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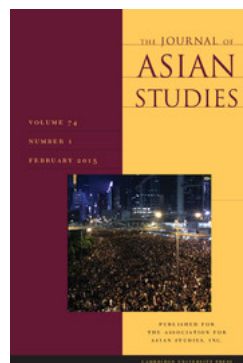
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Mired in Reservations: The Path-Dependent History of Electoral Quotas in India

FRANCESCA R. JENSENIUS

Since independence, India has had electoral quotas for Scheduled Castes (SCs, Dalits, “untouchables”). These quotas have been praised for empowering members of a deprived community, but have also been criticized for bringing to power SC politicians who are mere tools in the hands of the upper castes. Tracing the history of these quotas through four critical junctures, I show how a British attempt to strengthen their own control of India eventually resulted in one of the world’s most extensive quota systems for minorities. The quota system was in the end a compromise between several political goals, and was not strongly supported by anyone. Also, while the quotas were designed to integrate SC politicians into mainstream politics, there was a subtle and gradual shift in the debate about them, to being about development for the SC community as such. This created a disjuncture between the design of the quota system and the expectation of what it would achieve. The case of quotas in India illustrates how policy choices often result from long path-dependent processes, how policy makers struggle with trade-offs when trying to design institutions, and also the power of expectations in shaping the perceptions of the outcomes of those institutions.

INTRODUCTION

THE SCHEDULED CASTES (SCs, *Dalits*, the former “untouchables”) in India were traditionally marginalized, uneducated, and poor.¹ Although they are still considered one of India’s most vulnerable minorities, they are also among the best represented groups in the country’s political system today. Since 1950, India has had electoral quotas (or “reservations”) for SCs in the national Parliament and in state assemblies, proportional to their share of the population (about 16 percent). This quota system has been praised for empowering members of a deprived community, but also has been criticized for bringing to power SC politicians who are mere tools in the hands of the upper castes. The electoral constituencies reserved for SCs are single-member districts where SCs are generally a minority among the electorate, and voters from all caste groups are eligible to

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¹The term “Scheduled Castes” was introduced in the Government of India Act of 1935, defined as “such castes, races or tribes or parts of groups within castes, races or tribes, which appear to His Majesty in Council to correspond to the classes of persons formerly known as the ‘Depressed Classes’, as His Majesty in Council may prefer” (Government of India 1942). The Government of India (Scheduled Castes) Order of 1936 and the Constitution (Scheduled Castes) Order of 1950 contained lists (or schedules) of castes eligible for certain benefits, such as running for election in constituencies reserved for SCs.

vote (joint electorates). In consequence, elected SC politicians are usually answerable to a majority of non-SC voters.

This particular design of the Indian quota system—reserved constituencies with joint electorates—was the result of several decades of political struggle. In this article I examine four critical junctures in this struggle, to show the importance of the sequence of events in shaping the design and perceptions of today’s quota system. At each point in time, the negotiating partners and their power relations were different, but the agenda was shaped by choices made in the past. By tracing the process of negotiations over time, I show how the colonial practice of selecting communal representatives in order to strengthen Britain’s own control of India created a tradition of group-based representation, finally resulting in the entrenchment of reservations as the most important political safeguard in independent India.

The case of quotas for SCs in India illustrates how policy choices often result from long path-dependent processes rather than clear-cut strategic choices at one point in time. It is also an example of how policy makers struggle with trade-offs when trying to design institutions. In many cases there is no “correct” or “best” institutional choice, but rather a number of possible solutions—each with its own advantages and disadvantages. The drafters of the Indian Constitution were keenly aware that different designs of the quota system would create different incentives for the politicians elected from reserved seats. They recognized that the strong bias against the SC community, as well as their educational and economic deprivation, would make it difficult for SC candidates to be politically competitive in open elections. But they were also worried about exacerbating existing social cleavages. Rather than creating a quota system of SC politicians representing SC interests, they therefore sought to integrate SC politicians into mainstream politics by making them appeal to voters from various caste groups. The quotas were therefore deliberately designed to have an integrating effect and reduce caste barriers, instead of creating champions of SC interests.

While the intentions of the drafters of the Indian Constitution were quite clear—to integrate SC politicians into mainstream politics—the process tracing in this article also shows a subtle and gradual shift in the debate about quotas for SCs to being about development for the SC community as such. This is probably why the quotas for SCs are sometimes denounced as a failure—because they do not seem to have led to tangible developmental benefits for the SC community—although they have in fact been very successful at guaranteeing the political presence of an otherwise marginalized group. This case therefore shows both the importance of institutional design in shaping outcomes and the power of expectations in shaping perceptions of those outcomes.

CONTEXT

Reservations have been a major political issue in India in recent decades. There are several types of reservations, including reserved seats in legislative assemblies, village councils, governmental jobs, and educational institutions. The reserved seats in legislative assemblies—in focus here—have received the least attention by far, although they constitute one of the most extensive electoral quota systems in the world. This system has been in place since 1950, when the Constituent Assembly granted SCs and Scheduled

Tribes (STs) reserved seats in the lower house of Parliament and the state assemblies in proportion to their share of the population in each state (on average approximately 16 percent and 8 percent, respectively). The exact locations of these reserved constituencies have changed a few times since independence; [Figure 1](#) shows which parliamentary constituencies have been reserved since 2008.²

In constituencies reserved for SCs, only individuals belonging to an SC community may run for election, although the whole electorate votes, irrespective of caste. Since the SC community is spread across India, its members are usually a minority in the constituencies reserved for them, so most SC politicians are elected by a majority of non-SC voters.³ In contrast, in constituencies reserved for STs, only STs can run for election—but there is often a majority ST population in areas reserved for STs. The history of

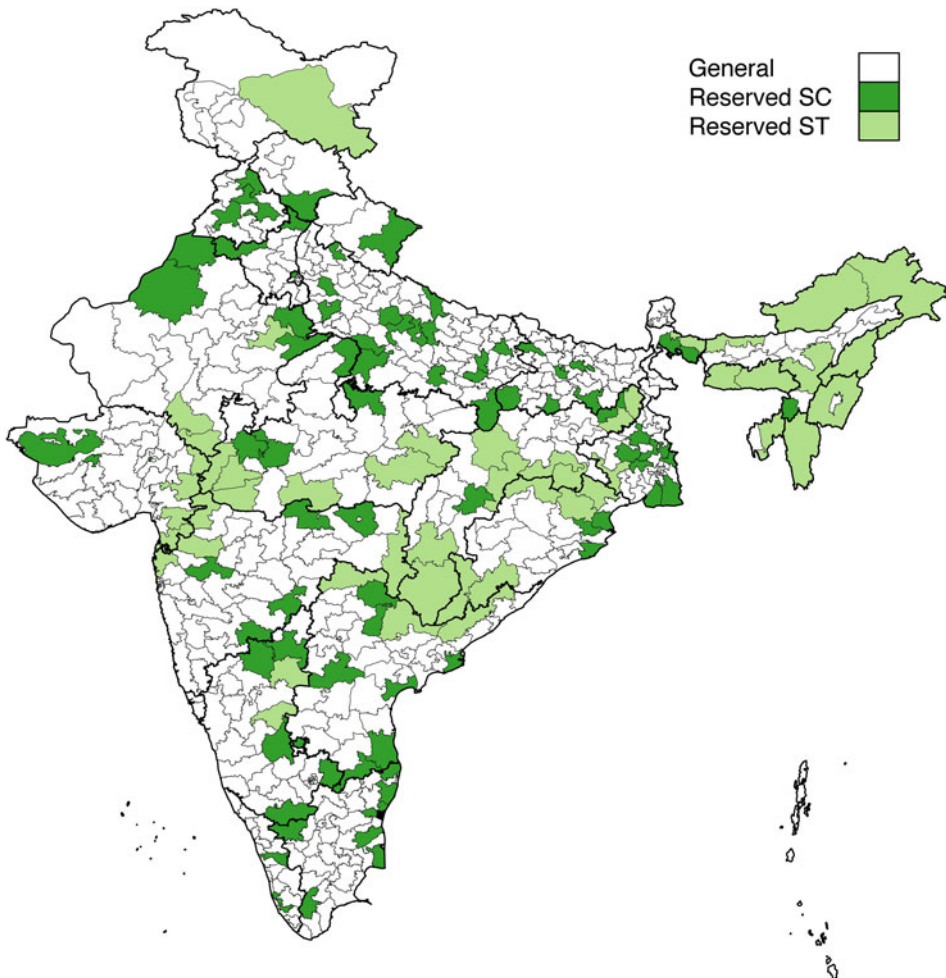


Figure 1. Parliamentary constituencies reserved for SCs since 2008. Figure created by author using geocoded maps from GISMAP IN and information about the reservation status of constituencies given by the Delimitation Commission of India (2008).

these groups and the discussions of their quota systems are quite distinct, and in this article I only focus on the history of the SC quotas.

The quotas for SCs give political power to SC individuals, and could therefore be expected to be popular among the SC community. However, many SC politicians and activists have criticized them for bringing to power the wrong type of SC representatives. The prominent SC politician Kanshi Ram (1982) argued that SC representatives who win elections in India are *chamchas* (stooges or sycophants) who do not properly represent SC interests, because they have to cater to the interests of a non-SC electorate in order to win elections. In a series of interviews with politicians, senior civil servants, and political activists in several Indian states in 2010 and 2011, I found that this was not an uncommon perception of the SC quota system.⁴ One SC activist in Lucknow said he considered the political reservation system to be “useless,” because SC politicians do not work for the interests of SCs.⁵ Similarly, in Himachal Pradesh an SC activist told me: “It makes no difference. The representatives follow the party line and are only concerned about themselves and their families. All that reservations have done is pacify the caste people [SCs] and get the upper-caste people angry that they can’t run for election.”⁶

The SC politicians I spoke with were slightly more positive. They noted that political quotas have been important in creating leadership and giving SCs access to elite positions. Several respondents stated that they would not have been able to win elections the first time around without the help of the reservation system. Thus, they agreed that reservations have led to greater political access for SCs. However, they did not think that SC representatives work more for SCs than do other politicians. This was attributed to the fact that SC politicians were answerable to a non-SC electorate and were also controlled by their political parties. As one SC politician in the northern state of Uttar Pradesh explained, “I have to work for all, for the majority of the voters; how would

²For more on the delimitation of constituencies and the selection of reserved seats, see Jensenius (2013).

³From 1951 to 1961, the reservation system was organized differently: all constituencies had one general seat, and in addition some of them had a seat reserved for an SC or ST politician. This created both confusion and dissatisfaction; the practice was ended in 1961 with the Two-Member Constituencies (Abolition) Act, which stipulated that India should have only single-member constituencies. The Lok Sabha debates about this Act indicate that it was difficult to conduct electoral campaigns in the multi-member constituencies because they were large and unwieldy, and some felt that SC politicians became tag-along politicians to influential general-category candidates. Since then, the reserved seats have been in single-member constituencies.

⁴I conducted more than one hundred interviews with cabinet ministers, Members of Legislative Assemblies, *pradhans* (heads of village councils), Indian Administrative Service officers (senior civil servants), activists, other elites, and voters. Most of the interviews were conducted in Delhi, Himachal Pradesh (Shimla and Solan), Uttar Pradesh (Lucknow, Meerut, and Varanasi), and Bangalore. The interviews were semi-structured, lasting between fifteen minutes and three hours each. In Shimla, Solan, Varanasi, and Delhi, I conducted the interviews alone, while in the rest of the locations I worked with a collaborator or a research assistant. Most of the interviews in North India were conducted in Hindi, while those in South India were conducted in English. The interviews were not recorded, so the quotes provided in the text are translations from Hindi based on my field notes.

⁵Interview in Lucknow, November 21, 2010.

⁶Interview in Shimla, October 11, 2010.

I otherwise win the election?”⁷ A senior SC politician in Himachal Pradesh even told me that SC politicians tend to do *less* for SCs than other politicians because they fear losing non-SC votes if they seem “too SC.”⁸

Many of those I interviewed had ideas for alternative designs of the quota system that they thought would work better—such as separate electorates, party candidate quotas, economic rather than caste-based quotas, or no quotas at all. Such discussions are nothing new. The particular type of electoral quotas that India adopted was the result of several decades of iterative negotiations. The major decisions on reservations were taken at the time of the drafting of the Government of India Acts of 1909 and 1919, the reactions to the Communal Award in 1932, and the drafting of the Indian Constitution. In this article, I show the importance of the sequence of these events in shaping the design and perceptions of today’s quota system. The British colonial rulers were actively involved in the process, but the implementation of reservations after independence has been more than merely a colonial legacy: At each point in history, the actors involved in the decision-making process were different, the incentive structures for the actors changed, and the power of the British slowly dwindled. Yet, the choices of the past shaped the agendas at every stage. In the following discussion, I focus on four critical junctures in the negotiation process that shaped the reservation system in use in India today:

- **Morley-Minto reforms:** Political quotas for Muslims were enacted by the Morley-Minto reforms of 1909. The motivation was to strengthen British interests in India.
- **Ambedkar and the depressed classes:** In the Council of India Act of 1919, the SCs (depressed classes) were recognized as a separate community and were guaranteed political representation. This was within a framework of limited franchise and group-wise representation, a system that was continued in order to keep earlier promises to the Muslim community to retain their loyalty.
- **The Poona Pact:** The Poona Pact of 1932 formalized an agreement between the Indian National Congress and the representatives of the SCs, whereby SCs were granted reserved seats as long as they gave up the demand for separate electorates. At this time the language of justifying quotas shifted from focusing on guaranteeing representation for a specific community to being about “uplifting” a poor segment of society.
- **Drafting the Constitution:** The violence at the time of partition turned the Constituent Assembly against political safeguards for Muslims and other religious minorities. Reservations for SC were retained and no longer treated as a communal demand, but as a way of helping a deprived group.

THE HISTORY OF RESERVATIONS IN INDIA

The idea of guaranteed representation for various communities in India goes back to the days of the British Raj. During the nineteenth century, concerns were raised about

⁷Interview in Lucknow, November 21, 2010.

⁸Interview in Shimla, October 10, 2010.

upper castes being over-represented in the civil service; in the princely state of Mysore, reservations for backward classes were initiated as early as 1874 in the civil services (Bayly 1990, 195). At that time, whether or not to reserve political positions was not a relevant issue, since there was virtually no representation of Indians in the political institutions of the country.

The inclusion of Indians in political institutions was slow and gradual. In 1853, four Indians were for the first time included as nonofficial members of the Governor-General's Council, in order to strengthen British control over India by contributing their "local knowledge" (Montagu and Chelmsford 1918, 37). The first Indian war of independence (often referred to as the Great Rebellion or the Indian Mutiny) in 1857 led to several changes to British rule in India. After the Crown officially took control in 1858, efforts were made to include Indians in the political establishment, in order to "provide safety valves for the expression of public opinion which had been so badly misjudged before the rebellion" (Montagu and Chelmsford 1918, 2). As one of the British members of the Viceregal Council, Sir Henry Bartle, wrote in a memorandum in 1860: "The addition of the native element has, I think, become necessary owing to our diminished opportunities of learning through indirect channels what the natives think of our measures, and how the native community will be affected by them" (quoted in Montagu and Chelmsford 1918, 38). This initial representation of Indians was also ensured by the Indian Council Acts of 1861 and 1892, but the number of representatives was small; moreover, they were appointed, not elected.

It was with the Morley-Minto reforms of 1909 that Indians were, for the first time, elected to various legislative councils in India, albeit with a restricted franchise. With this inclusion of a representative element in the political system came discussions on who was to represent whom.

Morley-Minto Reforms 1909: Quotas Enter the Stage

At the turn of the twentieth century, Indian nationalists, mainly represented by the Indian National Congress (Congress), were advocating for more political influence. After Lord Minto arrived as Viceroy in 1905, he started corresponding with the Liberal Secretary of State, Lord Morley, about the possibility of enacting reforms to increase the representation of Indians in the political system (Minto 1934). The discussion concerned increasing the number of nonofficial Indian members in various legislative councils, and including Indian representatives in the Council of the Secretary of State in London and in the Viceroy's Council in India. That same year, Minto appointed a committee to consider increasing local representation in the Indian legislative councils (Montagu and Chelmsford 1918, 47).

This was a time when religious minorities, mainly the Muslims, were anxious to ensure political safeguards because they were "apprehensive of cultural homogenization" (Mahajan 1998, 120). According to Galanter (1984, 25), British rule made Muslims feel that they were falling behind Hindus, as it "shattered the earlier patterns of dominance and accommodation, permitting, if not fostering, open rivalry" between the two groups. The Muslim League was formed as a political alternative to the Congress in 1906. In October 1906, while the Morley-Minto reform documents were being drafted, a delegation of Muslims visited the Viceroy in Shimla to demand political safeguards. In an address read by Sir Aga Khan III, they argued that Muslims would remain a minority

in a plurality voting system, and that Muslims must be ensured communal representation. Minto responded: “[T]he Mohammedan community may rest assured that their political rights and interests as a community will be safeguarded by any administrative re-organization with which I am concerned” (quoted in Minto 1934, 47).

Minto kept his promise. In the Indian Council Act of 1909 (the Morley-Minto reforms) several communities, including Muslims, landholders, and various commercial interests, were ensured the right to elect representatives from their own communities to the Legislative Councils in British India (Ilbert 1910, 432–35).

The decision to grant political safeguards to Muslims was grounded in a belief in group-based representation in India, as Minto explained in a letter to Morley: “The only representation for which India is at presently fitted is a representation of Communities” (quoted in Minto 1934, 102). Minto expressed the same opinion in his opening address to the new Legislative Council after the implementation of the reforms in January 1910:

We have distinctly maintained that Representative Government, in its Western sense, is totally inapplicable to the Indian Empire and would be uncongenial to the traditions of Eastern populations; that Indian conditions do not admit of popular representation. . . . But we have been deeply impressed by the changing political conditions alluded to in my note, and we have endeavored to meet them by broadening the representation authorized by the Council Act of 1893, by expanding its rules of procedure and facilitating opportunities for debate, by inviting the leaders of Indian public opinion to become fellow-workers, with us in the British administration, and by securing the representation of those important interests and communities which go to form the real strength of India, whilst at the same time recognizing the claims of educational advance. (quoted in Minto 1934, 372)

From the personal correspondence between Morley and Minto, there can be little doubt that in granting separate electorates to Muslims and other communities, these politicians were primarily concerned with securing British interests in India. In a letter dated May 28, 1906, Minto wrote to Morley: “I have been thinking a good deal lately of a possible counterpoise to Congress aims. I think we may find a solution in the Council of Princes. . . .” (quoted in Minto 1934, 29). On November 23 the same year, Morley wrote to Minto: “I incline to think that the admission of a Native, whether to your Council or to mine, or to both, would be the cheapest concession we could make” (quoted in Minto 1934, 101).

Thus, it was a need for local information, a pressure to make concessions to a growing local elite, and a lack of belief in popular representation, that led to the introduction of group representatives in political institutions in India. Representation was granted to influential communities—with no intention of moving the system in the direction of a Western-style parliamentary democracy. The importance of this historical juncture was made clear by Gandhi when he met Lady Minto in London many years later: “Do you remember my name?” I [Lady Minto] asked. “Remember your name!” exclaimed Mr. Gandhi. “The Minto-Morley Reforms have been our undoing. Had it not been for the

Separate Electorates then established, we should have settled our differences by now” (quoted in Minto 1934, 21).

Dr. Ambedkar and the Depressed Classes

Ten years after the Morley-Minto reforms, other British administrators regretted the choice that had been made in granting separate electorates to Muslims. Concerning the reforms, the Montagu-Chelmsford Report (1918, 49) stated: “It is probable that the far-reaching consequences of this decision [to grant separate electorates] and the difficulties which it would create at a later stage were not fully foreseen.” The authors rejected communal electorates in principle:

A minority which is given special representation owing to its weak and backward state, is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and qualify itself to make good the ground it has lost compared with the stronger majority. On the other hand, the latter will be tempted to feel that they have done all they need do for their weaker fellow countrymen and that they are free to use their power for their own purposes. The give-and-take which is the essence of political life is lacking. There is no inducement to the one side to forbear, or to the other to exert itself. The communal system stereotypes existing relations. (Montagu and Chelmsford 1918, 149)

Despite speaking against communal electorates, the authors of the report recommended that the policy be continued, arguing that it was politically unfeasible to revoke a right that had already been granted:

The Muhammadans regard these as settled facts, and any attempt to go back on them will rouse a storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty. . . . How can we say to them that we regard the decision of 1909 as mistaken, that its retention is incompatible with progress towards responsible government, that its reversal will eventually be to their benefit; and that for these reasons we have decided to go back on it? (Montagu and Chelmsford 1918, 149)

Although its authors were against the continuation of the system of group-based representation in principle, the report actually ended up recommending political safeguards to several groups:

We have been pressed to extend the concession to Other communities. Some have based their claim on their backward, others on their advanced, condition. . . . Now our decision to maintain separate electorates for Muhammadans makes it difficult for us to resist these other claims. . . . Any general extension of the communal system, however, would only encourage still further demands, and would in our deliberate opinion be fatal to that development of representation upon the national basis on which alone a system of responsible government can possibly be rooted. (Montagu and Chelmsford 1918, 150)

The SCs, or the “depressed classes” as they were commonly called at the time, had not been considered for political safeguards in the discussions leading up to the Morley-Minto reforms, since they were not an organized or influential community. But soon thereafter Dr. Bhimrao Ramji Ambedkar emerged as an important spokesperson for the depressed classes.⁹ He was first asked to mobilize these classes on behalf of Congress in 1917, but soon broke away from the Congress line and demanded separate representatives for the depressed classes.

In January 1919, Ambedkar made a representation to the Southborough Franchise Committee, demanding political representation for the depressed classes. This was a committee appointed on the basis of the recommendations of the Montagu-Chelmsford report, broadly mandated to examine issues related to representation and elections.¹⁰ According to Jaffrelot (2005, 53), Ambedkar was consulted not because he belonged to any organization or political party, but because he was the only person from the depressed classes in the Bombay Presidency who held a graduate degree. In his representation, Ambedkar argued that while minorities such as Muslims and Christians were “like-minded” (homogeneous), Hindus were clearly divided into the “touchables” and the “untouchables.” Untouchables, he argued, had been treated like slaves for so long that they knew nothing else, and “as can be easily seen they can be represented by the untouchables alone. They are distinctively their own interests and none else can truly voice them” (Ambedkar 1919, point 22). He also argued that the untouchables would never be elected to hold offices since they were in the minority and were seen as inferior: “[T]erritorial constituencies fail to create popular Government because they fail to secure personal representation to members of minor groups” (Ambedkar 1919, point 10).

From his speech, it is clear that Ambedkar envisioned that representatives from the SC community would voice the concerns of the SC community, which he considered distinct from the interests of other Hindus. Interestingly, however, rather than spelling out how representation might translate into socioeconomic benefits for the community, he emphasized that group-based representation would reduce social bias by bringing together caste groups in the legislative assemblies that usually did not interact: “So long as each caste or a group remains isolated its attitude remains fossilized. But the moment the several castes and groups begin to have contact and co-operation with one another the resocialization of the fossilized attitude is bound to be the result” (Ambedkar 1919, point 40).

Ambedkar succeeded in convincing the Franchise Committee that the SC community needed their own representatives. On the basis of the recommendations in the committee’s report, the Government of India Act of 1919 continued the separate electorates

⁹Dr. Ambedkar grew up in Maharashtra. After completing his schooling in India, he received scholarships to study in the United States and England, where he took a law degree and a PhD in political science. His first systematic critique of the caste system was in a paper presented at an anthropology seminar as a graduate student at Columbia University in May 1916 (Ambedkar 1916). From then on, he remained a public spokesperson for the rights of the untouchable community.

¹⁰The committee considered various types of electoral systems (constituency size, and voting methods) and recommended “the most simple method of election”: plurality voting in single-member districts. The reason given was that electors were “inexperienced in the exercise of the vote” (Government of India 1928a, 8).

for religious groups and also established a system of nomination of a few representatives from the depressed classes. The depressed classes were thereby recognized as a separate community, alongside religious communities, landholders, and other interest groups.

It is important to note that at this time, the Indian nationalists did not limit themselves to discussing quotas as the only form of political safeguard for minority groups. In 1916, Congress and the Muslim League came together and agreed on a scheme of proposals for a constitutional framework for India. This “Lucknow Pact” stated that all “important minorities” should have reserved seats. It was also proposed that the members of a community represented in the Imperial and Provincial Councils should have the power to veto bills or resolutions contrary to their interests (Montagu and Chelmsford 1918, 105). However, the Montagu-Chelmsford Report rejected the idea of a veto for minorities as “unworkable,” and argued that general protection of religious interests was ensured by the clause that stated that the Governor-General must approve all laws affecting communities (Montagu and Chelmsford 1918, 105–6). Thus, the idea of veto powers was taken off the agenda by the British rulers, and group-based representation remained the main type of political safeguard discussed for minority groups.

In 1927, the Simon Commission was appointed by the British government to make recommendations for further reforms. The Simon Report recommended continuing the policy of guaranteeing political representation for religious minorities and the depressed classes, although such group-based representation was described as an “undoubted obstacle in the way of the growth of a sense of common citizenship” (Brock and Simon 1930, 96). Since all the members of the Simon Commission were British, it was boycotted by Congress—although not by the various minority organizations in the country—and the Indian parties were consequently requested to formulate their own proposals for the drafting of the new Constitution. In response to this request, the All Parties Conference met in Delhi in January 1928. At the third meeting of the Conference, a smaller committee was appointed—headed by Motilal Nehru—with the mandate to make recommendations for a constitutional framework. The authors of the Nehru Report (Government of India 1928b, 36–38) were opposed to quotas of any form. They proposed various other ways of safeguarding the interests of minorities, such as guaranteeing language rights and introducing a proportional representation (PR) system of voting: “We feel strongly attracted to this method [a PR electoral system] and are of the opinion that it offers the only rational and just way of meeting the fears and claims of various communities. There is a place in it for every minority and an automatic adjustment takes place of rival interests. We have no doubt that proportional representation will in the future be the solution of our problems.”

The organizations of the depressed classes had not been consulted by the committee, and Ambedkar rejected the proposals in the report, insisting that the depressed classes needed either reserved seats or separate electorates in order to ensure their political presence (Jaffrelot 2005, 56). The ideas in the report also met strong opposition from the British, who thought a PR system would be too complicated for the Indian voter.¹¹

¹¹During the Constituent Assembly debates, the idea of using a PR system of voting was suggested by several members as a plausible alternative to reservations, but was rejected on the grounds that it was too complicated for the uneducated population and too difficult to implement in a country the

In this way, the choice of selecting communal representatives made in the beginning of the twentieth century was brought into the first drafts of the Indian Constitution, because of feelings of obligation to uphold old promises, and fears of rebellion. With the continuation of group representation, the depressed classes were recognized as a separate community that needed separate political representation.

The Poona Pact

When the report presented by the Simon Commission was rejected by all major players in India, the British Government called a roundtable conference in London to negotiate political solutions. Three such conferences were convened in London to negotiate the future of India.

The first roundtable conference was held from November 1930 to January 1931. Congress refused to participate, since many of its leaders had been jailed because of involvement in the ongoing Civil Disobedience Movement. Ambedkar and Bahadur R. Srinivasan were present as representatives of the depressed classes. During the conference, they submitted a memorandum to the Minorities Committee, in which they stated the terms under which the depressed classes would consent to placing themselves under majority rule in a self-governed India. While the depressed classes had not been a strong political force in India until then, it is likely that their case was strengthened by the fact that Congress was not present at the conference. In addition to equal rights and a seat in the cabinet, Ambedkar demanded “adequate representation” for the depressed classes in the legislatures of India. More specifically, he wanted adult suffrage and separate electorates for the depressed classes for the first ten years after independence, and thereafter reserved seats with joint electorates (Ambedkar and Srinivasan 1982, condition no. 4).

At the second roundtable conference, held September 1931 to December 1931, Gandhi was present as the sole representative of Congress. Promoting a united India, he was strongly opposed to separate electorates for any group, but “he grudgingly conceded them to Muslims, Christians, Sikhs, and Anglo-Indians” (Galanter 1984, 31). Gandhi made it clear, however, that he was not prepared to give political recognition to any other community, and threatened to fast unto death if the depressed classes were given separate electorates.¹² As an alternative, Gandhi presented to the Minorities Committee a memorandum with a proposal for a Communal Settlement (Sheth and Mahajan 1999, 114). It called for the constitutional protection of culture and language, as well as free religious practice for all minorities. It proposed adult franchise and joint electorates, but with constituencies that would enable all communities to secure a proportionate share of legislative seats. Hindus and Muslims were also to be guaranteed reserved seats where they were less than 25 percent of the population.¹³

size of India. See, e.g., the discussion following Mr. Lari’s proposal of PR on Wednesday, May 25, 1949 (CAD 1999, vol. 8).

¹²See Jaffrelot (2005) for an excellent discussion of why Gandhi chose this drastic step.

¹³A similar provision was made for Hindus in Sind, Muslims in Assam, and Sikhs in Punjab and the North West Frontier Province (Chanchreek, Prasad, and Kumar 1991, 176).

Ambedkar was also present at the second roundtable conference, where he again demanded quotas for the depressed classes in the legislatures, the executive, and the public services, and that there should be “certain limitations” in order to “prevent the majorities from abusing their legislative power in such a manner as to enact laws which would create discrimination between one citizen and another” (quoted in Chanchreek, Prasad, and Kumar 1991, 95). He focused on a package of safeguards, rather than only reservations as such, because he recognized that with a small number of reserved seats, “there is always the danger of the interests of the depressed classes being neglected altogether” (quoted in Chanchreek, Prasad, and Kumar 1991, 98). British Prime Minister Ramsay MacDonald responded to the demands of the roundtable conferences by presenting the Communal Award of 1932, in which he granted the depressed classes separate electorates in seventy-eight areas where they were concentrated, as well as the right to vote in the remaining unreserved areas (Government of India 1932). He also conceded to many of the demands from other minorities, such as granting Muslims in Punjab and Bengal separate electorates and more seats than other communities in the provincial assemblies (Jalal 1994, 12–13).

Following the announcement of the Communal Award, Gandhi, who was imprisoned in Yerwada jail in Pune at the time, went on a hunger strike against the separate electorates for the depressed classes. The British refused to change the Award without the consent of Ambedkar. In order to resolve the situation, meetings were called between Ambedkar and Congress leaders, and Ambedkar was subjected to heavy pressure to drop the provision for separate electorates. On September 24, 1932, the Poona Pact was signed. Ambedkar had abandoned the demand for the seventy-eight separate electorates in the Award, in return for 151 reserved seats in provincial assemblies, to be elected with joint electorates. The Poona Pact (1932) also provided for 18 percent of the seats in the central legislature to be reserved for the depressed classes.

Many considered the Poona Pact a victory for Ambedkar, since he gained a significant increase in the number of reserved seats for his community. Ambedkar himself saw it as a failure, because the representatives of the depressed classes would no longer be elected by, and answerable to, an electorate of untouchables. He argued that the result is that a politician elected from reserved constituencies “instead of being a champion of the minority is really a slave of the majority” (quoted in Samujh 2005, 59).

In his *Mr. Gandhi and the Emancipation of the Untouchables*, Ambedkar (1943, 24–25) went even further, arguing that Congress’s intention with insisting on joint electorates was to control the politicians elected from reserved seats:

[S]eparate electorate does not permit the Hindus to capture the seats reserved for the Untouchables. On the other hand the joint electorate does. . . . [If] there is a joint electorate in these constituencies the representative of the Untouchables would be only a nominal representative and not a real representative, for no Untouchable who did not agree to be a nominee of the Hindus and a tool in their hands could be elected in a joint electorate in which the Untouchable voter was out numbered in ratio of 1 to 24 or in some cases 1 to 49.

India's reservation system can in some sense be seen as the direct product of the compromise between Gandhi and Ambedkar in the Poona Pact. Yet, as I indicated in previous sections, the role of the British negotiating partners should not be underrated. At the time of the Poona Pact, the negotiation was about having no reservations versus reserved seats with separate electorates for the depressed classes, and the compromise became reserved seats with joint electorates. But these negotiations were a response to the Communal Award handed down by the British. As was clear in the All Parties Conference in 1916, in the Nehru Report of 1928, and in the representations made by Gandhi and Ambedkar in London, Indian nationalists had been open to other forms of political safeguards for minorities and under-represented groups. It was the British choice of institutionalizing communal representation, while rejecting other types of safeguards as too complicated, that limited the debate to this single type of safeguard.

This round of negotiations also resulted in a disjuncture between the arguments about safeguards and the policies chosen: Gandhi fought for an ideal of unity, where the untouchables were to be uplifted by being integrated into the Hindu fold, whereas Ambedkar argued that the depressed classes would be able to break the shackles of the caste system only if they could elect their own representatives. During the intense discussions in this round of negotiations and the attempts to justify the benefits of the different policies, the debate therefore shifted focus—from being about political representation for a group with a separate identity to being about how to best uplift a deprived segment of Hindu society.

Through the Poona Pact and the promise of reserved seats, the SC identity was institutionalized, preventing the unity that Gandhi was fighting for. At the same time, by getting joint electorates, SCs were unable to elect their own leaders, which Ambedkar had fought for. Ambedkar was deeply disappointed with this settlement, convinced that the joint electorates would make SC politicians mere tools in the hands of the upper castes and would therefore not lead to the betterment of the SC community at large. Neither Ambedkar nor Gandhi was happy with this compromise—and the options they were negotiating over were the ones that had been handed down to them from the colonial rulers.

Once agreement had been reached, the effect was powerful: both the British and the members of the Indian Constituent Assembly felt obliged to follow up by reserving seats with joint electorates for the depressed classes.

Drafting the Constitution

The Government of India Act of 1935 was the last pre-independence constitution of India. In 1946, a Constituent Assembly was elected to draft the Indian Constitution, with Ambedkar as the chair of the Drafting Committee. The Sub-committee on Minorities, established by the Advisory Committee of the Constituent Assembly on Fundamental Rights and Minorities (Advisory Committee) was tasked with making recommendations about representational guarantees for minorities (Sheth and Mahajan 1999, 116). Ambedkar fought for separate electorates once again, and when that proved futile, he tried to get provisions for having a minimum of 35 percent SCs in reserved constituencies, so that at least a large portion of the electorate should be SC. Both the Advisory Committee and the Constituent Assembly consisted of a majority of Congress supporters, and almost half of the members of the Assembly were Brahmins (Austin 1999, Appendix

III). It is therefore perhaps not surprising that Ambedkar's demands were rejected. In the end, the Advisory Committee recommended reserved seats for SCs and religious minorities—but rejected demands for separate electorates, primaries, a minimum percentage of the minority group in the constituencies that were chosen to be reserved, reservations in cabinets, requirements for a minimum percentage of the votes from the minority community, and giving different weights to voters from different communities.

The report of the Advisory Committee was presented to the Constituent Assembly on August 27, 1947, by the chairman of the committee, Sardar Vallabhbhai J. Patel. In an impassioned speech, he argued that communal representation was a “poison which has entered into the body politic of our country” (CAD 1999, vol. 5, August 27, 1947, 225), and explained that the Advisory Committee had supported reserved seats in joint electorates for SCs and religious minorities as a compromise solution to make these groups feel comfortable with the new electoral system. The committee report itself stated that the existence of separate electorates has “sharpened communal differences to a dangerous extent and has proved one of the main stumbling blocks to the development of a healthy national life” (reprinted as an appendix in CAD 1999, vol. 5, 243).

The Assembly debate that followed was both about whether to have reserved seats at all, and about whether there should be separate or joint electorates. Many representatives were strongly opposed to any form of group-based representation. Although he had just brought to the floor a report recommending reserved seats for SCs, Sardar Patel soon thereafter delivered a fiery speech against the same reservation system:

I do not understand how Mr. Khandekar [an SC representative who had just spoken] is a Scheduled Caste man. If he and I were to go outside India, nobody will find out whether he is a Scheduled Caste man or I am a Scheduled Caste man. There is no Scheduled Caste between us. So those representatives of the Scheduled Caste must know that the Scheduled Caste has to be effaced altogether from our society, and if it is to be effaced, those who have ceased to be untouchables and sit amongst us have to forget that they are untouchables or else if they carry this inferiority complex, they will not be able to serve their community. They will only be able to serve their community by feeling now that they are with us. (CAD 1999, vol. 5, August 28, 1947, 272)

In defense of having reserved seats, the Christian representative Jerome D'Souza reminded the Constituent Assembly that “for years together the Congress party has been associated with the demand that there shall be joint electorates with reservation. At this stage to give up reservation as some of my friends wish to do would be in contradiction to the promises held out” (CAD 1999, vol. 5, August 27, 1947, 231). In this way, discussions of the previous decades were used to legitimize reserved seats. Similarly, an SC representative from Madras, Muniswami Pillai, invoked the memory of the Poona Pact in a speech supporting the introduction of reserved seats with joint electorates:

It was that Poona Pact to which you yourself have been a signatory along with me and Dr. Ambedkar, that produced a great awakening in this country. Then, Sir, one question was in the mind of everybody, whether the Poona Pact will show signs of a change of heart by caste Hindus in this country. Today I may assure

you, Sir, that that change has come, though not full 100 per cent, at least more than 50 per cent. I may give you instances here. The very inclusion of Dr. Ambedkar in the present Dominion Cabinet is a change of heart of the Caste Hindus that the Harijans [SCs] are not any more to be neglected. (CAD 1999, vol. 5, August 27, 1947, 202)

Some of the representatives in the Assembly also wanted more than what had been recommended in the report. The SC representative S. Nagappa raised several issues that the Advisory Committee had already discussed and rejected. He first demanded reservations in the cabinets: "I want my due share; though I am innocent, ignorant, dumb, yet I want you to recognize my claim" (CAD 1999, vol. 5, August 27, 1947, 207). He then moved an amendment whereby candidates would have to poll at least 35 percent of the votes of the SC community in order to win elections in reserved constituencies.¹⁴ His argument here reflected Ambedkar's argument about the need for SC politicians to be answerable to an SC electorate:

[T]oday if we are elected to reserved seats, when there is agrarian trouble, when the Harijans and the agriculturists are at loggerheads and when we go and appeal to these people these Harijans they say "Get out man, you are the henchmen and show-boys of the caste Hindus. You have sold our community and you have come here on their behalf in order to cut our throats. We don't accept you as our representative." Sir, in order to avoid that, what I suggested is that a certain percentage of the Harijans must elect the candidate so that he may be able to tell them that he has the backing of some Harijans and he will have the prestige and voice as their representative. (CAD 1999, vol. 5, August 28, 1947, 259)

Interestingly, Nagappa argued that being a member of the SC community is not enough to be perceived as a legitimate representative of SCs. Representatives also need to be elected by SCs and be answerable to the SC community. However, his demands found little support in the Assembly. On August 28, 1947, the report of the Advisory Committee was adopted with only minor changes (Sheth and Mahajan 1999, 117).¹⁵

Later, however, after the horrors of the partition between India and Pakistan had sunk in, attitudes among the members of the Constituent Assembly towards concessions to minorities changed. In May 1949, the Advisory Committee passed a resolution to abolish reservations for religious minorities, while retaining them for another ten years

¹⁴Nagappa moved this amendment mainly as a matter of principle, and withdrew it before it was voted upon. One of the Muslim representatives, K. T. M. Ahmed Ibrahim Sahib Bahadur, moved a similar amendment for a minimum of 30 percent support from the community. This amendment was rejected by the Assembly.

¹⁵At that time, Christians and Muslims were also granted reserved seats proportional to their share of the population, and Anglo-Indians were to be nominated by the Governor-General of the state. Parsis renounced the right to any form of representational safeguard.

for SCs. In a letter of May 11, 1949, to the president of the Constituent Assembly, Sardar Patel explained the motivation for their change in opinion:

Some members of the committee felt that, conditions having vastly changed since the Advisory Committee made their recommendations in 1947, it was no longer appropriate in the context of free India and of present conditions that there should be reservation of seats for Muslims, Christians, Sikhs or any other religious minority. Although the abolition of separate electorates had removed much of the poison from the body politic, the reservation of seats for religious communities, it was felt, still led to a certain degree of separatism and was to that extent contrary to the conception of a secular democratic state. (printed as an appendix in CAD 1999, vol. 8, 311)

When the Constituent Assembly discussed the resolution, it was clear that the Muslim representatives were divided in their opinions about reserved seats, while most others supported the removal of reservations for religious minorities. The Muslim representative Begam Aizaz Rasul was one of the strongest supporters of removing reservations. She stated that “reservation is a self-destructive weapon which separates the minorities from the majority for all time” (CAD 1999, vol. 8, May 25, 1949, 300). Similarly, in an impassioned speech against reservations, the Muslim representative Tajamul Husein proclaimed that “the term ‘minority’ is a British creation. The British created minorities. The British have gone and minorities have gone with them” (CAD 1999, vol. 8, May 26, 1949, 333). Yet another representative argued that this was a measure the British had implemented to “play their own game,” and that now that the British were gone there should be no reason to have political safeguards for anyone (CAD 1999, vol. 8, May 26, 1949, 317). Where did this shift in opinion come from? According to one representative, the decision to keep reservations in 1947 was based solely on the fact that groups were accustomed to separate electorates, and that the leap to no group-based representation whatsoever seemed too drastic. After a few years of getting used to not having separate electorates, however, it was now time to “proceed towards a compact nation” (CAD 1999, vol. 8, May 26, 1949, 321). According to another representative, in 1947 the Assembly had been afraid of seeming too harsh on minorities. He argued that the change in sentiment stemmed from the fact that “[c]ommunal incidents have played havoc in this country” (CAD 1999, vol. 8, May 26, 1949, 317).

And so, reserved seats for religious minorities were removed. One representative suggested reopening the discussion about the electoral system—probably hoping for a proportional form of electoral system that would be more conducive to electing minority representatives—but that was again shot down with the argument that a PR system would be too complicated for India. The debate was put to an end by Sardar Patel, who thundered that this was an attempt at sneaking reservations in through “the back door” (CAD 1999, vol. 8, May 26, 1949, 353).

While the quotas for religious groups were removed, it was decided to retain the provisions for SCs. This decision was not uncontested. Mahavir Tyagi argued that the category itself was a British artifact, and proposed class-based rather than caste-based representational guarantees:

I want to emphasise . . . [that] originally when the Scheduled Castes were given separate representation, Mahatma Gandhi had started his fast in protest. Now we have, it seems, accepted the idea; but when it was first introduced, everybody was shocked. . . . The term “Scheduled Castes” is a fiction. Factually there is no such thing as “Scheduled Castes.” There are some castes who are depressed, some castes who are poor, some who are untouchables, some who are down-trodden. All their names were collected from the various provinces and put into one category “Scheduled Castes.” In spite of the category being a fiction it has been there for so many years. . . . Sir. How is Dr. Ambedkar a member of the Scheduled Castes? Is he illiterate? Is he ill-educated? Is he an untouchable? Is he lacking in anything? He is the finest of the fine intellectuals in India and still he is in the list of Scheduled Castes. . . . By allowing caste representations, let us not re-inject the poisonous virus which the Britisher has introduced into our body politic. I would suggest Sir, that instead of the so called Scheduled Caste, minorities be protected, if you like, on class basis. (CAD 1999, vol. 3, May 26, 1949, 344)

Many other members of the Constituent Assembly were also opposed to granting quotas to SCs, but the majority grudgingly supported it. One member of the Assembly argued: “I have no hesitation in saying that if we had removed even this provision [reservations for SCs] from the Constitution, it would have been for the better. But because the Scheduled Castes are poor, uneducated and suffer because of their status in society and because of the prevailing social customs, it would have been unjust not to provide for them some special facility in the Constitution” (CAD 1999, vol. 3, May 26, 1949, 339). Similarly, India’s first prime minister, Jawaharlal Nehru, stated: “Frankly I would like this proposal to go further and put an end to such reservations as there still remain. But again, speaking frankly, I realise that in the present state of affairs in India that would not be a desirable thing to do . . . in regard to the Scheduled Castes. I try to look upon the problem not in the sense of religious minority, but rather in the sense of helping backward groups in the country” (CAD 1999, vol. 8, May 26, 1949, 331).

Thus, while the introduction of reservations for SCs had initially been justified by them having “distinctively their own interests” that others would not be able to represent (Ambedkar 1919, point 22), it was now stated that SCs were given reservations not on grounds of their group identity, but “apparently and clearly on grounds of their economic, social and educational backwardness” (CAD 1999, vol. 3, May 25, 1949, 308).

On May 26, 1949, the Constituent Assembly voted in favor of the recommendations of the Advisory Committee, granting SCs reserved seats with joint electorates. As the debates clearly show, many were opposed to this measure, but saw it as a way of helping members of the SC community become electorally competitive, as well as uplifting the community in general.

The reservation system was originally set to last for only ten years, in order for SC candidates to become sufficiently integrated into the political system to be able to contest elections on an equal footing with other candidates. But every ten years since then, as the rules were about to expire, they have been extended.

In 1959, the Minister of Home Affairs, G. B. Pant, moved to extend the reservations for the first time: “The reasons which weighted with, and influenced, the Constituent Assembly in making provisions for these reservations have not ceased to exist” (Lok Sabha Debates, November 30, 1959, 2443). The minister assumed that political reservations would lead to socioeconomic development for SCs: “I know that if they [reservations] go on working, they [SCs] will perhaps attain further progress in educational, administrative and other fields. . . . [W]e have to remember that if they [SCs] had made progress in those directions, that progress too is, to a large extent, due to their representation in the legislatures” (Lok Sabha Debates, November 30, 1959, 2443). The “helping backward groups” was now interpreted as creating development for the SC community at large, not making SC candidates competitive in elections.

Similarly, in 1969, the Minister of Law and Social Welfare, Mr. Govinda Menon, moved for yet another extension of the quota system:

Our attempts to ameliorate the condition of the Scheduled Castes and Scheduled Tribes, our attempts to bring them up to a level which is equal to the rest of the population of the country have not fully succeeded. So far as I am concerned, I do not believe that the depression which was effected by the Hindu society on the Scheduled Castes could be rectified in two or three decades. (Lok Sabha Debates, December 8, 1969, 282)

In 1980, 1989, 1999, and 2009, the same types of arguments were repeated, and the policy was extended. The wording was similar every time. In 2009, the Minister of Law and Justice, Mr. M. Veerappa Moily, introduced the bill to amend the Constitution in the following way: “the reasons which weighed the Constituent Assembly in making the provisions with regard to the aforesaid reservation of seats . . . have not ceased to exist” (Lok Sabha Debates, August 4, 2009, 299–300).

In every debate there were a few voices who spoke against extension. During the debate in 1959, the independent Member of Parliament (MP) B. C. Kamble raised the point that it is absurd to grant quotas on the basis of “untouchability” when untouchability has been abolished by the Indian Constitution (Lok Sabha Debates, November 30, 1959, 2450).

In 1969, MP M. R. Masani of the Swatantra Party summarized many of the arguments against reservations in one speech:

It seems to me that one of the bad things that this reservation has done is to put the conscience of the upper class and the upper castes to sleep. Having given a few seats to the Harijans and the Adivasis [STs], those who are better-placed think they have done their duty by them and now they can fend for themselves. . . . [The result is the] coming into existence by reservations of an upper crust of Harijans and others who have become a vested interest in our political life and who, though they are done very well for themselves, are not the best champions for fighting the cause of the Harijans and backwards classes. . . . No proof has been given by the Hon. Minister or anybody else to show that this reservation has in practice led to concrete advance and benefits for this class. (Lok Sabha Debates, December 8, 1969, 299–300)

These arguments were not followed up by the other MPs. Every time the issue was discussed, the ministers and MPs reiterated the history of the Poona Pact, Ambedkar's hard work, and Gandhi's involvement in trying to uplift deprived groups such as the SCs. In this way, the arguments of the past—no longer about political representation, but about development for SCs—were handed down from one Parliament to the next.

CONCLUSIONS

This article has traced the history of how electoral quotas in India took shape through a negotiation process that lasted from about 1905 until the signing of the Indian Constitution in 1950. It may seem paradoxical that the group-based political representation that arose from the British attempt to strengthen their own control of India eventually resulted in one of the world's most extensive quota systems for minorities. This history is therefore a clear example of how many policies come into existence as the result of complicated path-dependent processes.

The institutional result of this historical process was a quota system that was a compromise between many different political goals, and that was not strongly supported by anyone. The designers of the Indian Constitution were keenly aware of the incentives created for representatives elected from reserved constituencies, and were deeply opposed to a system that would encourage politicians to work only for their own groups. For the majority of the political elite at the time, any kind of group-based representation was unacceptable, because it was thought to reinforce and exacerbate existing social cleavages. Thus we see a clear disjuncture between the rhetoric of socioeconomic upliftment of post-Independence parliamentary debates and the initial intentions of the reservation system.

The discussions about quotas in India illustrate the difficult trade-offs in how political institutions such as quotas should be designed. It might seem attractive to create quotas that incentivize minorities to work only for minority interests, but that might come at the cost of social and political integration. In the Indian case, the drafters of the Constitution were wary of strengthening communal sentiments and were therefore adamant about having joint electorates in order to integrate SC politicians into mainstream politics.

Since then, India has become quite mired down in reservations: quotas in government services and educational institutions have been expanded to include not only SCs and STs, but also "Other Backward Classes" (OBCs), and the electoral quota system has been expanded to local-level politics for SCs, STs, OBCs, and women. There is also an ongoing discussion about establishing quotas for women and Muslims in state assemblies and in Parliament. This has led to complicated debates about how many positions can actually be reserved, and how to deal with sub-quotas within the reservations system. Here it should be borne in mind that in the 1920s, 1930s, and 1940s, many Indian politicians preferred a more proportional form of electoral system to quotas. As this article has shown, it was the agenda-setting powers of the colonial rulers that led Indian politicians down a path of fighting for various types of quotas, instead of discussing alternative forms of safeguards for minorities.

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