone even if it received less than 50 percent of the votes. However, the result may be gross underrepresentation of minorities.[2]

Thus approaches to elections could be grouped into two great camps: majoritarian and proportional. Majoritarian approach tries to use elections to bring to bear the power of the people directly on policy makers. Proportional approach establishes positive democratic ideal, rather than just 'limiting majorities'.[3]

The *majoritarian concentrated power approach* focuses on majorities, assuming that one can reasonably identify what alternative citizens want or at least who emerges

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[2] Shugart, Matthew Soberg and Tageepara, Rein, (ed), (1989).*Seats and Votes: The Effects and Determinants of Electoral Systems*, New Haven: Yale University Press, 3.

[3] Powell, Bingham, Jr. (2000) *Elections as Instruments of Democracy*, New Haven: Yale University Press, 4.

from the election with the citizen's support. The problem of elections is to make policy makers follow that citizen directive. The proportional dispersed power approach tends to assume that citizens are not a homogeneous bunch, and the main aim of conducting elections is to see that everybody's views get taken into account in policy making.

There is a distinction between voting for or against a government with the power to make policies and voting for a representative agent who will not have control of government generally, but who will try to serve his or her constituents in negotiations and coalition building during the period between elections. In the former case the voter anticipates a decisive election whose consequences will directly determine the policy makers is the latter case, the election will be followed by a process of coalition building (either in a discrete stage or on a continuing basis), and the voter is choosing his or her interests in that process. This dimension corresponds closely between the concentrated and dispersed approaches of electoral systems.

Then there is a temporal direction of citizen choice: do citizens primarily look back at the performance of those in office before the election or primarily forward to what they expect new office holders to do? The language commonly used to describe this aspect of their choices is that of *retrospective* or *prospective voting*.[4] Both retrospective and prospective views may be valuable in aiding citizens to shape the political process. Retrospective control is helpful in so far as it ensures that great abuses of public power can be checked before they go on for too long. Prospective choice is helpful if it directly focuses on the commitments of candidates to take actions that citizens desire to be taken.

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[4] See Fiorina Morris P., (1981).*Retrospective Voting in American National Elections* .New Haven: Yale University Press.

The two views can be interactively useful and powerful. The anticipation of prospective voting should encourage candidates in election campaigns to make commitments that will appeal to many voters. However, the threat of retrospective sanctions against those who betray their commitments should encourage incumbents to keep those promises.

Two features of the electoral laws are of critical interests. First, do the rules of representation encourage the election of legislative majorities that can control the executive? Second, do the rules for making authoritative public policies concentrate political power in the hands of this party 'government'? If the answer to both the questions is yes, then we can characterize the electoral laws as *majoritarian*. If the electoral laws encourage the equitable representation of multiple parties and the decision rules encourage dispersion of power among these parties in policy making then we characterize the electoral laws as *proportional*.[5]

In his influential book *Democracies*, Arend Lijphart suggests that the two great approaches to representative democracy offer two answers to the question, 'To whose interests should the government be responsive when the people are in disagreement?' The answer proposed by the majoritarian approach is that the government should be responsive to the majority of the people. The answer proposed by the alternative approach is that the government should be responsive to 'as many people as possible'.[6]

This Chapter attempts to analyze the political effects of electoral systems and electoral laws. The first step that needs to be taken towards that goal is the description

[5] Powell, Bingham, Jr. (2000) *Elections as Instruments of Democracy*, New Haven: Yale University Press, 9.
[6] Lijphart, Arend, (1999). *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven: Yale University Press.1-2.

and classification of the electoral systems and electoral laws. This is done in terms of the different dimensions of electoral systems, described in Section One. Section Two looks at the dynamics of the Indian electoral system.

Section I

Diversity of Electoral Systems

Of the many majoritarian formulas that exist in theory, three have been in actual use – plurality, majority-plurality and the alternative vote.

The plurality formula, often called the first-past-the-post (FPTP) or relative majority method, stipulates that in single-member districts, voters can cast one vote each and that the candidate with the most votes win.

Australia is the only country that has used the alternative vote. Voters are asked to list the candidates in order of their preferences. If a candidate receives an absolute majority of first preferences he or she is elected; if not, the weakest candidate is eliminated and his or her ballots are distributed to the remaining candidates, according to these ballot's second preferences. This process continues until a majority winner emerges.[7] The alternative vote is usually referred to as 'preferential voting' and may be thought of as a refinement of the majority run off formula in the sense that weak candidates are eliminated one at a time (instead of all but the top two at the same time) and that voters do not have to go to the polls twice.

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[7] Arend, Lijphart, (1994). *Electoral Systems and Party Systems* .New York: Oxford University Press, 19.

The French Fifth Republic provides the only instance of the two – ballot majority-plurality formula.[8] Here the rule is that a majority (that is, an absolute majority – more than half of the valid votes) is required for election on the first ballot; if the first ballot does not produce a winner, a second ballot is conducted and the candidate with the most votes win, even if he or she wins only a plurality of the votes. The second ballot can have more than two candidates, but the usual second-ballot pattern in France is a contest between two principal candidates, because the weakest candidates are forced to withdraw in favour of stronger candidates of allied parties. The majority-plurality formula should be distinguished from the majority run-off in which the second round of the election is restricted to the top two candidates from the first round; it may therefore be characterized as the majority- majority formula, in contrast with the French majority- plurality method.

All majoritarian systems tend to make it difficult for small parties to gain representation (unless they are geographically concentrated), because they need to win majorities or pluralities of the vote in electoral districts. Since majoritarian election systems are inherently unfavourable for small parties they do not need-and generally do not use legal thresholds.

Gerrymandering is a particularly strong temptation in single member districts. The basic rule is simple: pile all adversary votes in a few districts, leaving a moderate superiority for you in all the others. Gerrymandering becomes more difficult with increasing magnitude; it is safe to say that it is impractical in districts with more than five or six seats. A nation-wide upper tier districts entirely eliminates the temptation and the problem of gerrymandering.

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[8] ibid,18

Under the Single Transferable Vote (STV) PR formula, voters vote for individual candidates instead of for party lists. The ballot is similar to that of the alternative vote system: it contains the names of the candidates and the voters are asked to rank-order these. The procedure for determining winning candidates is slightly more complicated than in the alternative vote method. Two kinds of transfers take place. First, any surplus votes not needed by candidates who already have minimum quotas of votes required for elections are transferred to the next most preferred candidates on the ballot in question. Second, the weakest candidate is eliminated and his or her ballots are transferred in the same way. If necessary, these steps are repeated until all of the available seats are filled. STV is often praised because it combines the advantages of permitting votes of individual candidates and of yielding proportional results, but it is not used very frequently.[9]

In the choice of an electoral system, the main alternatives are the plurality method and proportional representation (PR). One must not forget, however, that there are several intermediate systems that combine some of the features of both plurality and PR. These may be appropriately referred to as Semi Proportional Systems.[10]

The Single Non Transferable Vote (SNTV) is the logical compromise between plurality and PR principles. Under SNTV, voting candidates are returned from multimember constituencies, but each voter can choose only one candidate. The winners are those candidates who have collected the largest numbers of votes. Instead of groups

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[9] Lijphart, Arend, (1999). *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, New Haven: Yale University Press, 149-150.
[10] Enid, Lakeman, (1974).*How Democracies Vote: A Study of Electoral Systems*, London: Faber and Faber.80-89.

of candidates organized as party list, voters vote for individual candidates, and each candidate's votes are added up to determine the election result.[11]

Another form of PR is the Mixed Member Proportional formula – a term coined in New Zealand for its version of the system but now generally applied to the entire category. About half of the legislators are elected by plurality in single-member districts and the others are elected by list PR. Each voter has two votes, one for a district candidate and one for a party list. The reason why this combination of method qualifies as a PR system is that the list PR seats compensate for any disproportionality produced by district seat results. The exact degree of overall result depends on how many list PR seats are available for the purpose of compensation.[12]

Electoral Systems, Electoral Laws and their Consequences

This section attempts to explain of the electoral systems, their effects on the representation of various sections of the society.

The principle of one-person-one-vote can and sometimes does tend to work against religious minorities and other disadvantaged groups. In relatively homogeneous societies, the principle of rule by the majority is in technical terms, simply the best procedure for decision making because it is the only plausible choice between the two extremes. The first of these – which requires unanimity in decision making – is clearly unrealistic while the second – decision making by the minority – is obviously

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[11] Lijphart, Arend,Pintor Rafael Lopez, and Sone,Yasunori, ' *The Limited Vote and Single Nontransferable Vote: Lessons from Japanese and Spanish Examples'* in Groffman, Bernard, and Lijphart, Arend,(ed),(1994).*Electoral Law and Their Political Consequences*, New York: AGATHON Press, INC, 154.
[12] Arend, Lijphart, (1999).*Patterns of Democracy*. New York: Oxford University Press.148.

unacceptable. In such societies, further, the composition of majorities and minorities would differ from one political issue to other.

In heterogeneous societies, by contrast, majorities and minorities defined in terms of religion or race have relatively fixed identities and their proportions do not vary significantly. This implies that just as a majority is more or less permanently so, a minority is equally permanently a minority. In such societies, then the operation of the principle of majority rule is bound to prejudice the minorities by constantly privileging the aspirations of the majority.[13]

In single-member-plurality systems (SMP) many voters are left without actual political representation. In SMP systems, candidates run in single-member districts and the candidate with the most votes wins the election. In these winner takes all systems, a sizable portion of electorate may end up without a representative to advocate their views on elections .Unless there is universal agreement among the citizenry regarding policy matters (which is rarely the case), the person elected will defend a position which reflects the needs and interests of those individuals who voted for her. The dilemma of voters who end up without actual representation is particularly problematic in multicultural societies in which there are deep differences in the preferences and concerns of the citizens.

Since in SMP systems many voters are left without actual political representation, these electoral systems violate the democratic principle that voters are politically empowered only if their votes count toward the election of a candidate who represents

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[13] Sridharan, E, '*Does India Need to Switch to Proportional Representation: The Pros and Cons*' in Paul Flather (Ed), (forthcoming) Recasting Indian Politics .London: Palgrave.

their needs and interests. Of course, in no democracy is the implementation of one's position on policy issue guaranteed .However, if a society is to call itself a democratic republic, it is surely imperative that the position of most of the voting citizenry on policy issues should be at least represented in the governing bodies which make collectively binding decisions. If those decisions are to be democratically legitimate and if citizens are morally bound to obey them, then they should have their point of view represented in the appropriate legislative bodies. If an electoral system thwarts the opportunity of a sizable portion of citizenry to elect representatives who will voice their positions on policy issues, and if there are alternative systems that do a much better job of fair democratic representation, then the members of the polity have a right to demand that the state employ the latter electoral systems.[14]

Generally, systems of proportional representation could be classified as being of two types; rigid proportional representation (RPR) and flexible proportional representation (FPR) .In the former type of system ethnocultural groups are guaranteed a predetermined number of seats in government bodies or institutions of political authority in proportion to their percentage of population. Such seats or positions can be filled only by the members of pre-selected ethnocultural group. Systems of rigid proportional representation are more suitable for multicultural societies where power sharing arrangements are agreed upon by different ethnic groups. In these societies – such as Belgium and Malaysia, where ethnocultural group divisions are deep-rooted and enduring

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[14] Valadez, Jorge M., (2001).*Deliberative Democracy, Political Legitimacy, and Self-Determination in Multicultural Societies*, Boulder: Westview Press, 204

— systems of rigid proportional representation recognize and reinforce the distinctiveness of the separate social and political communities which the different groups inhabit.[15]

Electoral systems of flexible proportional representation, on the other hand, are designed to accommodate the fluidity and open–ended nature of cultural group affiliations and coalitions. These systems do not pre-identify certain ethnic groups as needing special form of political representation, but facilitate the representation of minorities while allowing individuals to define for themselves their principal interests and group affiliations. These systems are still categorized as involving proportional representation, however, because they are structured in such a way so as to facilitate the election of political representatives in proportion to the support they receive in elections. Prominent examples of flexible proportional representation are the party-list system[16], single-transferable vote system, cumulative voting and mixed-member proportional system.

Proportional representation also allows for a greater diversity of view points to be expressed in the legislature and in government, as more parties are represented in both. Parties in plurality systems must of course be sensitive to different perspectives if they want to attract enough votes to win, but the very fact that more parties get to argue their positions in a PR system should make governments more aware and concerned about the

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[15] Valadez, Jorge M., (2001).*Deliberative Democracy, Political Legitimacy, and Self-Determination in Multicultural Societies*, Boulder: Westview Press, 200.
[16] In the party list system, political parties nominate a list of candidates for the contested seats in multimember districts, and voters cast their ballot for a whole party list. The seats that parties receive are determined by their share of the vote.

diversity of opinions. There is indeed evidence of greater congruence between the median

ideological positions of the electorate in PR systems [17]

Section II

The Emergence of India's Electoral System

The Constituent Assembly was deeply aware of India's heterogeneity and was

sensitized to the issues of representation of various groups in legislature, cabinets, and

public employment. These issues arose in debates over the fundamental rights, minority

rights, and articles of the draft constitution, including those of provincial government's.

However, these debates centered on the then four-decade-old issue of joint versus

separate electorates and representation, including reservation for minorities and SCs and

STs. Explicit debates on the merits of alternative electoral systems did not take place

except in the context of amendments moved almost entirely by members of the assembly

belonging to the Muslim minority.[18]

At different stages of constitution–making various forms of proportional

representation were proposed by minority representatives, primarily in the context of the

election of the members to the lower house and the formation of the cabinet. During the

initial stages, when religious minorities were included in provisions for quota in

legislatures, proportional representation was favoured so that members of minority

groups could have a greater voice in the election of their representatives and minority

representation could thus be more authentic. Those who supported proportional

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[17] Powell, Bingham, Jr. (2000). *Elections as Instruments of Democracy*, New Haven: Yale University Press, 162-169.

[18] Sridharan, E, '*The Origins of the Electoral Systems: Rules, Representation, and Power-sharing in India's Democracy*', in Hasan, Zoya, Sridharan, E and Sudharshan, S, (ed) (2002). India's Living Constitution: Ideas, Practices, Controversies. New Delhi: Permanent Black.355

representation differed over whether cumulative voting or the single transferable vote was to be used in this system.[19] Legislative quotas under joint electorates were regarded as illusory safeguards as they did not allow members of a community to have a preponderant voice in the selection of representatives and hence did not ensure that the person elected was a 'true' or 'real' representative of the community.[20]

In the later stage of Constitution making, when quotas for religious minorities no longer obtained, proportional representation was proposed as a mechanism that would facilitate the representation of minority opinion, and as one of its consequences, enable some representatives of the minority community to be elected.

The arguments invoked in the case for proportional representation were substantially similar in their incarnations during the career of Constituent Assembly. Proportional representation was justified on democratic grounds. Two kinds of arguments were advanced. One sets of arguments related to representation. It was argued that a first-past-the-post electoral system resulted, in effect, in the disenfranchisement of voters who did not vote for the winning candidate. This violated the canons of political equality in a democracy, i.e., the right of every individual to be represented by a person of her choice, to have a voice in the governance of the country. Proportional representation, it was argued, was more democratic as it made for a more adequate realization of the democratic right to representation of every individual in a democracy. In such arguments, democracy was construed in liberal terms, as implying equal individual rights.[21]

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[19] Jha, Shefali, (2003). 'Rights versus Representation: Defending Minority Interests in the Constituent Assembly'. Economic and Political Weekly, April 19.1581
[20] Bajpai, Rochana, (2000). 'Constituent Assembly Debates and Minority Rights'. Economic and Political Weekly. May 27.1841
[21] ibid

The various proposals put forward by minority representatives were rejected by the House. It was argued that they shared the flaws of communalism and separatism that beset separate electorates; that they were impracticable in a country with high levels of illiteracy; that they would lead to government instability; that they would make parliamentary democracy based on collective responsibility unworkable.[22]

However, the fact that proportional representation increasingly replaced separate electorates as the favoured institutional mechanism for minority representation is significant. It is indicative of the way minority claims were being refashioned in forms more acceptable within the dominant opinion in the house than separate electorates and in terms drawn from the nationalist vocabulary. The representation of minorities through PR was thus defended on the grounds that it would make for a more adequate realization of democratic principles and that, unlike separate electorates, it would not tend to undermine secularism or national unity.[23]

The underlying assumption of the carry forward of the FPTP system was very strong.[24] This assumption appears to have been implicitly accepted by most members of the Constituent Assembly, indicated by the absence of a systematic and focused debate on the effects of various electoral systems on the pattern of representation. The only reference to it were debates that focused largely on minorities and the issue of the electoral system, questioning the merits of the FPTP, and were raised largely by members belonging to the minority communities.

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[22] ibid
[23] ibid
[24] Sridharan, E, 'The Origins of the Electoral Systems: Rules, Representation, and Power-sharing in India's Democracy', in Hasan, Zoya, Sridharan, E and Sudharshan, S, (ed) (2002).India's Living Constitution: Ideas, Practices, Controversies. New Delhi: Permanent Black.356

Therefore like the vast majority of the Third World nations which inherited their electoral systems either from western democracies or adopted the one prevalent in the country which ruled over them. India adopted the British Plurality system with which it had become familiar during the decades preceding Independence. The statute governing Indian elections has derived not only its content but even its name from its British counterpart – the Representative of the People Act.

Electoral System and Its Consequences

First-past-the-post system has proved to be highly unsatisfactory. It has favoured the larger parties and discriminated against smaller parties whose support is widely distributed geographically. Electoral evidence shows that the system has continuously discriminated against the same political groups. All national opposition parties have suffered and been underrepresented. (*See tables 1&2 overleaf*)

A major trend noticeable in the Lok Sabha and State Assembly election is that under the FPTP system the electoral verdict is not effectively mirrored in the composition of the House. This system permits a candidate to win an election from a constituency merely because he/she polls the highest number of votes and the fact that he/she secures less than 50 per cent of the valid votes polled is of little electoral significance. A candidate wins the election not so much because of the majority behind him, but because he has managed to split the votes against him. Multi-cornered contests are largely responsible for this trend. As a result, the present electoral system has led to an alarming and disproportionate gap between the percentage of votes polled and the percentage of seats won by the various political parties. Ruling parties at the Centre have come to power as a result of a 'manufactured majority', as in all the Lok Sabha elections. On no

Percentage of Votes Polled and Seats Won by Party that formed the government after the Lok Sabha Poll 1952-1998

Year	Percent of Votes Polled	Percent of Seats Won
1952	45	74
1957	48	75
1962	45	73
1967	41	54
1971	44	68
1977	41	54
1980	43	67
1984	48	77
1989	18	26
1991	37	45
1996	20	30
1998	25	33

Table1

Source: Data Unit, Centre for the Study of Developing Societies

Percentage of Votes Polled and Seats Won by Opposition Parties after the Lok Sabha Poll 1952-1998

Year	Percent of Votes Polled	Percent of Seats Won
1952	10.6	2.5
1957	10.4	8.8
1962	9.9	5.8
1967	9.4	6.7
1971	10.4	3.1
1977	34.5	28.4
1980	19	5.9
1984	4	5.5
1989	39.5	7.2
1991	20.1	22.4
1996	24.3	34.4
1998	25.4	30.6

Table 2

Source: Data Unit, Centre for the Study of Developing Societies

occasion has the party that formed the government after the elections, polled more than 48 per cent of the votes. The percentage of the seats won by the ruling party or alliance has always been significantly higher than the votes polled by it. [25]

The first-past-the-post system tends to magnify the legislative and hence indirectly, the executive strength of the single largest party. Since parties with only a plurality can win a majority, the collective majority of voters remain unrepresentative in the government formed. This can over time lead to feelings of frustration, even political powerlessness.

Furthermore, there is the claim put forward by certain analysts that the rise of communal, caste-based, regional and ethnic groups could be rooted, at least partially, in the majoritarian character of the first-past-the-post system that does not takes in to consideration the identity interests of the oppressed minorities. The powerlessness and frustration of minority groups could also lead to a majority backlash and lead to identity politics of the 'eighties and nineties'. [26]

For these analysts, the first-past-the-post system was justified only when it produced stable, single-party majority governments. The Congress party claim to represent all minority interests − backward castes, religious minorities and ethnic minorities − was found to be baseless by the 1970's. From representation by the dominant Congress party in the first two decades after Independence, the focus has shifted to self representation.

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[25] Shastri, Sandeep, (1999). ' *Need for a Second Look at the First –Past-the Post System'*, Mainstream, April 24,7
[26] Sridharan, E, '*Does India Need to switch to Proportional Representation: The Pros and Cons*', in Flather, Paul (ed), (forthcoming), Recasting Indian Politics: Essays on a Working Democracy, London: Palgrave, 14-20

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The first-past–the-post system is particularly unrepresentative of the minorities that are spread so as to be minorities everywhere. This applies especially to Muslims, who are significantly under represented in the Lok Sabha in relation to their percentage in the population. *(See table 3 overleaf)*

If we consider another prominent aspect of the unrepresentative character of our representative democracy, the political position of women is truly the starkest paradox of Indian democracy. While the women's votes in the elections of 2004 trailed only a few percentage points behind that of men, and while the electoral turnout of women has been increasing at a higher rate than that of men over the years, their representation in Parliament and in state legislature has not increased correspondingly, in effect violating an important principle of democratic governance, namely that higher participation merits greater representation.

It is noteworthy that women, who constitute nearly half of the country's population and play a critical role in national development, are not even 10 per cent of the total members of the Parliament or state legislatures. Political parties by and large are reluctant to field women as candidates and most of those who contest gain their candidature by virtue of their close relationship to party leadership. When political parties do give some representation to women in their national or local party structures, such an induction reflects tokenism rather than genuine power sharing. *(See table 4)*

Many of the Founding Fathers of the Constitution believed that the first-past-the-post system would promote a stable two-party system, prevent the fragmentation of the parties and preclude the formation of coalition governments[27]. Post-Independence, this

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[27] Austin, Granville, (2001).*The Indian Constitution: Cornerstone of a New Nation*, Oxford: Clarendon Press, 146-156.

Percentage of Muslim M.P.s in the Lok Sabha

Year	Total Number of Seats	Seats Won	Percentage in the Lok Sabha
1952	488	21	4.3%
1957	494	24	4.8%
1962	494	23	4.6%
1967	520	29	5.5%
1971	518	30	5.5%
1977	542	34	6.2%
1980	542	49	9%
1984	452	46	8.4%
1989	543	33	6%
1991	543	28	5.1%
1996	543	28	5.1%
1998	543	28	5.1%
1999	543	32	5.8%
2004	543	35	6.4%

Table3

Source: Iqbal A. Ansari dataset based on Election Commission Reports

Percentage of Women M.P.s in Lok Sabha 1996-2004

Year	Total Number of Seats	Seats Won	Percentage in the Lok Sabha
1996	543	40	7.3%
1998	543	43	7.9%
1999	543	49	9%
2004	543	44	8.1%

Table 4

Source: Data Unit, Centre for the Study of Developing Societies

belief has been falsified mainly because of the highly heterogeneous nature of our polity in which regional aspirations have begun to assert themselves. In view of the glaring anomalies that have arisen as a result of the first-past-the-post system there is an urgent need to replace the system with a more suitable one.

Electoral reform has long been a subject of intense research and negligible implementation. It was in 1974 that Jayaprakash Narayan set up the committees on electoral reform under V.M. Tarkunde. The committee, which submitted its report, is a forerunner of most of the committees that were set up subsequently.

The Tarkunde Committee considered alternative system of representation. It talked about the West German System – one half of the members of the Bundestag elected by single member constituencies on the model prevailing in India and the remaining half from lists of candidates submitted in advance of polling by various recognized political parties in such a way that the Bundestag as a whole fairly represents the voting strength of various parties and groups. The Committee also considered another formula where the country would remain divided into single member constituencies as at present. Candidates polling more than 50% valid votes would be declared elected from their constituencies. The remaining seats would be filled by the list system. The committee considered the advantages and disadvantages of both the systems. It did not specifically recommend any. The idea was, in view of the importance of the topic, to start a public debate.[28]

The fact that most legislators in India win on a minority vote has attracted debate. The situation is that our first-past-the-post (FPTP) system is tailor made for victories

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[28] *Report of the Committee on Electoral Reforms (Tarkunde Committee)*. Citizens for Democracy,1975

resulting from less than 50 per cent of the vote cast in any election. There are multiplicity of candidates in a constituency. The votes get split to a level that the winner is a recipient of less than one-fifth of the votes cast. Clearly, this throws up representatives who do not truly represent a majority of their constituencies.

A big negative fall out of such a situation is that politicians appeal to narrower loyalties. If a candidate can win on less than one-third share of the votes polled, he does not need to generate a wider appeal. In the long term in our hugely divergent society, this has serious consequences because existing cleavages can only deepen with such political behaviour, thus dividing the society further.[29]

The seriousness of the issue has generated suggestions from many quarters focused primarily on two possibilities. The first follows the List System somewhat along the lines of German Bundestag whereby recognized political parties, in addition to winning seats on the FPTP system, get a further number of seats based on the number of votes polled by them. In the second approach, it has been suggested that we should only have representatives who win on the basis of 50 per cent + 1 vote. If, in the first round, nobody gets over 50 per cent, then there should be a run-off contest between the top two candidates so that one of them will win on the basis of over 50 per cent of the votes polled.[30]

Yet another proposal for reforming the electoral system was put forward by Late Krishan Kant. He made out a case for a system of negative voting. A negative vote provision is one wherein a voter would have the benefit of an extra column on the ballot

[29] Chopra, V.K., 'Electoral Reforms in India' in Panandiker, V.A. Pai, and Kashyap, Subhash
C.,(ed),(2004).Political Reforms: Asserting Civic Sovereignty, Delhi: Konark Publishers PVT LTD,315
[30] National Commission to Review the Working of the Constitution, 'Review of the Working of the Political Parties Specially in Relation to Elections and Reform Options' and 'Review of election Law, Processes and Reform Options'

paper, stating 'none of the above' as a legal channel for the expression of dissent. However, the negative vote suggestion may at the most serve as a negative solution to the problem and will in no way positively contribute to strengthening the electoral system.[31]

The Law Commission favoured the list system in India. However; it felt that the seats to be filled on this basis should be 25 % of the existing strength. Starting on an experimental basis, the proportion could rise up to 50% if successful. The entire country would be treated as a unit for the purpose of the list system. The distribution of seats in the Lok Sabha among the States, set out in the 1st Schedule of the Representation of the People Act 1951 , should be frozen for another 25 years.[32]

The proposal made by the Tarkunde Committee and the Law Commission seek to combine the benefits of Proportionate Representation (PR) and the FPTP system. However, it must be realized that any PR system increases the disjunction between popular votes and government formation. A further draw back is that only half the MPs in Parliament will be directly responsible to the electorate, while the other half will be allotted seats by necessarily closed-list system (since the voter has only one ballot), which means that whosoever gets a seat in the upper tier, and hence, the representation of various interests and minorities depends on the internal democratic processes of political parties. Under the FPTP electoral system, minorities and social groups are able to forge social coalitions in a competitive political environment. Under a PR system, the proportion of representation of various groups may increase but the character and effectiveness of this representation is likely to suffer and may also result in minority voters becoming a national constituency.

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[31] Kant, Krishna, (1992), 'Consensual *Nationalism*', Mainstream, Annual 1992, 27-36.
[32] Law Commission of India, working paper, *'Reforms of Electoral Laws'*, January, 1999.

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A more meaningful and practical alternative appears to be the second ballot system. Adopting the second ballot system appears to be the most effective alternative for overcoming the defects of the first-past-the-post system. Candidates would have to take their election campaigns more seriously and electoral victories would not be merely caused by dividing the opponent's votes on caste/religious lines or concentrating on securing the votes of one segment of the voters. Those elected could then be termed as being genuinely representative of the constituency they have been elected from. Further, in a competitive party system, a second ballot would encourage the polarization of political forces and contribute to the emergence of a bipolar alliance system.[33]

It must however be noted that the recommendations pertaining to the reform of the electoral system are solely concerned with providing the country with stable single party governments so that the polity, in their view, gets rid of the divisiveness caused by casteism, communalism, lingualism and regionalism making the political rhetoric adopt 'universal' as opposed to 'sectoral' tone of the present day. In a country with India's diversity, given a historical legacy of exploitative political and socioeconomic power structures and cultural patterns that have systemically excluded sections of people from basic rights, and the existence of permanent religious minorities with a legacy of communal conflict, the vision of a strong centralized stable polity governed by one of the two large parties cannot and should not materialize. Reform of the electoral system – first -past-the-post or some variant of proportional representation or a combination of practical

[33] Shastri, Sandeep, (1999). 'Need for a Second Look at the First –Past-the Post System', Mainstream, April 24, 8.

devices grafted onto either – has to be attempted keeping in view that coalition governments are not necessarily disruptive of national unity.[34]

However, a major draw back is that no matter what sort of PR or mixed system India may choose to adopt for more proportional representation of the preferences of the electorate, the problem of legislative majoritarianism and the fear of cultural subsumption of minorities' remains since structural minorities are stable, nationally and state wise. It would only be alleviated by institutionalization of better defined fundamental rights, especially group rights. A switch to any kind of PR in the absence of such extended definitions of rights and safeguards would not be effective.[35]

The first difficulty with addressing the problem of underrepresentation of Muslims is the inability and unwillingness of the political leadership to discuss it openly.[36] Once we overcome that, we come across yet another dilemma .It is possible to design a system, either through careful delimitation that produces Muslim plurality constituencies or through 'top up' arrangement of a semi-proportionate system, to ensure that Muslim representation in the legislature goes up substantially. But in both these cases the result will have been achieved at the cost of reducing the clout of Muslim electorate in the remaining constituencies. And some of these measures may not have a healthy effect for the entire polity. Working a way out of this dilemma is one of the most pressing challenges of institutional innovation in India.

Zoya Hasan for one opposes proportional representation for religious minorities on the pragmatic count that these constitute 'exclusive categories' and will therefore

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[34] Ansari, Iqbal A., (2001). 'Minority Representation'. Seminar 506, 38-39.
[35] Sridharan, E, 'Does India Need to switch to Proportional Representation: The Pros and Cons', in Flather, Paul (ed), (forthcoming), Recasting Indian Politics: Essays on a Working Democracy, London: Palgrave, 31-32.
[36] Yadav, Yogendra, (2001). 'Radical Agenda for Political Reform', Seminar, 506, 20.

generate opposition from the majority Hindu Community. Hasan believes that secular parties should allot more seats to the Muslims. As far as women are concerned, she supports proportional representation in the form of Constitution 84th Amendment Bill 1998, which provides 33 per cent reservation for women in Parliament and State Assemblies. The reason is that women constitute an 'inclusive category' cutting across ethnic, class and caste categories .Women currently occupy only between 6 to 9 per cent seats in Lok Sabha.[37]

While exploring the electoral devices that can ensure due representation of dispersed minorities like Muslims without causing any further intensification of communal divide following measures could be scrutinized:

1) The best way to mitigate the destructive patterns of heterogeneous societies is to not encourage the formation of ethnic parties, thereby replicating existing ethnic divisions in the legislature, but rather to utilize electoral systems that encourage cooperation and accommodation among rival groups, and therefore work to reduce the salience of ethnicity.[38] One core strategy, advocated by Donald Horowitz, is to design electoral rules that promote reciprocal vote-pooling, bargaining and accommodation across group lines.[39] Presidential elections in Nigeria, for example, require the winning candidate to gain support from different regions, thus helping to diminish claims of narrow parochialism or regionalism. Lebanon's electoral system attempts to defuse the importance of ethnicity by pre-assigning ethnic proportions in each constituency, thus

[37] Hasan, Zoya "The Politics of Presence and Legislative Reservation for Muslims" in Hasan, Zoya, Sridharan, E and Sudharshan, S, (ed) (2002).India's Living Constitution: Ideas, Practices, Controversies. New Delhi: Permanent Black, 416-417.
[38] Reilly, Benjamin,(2002) *'Electoral System for Divided Societies'*. Journal of Democracy,13.2 157.
[39]Horowitz, Donald, (1985). *Ethnic Groups in Conflict*, Berkeley: University of California Press, 386.

requiring parties to present ethnically mixed slates of candidates for election and making

voters base their choices on issues other than ethnicity. Yet the most powerful electoral

systems for encouraging accommodation are those that make politicians reciprocally

dependent on votes from groups other than their own.

The use of 'preferential' electoral systems enable voters to rank-order their

choices among different parties or candidates on the ballot paper. All preferential

electoral systems share a common, distinguishing feature: they enable electors to indicate

how they would vote if their favoured candidate was defeated and they had to choose

among those remaining. Such systems include the Alternative Vote (AV) and the Single

Transferable Vote (STV). AV is a majoritarian system used in single-member electoral

districts that requires the winning candidate to gain not just a plurality but an absolute

majority of votes. If no candidate has an absolute majority of first preferences, the

candidate with the lowest number of first-preference votes is eliminated and his or her

ballots are redistributed to the remaining candidates according to the lower preferences

marked. This process of sequential elimination and transfer of votes continues until a

majority winner emerges.

STV, by contrast, is a proportional system based around multimember districts

that, depending on the number of members elected in each district, can allow even small

minorities access to representation. Voters rank candidates in order of preference on the

ballot in the same manner as AV. The count begins by determining the 'quota' of votes

required to elect a single candidate.[40] Any candidate who has more first preferences than

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[40] The formula used divides the total number of votes in the count by one more than the number of seats to be elected, and then adds one to the result. For example, if there are 6,000 votes and five members to be elected, the quota for election is 6,000/
(5+1) + 1, or 1,001 votes

the quota is immediately elected. If no one has achieved the quota, the candidate with the lowest number of first preferences is eliminated, and his or her second and later preferences are redistributed to the candidates left in the race. At the same time, the 'surplus' votes of elected candidates (that is, their votes above the quota) are redistributed at a reduced value according to the lower preferences on the ballots, until all seats for the constituency are filled.

Because they enable electors to rank candidates in their order of preference, such systems can encourage politicians in heterogeneous societies to campaign not just for first-preference votes from their own community, but for 'second-choice' votes from other groups as well, thus providing parties and candidates with an incentive to 'pool votes' across ethnic lines. To attract second-level support, candidates may need to make cross-ethnic appeals and demonstrate their capacity to represent groups other than their own. Alternately, where a moderate or non ethnic 'middle' part of the electorate exists, candidates may need to move to the center on policy issues to attract these voters.[41]

Either way, negotiations between rival candidates and their supporters for reciprocal vote transfers can greatly increase the chances that votes will shift from ethnic parties to non-ethnic ones, thus encouraging, even in deeply divided societies[42], the formation and strengthening of a core of 'moderate middle' sentiment within the electorate as a whole. Such negotiations can also stimulate the development of alliances between parties and aid the development of multiethnic parties or coalitions of parties. Scholars have increasingly found that aggregative party systems can help new or transitional democracies achieve stability.

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[41] Reilly, Benjamin,(2002). '*Electoral System for Divided Societies*'. Journal of Democracy,13.2 158.
[42] Ibid,

This broad approach to conflict management has been dubbed 'Centripetalism' because 'the explicit aim is to engineer a centripetal spin to the political system—to pull the parties toward moderation, compromising policies and to discover and reinforce the center of a deeply divided political spectrum.'[43] A centripetal political system or strategy is designed to focus competition at the moderate center rather than the extremes by making politicians do more than just shop for votes in their own community.

2) Making all parties nominate a fair share of minority candidates under the People's Representation Act.

3) A fixed number of seats may be earmarked for allocation to identified communities like religious minorities and other regional and social groups who are found to be under-represented after an election.[44] Out of the total uncontested seats, a certain proportion may be filled by allocating the seats to the best losers in the election from the concerned group (the Constitution of Mauritius provides for allocation of certain number of seats to the highest polling unsuccessful candidates belonging to underrepresented groups in order to balance the representation of ethnic communities).

4) Grouping certain constituencies for returning three or four members' .the political parties contesting these constituencies will present a slate of three or four candidates, one of whom must be from an under-represented minority.[45] Electorate will vote for the slate

[43] Sisk, Timothy D., (1995). *Democratization in South Africa: The Elusive Social Contract*, Princeton: Princeton University Press, 19.
[44] Ansari, Iqbal A., (2001). *'Minority Representation'*. Seminar 506, 41
[45] ibid

rather than individual candidates. (Such an electoral device is known as Group Representative Constituency has been in practice in Singapore, which secures minority representation along with their integration).

Conclusion

All electoral systems including PR are disproportional to some extent. They are also reasonably proportional in the sense that even the highest disproportionality is not outrageously disproportional.

Election outcomes matter since they decide which candidates or parties obtain representation and thus the opportunity to participate in policy-making. An electoral system can make the difference in determining which party wins, and how decisively it wins. Electoral systems can also influence which losing parties can stay around to compete again and which are eliminated for good.

Electoral systems do no arise from a vacuum but from political debate and struggle. They mirror the politics of the time of their creation and are altered when politics change to the point where the existing electoral systems become too restrictive. While they last, electoral systems like constitutions and other institutionalized constraints do shape politics.

This does not imply that electoral laws are unmoved movers in the process. They are neither entirely unchanging nor independent of the nature of the citizen/policy makers. Small changes take place quite often. Nevertheless, it remains true that the general thrust of the constitutional design changes between elections in only a handful of cases. The designs are usually sustained because the incumbents, having won under the

current system, tend to be favoured by it and are reluctant to open a less certain future for short-term advantage. Even the best electoral system cannot compensate for serious malfunctioning elsewhere in the political structure or civic culture. The longstanding electoral systems represent a factor of stability in times of stress, while those of recent date become focus of debate and worsen the crisis. If so, then the argument would be compelling against drastic electoral reforms, though not against marginal change.

Chapter 4

Indian Muslims and the Indian Polity

Section I

Nationalist Elite and the Minority Question

During more than a century of rule in India, British laid down an infrastructure of representative institutions, state administrative capacity, and educated elite with English as a common language, and a professionalized legal system and press, all of which provided the raw materials for a working civic polity. However, the British Policy contained elements that favoured the politicization of both civic and ethnic identities. Seeking to accommodate demands for popular political participation after World War I, the British established a system of separate electorates and guaranteed numbers of seats in provincial parliaments for Hindus and Muslims.[1]

The principle of proportionality was introduced into Indian government through the 1909 Minto-Morley Constitutional reforms, which guaranteed Muslims proportional representation through separate constituencies in which only Muslims could vote. The Act of 1909 introduced to defuse the Congress demand for a greater share in administration and decision making, was a calculated master-stroke. Separate electorates, along with reservations and weightages, gave birth to a Muslim being a religio-poltical entity in the colonial image – of being unified, cohesive, and segregated from the Hindus. They were homogenized like caste and tribes and suitably accommodated within political schemes and bureaucratic designs. Self-styled leaders were emboldened to present an

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[1]Singh, Inder Anita. *The Origins of Partition of India, 1936-1947.*Delhi: Oxford University Press. 237.

objectively defined community and contend with others for patronage, employment and political assignments. In this way separate electorates created a space for reinforcing religious identities, a process which was, both in conception and articulation, profoundly divisive. On the other hand, as part of a strategy of divide-and-rule, British practices also politicized ethnic differences.

The principle of proportionality then became firmly entrenched through the 1916 Lucknow Pact. The Congress politicians agreed to the Muslim League demand that Muslims in newly created assemblies in six Hindu-majority provinces be over-represented in new legislative bodies promised by the British, and Hindu and Sikh over representation in three Muslim-majority provinces. The Lucknow principle of minority overrepresentation was then applied to a host of new municipal councils, district boards, and provincial and central legislature established in the wake of the 1919 Constitutional reforms. As a result of 1919 reforms of local governing boards, the Congress Party worked at grassroots electoral agitation, laying the groundwork to become a mass-based political party.

Before 1947 the central and provincial governments also observed the principle of ethnic proportionality in government employment. In 1925 the Indian government accepted minority request to reserve a proportionate share of jobs for them in the All India Service. Muslims, comprising 23.8%of the population, were guaranteed a minimum 25% share of central government jobs.

Nationalist Resolution of Minority Questions

Things went wrong soon after the Partition. Experience even during the British

rule amply demonstrated that by themselves Constitutional safeguards are inadequate.

They need political underpinning .If protection was no help, Partition was no solution to

the problem, rather it aggravated it. Participation in public life alone, in its entire range of

activities, provides hope. The deepening divide between Hindus and Muslims was

attributed to separate electorates which the Lucknow pact between the Indian National

Congress and the Muslim League endorsed in 1916. It held sway till the Partition of India

in 1947. But a vital aspect of the pact was neglected. It secured the Muslim League's

acceptance of a whole set of proposals for substantial advance in responsible government.

Protection for minorities was linked to their participation in the country's march towards

freedom.[2]Ashok Mehta and Achyut Patwardhan, made an important point,

> While the Muslims gained substantial weigthage, they gave
> up their right to vote in the General Constituencies that they
> had enjoyed so long. In dropping it, they lost an important
> leverage and began to isolate themselves from the rest of
> India.[3]

Thus the Constituent Assembly straddled the past and the future in an uneasy and

contradictory present, a present scarred by Partition, communal rioting and blood letting.

This left its stamp on many provisions of the Constitution.

The aspirations of building a strong nation state sat uneasily with the idea of

special rights for the minorities. Congress had consistently maintained throughout the

freedom movement that it was committed to the protection of religious, cultural and other

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[2] Noorani, A. G., (2004). 'The Muslims of India: A Documentary Record', New Delhi: Oxford University Press.2
[3]Mehta, Ashok and Patwardhan, Achyut, 1942. The Communal Triangle in India, Allahabad: Kitabistan.107.

rights of the minorities. During the second session of the Round Table Conference, a Memorandum on the 'Congress Scheme for a Communal Settlement', that was supposedly authored by Mahatma Gandhi, was presented before the Minorities Committee on 28th October 1931.[4] The scheme provided for the protection of culture, language, script, education, profession and practice of religion and religious endowment. It also provided for the protection of personal laws, as well as a proportionate share in the legislature for all communities through joint electorates, protection of minority interests in the central and provincial cabinets, and a fair share for the minorities in the public services The Latter consideration it was stipulated, was to be balanced by considerations of merit and efficiency. The Sapru Committee had also recommended political representation, but these recommendations created so much controversy that the report could not be adopted.[5] The aspirations of building a strong nation state sat uneasily with the idea of special rights for the minorities. The report of the sub committee went a step further and in its Recommendation No. 18, the Committee proposed the establishment in the Centre and in each of the provinces, of a Minority Commission composed of a representative of each community.[6]

The majority in the Constituent Assembly suffered from a 'statist' conception of nationalism, 'giving an inescapably *statist* conception of any political unity across

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[4] See Ansari, Iqbal (ed) (1996). *Readings on Minorities Documents and Perspectives,* Delhi: Institute of Objective Studies.259-260.
[5] The Sapru Committee recommended that ten per cent of the seats in the Union Legislature would be reserved for the special interests .The remainder would be distributed amongst the religious communities, which would also be represented on the Union Executive. In the interest of national unity it was proposed that Muslims be persuaded to opt for joint electorates with reserved seats. The committee recommended that the reservation of seats for the religious minorities in the Central Assembly should be at power with those of the Hindus, despite the great disparity in popular strength.
[6] Chandoke, Neera, (2002).'Beyond Secularism-The Rights of Religious Minorities'. New Delhi: Oxford University Press.59

religious communities and other social divisions.'[7] It wished to establish a direct link between the citizens and the state, by weakening all other loyalties and commitments of individuals. Apart from neglecting the importance of cultural and religious considerations to one's identity, this conception of nationalism reflected a naïve belief in the benign nature of the modern democratic state. Hence, the ambiguity of the allegedly universalist, modern discourse of the Constituent Assembly came from the anxiety of its majority members to promote the unity of the nation. This objective took the form of rejection of communities insofar as they saw intermediary bodies as weakening national cohesion.[8]

Constitutional debates illustrate how limited the spirit of accommodation was after the Partition, particularly because Muslims had lost the 'privileges' they had enjoyed for decades, in terms of political representation on behalf of the nation building process. The restrictions placed were largely due to the rejection of communities in the institutional framework, on the one hand, by Hindu traditionalists who considered 'communities' to be synonymous with religious minorities ,and on the other hand, by the supporter of the Jacobean State for whom the individual constituted the basis of the nation.[9]

In the Constituent Assembly, individualist variety of nationalism embodied by Nehru gained itself the respect of the minorities. On the other hand, the Hindu nationalists within and outside the Congress fold advocated a nation-building process that was to be based on the culture of the majority community. It often overlapped with true

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[7] Sen, Amartya. in Bass K and Subramanian S (eds), (1996). *Unraveling the Nation*, Penguin: New Delhi, .26.

[8] Bajpai, Rochana, (2000). '*Constituent Assembly Debates and Minority Rights*'. Economic and Political Weekly. May 27.1839.

[9] Jafferlot, Christophe, '*Composite Culture Is Not Multiculturalism: A Study of the Indian Constituent Assembly Debates*', in Varshney, Ashutosh (ed), (2004). India and the Politics of Developing Countries. New Delhi:Sage.136

nationalism, as India is the only home for the Hindus and they form a majority.[10] It was

thus easier for the Hindus to appear as full–blooded nationalists than for Muslims. The

political clime immediately after the Partition was well described by Nehru's biographer,

> The old stalwarts of the Congress , however, such as Patel and
> Rajendra Prasad, with the backing of the leader of the Hindu
> Mahasabha, Shyama Prasad Mookerjee, ,believed not so much in a
> theocratic state as in a state which symbolized the interests of the
> Hindu majority.[11]

Jafferlot, however, qualifies the opposition between these two camps. For him

they do not stand in such a contrast when they come to the question of a religion-based

accommodation. In fact they share the same aim, which is to exclude religious

communities from the public sphere, the former in the name of individualist values and

the later by virtue of their concern to see Indian identity embodied in Hindu culture.

The Partition inflicted as grave a wound on the Hindu psyche as it did on that of

the Muslims. To not a few, Partition was the result of a process which began with

separate electorates and took in its train various charters of demands like Jinnah's famous

Fourteen Points. Any expression of Muslims' grievances or of Muslims' identity

reminded them of that and caused disquiet. Muslims grievance increased, but channels of

protest were constrained.

The birth and rapid development of the Two Nation Theory culminated in the

formation of Pakistan had always been attributed by a number of Congress members to

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[10] ibid,130
[11] Gopal, S (1996). '*Jawaharlal Nehru*', New Delhi: Oxford University Press, vol II.15-16.

the introduction of separate electorates by the British. The Minority Committee, appointed by the Constituent Assembly to prepare minority- related articles, hastened to abolish this system.

The stance was ill received by most of the Muslim representatives, who argued that their community should be rewarded and reassured since they had chosen to remain in India rather than go to Pakistan and had suffered a great deal from the Post-Partition riots they were desperately looking for institutional protections against the overwhelming domination of the Hindu majority.[12]

The Subcommittee on Minorities had in its report of 27th July 1947, recommended that seats should be reserved for religious minorities under joint electorates. Secondly, the interests of such minorities should be protected in the Cabinets through a convention under a schedule to the Constitution. Thirdly, reservation for minorities should be provided for in the public services, but these claims should be balanced against the demand for merit and efficiency .Fourthly, independent officers should be appointed to report to the legislature on the working of the safeguards.[13]

The question for political safeguards for minorities in the Constituent Assembly was referred to the Advisory Committee on Fundamental Rights, Minorities, Tribal and Excluded areas whose creation had been mandated by the Cabinet Mission plan. The committee's first report on minorities, discussed in Assembly in August 1947, rejected some of the central components of the British system of safeguards such as separate electorates and weightage. However, the Advisory Committee on Fundamental Rights headed by Sardar Patel accepted most of these reservations in its 'Report on Minority

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[12] They particularly feared a reversal in legislation concerning the use of Shariat
[13] Rao, Shiva (1968). *The Framing of India's Constitution, Select Documents*, Bombay: N.M.Tripathi, vol 2, 396-402.

Rights'.[14] In February 1948, these provisions were incorporated into the Draft Constitution in Part XIV under the title 'Special Provisions Relating to Minorities'[15].

When the Assembly initially met, there was hope that the Muslim League could be persuaded to join in the deliberations .It was also hoped that Partition could be avoided by the grant of definite assurances. By 1948, when the issue was reopened[16] in the Advisory Committee and subsequently in the Constituent Assembly, Partition had caused its own political reverberations. The need now was to consolidate what had been left of the nation and to prevent any move that may lead to further separatism. Political reservations were therefore dropped as potentially divisive.

Ever since the introduction of Constitutional reforms of 1909, which instituted separate electorates for Muslims, religious minorities had been the chief beneficiaries of the colonial state's policies of group preference. In Constitutional drafts and deliberations, political safeguards encompassed provision for reserved seats in the legislature, quotas in government employment, reserved posts in the cabinet and the creation of administrative machinery to ensure supervision and protection of minority rights. All the minority groups hitherto preferred were included within the ambit of these provisions in the initial proposals and in the first draft of the Constitution, published in 1948. In a remarkable reversal, however, by the final draft religious minorities were

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[14] Chandoke, Neera, (2002). *'Beyond Secularism-The Rights of Religious Minorities'*. New Delhi: Oxford University Press.59

[15] Article 292 and 294 of the Draft Constitution provided for the reservation of seats, in proportion to the population of the religious minorities under joint electorates, in both the central and the state legislatures. This provision was to be reviewed after 10 years. Article 296 provided that the claim of religious minorities should be taken into consideration along with the consideration of merit and efficiency in appointment to public services. Article 299 provided for the appointment of special officers at the centre and state level to report all maters relating to the safeguard provided for minorities.

[16] When this report was considered in the Advisory Committee in December 1948, a suggestion was made that reservation in legislative bodies should also be given up. By May 11, 1949 Muslims and Indian Christians lost their reserved seats.

excluded from the purview of all political safeguards, which came to be restricted mainly to the 'Scheduled Caste' and 'Schedule Tribes'.

Religious minorities had demanded reservation in legislative bodies on the grounds that sufficient numbers of their community would not be returned in open elections based on the principle of universal adult franchise. That is, they assumed that their numerical strength would make them a permanent minority and they would not be adequately represented in decision-making bodies. The belief that elections will be on community lines and members of a particular community would only vote for candidate from their own community, underpinned much of minority thinking in India.[17] The Scheduled Castes were no exception. Categorized as minority in accordance with the perception of the leaders of the community, representatives of the then Depressed Classes frequently stated that without reservation they would always be underrepresented in the legislature .Since, no minority could, even with reservations in proportion to their ratio in the total population, hope to alter or determine policies, almost all of them argued that their grievances would not be aired in the Parliament and the community's point of view would not be taken into account.

Majority in the Constituent Assembly felt that it was not desirable that minorities should have reserved seats in the legislature. This, it was said, could lead to further separatism and conflicted with the idea of the secular democratic state .The claims of Scheduled Castes and Scheduled Tribes did not arouse similar suspicion .They could be distinguished from other minorities on the ground that they were not religious minority and in addition they were a backward community that needed to be brought to the same

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[17] Mahajan, Gurpreet, (1998). *Identities and Rights: Aspects of Liberal Democracy in India*, Delhi: Oxford University Press.127

level as the rest of the country. Their backwardness was on account of being segregated and excluded from society and social and political life. It made the Scheduled Castes a special kind of minority, one whose separate existence needed to be acknowledged in order to overcome the effects of social segregation. In both instances, it was a minority requiring positive discrimination and affirmative action in its favour.[18]

Reservation was a way of securing representation on behalf of groups which might otherwise have no share in the opportunities which the political power had the capacity to distribute. There were at least three possible ways that reservation could be given practical form.[19] The first, the method devised and deployed by the British Raj, was to establish separate or reserved electorates, thus ensuring that numerically minor groups would still have a political presence. The second, by what was effectively the reservation of territory of specified geographical areas, in which numerically minor communities could decide and mange their own affairs. This logic was pushed to its terminus by Jinnah and the Muslim League, and resulted in Partition.

The third method rejected both separate electorates and territorial reservation, seeing each as threatening the idea of a single community of common membership. It was the method of law and legal redress, established and dispensed within the framework of a single state. The latter was the chosen method of the Congress and the Constituent Assembly. This view established citizenship (and the membership of political community that it implied) as primary, yet it also recognized citizenship as one identity alongside

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[18] ibid, 86.
[19] Khilani, Sunil, '*The Indian Constitution and Democracy*' in Hasan, Zoya, Sridharan, E and Sudharshan, S, (ed) (2002). India's Living Constitution: Ideas, Practices, Controversies. New Delhi: Permanent Black.76

others: for example those of caste and religious community. It assumed that the later was transient, and would yield finally to the more permanent claims of citizenship.

The Constitution of India, provided cultural rights to religious minorities, but it did not offer any special consideration or privilege to them in political domain. Seats were neither reserved for them in the legislature, nor were they guaranteed special considerations in public services .In taking this decision, the Constituent Assembly had distinguished between cultural and political rights of minority communities.

It is necessary to mention that minority communities did not claim that their presence in legislature or public services would enrich public life and political decision making by offering plural perspectives. Instead, political representation seemed to be necessary to bolster the self-image of the communities and to give them a sense of involvement in the political process.

There are at least two distinct ways in which a democracy can deal with assertive, politically active and competing religious identities. It can grant political rights to all citizens but to use the religion of the majority to build the nation and give it a distinct cultural identity; or it can provide for equality form the 'other' both in political as well as in the cultural realm.[20] The difference between the two perspectives is that while political rights are granted to citizens in both, the former asserts the cultural hegemony of the majority religious community. India chose the second option. It sought to reflect that as a nation–state India would not reflect anyone religion or cultural identity. Instead, its public life would express cultural plurality. To this end the Constitution incorporate three important provisions. It assured that (i) the state would not discriminate between the

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[20] Mahajan, Gurpreet, (1998). *Identities and Rights: Aspects of Liberal Democracy in India*, Delhi: Oxford University Press, 85.

people of various communities and equal degree of freedom would be provided to each religious community. (ii) all communities would have the freedom to establish religious, cultural and educational institutions of their choice. (iii) denominational educational institutions would not be deprived of, or disqualified from, receiving state funding. Articles 25 and 26 were directed at the realization of the first norm, while Articles 28, 29 and 30 address the second and the third.

The nationalist vision rejected political safeguards for minorities as a matter of general policy. Safeguards were regarded as legitimate only in the case of certain groups and only for the specific purpose of ameliorating the social and economic disabilities of backward sections. Indians were constituting themselves in to a new nation by all becoming members of the same state.[21] The new Indian citizen was to be identified as just that – a citizen of India – with all markers of extra-political identity being attenuated by conscious state policy. Hence, the Constituent Assembly rejected outright any reservation to minorities in any legislative body of the new state on the grounds that such a step would strengthen extra-political identity.

The Constitution installed a specific view of representation, derived from a notion that imbued the thinking of all members of the Constituent Assembly: that of acting on behalf of the society as a whole. This is not surprising given that when it was convened in 1946, the Assembly was not elected by universal suffrage and was infact a strikingly narrow body in terms of social composition. The Assembly was dominated by upper

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[21] Bajpai, Rochana, (2000). 'Constituent Assembly Debates and Minority Rights'. Economic and Political Weekly. May 27.1837

caste and Brahiminic elites within the Congress. It is worth recalling that there was no organized representation of India's Muslims.[22]

The conception of representation that emerged was based on what Sunil Khilnani terms as 'philanthropic politics'[23] , in the sense that it sanctioned a politics by an elite self-consciously acting on behalf of a larger group of whom they were not part , to whom they did not belong, and with whom they could claim to share neither identity nor interests.

There is a certain trade off between representation and rights, perceived as substitute of each other. In other words, once the right to religious and cultural expression had been granted what was the need of ensuring that Parliament, for example, was more representative of religious minorities.

Section II

Adjustment to the New Order

When India was Partitioned into two states – India and Pakistan – on the attainment of Independence from British rule, on 15th August 1947, the Muslims of India found themselves facing the same traumatic change which confronted their forbears at the time of the Mutiny in 1857. Radical change in the political order was accompanied by a threat to the old ways of living. The dimensions they could only dimly perceive, the reality shook them. They feared the worst. As in 1857, their loyalty to the new state was

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[22] Khilnani, Sunil, 'The Indian Constitution and Democracy' in Hasan, Zoya, Sridharan, E and Sudharshan, S, (ed) (2002). India's Living Constitution: Ideas, Practices, Controversies. New Delhi: Permanent Black.71
[23] ibid

suspected. They felt helpless and forlorn as they experienced distrust and hostile discrimination in their daily lives.

But there was a major difference between the two situations. The late nineteenth century threw up leaders of high stature – men of remarkable intellectual equipment, cultural attainment, strength of character and commitment. They had capacity for leadership and were ready to plunge themselves in politics and provide the leadership which the community sorely needed.[24]

In 1947, the Muslims of India found themselves bereft of leadership. Those in whom they had reposed confidence went to Pakistan. The ones who remained had none of the qualities of Syed Ahmad Khan, Ameer Ali or Badruddin Tyabji. Maulana Azad, their peer in most respects, demonstrated within months after the Partition that his were gifts of scholarship, even political wisdom and insight, but not of political leadership, still less of organization. Far smaller men came to the fore to grab the mantle of leadership and left imprints which the community has not been able to erase completely. Post Independence, Muslim leadership focused exclusively on extracting 'concessions', mostly phony ones, from the government while allowing themselves to be continually estranged from the Hindu majority and other communities.

In theory, free India offered the Congress Muslims the space to play a critical role as members of new political elite. They were politically correct in urging Muslims to rally around the Congress and extolling democracy and secularism, but they were not equal to the task of creating a following around issues of literacy, employment, and improving the condition of women. They were ideally placed to do so with their political

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[24] Noorani, A.G. (2004).*The Muslims of India*, New Delhi : Oxford University Press, 1

and organizational experience and their closeness to the ruling establishment. But most squandered the historical opportunity. They settled for a soft option and set their eyes on maximizing the gains from their links with the government and insulated themselves from their sphere of influence. Most were tempted into public office or co-opted within bureaucratic and administrative structures. Most defended the status quo because, thanks to Nehru's patronage, they were integrated into vast Congress machinery. In return they received ministerial berths, governorships, diplomatic assignments and membership of state and national commissions. Content with their position, they felt no compulsion towards anyone except their benefactors.[25]

The birth of Pakistan undermined the values of religious tolerance and cultural pluralism. The ideological foundation of secular nationalism also weakened. Politics for Muslims as Muslims had no *raison d'être*. With the Muslim League dissolved in the north and its leadership located in Pakistan, the political trajectory of the Muslims had to be defined within the broad democratic and secular framework; a framework that had evolved through a painful and tortuous process and depended on the consensual model that the Congress was attempting to create in the aftermath of Independence and Partition.

For the Muslim communities that remained in India, Partition was a nightmare. The demographic picture changed drastically. On the other hand, the Muslim community in India, which had no place in Jinnah's Pakistan, was fragmented, weakened and left vulnerable to rightwing Hindu onslaught.

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[25] Hasan, Mushirul, (2001). *Legacy of a Divided Nation*, New Delhi: Oxford University Press. 194.

The result was that Indian Muslims were politically orphaned; their voice could hardly be effective. Ministers and civil servants became unresponsive to their problems; they had also lost their will to protest. Their patriotism was questioned; their interests in India's security doubted. Nehru reacted strongly against this attitude but could do little to change it. It found expression in a secret circular send by Shyama Prasad Mukherjee (1901-1953), who later became the founder of the Jan Sangh. He circular informed all concerned that they should not employ 'Pakistanis or potential Pakistanis'. It was sent out to all central and state government departments and their appointing authorities, who thereafter would not dare employ an Indian Muslim who could be easily regarded as a 'potential Pakistani'.[26]

However, rejecting the Muslim Leagues' Two Nation Theory, Congress had to 'pamper', to treat specially, its own Muslims, at least the elite among them, to prove that Muslims could live better in a state where they were in minority. For the Nehruvians, this meant drafting an Indian Constitution in which religious freedom was explicitly provided and minority institutions protected. But they clearly hoped that development, modernization and secularism would wean Muslims away from their orthodox leadership and reduce Islam to private domain.

Conversely, in the first few years after the Independence, the central government and the states abolished the reservation policies that had been in force till before 1947. The general feeling among most Congress politicians was that these policies were divisive and had led to Partition. This feeling, combined with the antipathy toward the Muslims due to Partition, led to rapid dismantling of minority proportionality in politics

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[26] Zakaria,Rafiq,(1995), *The Widening Divide*, New Delhi : Viking, 86

and government employment and the non-fulfillment of previous Congress pledges to protect minority languages. The 'grand coalition' within Congress and various governments was never as widespread as has been imagined. They were not as widespread because a 1957 internal investigation into the party's treatment of minorities found that 'inspite of a general directive by the Congress Working Committee that minorities should get proportionate and in any case at least 15 per cent of nominations for the Parliament and State Assemblies, many states did not carry out this directive .The same position holds in respect of District Boards Municipalities, corporations and other local bodies.'[27] They were not as significant because even when minorities are given ministerial appointments, they are kept away from sensitive and important portfolios.

The impediments to the robust Muslim participation also lie in Partition. Before Partition the Muslim politics revolved around the issue of political representation. Thought to be the principle mean of not only protecting Muslim minorities, but also giving the community parity with the Hindus, it was arguably the single most important and unresolved issue in Muslim politics ever since representative government became a distinct possibility. Quite what a politics centered on the issue of political representation of the Muslims entailed is a historically contentious issue, but after 1947 this was taken off the agenda. Laboring under the shadow of Partition, the Constituent Assembly swiftly dismissed any discussion of any special representation for Muslims. Since then all issues of representation raises the bogey of separatism, special privileges and apocalyptic vision

[27] Kabir, Humayun, (1968). *Minorities in Democracy*, Calcutta: K.L. Mukhopadhyay, 40-43.

of a second Partition. Even Muslim politicians have kept the issue off the agenda out of a combination of powerlessness and fear of a backlash.[28]

In the post-Independence years, Nehru became a hero in the Muslim communities because they saw him as keeping at bay the Hindu chauvinist organizations. The Congress party won the support of Muslims election after elections as long as the Muslims continued to feel that Congress leaders like Nehru remained committed to protecting them from major outbreaks of religious riots, as well as respecting their religious and cultural sensibilities. In addition, Nehru encouraged certain amount of participation of Congress Muslims in positions with high visibility in the central and northern state governments.

The Congress has traditionally been the party most favoured by the Muslim voters. Lloyd and Susanne Rudolph have, however argued, that during Nehru's time there did exist a 'special relationship' between the Congress and the Muslim voter, but it appears to be less and less the case from 1960s onwards. Muslims voted for Congress more from a perception of Congress as the dominant party and as such the likely winner and prospective governing party than from a special relationship based on Congress's commitment to equal citizenship and secular values.[29]

In the first general election after Independence in 1952, Muslims voted, almost *en bloc*, for the Congress which was returned to power by an overwhelming majority. Despite the favourable atmosphere that the reaction to Gandhi's assassination had created

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[28] Mehta, Pratap Bhanu, '*Secularism and the Identity Trap*' in Hasan, Mushirul (ed), (2004), Will Secular India Survive? Delhi: imprint One, 82.
[29] Rudolph, Lloyd and Rudolph, Susanne.(1987), *In Pursuit of Lakshmi*, Chicago: University of Chicago Press, 187.

for Hindu-Muslim amity, the number of Muslims elected to the Lok Sabha, mostly on Congress tickets, was less than half of what their proportion entitled them to.

In the very first election therefore, the claim that the abolition of separate electorates for the minorities would usher in a broad, non-communal political environment failed. Joint electorates did not generate the kind of inter-religious understanding and spirit of give and take which the framers of the Constitution had envisaged. Even Maulana Azad, who hailed from Calcutta, had to stand from the predominantly Muslim constituency of Rampur in 1952 and 1957 as it was felt by the Congress Parliamentary Board that his election from his home constituency in Calcutta could not be certain; a rival Hindu candidate might have caused his defeat. As there were not many constituencies where Muslims were concentrated in large numbers, Muslim representation was gravely affected in every state.

In subsequent elections to the Lok Sabha, Muslim position did not improve. It turned out to be worse. Indeed, a recent study has argued that the Congress must shoulder the blame for the underrepresentaion of Muslims, because the percentage of Muslim nominations by the party has been consistently low. In the first five Lok Sabha elections (1952-1971), the Congress nominations for Muslims remained between 4.29 % and 5.74 %. In these elections, Muslim candidates belonging to the Congress managed to win even in constituencies where the Muslim population was between 3 % and 18%.[30] It was in 1977 (post-Emergency) election that Congress for the first time, nominated 7.52 % Muslim candidates. Interestingly, in these elections, the Muslim vote conformed to the general pattern and went against even Congress nominated Muslim candidates. The

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[30] Ansari, Iqbal A.(2003), *Muslim Representation in Legislatures: 1952-2002*, New Delhi: Jamia Hamdard University.134.

popular explanation for this has been the excesses of the programme of forced sterilization and the bulldozing of poor Muslims in the Turkman Gate area of Delhi.

In 1980 and 1984 the number of Muslims elected reached their highest number. Both these elections saw a massive pro-Congress wave in the country that was echoed in the Muslim vote. However, beginning with 1989 election, there has been a downward curve in the Muslim representation. [31]

With every election, the position of Muslims has deteriorated; no political party dares to put up a Muslim candidate unless the constituency has a substantial Muslim segment. There are, no doubt, a few exceptions in cases where either the popular clout of a particular candidate or the overwhelming control of the party, ensures his success. Otherwise the selection is invariably made on the basis of caste and communal labels. Nehru even then felt unhappy about the Congress putting up Muslim candidates in Muslim constituencies – an indirect admission that Muslims could not be elected from the Hindu majority constituencies.

Congress accomplishment in curbing organized communal violence, and its failure to create and expand educational and promotional avenues for educated Muslims eroded the confidence reposed by the Muslims in Nehru and the Congress. The gradual weakening of the Congress base amongst the Muslims made it possible for the religious-oriented Muslim groups to fill the political vacuum, while frequent rioting and unending discriminatory practices against Muslims legitimized their interests. One of the major

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8These elections have seen a spread of the Muslim votes across many parties most notably the Samajwadi Party and the Bahujan Samajwadi Party in Uttar Pradesh, and the Rashtritya Janata Dal in Bihar. There has been a movement away from the Congress since the 1989, which peaked during the 1996 election. This was in small measure due to a feeling of betrayal in December 1992 when the Babri Masjid was violently torn down, and Narasimha Rao government had failed to act.

factors for the revival of Muslim League, which had almost become defunct since Partition, was the underrepresentation of Muslims even from the constituencies where the Muslims were predominant. The League put up candidates in predominantly Muslim constituencies and was able to win from there. The formation of the All India Muslim Convention and the *Majlis-i-Mushawarat* were bold initiatives, but the strategy of working through electoral process backfired. Political mobilization along communitarian lines carried serious risks, because it hardened communal attitudes among majority segments and deepened insecurity amongst the minorities. [32]

Whatever may be nature of communal consciousness among Muslims in India, it is only in few places – Hyderabad in the Telangana region of Andhra Pradesh, northern Kerala and pockets in Tamil Nadu – that communal organizations have come to be established as the community's main · electoral and political voice. Each of these communal formations possesses distinct histories, context and patterns of development. In north India it does not seem possible that any of the Muslim bodies would be able to represent the Muslim masses. [33]

It must however be noted that Nehru in his life-time ensured that there were no serious Hindu-Muslim riots even though his politics of bringing Muslims into the mainstream did not go beyond tokenism. After his death Indira Gandhi and Rajiv Gandhi kept the Muslims tied to the apron strings of the Congress as the vote bank in the most

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[32] Hasan, Mushirul, (2001), *Legacy of a Divided Nation*, New Delhi: Oxford University Press.272.

[33] While this may be of help in combating Muslim communalism at an all-India level, regionally ,as the BJP grows in new areas where Muslim communal organizations already exists, there is danger that Muslims may fall back more and more on existing communal formations.

cynical, manipulative fashion by encouraging them to get addicted to crumb gatherings in the name of special concessions to the community. The Nehruvian brand of secularism misled the Muslim community into believing that as long as they had a certain clout with the government and the later mouthed secular slogans, their interests were safe.

However, since Partition, there has not been any meaningful Muslim politics for variety of reasons. Politics, in the genuine sense of the term, requires the availability of a public space and a public discourse where issues of common concern can be debated without any hindrance. Such spaces in the effective sense have been closed to Muslims. The impediments to Muslim politics are both external and internal. Externally, the terms of their inclusion in Indian politics have been set and circumscribed by dominant political configuration in society. Internally, few Muslims have had the imagination to carve out an appropriate political space for Muslims that can do justice to the diverse needs of the community without either succumbing to extremism, or more characteristically, becoming client tools of the state.[34]

The Congress was simply interested in co-opting Muslims, not in their well-being. Such a position also suited entrenched interests within Muslim politics as existed. Most Muslim politician owed such authority as they possessed to the Congress party rather than any genuinely substantive links to their communities.[35]

Most Congress Muslims legislators avoided public forms of protest, rebuffed petitions for help on minority questions and eschewed involvement in issues that were dubbed 'Muslims'. They did so because the electoral process sometimes favoured those who were docile and reluctant to raise embarrassing issues for fear of being denied

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[34] Mehta, Pratap Bhanu, 'Secularism and the Identity Trap' in Hasan, Mushirul (ed), (2004). Will Secular India Survive? 82.
[35] Ibid, 83.

nomination at the next election.[36] Perhaps the most important reason was that many elected representatives had no constituency of their own and were not obliged to redress the grievances of the Muslim segment of the electorate or even draw attention to them; and finally they also suffered from the complex that to work exclusively among or for the Muslims was a 'communal' act and should therefore be avoided.[37]

Indian Electoral System and Underrepresentation of Muslims

The contemporary democratic political system in India has at its centre the system of free and fair elections based on adult franchise and conducted by an impartial statutory Election Commission. The founders of the Indian republic believed that free elections with adult franchise constituted the essence of democratic process because they provided for the periodic selection and orderly replacement of rulers, expressed the popular verdict on the conduct of the government and institutionalized the accountability of those in authority to the electorate. They were committed to the basic assumptions of the system that legitimate authority rests on popular consent and that competition is the best means of ensuring the beneficial exercise of power. In addition, democracy represented to them an aspiration for a more egalitarian society, and towards the achievement of this the electoral system was to play a crucial role by loosening the rigid hierarchical structure of status and power in the traditional social order and promoting political integration within the framework of secular authority.[38]

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[36] Theodore P. Wright, Jr. 'The Effectiveness of Muslim Representation in India', in Smith (ed) South Asian Politics and Religion, pp110-118.

[37] Hussain, Abid, Destiny of Indian Muslims, Delhi, 141.

[38] See Austin, Granville, 2001, "The Indian Constitution: Corner stone of a Nation", Oxford: Clarendon Press, 146-156.

The Indian electoral system is a single-member district, simple-plurality system in which voters (over the age of 18 since 1989) cast a single ballot to choose a single representative to the Lower House of Parliament (Lok Sabha) or the State Legislative Assembly, the candidate with the largest number of votes, even if only a plurality, getting elected to represent that constituency. There are 543 constituencies that send a single member each to the Lok Sabha (two members are nominated). This first-past-the-post (FPTP) system was adopted shortly after Independence, following debates in the Constituent Assembly (1946-49) and Parliament (1950-51) just prior to the adoption of the Representation of the People Act, 1950 and 1951, and the first general elections of 1952. At that time, there were a significant number of two-member constituencies, and some three-member constituencies, in which one or two seats were reserved for the Scheduled Castes(SCs) or Scheduled Tribes(STs), but in which the electoral formula remained the FPTP one, candidates getting elected on the basis of the number of votes cast. However, in these constituencies, voters had two or three ballots and had to cast them for different candidates. Multi-member constituencies were abolished in 1961, following which the electoral system has been the single-member FPTP one.[39]

In a first-past-the-post systems very often the winning candidate receives only 30-35 per cent of the votes cast, resulting in wastage of remaining 65-70 per cent, the will of the majority going unrepresented as the seat-vote disproportionality is very great. The first-past-the-post system is particularly exclusionary for minorities that are so distributed such as to be in a minority almost everywhere, lacking majorities at either state or

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[39] Sridharan, E, 'The Origins of the Electoral Systems: Rules, Representation, and Power-sharing in India's Democracy', in Hasan, Zoya, Sridharan, E and Sudharshan, S, (ed) (2002), India's Living Constitution: Ideas, Practices, Controversies. New Delhi: Permanent Black.346

constituency level. This makes them most vulnerable to steamroller majoritarianism at the national and /or state level.

Over 90% of the Muslim population is distributed so as to be a minority at a constituency level. Muslims are 20-50% of the population in 71 constituencies, 10-20% in 126 constituencies and under 10% of the population in the remaining 336 or five-eighth of the constituencies. Thus it does not make electoral sense for Indian Muslims to form a party of their own. The logical strategy would be to join mainstream secular parties and strike the best possible deal within such parties or with such parties from outside through bloc voting.[40] Muslims join and contest elections on the platforms of the main national and regional parties. Constituencies with a higher proportion of Muslims generally elect candidates from parties with secular credentials like the Congress or the CPM, or else confessional parties like MUL or the AIMIM. This implies that Muslim voters tend to trust either confessional parties or parties that have a secular orientation and therefore offer some hope of security. However, it is the avowedly secular parities that dominate even in constituencies with a Muslim population of 30% to 50 %. *(See*

Table 5 & 6)

In a first-past-the-post, British-style parliamentary system, a 40 per cent vote can easily translate into 50 to 60 per cent of legislative seats. Moreover in 197 parliamentary constituencies Muslim constitute between 10 to 50 per cent of the electorate, and in

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[40] Sridharan,E,(2004),*Elections and Muslim Representation in India*,(unpublished paper presented at the Seventh Sustainable Development Conference of Sustainable Development Policy Institute, Islamabad, December 8-10,2004.),4.

Constituencies According to the Percentage of Muslims and Number of Seats Won 1952-1999

Year	0-10%	11-20%	21-30%	31-40%	41-50%	Over 50%	NA	Total
1952	3	5	3	3	1	2	4	21
1957	7	8	2	2	1	3	1	24
1962	4	6	2	3	2	4	2	23
1967	3	10	3	2	2	8	1	29
1971	3	7	4	2	2	9	3	30
1977	2	11	4	4	1	10	2	34
1980	6	17	9	5	1	10	1	49
1984	4	14	9	5	1	11	2	46
1989	5	5	6	5	2	9	1	33
1991	5	7	3	6	0	7	0	28
1996	4	5	3	6	1	10	0	29
1998	0	6	5	6	1	10	0	28
1999	1	8	5	6	2	10	0	32
Total	**47**	**109**	**58**	**55**	**17**	**103**	**17**	**406**

Table 5
Source: Iqbal A. Ansari dataset based on Election Commission Reports & 1981 Census Data

India's top 28 Muslim dominated constituencies, 2004

Constituency	% of Muslims	Party	Winner
Lakshwadeep	95	JD(U)	P.Pookunhikoya
Kishanganj,Bihar	66	RJD	Taslimuddin
Ponani,Kerala	66	IUML	E Ahammed
Jangpur,WB	59	INC	Pranab Mukherjee
Murshidabad,WB	58	INC	Abdul Mannan Hussain
Manjeri,Kerala	56	CPM	T.K. Hamza
Dhubri,Assam	55	INC	Anwar Hussain
Raiganj,WB	55	INC	P.R. Dasmunshi
Basirhat,WB	43	CPI	Ajay Chokroborty
Berhampur,WB	43	INC	A.R. Chowdhury
Rampur,UP	42	SP	Jayapradha
Malda,WB	40	INC	A.B. Ghani Khan
Moradabad,UP	40	SP	Shafiqurrahman
Barpeta,Assam	38	INC	A.F. Golan Osmani
Saharanpur,UP	38	SP	Rasheed Masood
Amroha,UP	37	IND	Harish Nagpal
Katihar,UP	37	BJP	Nikhil Kumar
Birbhum,WB	35	CPM	Ram Chandra Dome
Calicut,Kerala	35	JD(S)	M.P.Veerendra Kumar
Diamond Harbour,WB	32	CPM	Samik Lahiri
Krishnanagar,WB	32	CPM	Jyotirmoyee Sikdar
Hyderabad,AP	32	AIMIM	Asaduddin Owaisi
Bedagara,Kerala	30	CPM	P. Satheedevi
Meerut,UP	30	BSP	Mohd. Shahid
Silchar,Assam	30	INC	Santosh Mohan Dev
Purnea,Bihar	29	BJP	Uday Singh
Bareilly,UP	28	BJP	Santosh Gangwar
Faridabad,Haryana	25	INC	Avtar Singh Bhadana

Table 6
Source: Election Commission of India Data for the 2004 General Elections

another 10, more than 50 per cent. That makes them an important factor in determining election results in nearly 40 per cent of parliamentary constituencies.[41]

The number of Muslims contesting as major party candidates, i.e., those with a serious chance of winning, increased from 34 in 1952 to 175 in 1999, or five fold, with a sharp-jump in 1980 which could be linked to the emergence of serious competition at the national level to the Congress party during the Janata party government

However, the number and percentage of MPs actually elected has remained on the whole flat. If their proportion in the population is taken as the decisive criterion, then Muslims have been consistently underrepresented in Parliament. In the first Lok Sabha, elected in 1952, they constituted 4.4 % of the house, and in the recently constituted Fourteenth Lok Sabha – with 35 Muslims returned to the house – they stand at 6.45%. The highest representation achieved by Muslims was in 1980, when they accounted for 9.2 % of Lok Sabha members. In the election to the Fourteenth Lok Sabha, of the 35 elected, 25 were elected form constituencies with a Muslim population of over 15 %, while the remaining 10 were elected from constituencies with Muslim population less than 15 %.[42]

(See table 7)

At the state level, the decline in Muslim representation has been worse then at the Centre, except in the states of Assam, West Bengal and Kerala. *(See table8, 9, 10, 11,12 13,14& 15 overleaf)*. This pattern is explained partly by the demographic distribution of Muslims, and partly by the sharply polarized intercommunal situation prevailing in the

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[41]. Rudolph, Lloyd and Rudolph, Susanne.1987, *In Pursuit of Lakshmi*, Chicago: University of Chicago Press,197-198

[42] Jayal, Niraja Gopal,(2004*). A Malevolent Embrace? The BJP and Muslims in the Parliamentary Elections of 2004.* India Review, vol3, no, 3.187.

Number of Muslim M.P.s Winning in Lok Sabha Elections 1952-1999

Year	Seats Contested	Seats Won	Total Number of Seats	Percentage in the Lok Sabha	Success rate
1952	34	21	488	4.3%	61%
1957	45	24	494	4.8%	53%
1962	69	23	494	4.6%	33%
1967	70	29	520	5.5%	39%
1971	76	30	518	5.7%	39%
1977	83	34	542	6.2%	41%
1980	131	49	542	9%	37%
1984	123	46	452	8.4%	37%
1989	133	33	543	6%	25%
1991	149	28	543	5.1%	19%
1996	140	28	543	5.1%	20%
1998	146	28	543	5.1%	19%
1999	175	32	543	5.8%	18%

Table7
Source: Iqbal A. Ansari dataset based on Election Commision Reports & 1981 Census Data

Muslim Representation in Andhra Pradesh Assembly 1955-2004

Year	Number of Muslim MLA's	Strength of the State Legislature	Percentage of Muslim MLA's in the Legislature
1955	5	167	3%
1957	7	85	8.2%
1962	7	300	2.3%
1967	9	288	3.1%
1972	13	287	4.5%
1978	9	294	3.1%
1983	9	294	3.1%
1985	9	294	3.1%
1989	9	294	3.1%
1994	9	294	3.1%
1999	11	294	3.7%
2004	10	294	3.4%

Table 8
Source: Election Commission of India Data

Muslim Representation in Bihar Assembly 1951-2005

Year	Number of Muslim MLA's	Strength of the State Legislature	Percentage of Muslim MLA's in the Legislature
1951	22	276	7.9%
1957	26	264	9.8%
1962	21	318	6.6%
1967	20	318	6.3%
1969	19	318	5.9%
1972	24	318	7.5%
1977	26	324	8%
1980	26	324	8%
1985	31	324	9.6%
1990	17	324	5.2%
1995	23	324	7.1%
2000	35	324	10.8%
2005	24	236	10.1%

Table 9
Source: Election Commission of India Data

Muslim Representation in the Maharashtra Assembly 1962-1999

Year	Number of Muslim MLA's	Strength of the State Legislature	Percentage of Muslims MLA's in the Legislature
1962	9	264	3.4%
1967	7	270	2.6%
1972	13	270	4.8%
1978	10	288	3.5%
1980	14	288	4.9%
1985	10	288	3.5%
1990	6	288	2.1%
1995	7	288	2.4%
1999	11	288	3.8%

Table 10
Source: Election Commission of India Data

Muslim Representation in Mysore/Karnataka Assembly 1957-2004

Year	Number of Muslim MLA's	Strength of the Legislature	Percentage of Muslims in the Legislature
1957	7	179	3.9%
1962	6	208	2.9%
1967	7	216	3.2%
1972	11	216	5.1%
1978	13	224	5.8%
1983	2	224	.9%
1985	9	224	4%
1989	9	224	4%
1994	6	224	2.7%
1999	12	224	5.4%
2004	6	224	2.7%

Table 11
Source: Election Commission of India Data

Muslim Representation in Uttar Pradesh Assembly 1951-2002

Year	Number of Muslim MLA's	Strength of the State Legislature	Percentage of Muslim MLA's in the Legislature
1951	43	347	12.4%
1957	39	341	11.4%
1962	29	430	6.7%
1967	26	425	6.1%
1969	28	425	6.6%
1974	40	425	9.4%
1977	45	425	10.6%
1980	49	425	11.5%
1985	52	425	12.2%
1989	40	425	9.4%
1991	21	425	5%
1993	27	425	6.4%
1996	34	425	8%
2002	45	403	11.2%

Table 12
Source: Election Commission of India Data

Muslim Representation in Kerala Assembly 1957-2001

Year	Number of Muslim MLA's	Strength of the State Legislature	Percentage of Muslim MLA's in the Legislature
1957	12	114	10.5%
1960	17	114	14.9%
1965	17	133	12.8%
1967	16	133	12%
1970	12	133	9%
1977	24	140	17.1%
1980	21	140	15%
1982	24	140	17.1%
1987	21	140	15%
1991	26	140	18.6%
1996	25	140	17.9%
2001	22	140	15.7%

Table 13
Source: Election Commission of India Data

Muslim Representation in Assam Assembly 1951-2001

Year	Number of Muslim MLA's	Strength of the State Legislature	Percentage of Muslim MLA's in the Legislature
1951	15	94	16%
1957	15	94	16%
1962	15	105	14.2%
1967	13	126	10.3%
1972	21	126	16.7%
1978	27	126	21.4%
1983	31	126	24.6%
1985	25	126	19.8%
1991	19	126	15%
1996	26	126	20.6%
2001	24	126	19%

Table 14
Source: Election Commission of India Data

Muslim Representation in West Bengal Assembly 1951-2001

Year	Number of Muslim MLA's	Strength of the State Legislature	Percentage of Muslim MLA's in the Legislature
1951	25	187	13.4%
1957	27	195	13.8%
1962	28	252	11.1%
1967	35	280	12.5%
1969	39	280	13.9%
1971	38	280	13.7%
1972	39	280	13.9%
1977	38	294	12.9%
1982	45	294	15.3%
1987	39	294	13.2%
1991	43	294	14.6%
1996	37	294	12.6%
2001	38	294	12.9%

Table 15
Source: Election Commission of India Data

country. The electoral system also plays a very significant part in the underrepresentation of Muslims.

With the gradual decline of the Congress party nationally from 1967 onwards, beginning with the consolidation of a principle opposition party or coalition of parties in most states from 1967, the party system underwent a change that reinforced the decline of the Congress. What emerged was a party system that was increasingly bipolar at the state level, while in parliamentary elections, a consolidation of the opposition space gradually took place. This gradual strengthening of non-Congress political forces, based on the prior emergence of 'multiple bipolarities' at the state level since 1967, gathered strength from the late 1980s, with the assertion of variety of regional, religious, caste and Hindu majoritatrian and at times rabid communal identities, agrarian and intermediate caste parties, such as the Janata Dal, Samajwadi Party, the Scheduled Caste oriented Bahujan Samajwadi Party and the Hindu-majoritarian Bhartiya Janata Party.[43]

Therefore, in recent years with the extension of political democracy in India the competitive struggle for state power has become more intense with groups and parties attempting various strategies for success. This extension can be assessed by the increasing participation in public life by groups that had hitherto been on the social and political periphery. This increasing participation has been mobilized by political parties who have used various strategies. The strategy adopted by the Bhartiya Janata Party led Sangh combine relates to the issue of 'appeasement of minorities'. The Sangh Parivar has used this strategy to suggest that the politics of Congress since Independence and other secular parties, has been one of pandering to the minorities, particularly to the Muslim

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[43] Sridharan, E,' *Does India need to switch to Proportional Representation: The Pros and Cons*', in Flather, Paul (ed), (forthcoming), Recasting Indian Politics: Essays on a Working Democracy, London: Palgrave.

minority, and this has been detrimental to the 'well being' of the nation. They have thereby challenged the ideals of secularism and multiculturalism, which have been central to the Nehruvian model, which they hold responsible for this appeasement of minorities' in the negative sense. This 'appeasement' they argue must stop. A strong nation requires less concession to diversity and a greater commitment to unity, less allowance for difference and a greater demand for similarity.[44]

On the contrary, the Constitutional order in India guarantees minority rights only in the limited area of educational and cultural rights, ignoring other important domains of life such as employment, housing, health care or nutrition. It is therefore difficult for anyone to argue that these limited concessions constitute appeasement[45].

Nevertheless, this serves the purpose of the consolidation of the vote of the majority, an identity that is itself bound together not by any deep-seated commonality of worldviews, but by a common prejudice of the other. The BJP has done this through a systemic falsification of history[46], communal riots etc, all of which have led to a retreat by the minority community from there proper place in national life. The aggressiveness of the Sangh parivar on issues such as cultural nationalism, Uniform Civil Code, Babri Masjid controversy has placed the minority community on the defensive, resulting in a siege mentality and a ghettoization of everyday life. The Congress has also been as responsible for this feeling of insecurity among minorities since it too has in recent years seen the minority community as a vote-bank. Believing that this vote bank will be permanently with them the Congress has made concessions to a minority leadership that

[44]DeSouza, Peter Ronald, '*Appeasement of Minorities' and Multiculturalism: The Indian Debate*', in Mahajan, Gurpreet, and Sheth, D.L., (ed), (1999), Minority Identity and the Nation State. Delhi: Oxford University Press, 208.

[45] Ibid,214

[46] See Gopal, S, (1991), (ed) *Anatomy of a Confrontation*, for a detailed analyses Delhi: Penguin.

has gained considerable benefits by playing the minority card. These are not concessions to the community as a whole but to the leadership. This amounts to appeasement not of minorities but only of an elite group of leaders that claim to represent the whole community.[47]

The political polarization in actual terms works out not so much in terms of Hindus versus Muslims but the Bhartiya Janata Party (BJP) versus the Muslims, with the BJP projecting itself as a political party that represents the authentic voice of all Hindus, despite their failure to gather all major groupings under their banner, and the Muslims willing to put their entire weight in favour of whoever is capable of defeating the BJP. [48]

However, doubts could be raised about certain generalizations such as vote for the Congress, Samajwadi Party or Rashtriya Janata Dal or any other centrist party being necessarily a secular vote. Although, in the short term, such voting may prop up secular politics, it is not an indication of deeper motivation or choices made by Muslims in electoral politics. This pattern of voting is not an indication of any long-term secular tendency among Muslims. The intentions and motivations of such voting may be complex, but the outcome of these choices does strengthen secular political forces.[49]

Since Independence, given the complexity of their situation, Muslims had to lean on some outside force in order to feel effective in politics. They relied on Congress for a long time. Muslims continue to lean on community-centered politics but with a crucial difference worth emphasizing. The Muslims now align with communities whose politics

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[47] DeSouza, Peter Ronald, '*Appeasement of Minorities' and Multiculturalism: The Indian Debate*', in Mahajan, Gurpreet, and Sheth, D.L., (ed), (1999). Minority Identity and the Nation State. New Delhi: Oxford University Press, 147.

[48] ibid
[49] Alam, Javed, (2004).*Who Wants Democracy?* New Delhi: Orient Longman, 64.

are adjacent to theirs. This is distinctly unlike the politics of the Congress party which was above them, comprising of the elite who could not talk with them, but only talk down to them. As peasant, artisan or a worker the Muslim finds himself a social equal with a Dalit or an OBC .When the Muslims lean on these politically organized communities, they find themselves equal not dependent, as was the case when they leaned on the Congress.[50]

The factor that decidedly facilitated the major shift in the political understanding of Muslims was one of the significant measures instituted by the V.P. Singh government – the Mandal implementation. The tumult caused by Mandal acted as a trigger upsetting the ground equations of power and domination. Groups formed around privilege originating from being upper caste turned reactionary to protect themselves. There was a massive movement of established elite away from the Congress towards the BJP, and open support of varying intensity for Hindutva ideology. The result has been an altogether peculiar decomposition of consciousness of the established middle classes formed out of the upper castes. This became a factor facilitating rapid change in the political orientation of the Muslims. The change was further established by OBC political formations becoming enduring allies due to their shared uncompromising opposition to the BJP.[51]

Thus, since 1989, the Congress-dominated party system has evolved into a very fragmented multi-party system at the national level. At the same time, the Bhartiya Janata Party, a party with an explicitly anti-Muslim ideology has grown rapidly, creating a degree of Hindu-Muslim polarization in the polity. These two trends have opposite

[50]ibid, 66.
[51] ibid, 67.

implications for Muslim representation and leverage in the electoral system. On the one hand, the fragmentation of the party system at the state and constituency levels in the states where this has happened creates leverage for groups that command a significant minority of votes such as Muslims since swing voting can make or mar the prospects of parties and candidates. On the other hand, social polarization against Muslims makes it more difficult to strike social and political coalition deals and threatens to isolate them.[52]

Thus the dramatic growth of new Hindu-led parties that claim to represent the 'oppressed' – especially the middle and lower castes and minorities, groups that collectively represent a majority of the population, for instance, Bahujan Samaj Party, which represents Scheduled Castes, the Samajwadi Party which represents the Yadavs and backward caste community; and the Telegu Desham Party, which represents middle and lower castes in Andhra Pradesh – has significant implications as Steven Wilkinson argues on the manner in which the state protects its minorities.[53] All these parties are keen to expand beyond their core social constituencies and include Muslims in a broad social and political coalition.

Muslim voters in India are in a good position to profit from this increasing state-level competition over distributional issues because they demand less than most Hindu voting blocs. Muslims are a large proportion of the electorate – 13.4% overall – but much more in some states and constituencies. They have intense preference on one major issue – security [54] and they make fewer and less intense demands on other political issues than

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[52] Sridharan,E,(2004),*Elections and Muslim Representation in India*,(unpublished paper presented at the Seventh Sustainable Development Conference of Sustainable Development Policy Institute, Islamabad, December 8-10,2004.).12

[53] Wilkinson, Steven, (2005). ' *Votes and Violence: Electoral Competition and Ethnic Riots in India*', New York: Cambridge University Press,144

[54] ibid, 144-145.

many of the main voting blocs within the majority Hindu electorate, even lower than those made by the lower and middle castes (Muslims make fewer demands in part as consequence of their community's relative economic backwardness).

This has an effect on how the state protects its minorities and ensures their well-being. The democratic states protect minorities when it is in their governments' electoral interest to do so[55]. Specifically, politicians in government will increase the supply of protection to minorities when either of the following two conditions apply: when minorities are an important part of their party's current support base, or the support base of one of their coalition partners in a coalition government; or when the overall electoral system in a state is so competitive – in terms of the effective number of parties – that there is a high probability that the governing party will have to negotiate or form coalitions with minority supported parties in the future, despite its own preferences. The necessity to engage in what Horowitz calls as 'vote pooling'[56] in order to win elections and maintain coalitions is what forces politicians to moderate their demands and offer protection to minorities. On the other hand, politicians in government will restrict the supply of security to the minorities if they have no minority support and the overall level of party competition in a state is so low that the likelihood of having to seek the support of minority-supported parties in the future is very low.

Individuals have many ethnic and non-ethnic identities with which they might identify politically.[57] The challenge for the politician is to ensure that the identity that favours their party is the one that is most salient in the minds of a majority of voters—or

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[55]Ibid, 6.
[56] Horowitz, David, (1985). *'Ethnic Groups in Conflict'*, Berkley: University of California Press, 386.
[57] American Political Science Review-CP News Letter 12, no. (2001), pp.7-72,"*Cumulative findings in Study of Ethnic Policies*".

a plurality of voters in a single-member district system – in the run-up to an election. Wilkinson suggests that parties that represent elites within ethnic groups will often – especially in the most competitive seats—use polarizing antiminority events in an effort to encourage members of their wider ethnic category to identify with their party and the majority identity rather than a party that is identified with economic redistribution or some ideological agenda. These antiminority events are designed to spark a minority counter-mobilization that will polarize the majority ethnic community behind the political party that has the strongest antiminority identity.[58]

Nevertheless, in societies with 'ethnic' differences, some of these territorially demarcated , the numerical pluralities or majorities in votes and seats also tend to coincide with such 'ethnic boundaries', creating a perception of these boundaries as cleavages. The sense of powerlessness of those who are unrepresented in government and/or underrepresented in national and state legislatures because they belong to minority groups by one or other criteria i.e. are structurally in a permanent minority, can actually reinforce 'ethnic' identities and identity politics. This points toward the need to qualify the political systems majoritarian tendencies for accommodating dispersed minorities in the interest of long term social and political stability.[59]

The two major proposals that have been discussed in the Law Commission of India's Working Paper, *Reform of Electoral Laws* (January 1999) are: first, the introduction of a mixed FPTP-cum–PR system akin to the German model, consisting of

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[58] An important enabling condition here is the presence of some preexisting antiminority sentiment among members of the ethnic majority.

[59] Sridharan, E, '*Does India Need to switch to Proportional Representation: The Pros and Cons*', in Flather, Paul (ed), (forthcoming), Recasting Indian Politics: Essays on a Working Democracy, London: Palgrave.15

the introduction of a list system in addition to the FPTP system based on single-member territorial constituencies and second, a two-ballot majority run–off system.[60] The mixed system would consist of an increase of 25 per cent, or 138 seats, in the permitted maximum of 550 seats in the Lok Sabha, taking the new total number of seats to 688. These additional seats would be filled on the basis of list PR, in which parties would publish a list of nominees before the election. There would be no need for a second ballot since the allotment of seats would be on the basis of vote share. However, both the additional PR seats allotted and the vote share that would be taken to into account to fill these would be at the state level, with additional PR seats allotted proportional to state population, with small adjacent states being clubbed together and like wise, vote shares in such states. Only recognized parties, national and state, would be eligible for the additional PR seats.

The second system discussed but not recommended by the Commission, is a majority run–off system where only candidates polling over 50 per cent of the votes cast get elected from single-member territorial constituencies under the existing FPTP system. If no candidate gets a simple majority, a run-off election is held in which only the first two candidates of the first round contest, the winner of these being elected. An important provision is that negative votes are allowed, which will be counted as valid votes cast.[61] What is noteworthy is the fact that both the Law Commission Report and the two consultation Papers issued by the National Commission to review the Working of the

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[60] Law Commission of India, working paper, *Reforms of Electoral Laws*, January, 1999.
[61] National Commission to Review the Working of the Constitution, *Review of the Working of the Political Parties Specially in Relation to Elections and Reform Options* and *Review of election Law, Processes and Reform Options*.

Constitution did not consider the issue of Muslim underrepresentation worthy of attention.

Indian Muslims: Problems, Anxieties, Complexity

One does not have to believe in proportional representation to acknowledge that public life and public institutions of this country are thoroughly unrepresentative as far as Muslims are concerned. This alienation but could not have deleterious both on Muslim politics as well as politics of the nation as whole. The alienation from public life has produced its own vicious cycle. The less Muslims could acknowledge public life as being their own, the more they turned inward to tradition; the more inward they turned, the more opportunity their opponents got to accuse them of being anti-national and anti-modern.[62] The fact is that Indian politics acknowledged Muslims in so far as it did, only as supplicant minority, not as full citizens. In most cases, the state gives selective benefits to groups to integrate them more fully into a wider process and co-opt them. In the case of Muslims, the resources of the state directed towards them were to reinforce their status as minority, not to integrate them more fully into the political process.

The lack of any genuine political space makes it difficult for Muslims to articulate credible political positions. Many of the challenges that face them are the ones they have in common with other groups: education, poverty, unemployment and lack of public investment. Abusaleh Shariff's recent study, based on a survey of 33000 nationally representative rural sample and range of human development parameters, reveals that in urban India 53.4 per cent of Muslims are self-employed as against figure of 36 per amongst Hindus. In rural areas, the annual household income for Muslims as social group

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[62] Mehta, Pratap Bhanu, *'Secularism and the Identity Trap'* in Hasan, Mushirul (ed), (2004). Will Secular India Survive? Delhi: imprint One,82

is below the all–India average.[63] Even though Muslims are disproportionately urban, they are under-represented in regular salaried work in the government sector. They have a marginal presence in the organized sector, which includes both public and private sector.[64] The 50th and 55th rounds of the NSSO (1993 and 1999-2000) reveal that Muslims face greater deprivation in education and jobs than any other population group demarcated by religion.

Hence, Muslims seek quota in jobs and in education in proportion to their population. Affirmative action policies have produced substantial redistributive effects. As a result, beneficiaries have increased their participation in areas of society and national development previously closed to them. For the Muslim communities, there is neither the political will nor instruments such as reservations, to redress their grievances.

The current demand for national level reservations for all Muslims was jump started in mid-1990s although rumblings of such a demand had occurred from time to time. The Mandal Commission had declared over 80 Muslim groups to be backward. According to the data they used, backward Muslims made up a little more than half of the total 11.2 per cent of the Muslim population of India. The revived demand has left different Muslim groups at odds with each other, some pressing to be classified purely along religious community lines and others demanding that class or caste categories be retained and strengthened.[65]

The post–Mandal phase has shown that even the retrogressive ideology of casteism has some democratizing elements in terms of its being a tool of political

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[63] Shariff, Abusaleh, (1999). India: Human Development Report, New Delhi.Razzack, Azra, 'Differentials in Human Development: A case for Empowerment of Muslims in India', New Delhi: NCAER.
[64] Momin, A R, (2004). The Empowerment of Muslims in India: Perspective, Context and Prerequisites, New Delhi: Institute of Objective Studies.
[65] Jenkins, Laura Dudley, 2003, Identity and Identification in India. London: Routledge Curzon, 114.

mobilization and assertion. It has also helped in horizontal distribution of state and societal resources and thereby challenged upper caste/class elite monopoly of resources. Since caste inequality among Muslims is not as acute and exploitative as among the Hindus and due to the fact that Muslims are in a minority, the assertion of backward class/caste has been slow to begin within the Muslim community. But it is indeed strange that despite the fact that the Muslims are socially and culturally as heterogeneous as any other community, even its popular representation remains as an 'undifferentiated homogeneous block'.[66]

However, during the last decade a few Muslim OBC organisations have surfaced on national political scene challenging the social and political hegemony of Muslim elite. The basic orientation of these organisations is essentially Mandalite.[67] Their primary concern and demands are to include all backward communities amongst the Muslims in the OBC and SC lists at the state and central level. It also seeks to pressurize the mainstream political parties to give more representation in their organizational structure, in ticket distribution at all level of elections.

All these processes have awakened the Muslim OBCs and they have organized movements at the local, regional and national level. In recent times there has been an awakening amongst many communities in India – OBCs, SC etc. They have become aware of the need for political power and socio-economic development of their respective groups. Muslim OBCs in India are also part of this larger OBC awakening. There is conscious effort to relate OBC Muslims and Dalit/OBC Hindus and to create a bond of solidarity of subaltern of the country across religious divides.

[66] Alam, Anwar, (2003). *'Democratisation of Indian Muslims Some Reflections'*. Economic and Political Weekly, November 15.4881.
[67] ibid, 4885.

Nevertheless, the problem of perceptions dominates the discussions.[68] Muslims are visible in India's upper political, bureaucratic and cultural layers. Muslims have regularly occupied positions in the cabinet albeit the insignificant ones. The man who produced India's first medium-range missile and the nuclear bomb is a Muslim and at present occupies the post of the President. Muslims have led the national cricket team, a sport that generates national hysteria. Muslims are among the leading classical musicians of the country. Muslim film stars have been role models, even for Hindu youth. Minority educational institutions have legal privileges, enjoying special grants from the government. The Constitution gives special status to Jammu & Kashmir, India's only Muslim majority state, making several federal laws inapplicable there even as the rest of the states are bound by these laws. If Muslims remain unhappy, many secularists and Muslim politicians argue, the state ought to do more.

The same sets of facts are however used to present the Hindu rights story. Muslim film and sport stars, musicians and scientists are proof that talent matters irrespective of religion and a largely Hindu society may not be unfair. This argument has a serious flaw. Muslims, despite the special provisions in the cultural matters, are among the poorest and the least educated community in the country.[69] They are often the object of police brutality in riots. The problem of perceptions boils down to how many concessions to the minorities are sufficient. There is no objective answer to this question. In India, Muslim politicians or the secularists point to the economic backwardness of the community and argue for greater assistance. While the Hindu nationalists point to the visibility of

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[68] Varshney, Ashutosh, (2005), *Ethnic Conflict and Civic Life: Hindus and Muslims in India*. Delhi: Oxford University Press.83.

[69] For a rare statistical analysis of this subject, see Abusaleh Shariff, (1995). 'Socio-Economic and Demographic Differentials Between Hindus and Muslims in India' Economic and Political Weekly,18November,,2947-2954.

minorities in India's political and cultural life, saying that enough is enough. The Hindu nationalist opposition to Muslim demand for reservations is rooted in historical association between Islam and invasion or imperialism. Barbara Metcalf notes that 'a striking characteristic of public life in India has been an intensified use of historical narratives to define the nature of India's people and draw the boundaries of citizenship.' She argues that 'the history that identifies Indian Muslims as aliens, destroyers, and crypto-Pakistanis, with its profound political and moral implications for citizenship and entitlements, is critical in sustaining that role.'[70] Such constructions of history do have implications for membership in the nation and for the definition of official categories with their related entitlements. Hindu nationalist rhetoric commonly links Muslim demands with the idea that they are 'foreign' – either foreign invaders of yore or those responsible for Partition and Pakistan. Hindu nationalists also oppose extending reservation to all Muslims for fear that it would encourage conversions. On the other hand, the most important consideration that weighs heavily on the Indian politicians and the policy makers is the resistance to accepting a 'religious minority' as a distinct category. In particular, these sections fear that acquiescence in legitimizing the Muslim minority as separate entity would impede the creation of an inclusive Indian nation. The argument is unsustainable for the simple reason that Constitutional guarantees exist already for religious minorities in India. The Sikhs enjoy certain privileges in Punjab, so do the Christian in Kerala. Even after the country's bloody Partition and its unpleasant consequences, the Founding Fathers of the Constitution recognized the intrinsic connections between democracy, multiculturalism and the commitment to protect

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[70] Metcalf, Barbara, 1995, Presidential Address: '*Too little and too much: Reflections on Muslims in the history of India*', Journal of Asian Studies, 54:4, November 951-67.

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minority rights. Thus several articles of the Constitution – 28, 29 and 30—protect and provide safeguards to religious minorities. The Constitution also calls for special treatment of historically deprived groups (Articles 14[4] and 16[4]) in order to integrate them into the 'mainstream' of national life.[71] To get around the Constitutional ban on religiously base job reservations, states governments could pursue the long term practice followed in Kerala and Karnataka and list specific Muslim, Sikh, or Christian castes as backward castes.[72]

Religious minorities are divided across caste and class lines, and yet they constitute a distinctive category because of their social and economic status and their cultural rights. They have to be treated by the policy makers as such and their interest accommodated in the democratic polity. Even though Muslims are socially stratified and economically differentiated, they are entitled to an equitable share of basic public resources that have been denied to them for a variety of reasons since Independence.

The marginalization of minorities calls into question certain basic notion of democratic representation. The political process largely determines the distribution of education and employment, by increasing its share of political power. Increasing the political representation of minorities is important because it is expected that the democracies take the matter of minorities seriously. One indication of that seriousness is public policies for the social welfare of minorities and the other the presence of minorities in decision-making bodies.

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[71] Hasan, Mushirul, '*Muslims in Secular India: Problems and Prospects in India*', in Hasan, Mushirul, (ed), 2004, Will Secular India Survive? New Delhi: Imprint One.282.

[72] See Muslim India 1,no 10 (October 1983),p.466,and 13,no.145(1995),p.17, (for details of which Muslim castes are included in state lists)

Chapter 5

Conclusion

In recent years a number of democratic theorists have converged on the conclusion that democracrtic justice towards minority or disadvantaged grounds requires that they be adequately represented in processes of political decision making.

People structurally or systemically excluded or marginalized are caught in downwards spirals where underrepresentation in government due to discriminatory attitudes and lack of political resources facilitates government inattention to their economic , educational and other needs and this in turn makes it even more difficult for them to acquire political resources and further feeds discrimination.

However, even if marginalized groups achieve self-representation in decision - making processes, there mere presence may do nothing to shape the outcome of those processes. If decision making is competitive and majoritarian there is nothing to prevent the more powerful and numerous groups from ignoring marginalized group voices.[1]

The Muslim separatist movement, which culminated in the Partition of British India, had significant consequences for most Indian Muslims. Independence, coupled with the traumatic events of Partition, had a dramatic impact on the lives of many Muslims, particularly in north India. Muslims who were left behind faced various degrees of economic uncertainty, as well as political and social vulnerability.

Since the elite section of the Muslim population had migrated to Pakistan there was no given leadership remaining to represent Indian Muslims. Those sections of the

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[1] Beitz, Charles R. (1989). *Political Equality: An Essay in Democratic Theory*. Princeton: Princeton University Press135.

Muslim middle classes that had chosen not to migrate were embodied by their weakness. The few prominent secular and religious leaders that preferred to stay in India had only marginal influence on political events and agendas. With the dissolution of the Congress party in the 1990s as a dominant 'grand coalition', which partly promoted minority proportionality and interest, the number of Muslims sharing in public power and employment decreased.[2]

While examining the trend of Muslim participation and presence in the legislature, we find a declining number since 1980, when 49 out of 543 MPs were Muslims. In 2004 the figure had diminished to 35. . When contrasted with the changing composition of the Lok Sabha—today a quarter of its members originate from lower castes—and the increasing weight of minority votes these figures appear to disrupt a general tendency.[3] The interrupted pattern seems more comprehensible, however, if understood in the light of the intensified communalization of politics and the fear amid political parties of being accused of minority appeasement.[4] However, their is need to qualify this as the dramatic growth of new Hindu-led parties that claim to represent the 'oppressed' – especially the middle and lower castes and minorities, groups that collectively represent a majority of the population has significant implications for the Muslims. All these parties are keen to expand beyond their core social constituencies and include Muslims in a broad social and political coalition. Muslim voters in India are in a good position to profit from this increasing state-level competition over distributional issues because they demand less

[2] Hasan, Zoya, 'Social Inequalities, Secularism and Minorities in India's Democracy' in Hasan, Mushirul, (ed) (2004).Will Secular India Survive? Delhi: imprint One,251

[3] ibid,251.
[4] Zakaria, Rafiq, (2004), 'Indian Muslims: Where Have They Gone Wrong'. Mumbai: Popular Prakashan,187

than most Hindu voting blocs. Muslims are a large proportion of the electorate – 13.4% overall – but much more in some states and constituencies.[5] Muslim can no longer be ignored because they are important as the swing votes and effect outcomes in very close elections. . Muslims have exhibited, as Praful Bidwai observed 'an extraordinary high level of political maturity by voting for the secular candidates. They do not back Muslim candidates qua Muslims. Nor do they waste their votes on candidates who cannot defeat the BJP. This stands in sharp contrast, for example, to the Punjabi Sikhs who, faced with what they regarded as unfair and discriminatory treatment tended in the eighties to turn inward and support Akali Dal factions, not secular parties'.[6]

Geographically, Muslim candidates for the lower house have tended to come from a small selection of certain states. States with either a higher percentage of Muslims in their population or where Muslims had traditionally played a dominant role by virtue of their socio-economic status have been more likely to elect Muslim candidates to the Lok Sabha since independence. The experiment of Muslim parties has largely failed .Apart from the Muslim League in Kerala or AIMIM in Hyderabad no Muslim party like the Muslim Majlis has been able to make inroads even in predominantly Muslim areas. But Muslims participation within a secular framework with parties like Samajwadi Party, Rashtriya Janata Dal, and United Minorities Front in Assam has proved successful.

Muslims have had consistently higher representation in the Rajya Sabha since independence .From 1952-1990, the average percentage of Muslim MPs in the Rajya Sabha has been 10.75%, which is almost twice their average percentage in the Lok Sabha

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[5] Wilkinson, Steven, (2005). ' *Votes and Violence: Electoral Competition and Ethnic Riots in India'*, New York: Cambridge University Press,144
[6] The Times of India, 7th December 1993.

and is roughly equivalent to their share of the Indian Population.[7] One could argue that the nomination process allows the government to redress the low proportion of Muslims who could otherwise participate in government. While the indirect election process allows the states to put forward the name of the candidates who otherwise might not have fared successfully in direct elections.[8]

Nevertheless, Muslims are under represented in the Parliament and the State legislature is a fact and not an isolated case of political marginalization. In its annual report from 1998-99 the National Commission for Minorities commented on the grave under-representation of Muslims 'in all public services both at the national and state levels' .[9] The number of Muslims employed by the judiciary, police and state administration is remarkably modest and is gradually abating.

The contemporary Muslim leadership is fragmented and hard to define or distil into a distinct face or group of people. They are mostly elite and orthodox Muslims partaking in political controversies often bitterly defending the outer discursive limits of the community. This leadership has failed the community badly as its espousal of Involvement of the community in 'identity' issues over 'livelihood' issues has been detrimental to its interests.

In modern Indian society question of religious identity has become far more important .A religiously plural society like India throws up complex problems in a democratic set up .A secular democratic society throws up the question of rights for different religious communities and also promotes competition for political power and

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[7] Karlekar, Karen, Deutch, 'Muslim Women in Indian Politics 1947-2002' in Menon, Ritu and Hasan, Zoya, (ed) (2005). In a Minority : Essays on Muslim Women in India, Delhi: Oxford University Press,237
[8] ibid,237
[9] cited inMomin, A.R., (2004). 'The Empowerment of Muslims in India: Perspective, Context and Prerequisites ', New Delhi: Institute of Objective Studies, 59.

economic resources. The elite of the communities mobilize masses by using religious identities and hence religious identities become quite important.

What post-Independence history reveals, however, is that a constitutional sanction of equal treatment does not mechanically coincide with economic, social and political equality. Especially the last twenty years has been bearing witness to a persistent imbalance between the Hindu majority and the religious minorities. The combine of socio-economic marginalization and the shrill enunciation of Hindu nationalism have imposed severe external pressure on the Muslim population.

It all depends on socio-political conditions particularly in multi-religious society. If Muslims are less under majority communal pressure and find political atmosphere more congenial to their economic progress they will be more inclined to accept change and move away from the identity issues.

It can be demonstrated from the Kerala experience of the Muslims. The Kerala Muslims living under comparative sense of security are ahead of other Indian Muslims in accepting modern secular education, family planning and social change.

A sizeable segment of the Muslim population is marginalized in terms of socio-economic indicators and political influence. Hence, Muslims seek quota in jobs and in education in proportion to their population. Affirmative action policies have produced substantial redistributive effects. As a result, beneficiaries have increased their participation in areas of society and national development previously closed to them. For the Muslim communities, there is neither the political will nor instruments such as reservations, to redress their grievances.

But reservation on religious grounds by itself can be a contentious issue. Even among Muslims there is no unanimity .It is therefore, important to discuss the issue in all its complexities. It should not be debated only in terms of pro and anti Muslim rhetoric.

A way out could be reservation for Muslims under Mandal categories. But there should be no special programmes or schemes exclusively for Muslims .Both in the long run and short run such programmes are counterproductive. They tend to become exercise in tokenism or in patronage; and only provide grist for the mills of Muslim baiters and vitiate the social environment.

It is true that Muslims have not been able to get their due share of political representation despite the fact that they have equal voting rights and equal citizenship rights. This could be addressed at the political as well as the electoral level.[10] Remodeling the electoral system by adopting some variant of proportional electoral system could be an answer .However, it may encourage ethnification of the party system and if this gives rise to social polarization then, minorities will suffer isolation despite more proportional representation. In other words, the prospect of legislative majoritarianism would easily offset the gains from proportionality in representation. . Secondly, this system though much more representative may not be effective in India in the absence of a properly institutionalized party system. All this has to be weighed against the aggregative potential of the single member plurality systems.

Developments in the realm of communal politics in the past decade show that protection of minorities has occurred when minorities have been able to rely on majority

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[10] Hasan, Zoya, *'Representation and Democratic Politics in India'* ,Mimeo, May 2005

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support, rather than acting alone as minorities.[11] Instead of mainstreaming the community this would lead to the further segregation of Muslims.

Another major draw back is that no matter what sort of PR or mixed system India may choose to adopt for more proportional representation of the preferences of the electorate, the problem of legislative majoritarianism and the fear of cultural subsumption of minorities' will remain since structural minorities are stable, nationally and state wise. It would only be alleviated by institutionalization of better defined fundamental rights, especially group rights. A switch to any kind of PR in the absence of such extended definitions of rights and safeguards would not be effective.[12]

Secular Muslim leadership in India has to play a more active role in leading the community out of the ghetto and conservatism within which some elements would try and confine it. However, it is time also for the community to follow the path of *Ijtehad* or reinterpretation of Islamic tenets in the light of modern day realities, so that Indian Muslims are better able to assume their rightful place in a fast changing world. This is not something others can do for them .Change has to come from within.

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[11] ibid

[12] Sridharan, E, *'Does India Need to switch to Proportional Representation: The Pros and Cons'*, in Flather, Paul (ed), (forthcoming), Recasting Indian Politics: Essays on a Working Democracy, London: Palgrave, 31-32.

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