

Chapter 4

Electoral Policies and Praxis for the Scheduled Castes in Republic India

The Constitution of Republic India completely outlawed the provision for separate electorate for Parliament and the state legislatures through Article 325;¹

“There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and *no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.*”

It also made a provision of reservation for Scheduled Castes and Scheduled Tribes, along with few others categories through Article 330;²

- (1) Seats shall be reserved in the House of the People for —
(a) the Scheduled Castes;
(b) the Scheduled Tribes...

and

- (2) The number of seats reserved in any State [or Union territory] for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State [or Union territory] in the House of the People as the population of the Scheduled Castes in the State [or Union territory] or of the Scheduled Tribes in the State [or Union territory] or part of the State [or Union territory], as the case may be, in respect of which seats are so reserved, bears to the total population of the State [or Union territory].

Neither seats were reserved for Scheduled Castes in the upper houses at centre and states, i.e. Rajya Sabha or Vidhan Parishads nor were there any provision for representation in other political bodies. It was left merely at the behest of the state to make special provisions for the backward people within the scope of Article 15(4) of the Constitution.³ Most importantly, the reservation in political representation was kept subjected to constitutional time limit of ten years only⁴.

¹ *The Constitution of India*, Government of India, Ministry of Law and Justice (as modified upto the 1st December 2007), p. 198. *Emphasis added.*

² *Ibid.* p. 200.

³ However, the constitutional provision of reservation for Scheduled Castes and Scheduled Tribes was supported by the provision of smaller election deposit for the people from Scheduled

Following this, the Parliament of the Republic India needed to lay important measures and detailed law under which elections were to be held for the Lok Sabha and the legislative assemblies. The first among which was of providing for the qualifications of voters and matters connected with the preparation and publication of electoral rolls; the procedure for the delimitation⁵ of constituencies of the House of the People and the State Legislatures. Thus, it led to the formation of the Representation of the People Act, 1951.⁶

Each state government was asked to send their request and proposals to the Commission, for dividing the entire area of the State into as many units as there were seats allotted to the State in the Legislative Assembly and in the House of the People. In fixing the number of seats in each State, it was eventually decided that every constituency, as a general rule, would elect only one member and that two-member constituencies would be set up, as necessary, only where seats were to be reserved for the Scheduled Castes or the Scheduled Tribes. It was also decided that the seat even

Castes/Scheduled Tribes categories in both reserved as well as non-reserved seats. See Representation of People Act, 1951.

⁴ See Article 334 of the Constitution of India, wherein reservation of seats for the Scheduled castes and Tribes in the House of people and in the legislative assemblies of the states to cease after ten years at the commencement of the Constitution and now to cease after 70 years.

⁵ Delimitation literally means the act or process of fixing limits or boundaries of territorial constituencies in a country or a province having a legislative body. The job of delimitation is assigned to a high power body. Such a body is known as Delimitation Commission or a Boundary Commission. In India, such Delimitation Commissions have been constituted 4 times – in 1952 under the Delimitation Commission Act, 1952, in 1963 under Delimitation Commission Act, 1962, in 1973 under Delimitation Act, 1972 and in 2002 under Delimitation Act, 2002. The Delimitation Commission in India is a high power body whose orders have the force of law and cannot be called in question before any court. These orders come into force on a date to be specified by the President of India in this behalf. The copies of its orders are laid before the House of the People and the State Legislative Assembly concerned, but no modifications are permissible therein by them. Source: <http://eci.nic.in/delim/AboutDel.pdf>. For detailed procedure adopted in Delimitation by the Delimitation Commission and the procedure that went into the Delimitation process in 2004, see Appendix IX.

⁶ Act no 43 of 1951

in a single-member constituency might be reserved for the Scheduled Castes or the Scheduled Tribes if they constituted a clear majority of the total population of the constituency and if other circumstances justified such a reservation.⁷

To determine the number of seats to be reserved for the Scheduled Castes or the Scheduled Tribes in a State, the proportion of the Scheduled Castes or the Scheduled Tribes population to the total population of the State, was first worked out. Thereafter, the proportion so determined was multiplied separately by the total number of (i) the House of the People and (ii) the Legislative Assembly seats allotted to the State. The products thus obtained, after the rounding up of fractions, yielded the number of seats to be reserved in the State for the Scheduled Castes or the Tribes in the respective Houses. The areas where the Scheduled Castes or Scheduled Tribes were most concentrated were selected for the reservation of seats for them. Different combinations were tried to cover the areas with the highest concentration in order to obtain the maximum concentration of the Scheduled Castes. The formula that was evolved was that the number of seats to be reserved for the Scheduled Castes in each district should first be decided in accordance with their numerical strength in the district and thereafter these seats should be located in such areas of the district where they were most concentrated. It was also intended that some of the units would later be combined into pairs, if necessary, in order to constitute the required number of two-member constituencies in each of which one seat would be reserved for the Scheduled Castes or Scheduled Tribes and alternatively, some units for constitute multi-member constituencies, eventually.⁸

The Commission's proposals were revised by Government accordingly and a Delimitation Order was drawn up for each State and issued by the President during

⁷ See *Election Commissions of India's* "Report on the First general Elections in India: 1951-52", Government of India.

⁸ Ibid.

May, 1951.⁹ These Orders were laid before the Parliament in accordance with subsection (3) of section 13 of the Representation of the People Act, 1950. Some of these Orders proved to be very unpopular with a section of the members of Parliament and many of them were materially altered by Parliament. So far as reserving a single member constituency for the Scheduled Castes is concerned, it was not considered appropriate anywhere except that in West Bengal's Mainaguri Assembly constituency. Everywhere else, seats reserved for the Scheduled Castes were included in two-member constituencies.¹⁰

In Bombay, one Assembly constituency was made a three-member constituency to provide representation to both the Scheduled Castes and the Scheduled Tribes of the area. A similar three-member constituency was set up for the House of the People in the northern part of West Bengal. A seat in the House of the People reserved in a State for the Scheduled Castes was restricted to be contested only by a member of the Scheduled Castes, whether of that State or of any other State, provided that he is an elector for a Parliamentary constituency anywhere in India. For State Legislative Assemblies, a seat reserved in a State for the Scheduled Castes also was restricted to be contested only by a person who is a member of any of those Castes, and is also an elector for any Assembly constituency in that State. In addition to that, it was also specified that while a Scheduled caste alone could fill a seat reserved for an SC in a multi-member constituency; he was eligible to be elected even in the unreserved seat in such a constituency. In other words, once the reserved seat has been filled, whoever out of the remaining candidates has secured the highest number of votes must be declared to have been elected to the unreserved seat and he may happen to be a member of the Scheduled Castes or Tribes. Of the 489 seats in the House of the People to be filled by election, 72 seats were reserved for candidates belonging to the Scheduled Castes.

⁹ Ibid.

¹⁰ Ibid.

Table 4.1
HOUSE OF PEOPLES – 1951: SEATS AND CONSTITUENCIES¹¹

Name of States	Number of Constituencies	SINGLE SEAT CONSTITUENCIES				DOUBLE SEAT CONSTITUENCIES				TRIPLE SEAT CONSTITUENCIES				Total Seats
		Nos. of Seats				Nos. of Seats				Nos. of Seats				
		Gen	SC	ST	Total	Gen	SC	ST	Total	Gen	SC	ST	Total	
Assam	10	7		1	8	2	1	1	4					12
Bihar	44	31		2	33	11	7	4	22					55
Bombay	37	29			29	8	4	4	16					45
Madhya Pradesh	23	16		1	17	6	4	2	12					29
Madras	62	49			49	13	12	1	26					75
Orissa	16	9		3	12	4	3	1	8					20
Punjab	15	12			12	3	3		6					18
Uttar Pradesh	69	52			52	17	17		34					86
West Bengal	26	19			19	6	5	1	12	1	1	1	3	34
Hyderabad	21	17			17	4	4		8					25
Madhya Bharat	9	6		1	7	2	2		4					11
Mysore	9	7			7	2	2		4					11
P.E.P.S.U.	4	3			3	1	1		2					5
Rajasthan	18	15		1	16	2	2		4					20
Saurashtra	6	6			6				0					6
Travancore-Cohin	11	10			10	1	1		2					12
Ajmer	2	2			2	0			0					2
Bhopal	2	2			2				0					2
Bilaspur	1	1			1				0					1
Coorg	1	1			1				0					1
Delhi	3	2			2	1	1		2					4
Himachal Pradesh	2	1			1	1	1		2					3
Kutch	2	2			2				0					
Manipur	2	1		1	2				0					2
Tripura	2	2			2				0					2
Vindhya Pradesh	4	2			2	2	1	1	4					6
Total	401	304	0	10	314	86	71	15	172	1	1	1	3	489

¹¹ Source: *Election Commissions of India's* "Statistical Report on the First General Elections in India: 1951-52, Vol I.

The North Bengal constituency was the only three-member Parliamentary constituency in which one seat each was reserved for the Scheduled Castes and the Scheduled Tribes. The remaining 71 seats were reserved for the Scheduled Castes in two-member constituencies. There was no single-member constituency reserved for the Scheduled Castes. Of the 26 seats reserved for the Scheduled Tribes, one was reserved in the three-member North Bengal Constituency while 10 seats were reserved in single-member constituencies and the remaining 15 in two-member constituencies. In total, there were 314 single-member constituencies, 86 two-member constituencies, and one three-member constituency of the House of the People.¹² The total number of seats in the Legislative Assemblies of the States was 3,283. Out of these, 477 seats were reserved for the Scheduled Castes and 192 seats were reserved for the Scheduled Tribes. The Nasik-Igatpuri constituency in Bombay was the only three-member Assembly constituency in which one seat each was reserved for the Scheduled Castes and the Scheduled Tribes. The Mainaguri constituency in West Bengal was the only single-member constituency reserved for the Scheduled Castes in the whole country. More single-member constituencies could not be reserved for the Scheduled Castes for the reason that the Scheduled Castes, unlike the Scheduled Tribes, are more or less evenly distributed over almost the entire area in each State and are nowhere else in a substantial majority.¹³

The commission was of an opinion that unless the community in favour of which a reservation is made in a single-member constituency is in big majority, it would be unfair to the general population to reserve a seat for that community in such a constituency. The inevitable result, therefore, was that 475 out of 477 seats reserved for the Scheduled Castes were reserved in two-member constituencies. The Scheduled Tribes, on the other hand, were found to be overwhelmingly concentrated in well-defined areas. Of the total of 192 seats reserved for the Scheduled Tribes in the various Assemblies, as many as 88 were accordingly reserved in single-member

¹² Ibid

¹³ Ibid.

constituencies, and 103 in two-member constituencies and the remaining one in the Nasik-Igatpuri as three-member constituency.¹⁴ In all, there were 2,124 single-member Assembly constituencies, 578 two-member constituencies, and one three-member constituency; in the State Legislative Assemblies.

4.1: First General Election 1951-52

After the President's Order specifying the Scheduled Castes and the Scheduled Tribes was issued on 10th August, 1950 and 6th September, 1950 respectively, the Parliament passed and enacted the Representation of the People Act 1951 on 17th July, 1951.¹⁵ Soon then it also declared that the electoral machinery was prepared to hold the bulk of the polling for the House of the Peoples and the State Legislative Assemblies during December 1951, and January 1952. This was independent India's first general elections on the basis of adult franchise and therefore a test of the electoral policies adopted by the Constitution. Hence it attracted a good deal of interest and attention in the country as well as abroad. Polling in all the states, except that for some difficult areas of Himachal Pradesh and Uttar Pradesh due to climatic considerations, took place between December 1951 and January, 1952. The results of the first general election were as follows:

¹⁴ Ibid.

¹⁵ Ibid.

Table 4.2
Party Wise Seats Won in the General Election 1951-52¹⁶

Name of Party	House of the People		Legislative Assemblies	
	No. of contesting candidates	No. elected (including unopposed)	No. of contesting candidates	No. of elected candidates, (including Unopposed)
Indian National Congress	472	364	3153	2,246
Socialist Party of India	256	12	1,799	125
Kisan Mazdoor Praja Party	145	9	1,005	77
Communist Party of India	49	16	465	106
All India Bharatiya Jan Sangh	93	3	717	35
Akhil Bhartiya Hindu Maha Sabha	31	4	-	-
Scheduled Castes Federation	35	2	-	-
Revolutionary Socialist Party	61	3	-	-
Forward Block (Marxist Group)	22	1	-	-
Krishikar Lok Party	29	1	-	-
Akhil Bhartiya Ram Rajya Parishad	61	3	-	-
Other state parties	124	34	-	-
Independents	533	37	-	-
Total	1874	489	-	-

¹⁶ Election Commission of India

Table 4.3

Winner of the single member constituency reserved for the Scheduled Castes¹⁷

Mainaguri	Candidate	Party	Votes (Votes %)
	Surendra Nath Roy	INC	8502 (62.72%)

Table 4.4

Number of the Scheduled Castes Elected to Unreserved Seats¹⁸

Name of State	Name of House	Name of constituency	Total No. of unreserved seats filled by members of Scheduled Castes
Madras	House of the People	Eluru	1
West Bengal	Legislative Assembly	Bhangore	1
		Keshpur	1
Travancore-Cochin	Legislative Assembly	Devicolam Peermade	1
Total			4

The only single member assembly constituency reserved for the Scheduled Castes, Mainaguri in West Bengal was won by the Congress party (Table 4.3). While Table 4.4 shown above proved that the Scheduled Caste candidates were capable enough even to win the non-reserved seats in both- House of Peoples and the Assemblies; the situation in reserved seats was exactly the adverse. The situation in reserved seats clearly showed the gigantic predominance of the Congress Party. The two winners in almost all the double member constituencies were that of the Congress Party. However, was this predominance a natural phenomenon? The simplest possible answer is 'NO'. Evidences show that this predominance was actually fabricated. Efforts were made to restrict the free and fair choice of the SC voters, by persuasion or otherwise, by the caste Hindus and the best example of it can be understood by

¹⁷ Source: *Election Commissions of India's* "Statistical Report on General Election 1951 to the Legislative Assembly of West Bengal".

¹⁸ Ibid. However, there was no instance of a member of the Scheduled Tribes being elected to an unreserved seat.

examining the reasons, how Ambedkar was defeated in the election from the Bombay North constituency where he contested as a Scheduled Caste Federation (SCF) candidate.¹⁹ Here the representatives of a candidate for a double member constituency, one of the seats in which was reserved for the Scheduled Castes, issued an appeal to the voters to give both their votes to the same candidate and deliberately told them that they were not bound to give one of their votes to a Scheduled Caste candidate. The section that follows, discusses this case in detail.

4.2: Ambedkar's Defeat in the 1952 Election

Ambedkar, a nominee of the SCF contested from the Bombay City North Constituency for the House of the People held on the 3rd of January 1952. The Constituency was a double member constituency, one of the two seats being reserved for the Scheduled Castes. Congress too had fielded its Scheduled Caste candidate, Kajrolkar Narayan Sadoba from this seat. At the time of the election, the SCF and the Socialist Party had a pre-poll alliance. Based on the agreement that votes were to be distributed between the two candidates in plural-member constituencies, the Socialist Party was supporting the candidature of Ambedkar on the reserved seat.²⁰ The election results were as follows:

¹⁹ *Election Commissions of India's* "Statistical Report on the First General Elections in India: 1951-52, Vol I.

²⁰ Report on the First General Election 1951-52, Vol 1, *Election Commission of India*.

Table 4.5

1952 Election Result of the Constituency: Bombay City North²¹

Constituency No. 36 Number of Seats 2				
No.	Candidate	Party	Votes	Votes %
1	Gandhi Vithal Balkrishna (winner from the General Seat)	INC	149138	20.83%
2	Mehta Ashok Ranjitram	SP	139741	19.52%
3	Kajrolkar Narayan Sadoba (winner from the Reserved Seat)	INC	138137	19.30%
4	Ambedkar Bhimrao Ramji	SCF	123576	17.26%
5	Dange Shripad Amrit	CPI	96755	13.52%
6	Deshmukh Gopal Vinayak	IND	40786	5.70%
7	Joshi Keshav Balkrishna	RRP	15195	2.12%
8	Parulekar Nilkanth Baburao	IND	12560	1.75%
Electors : 730126 Voters : 715888 Poll Percentage : 49.02% Valid Votes 715888				

The defeat of Ambedkar at the hands of the INC candidate, Kajrolkar Narayan Sadoba, with a margin of 14,561 votes only, came as a shock to many. However, this did not come on its own. There was a determined effort made in this direction. During the counting of votes, it was found that a large number of votes (77,333) were declared as null and void under section 63, sub-clause 2 of the Representation of the People Act, 1951 on the ground that these votes were dropped in the same box (as a double vote) in the favour of the same candidates. Of these Dange Shripad Amrit (CPI) secured as many as 39,165; Deshmukh Gopal Vinayak (IND) 6,684; Kajrolkar Narayan Sadoba (INC: winner from the reserved seat) 10,881; Gandhi Vithal

²¹ *Election Commissions of India's "Statistical Report on the First General Elections in India: 1951-52, Vol I.*

Balkrishna (INC: winner from the General Seat) 6,892; Ambedkar Bhimrao Ramji (SCF) 2,921, and 5,597 double votes. And therefore, Ambedkar filed a petition against the election tribunal against the *Corrupt practice—Undue influence—Appealing to voters to give both votes to same candidate—Representation of the People Act, 1951, ss. 6S (1), 100, 123(2)*.²² However, the election tribunal after its hearing on October 17, 1952 held that there wasn't any amount of any undue influence on the voters within the meaning of ss. 100(a) and 123(2) of the Representation of the People Act, 1951, or inducing the voters to do something which was forbidden by law or fraudulent; and dismissed the petition.²³ For the purpose of this study, it is very important that we bring in the discussion that took place at the election tribunal and examine the validity of the judgment.

4.2.1: B. R. Ambedkar and Others V. S. A. Dange and Others²⁴

Ambedkar in his petition argued that large number of double votes;

“secured by Dange Shripad Amrit (CPI: 39,165 votes) and Deshmukh Gopal Vinayak (IND: 6,684 votes) was due to a deliberate propaganda carried on by the two and their agents and supporters by which voters were told that if they wanted to get their candidates elected they should cast both their votes in favour of their candidate. As a part of this propaganda voters were deliberately told that there was nothing wrong in giving both their votes to the same candidate, and that they were not bound to give one of their votes to a Scheduled Caste candidate”.²⁵

²² The case is famously known as B. R. Ambedkar V. S. A. Dange [Election Tribunal, Bombay]; Report on the First General Election 1951-52, Vol 1, *Election Commission of India*.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

And therefore, this propaganda to induce voters to give both their votes to them amount to,

- 1) a corrupt practice within the meaning of section 100, sub-clause (a) of the Representation of the People Act, 1951 inasmuch as the respondents or their agents or persons acting with the connivance of the respondents or their agents exercised undue influence on the voters, and directly or indirectly interfered or attempted to interfere with the free exercise by voters of their electoral right, and
- 2) It also contended that under section 63 of the Representation of the People Act no elector in a plural member constituency can give more than one vote to any one candidate, and that, therefore, the deliberate advice to the voters and his supporters to give both their votes to one member amounted to an advice to do something which was illegal.
- 3) That the handbills had made a systematic appeal to their followers to vote or refrain from voting on grounds of caste.²⁶

The Event: Before the election, S. G. Petkar and Bapurao Jagtap, on behalf of the Left Election Front published a handbill that contained an appeal addressed to the voters of the Bombay North Constituency stating that S A Dange, who was contesting the general seat to the House of the People as a candidate of the Left Election Front, was the most capable among the candidates contesting the election and asked the voters to give both their votes to him. Later, just five days before the date of the election on 29th of December 1951, the newspaper 'Yugantar' carried the same instructions to voters in Bombay. These instructions told the voters that they would receive two ballot papers and that both of these should be dropped in the box of 'the engine', the election symbol of Left Election Front (alliance of CPI; Left Socialist Group and Kamgar Kisan Paksha) in Bombay. Another handbill was issued by Dange himself, in which he said that all those who wanted to make the United Front of Leftists' nominees successful should give both their votes to 'the engine'. In one

²⁶ Ibid.

place, it said; "All those who want to make our United Front of Leftists nomination successful should give both of their votes to the 'Engine'. But I do not take exception to those who, after casting one of their votes for me, want to utilize their second votes elsewhere". Deshmukh had also issued a similar appeal to his followers in the press statement issued by him and printed in the newspaper 'Vividh Vritta' on 30th of December 1951 to drop both their votes in the box of a caste Hindu, because it was feared that since the Socialists had entered into a pact with the Party of Ambedkar, the Scheduled Caste Federation, both the Parliamentary seats in this constituency might go to the two members of the Scheduled Castes, Ambedkar and Mr. Kajrolkar. The handbill also stated that it was not obligatory on the voters to cast one of their votes for a Scheduled Castes candidate, and that both votes could be given to a Caste Hindu candidate as voting in this manner was not in any way illegal.²⁷

The Tribunal's Reply: Responding to the petition, the tribunal claimed that though there was no hesitation in holding that both Dange and Deshmukh had openly advised their supporters to cast votes in their favour, it held that;

[t]hese leaflets and articles do not amount to undue influence; that is, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent or any others with the connivance of the candidate or his agent, with the free exercise of the electoral right; nor do they amount to an advice to the voters to break the law. In our opinion, the advice to voters to put both their ballot papers into the ballot box of the same candidate...did not amount to an advice to them to break the law. Section 63 (1) states that no elector shall give more than one vote to any one candidate, and sub-clause (2) of the same section provides that if an elector gives more than one vote to any one candidate, in contravention of the provisions of sub-section (1) then, at the counting of votes not more than one of the votes given by him to

²⁷ Ibid.

such candidate shall be taken into account, and all the other votes shall be rejected as void. If the legislature had intended to treat the giving of more than one vote to the same candidate as an illegality, one would have expected it to penalise this conduct by directing that both the votes, so given to one candidate, should be rejected as void. Under rule 25 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951 it is also provided that not more than one ballot paper should be put by an elector into one ballot box. In our opinion, rule 25 is a mere rule of procedure to provide for facility of counting and the operative provision is section 63 which provides for the consequences which will follow the casting of more than one vote by a voter into the same box. Rule 31 provides that if any elector after obtaining any ballot paper for the purpose of recording his vote, does not use the same, he shall return it to the Presiding Officer. *The advice which... [Mr Dange]...gave to his followers and which...[Dr Deshmukh]...suggested merely amounted to an advice to the voters to waste one of their votes. If instead of advising the voters to put both their ballot papers into the box of respondent No. 1 or respondent No. 2, they had advised the voters to waste one ballot paper by either returning it to the Presiding Officer or leaving it in the polling booth as provided by rule 31, they would have done nothing wrong. Instead, they suggested another method of wasting the vote, viz., by throwing it into the same box. It cannot, in our opinion, be said that in giving this advice they were telling the voters to do something which was against the law or fraudulent....*The fact that it has not done so in section 63 shows, in our opinion, clearly that the giving by a voter of both his votes to the same candidate would not amount to a breach of the law, or an attempt to defeat the law, except where such act was done fraudulently. Otherwise the act of the voter merely amounts to a deliberate waste of one vote, a contingency which the legislature itself provides for in rule 31.

...This being a constituency in which one of the seats was reserved for the Scheduled Castes it was permissible to the respondents to point out that in certain contingencies the election might result in both the seats going to the Scheduled Castes. In pointing this out, it seems to us that the emphasis was not on the undesirability of both the seats going to the Scheduled Castes, but on the possibility that as a result of the reservation, voters other than Scheduled Caste voters might go

unrepresented. It may be said that even this attempt was an undesirable one; but it is a consequence which —must necessarily follow in an election, in which there is a reserved seat....the petition must, therefore, be dismissed.²⁸

Appreciably, in large number of cases, voters casted all their votes into the ballot box of the same candidate and this led to the rejection of all but one vote of each such voter at the time of counting for the violation of the law against cumulative voting. Maximum number of such rejections took place in the case of the North Bengal House of the People constituency where the number of rejected votes was as high as 1,33,063 out of a total of 9,90,800 votes cast. However, in no case did the tribunal find the reasons of accumulation worth enough to declare the election in these constituencies invalid.²⁹ Out of the total 314 election petitions filed after the election, the 66 Election Tribunals constituted all over the country for the trial, dismissed 156 petitions and allowed only 128. There is no study which records the number of votes wasted as described in the case discussed above, or the cases that went unregistered but the severity of the matter can be understood by the examples quoted above. Presumably, an important reason being that if the election of any one of the elected candidates was successfully challenged on the ground that the election was not a free; that the corrupt practice of bribery or undue influence extensively prevailed at the election, or that coercion or intimidation was exercised or resorted to by any particular community or group, which materially affected the result, the election has to be declared wholly void and all the seats would had to be declared vacant.

However, it is not all. Considering the large number of votes wasted, if we are allowed to think free, we come across three important situations:

²⁸ Ibid. (emphasis added)

²⁹ Ibid.

1. **Had Ambedkar got all the wasted (77,333) votes:** Ambedkar had received 1,23,576 votes in the election. An addition of 77, 333 votes would had made his share of votes to 2,00,909 (123576+77333), highest in the constituency and declared the winner from the non-reserved seat. Thus, in this case, both the seats would have gone to the Scheduled caste candidates.
2. **Had Ambedkar got only 45, 849 votes wasted in the ballots of Dange (CPI: 39,165) and Deshmukh (IND: 6,684):** Even in this case Ambedkar's share of votes would have been highest in the constituency (1,69,425) and declared winner from the non-reserved seat. Both the seats would again have gone to the Scheduled caste candidates.
3. **Had Ambedkar got only 39,165 votes wasted in Dange's ballot:** In this case too, Ambedkar's share of votes would have been highest in the constituency (1,69,425) and declared winner from the non-reserved seat. Both the seats would again have gone to the Scheduled caste candidates. In fact, even the half of the votes wasted in Dange's ballot would have made Ambedkar win the election from the general seat.

However, neither the tribunal nor the political leadership of the time thought the issue worth considering and ponder upon the loss conferred upon the Scheduled Castes. On the contrary, they remained hell bent upon propagating the manufactured fact that Ambedkar, the leader of the Scheduled Castes could not win an election even from the reserved seat against Congress. The irony of the matter is that even after 60 years of this episode, people still do not the reasons that were responsible for Ambedkar's electoral defeat. Social scientists, including those who have been referred in this study for their pioneering work on Dalit issue in general and Ambedkar in particular, too have ignored this matter completely.

4.3: The Delimitation of Constituencies: 1953

According to the provisions mentioned in the Indian Constitution, constituencies have to be re-delimited after every census operation on the basis of the finally published population figures according to the census. Since the first census operations in independent India took place in 1951 and could not be published before 1953; the delimitation of constituencies made during 1951 remained effective only for the 1951-52 general elections and subsequent bye-elections to the Houses of Legislatures then constituted. Soon then after the Election Commission recommended that the future delimitation of constituencies to be made by an independent body, more or less judicial in composition and that the scheme of delimitation worked out by it should be made final in law. This recommendation was accepted and the Delimitation Commission Act, 1952 (Act 81 of 1952) was enacted by Parliament. Under this Act, the Government therefore, constituted a new delimitation commission with following principles:³⁰

1. All constituencies shall be either single-member constituencies or two-member constituencies.³¹

³⁰ *Election Commissions of India's* "Report on the Second General Elections in India: 1957, Vol I.

³¹ The North Bengal constituency was the only three-member Parliamentary constituency and the Nasik-Igatpuri constituency in Bombay was the only three-member Assembly constituency in 1951-52 elections in which one seat each was reserved for the Scheduled Castes and the Scheduled Tribes. In both the places, Congress won all the three seats see Tables 4.6 and 4.7 (Source: *Election Commissions of India's* "Statistical Report on the General Elections to the Legislative Assembly of West Bengal and Bombay, 1951 and 1952)

Table 4.6
Winners in the three member North Bengal Parliamentary Constituency- 1951

North Bengal	Candidate	Category	No of votes (votes %)	Party
	Upendra Nath Barman			INC
	Birendra Nath Katham			INC
	Amiya Kanta Basu			INC

2. The Commission may, however, if it finds necessary so to continue either or both of the existing three-member constituencies (namely, a House of the People constituency in West Bengal and a Legislative Assembly constituency in Bombay) whether with or without alterations in their boundaries. In any such three-member constituency, one seat would be reserved for the Scheduled Castes and another seat for the Scheduled Tribes.
3. Wherever practicable, seats may be reserved for the Scheduled Castes or for the Scheduled Tribes in single-member constituencies.
4. In every two-member constituency, one seat shall be reserved either for the Scheduled Castes or for the Scheduled Tribes, and the other seat shall not be so reserved.
5. Constituencies in which a seat is reserved either for the Scheduled Castes or for the Scheduled Tribes shall, as far as practicable, be located in areas in which the population of the Scheduled Castes or, as the case may be, of the Scheduled Tribes is most concentrated. In regard to the Scheduled Castes, however, care shall be taken to distribute the seats reserved for them in different areas of the State.
6. All constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.'

The Commission, on these grounds, formulated its proposals regarding the number of seats to be allotted to each State in the House of the People and the number to be assigned to its Legislative Assembly as also the number of seats to be reserved for the Scheduled Castes and the Scheduled Tribes and notified it in the Gazette of

Table 4.7

Winners in the three member Nasik Igatpuri Assembly Constituency of Bombay- 1952

Nasik Igatpuri	Candidate	Category	No of votes (votes %)	Party
	Kale, Dattatraya Tulshiram		29782 (14.54 %)	INC
	Murkute, Pandurang Mahadeo		26563 (12.97%)	INC
	Pawar, Bhikha Trimbak		23306 (11.38%)	INC

India on the 18th May, 1953.³² The distribution of seats reserved for the Scheduled Castes and for the Scheduled Tribes according to the commission, was met with considerable difficulty;

While everyone expressed an anxiety that the Scheduled Castes and the Scheduled Tribes should get their full quota of reserved seats, very rarely indeed would anybody (unless he himself belonged to any of these Castes or Tribes) agree to any seat being reserved for them in a constituency in which he was personally interested. The seats to be reserved for the Scheduled Castes and the Scheduled Tribes were at first provisionally worked out by the Commission for each district, the number of seats, if any, which ought to be reserved in each district on a strictly arithmetical basis being ascertained by dividing the population of the Scheduled Castes or the Scheduled Tribes in the district by the total population of such Castes or Tribes in the State as a whole and then multiplying the quotient by the total number of seats to be reserved in the State for such Castes or Tribes. ...however...the strictly arithmetical result had to be departed from in several States and the district which was most deserving in this respect was allotted a seat reserved for the Scheduled Castes if it was situated in a region which would otherwise have gone unrepresented or under-represented in respect of seats reserved for Scheduled Castes. This was done at the expense of some other district in an "overrepresented" region of the State although it would have been entitled to that reserved seat on the basis of strict arithmetical calculations alone. Within a district, a seat to be reserved for the Scheduled Castes or the Scheduled Tribes was allotted to the constituency where the concentration of such Castes or Tribes was the highest. Sometimes, however, this principle too had to be departed from in order that the seats reserved for the Scheduled Castes might be distributed as far as possible in different areas of the district.³³

³² *Election Commissions of India's* "Report on the Second General Elections in India: 1957, Vol I.

³³ *Ibid.*

The law also provided that wherever practicable the seats to be reserved for the Scheduled Castes or the Scheduled Tribes should be reserved in single-member constituencies, but the Commission considered it inappropriate to reserve any single-member constituency for the Scheduled Castes, on the ground of their population being less than 50% of the total population of the constituency.³⁴ Thus, no single-member constituency except in West Bengal- in Mainaguri and Mathabhanga in Jalpaiguri District and Sandeshkhali in the 24 Parganas District was reserved for the Scheduled Castes. In all other cases throughout the Union, the reservation of seats for the Scheduled Castes had to be made in two-member constituencies. The law also permitted the formation, if necessary, of two threes member constituencies, one in West Bengal and another in Bombay, but the Commission did not find it necessary to continue any of them.³⁵ Thus, in a way the Commission finally abolished the provision of three-member constituencies from the Indian electoral scene. In the meantime, on November 1st 1956, the States Reorganisation Act came into force, the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Part 'C States) Order, 1951, the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Part 'C States) Order, 1951 were modified by the President by an order published in the Gazette of India.

³⁴ However, reservation for scheduled tribes in a large number of single-member constituencies continued in Assam, Bihar, Madhya Pradesh, Orissa and Rajasthan, as the percentage of the tribal population recorded in these constituencies was more than 50%. Nevertheless, in regard to the seats reserved for the scheduled tribes also, a few exceptions had to be made to the strictly arithmetical principle of distribution of reserved seats, such as in districts like 24-Parganas in West Bengal and Puri in Orissa. These districts though at *prima-facie* appeared to be thickly populated by tribes, in neither district, however, it was found feasible to carve out any constituency for the purpose which would have anything like a sizable tribal population in it. Accordingly, the Commission did not consider it a proper implementation of the true spirit of the law to reserve any seat for the scheduled tribes in either district. The seat in question in either case was therefore, shifted to a constituency in some other district where the concentration of the tribal population was considerably higher than what could be obtained in any constituency in 24-Parganas or Puri. Ibid.

³⁵ Ibid.

Table 4.8

Legislative Assemblies– 1957: Seats and Constituencies³⁶

State	Total No of Constituencies	Constituencies reserved for Scheduled Castes	Constituencies reserved for Scheduled Tribes
Andhra Pradesh	301	43	11
Assam	108	5	26
Bihar	318	40	32
Bombay	396	43	31
Kerala	126	11	1
Madhya Pradesh	288	43	54
Madras	205	37	1
Mysore	208	28	1
Orissa	140	25	29
Punjab	154	33	Nil
Rajasthan	176	28	20
Uttar Pradesh	430	89	Nil
West Bengal	252	45	15
TOTAL	3,102	470	221

³⁶ Source: *Election Commissions of India's* "Statistical Report on the Second General Elections in India: 1957, Vol I.

Table 4.9
Seats and Constituencies: Lok Sabha³⁷

Name of States	Number of Constituencies	SINGLE SEAT CONSTITUENCIES				DOUBLE SEAT CONSTITUENCIES				Total Seats
		Nos. of Seats				Nos. of Seats				
		Gen	SC	ST	Total	Gen	SC	ST	Total	
Andhra Pradesh	35	27		0	27	8	6	2	16	43
Assam	10	7		1	8	2	1	1	4	12
Bihar	45	33		4	37	8	7	1	16	53
Bombay	58	46		4	50	8	7	1	16	66
Kerala	16	14		0	14	2	2		4	18
Madhya Pradesh	27	15		3	18	9	5	4	18	36
Madras	34	27		0	27	7	7		14	41
Mysore	23	20		0	20	3	3		6	26
Orissa	14	6		2	8	6	4	2	12	20
Punjab	17	12		0	12	5	5		10	22
Rajasthan	18	13		1	14	4	3	1	8	22
Uttar Pradesh	68	50		0	50	18	18		36	86
West Bengal	28	20		0	20	8	6	2	16	36
Delhi	4	3		0	3	1	1		2	5
Himachal Pradesh	4	2		0	2	1	1		2	4
Manipur	2	1		1	2			0	0	2
Tripura	2					1		1	2	2
Total	403	304	0	16	314	86	76	15	172	494

These amendments empowered the census authority to ascertain or estimate the population of the Scheduled Castes and of the Scheduled Tribes in the affected States in a new way. The Final Order of delimitation was signed and promulgated on the 19th December, 1956 and the number of seats reserved for the Scheduled Castes decided in double-member constituencies in different legislative bodies and Lok Sabha were as described in Tables 4.8 and 4.9.

³⁷ Source: *ibid.*

Soon after that, the schedule for the second general election was declared. But unfortunately, Ambedkar did not remain alive till then. He died on December 6th 1956. Nearly two months before his death on Oct 14, 1956, Ambedkar along with nearly four lakh followers has denounced Hinduism and converted to Buddhism.

4.4: Second General Election 1957

The elections were completed in every State by the 31st March, 1957.³⁸ Describing about the voting details in double member constituencies, the Report on the Second General Election 1957 prepared by Election Commission of India said;

In every polling station in a two-member constituency, each voter was warned at the poll that if he inserted both his ballot into the same ballot box, one of his votes would be rejected. In spite of this, a large number of voters voted cumulatively in some two-member constituencies. In view of the fact that in other similar constituencies in the same State the incidence of cumulative voting was comparatively low, the large scale cumulative voting in some of the constituencies only cannot be adequately explained merely on the ground of the general ignorance of the electorate. It is clear that there was deliberate canvassing on the part of some candidates to induce the voters to insert both their ballot papers into the same ballot box. In one Assembly constituency in the

³⁸ The only exceptions were the Kangra Parliamentary constituency and the Kulu Assembly constituency in Punjab and all the Parliamentary constituencies in the Union territory of Himachal Pradesh. In 48 Assembly and 12 Parliamentary constituencies the election was uncontested and no poll was required to be taken. Poll was taken in all other constituencies. The poll in every Assembly constituency was generally completed on a single day in every state except in Bihar, Punjab and Rajasthan. In the State of Andhra Pradesh, there were no general elections proper to the Legislative Assembly on a statewide basis. The Legislative Assembly for the original State of Andhra had been constituted afresh only in 1955 through a general election held for the purpose. In the circumstances, it was decided by Parliament that it was unnecessary to dissolve the Andhra Legislative Assembly along with the Legislative Assemblies of the other States on the eve of the second general elections. The Act allowed the sitting members of the pre-existing Andhra Legislative Assembly to continue as members of the new Andhra Pradesh Legislative Assembly and their term of office was also extended by the Act so as to expire in 1962.

State of Punjab (Palwal) as many as 12,791 votes were rejected for cumulative voting. In a Parliamentary constituency (Ludhiana) in the same State as many as 63,742 were rejected for the same reason.³⁹

The party-wise distribution of seats reserved as double-member both in Lok Sabha and Legislative Assemblies were as follows (see Table 4.10).

Table 4.10
Party Distribution of SC Reserved Seats (in the Double Member Constituencies) 1957⁴⁰

Party	Lok Sabha	Legislative Assemblies
Congress	64	351
CPI	3	24
SCF	2	17
PSP	1	13
Gantantra Parishad	1	9
JS	1	5
Other parties	-	14
Independents	4	36
Total	76	469

Thus, the domination of Congress members on the reserved seats in the double-member constituencies continued as during the past election. However, what came as a shock to all was that in as many as 20 two-member constituencies, both the seats were captured by the candidates belonging to the Scheduled Castes or Scheduled Tribes, and they got elected even in 9 single-member general constituencies.⁴¹ The most important of these was the election of a tribal Parliamentary constituency (Parvathipuram in Andhra Pradesh) where V. V. Giri,

³⁹ Source: *Election Commissions of India's "Statistical Report on the Second General Elections in India: 1957, Vol I.*

⁴⁰ Sources: *ibid.* also see *Report on the Third General Elections in India: 1962*", Vol II. (Statistical), and R. Chandidas, et.al. (eds.), *India Votes*, (New York, 1968), pp. 362-77, 400-408, 700-717.

⁴¹ *Report on the Third General Elections in India: 1962*", Vol I.

who was serving as the Labour Minister in Nehru's cabinet⁴² and later rose to become India's fourth President in 1969, was defeated on the general seat by a Scheduled Tribe candidate, Dippala Suri Dora (see Table: 4.11).

Table 4.11
Parvathipuram Constituency 1957 (Andhra Pradesh)⁴³

Constituency No. 2				
Number of Seats 2				
No.	Candidate	Party	Votes	Votes %
1	B. Satyanarayana (winner from the Reserved Seat)	INC	126792	25.65%
2	Vasireddy Krishnamurthy Naidu	IND	118968	24.06%
3	V.V. Giri	INC	124039	25.09%
4	Dippala Suri Dora (winner from the General Seat)	IND	124604	25.20%
Electors: 827104 Voters: 494403 Poll Percentage: 29.89% Valid Votes: 494403				

V V Giri went to the Supreme Court against this election but the Supreme Court in 1959 upheld Dora's election.⁴⁴ The domination of Congress candidates, both at the state and centre level, in the reserved seats continued unabated even in the second general election (84% of the reserved seats in House of Peoples, and 75% in the Legislative Assemblies went to the Congress); the defeat of a general candidate by a reserved-seat candidate, in two consecutive elections,⁴⁵ became a major problem

⁴² He was elected for the 1st Lok Sabha from Pathapatnam Constituency in Andhra and served as minister of labour until he resigned in 1954. He was also the third Vice President of India in 1967.

⁴³ Source: *Election Commissions of India's "Statistical Report on the Second General Elections in India: 1957, Vol I.*

⁴⁴ For more on this case See Marc Galanter, (1984) ' *Competing Equalities: Law and the Backward Classes in India*, Delhi, Oxford University Press, pp.18-147; Lelah Dushkin (1972) 'Scheduled Caste Politics', in Michael J. Mahar, *The Untouchables in Contemporary India*, Tucson, University of Arizona Press, pp. 165-226

⁴⁵ Earlier happened during first general election, 1951-2; to know more see Marc Galanter, (1984), *Competing Equalities, op. cit.*

in the later days and ultimately led to the abolition of double member constituencies.

In the words of Duskin,

Although the system was set up partly to favor the election of Scheduled Caste legislators to unreserved seats, and the actual occurrence of this was quite rare, the fact that it happened at all seems to have given the non-Scheduled Caste politicians a nightmare.⁴⁶

4.5: Extension of Political Reservation and Abolition of Two-Member Constituencies

As provided in the Constitution, the reservation in political representation for Scheduled Castes and Scheduled Tribes would have expired in 1959. However, the Parliament through the eighth amendment to Indian Constitution extended it for a period of another ten years by amending the article 334 and substituting the words "twenty years" for the words "ten years". This was enacted on January 5th 1960.⁴⁷ However, soon after a year in 1961, the Parliament passed the legislation for the abolition of two-member parliamentary and assembly constituencies and for the creation of single-member constituencies in their place.⁴⁸ The Act specified that the;

“Commission shall, as soon as may be practicable and in the manner herein provided, divide every two-member constituency (other than a two-member assembly constituency in the State of Gujarat) into two single-member constituencies, delimit their extent and decide in which of them the seat shall be reserved for the Scheduled Castes or, as the case may be, for the Scheduled Tribes, having regard to the following provisions, namely: (a) all the single member constituencies shall, as far as practicable, be geographically compact areas and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and

⁴⁶ Lelah Dushkin (1972) 'Scheduled Caste Politics, op. cit.

⁴⁷ See *The Constitution (Eighth Amendment) Act, 1959*; also available at <http://indiacode.nic.in/coiweb/amend/amend8.htm>

⁴⁸ See *Two-Member Constituencies (Abolition) Act, 1961*.

public convenience; and (b) the seat shall be reserved in that single-member constituency which in the opinion of the Commission has the greater concentration of population of the Scheduled Castes or, as the case may be, of the Scheduled Tribes.

As from the date of publication of a notification under clause (c) of section 4 in the Official Gazette of the State concerned -(a) every two-member constituency in the State (other than a two-member assembly constituency in the State of Gujarat) shall cease to exist and, in lieu thereof, there shall come into existence two single-member constituencies (hereinafter referred to as "the corresponding new constituencies ") as provided in the amended Delimitation Order; (b) the sitting member of any two-member constituency in the State elected to fill the reserved seat therein shall be deemed to have been elected to the House of the People or as the case may be, of the Scheduled Tribes is from that one of the corresponding new constituencies in which the seat as been reserved, and the other sitting member of that two-member constituency shall be deemed to have been elected from the other of the corresponding new constituencies; and (c) any casual vacancy existing immediately before the said date in any two-member constituency in the State shall, if it be in the reserved seat, be deemed to be a casual vacancy in that one of the corresponding new constituencies in which the seat has been reserved, and if it be in the other seat, be deemed to be a casual vacancy in the other of the corresponding new constituencies.⁴⁹

The official explanation provided for the abolition of the double member constituencies was that the double-member constituencies were unpopular with the candidates as also the administrative machinery because it was two times larger than the single-member constituencies, which necessarily entailed much heavier expenses and much greater effort on the part of the candidates, especially for the Parliamentary constituencies. The counting of votes also proved a much more complicated task than in a single-member constituency. All cumulative votes had to be laboriously weeded

⁴⁹ Ibid. Special provision was made for Gujarat due to the Bombay Reorganisation Act, 1960.

out by a thorough scrutiny of the serial numbers of all the ballot papers found in every single ballot box. Voters were getting confused by the requirement that each of the two ballot papers that a voter received in a two-member constituency had to be inserted into different ballot boxes. A two-member constituency for the House of the People was a very unwieldy one with a vast area containing about 7 to 8 lakhs of voters in the average, spread across two or more than two, and therefore, a good deal of force was in the demand that every constituency should be made single-membered.⁵⁰ Apart from these reasons, the government also added that it was found that in many places the candidates were deliberately misleading the electors from ulterior motives and were asking them to waste their precious votes by dropping the ballot paper in the same boxes. Cumulative voting in favour of one member is prohibited by the Constitution, but since there was no way the government could stop this practice, it favoured the abolition in this manner.⁵¹

However, the fact of the matter as analysed by some of the eminent social scientist like Lelah Duskin⁵² and Marc Galanter⁵³ is that the abolition was inspired principally due to the fear of defeat of general candidates at the hands of reserved candidates; the cases of Ambedkar and V.V.Giri explained above are just few examples. The demand for doing away with all two-member constituencies gained in strength after it was decided that the operation of the reservation provisions in the

⁵⁰ *Election Commissions of India's* "Statistical Report on the Second General Elections in India": 1957, Vol I.

⁵¹ *Election Commissions of India's* "Report on the Third General Elections in India": 1962, Vol I.

⁵² Lelah Dushkin (1972) 'Scheduled Caste Politics', op. cit.

⁵³ Marc Galanter, (1979) 'Compensatory Discrimination in Political Representation: A Preliminary Assessment of India's Thirty-Year Experience with Reserved Seats in Legislatures' *Economic and Political Weekly*, Vol. 14, No. 7/8, Annual Number: Class and Caste in India February, pp. 437-454.

Constitution for a further period of ten years would continue. In the words of Lelah Dushkin;

Having (by their own estimate) done most of the work, spent most of the money, and mobilized most of the vote for the party ticket, non-Scheduled Caste politicians faced the prospect of being edged out of the contest by Scheduled Caste bloc voting. If Untouchables gave both of their votes to Scheduled Caste candidates regardless of party affiliation, a non-Untouchable candidate might be defeated for the general seat by his own party running mate.

....The first bill to abolish double-member constituencies was introduced by a private member at the end of that year. His stated reason was that the old system was costly, cumbersome, and marked by "confusion among voters and misunderstanding among candidates of the same political parties".⁵⁴ Similar reasons were cited when the official bill was introduced a year later. During the fall of 1960, heated debate went on within the Congress Party, whose high command changed its mind more than once. The debate, however, seems to have been mainly among the politicians most directly concerned, and when the Congress Parliamentary Party finally met in December to decide what to do, only half of its MP's attended (229 of 555). They voted to introduce the bill by a margin of 124-95 (10 invalid), and it was passed at the next session of Parliament, in February 1961.⁵⁵

The general public seems to have been singularly unaware of the existence or the provisions of the bill....The Congress Party debate went on behind closed doors, and the press gave the issue absent-minded coverage, not making it clear that the bill would simply bifurcate the constituencies, leaving one single-member reserved and one single-member unreserved. One paper editorialized in favor of the bill on grounds that it would probably end reservations (Free Press Journal, Nov. 29, 1960). Individuals who knew it would not end reservations... (*felt that*)...the new single-member reserved

⁵⁴ *The Hindu*, Dec. 1, 1959 as cited in Lelah Dushkin, 1972 'Scheduled Caste Politics', op.cit

⁵⁵ *Statesman*, Dec. 15, 1960; Lelah Dushkin, 1961, 'The Backward Classes: Special Treatment Policy', *Economic and Political Weekly*, XIII, p.1737 as cited in Lelah Dushkin, 1972 'Scheduled Caste Politics', op.cit.

constituencies would be in "Harijan majority areas," unaware ...of the fact...that such areas were almost non-existent. Once the newspaper editorialists had done their homework, they were generally disapproving, but by this time the Bill's passage was assured (cf. Hindustan Times, Nov. 25, 1960 and Feb. 24, 1961). Eventually some citizens' groups in the constituencies concerned began to speak up, universally against the bill, but only after it was passed.⁵⁶

In fact, the government showed least botheration for inquiring and debating about the several drawbacks that the proposal of division had. After all, it was the same government that had considered inappropriate to reserve any single-member constituency for the Scheduled Castes, on the ground of their population being less than 50% of the total population of the constituency just two years before. Therefore, there cannot be any explanation how the population of a reserved single-member constituency in an area where the Scheduled Castes or Tribes did not necessarily consist of a majority of persons belonging to such Castes, suddenly was reserved as a single member constituencies just after a period of two years.

In fact, the study opines that to reserve the constituency for a single-member is against the fundamental constitutional obligation to provide every citizen, the right to contest from any and every seat. However, the fear of losing general seats, in the double-member constituencies, to the Scheduled Caste and the Scheduled Tribe candidates had grown so high that, nobody raised this issue at that point in time. On the contrary, everyone expressed anxiety that the Scheduled Caste and the Scheduled Tribes should get their full quota of reserved seats, provided that (unless he himself belonged to any of these Castes or Tribes) the constituency in which he was personally interested does not change into a reserved one. The selection of reserved

⁵⁶ *Hindustan Standard*, Feb. 22, 1961 as cited in Lelah Dushkin, (1972) *Scheduled Caste Politics*, op.cit.

constituencies gave rise to many issues and finally, in most of the cases, this was done simply by dividing the double-member constituency and allotting the reserved seat to the one with the greatest proportion of Scheduled Caste and the Scheduled Tribes.⁵⁷ The State-wise distribution of the Parliamentary and Legislative Assembly Seats after the abolition of double-member constituencies is given below (Table 4.12& 4.13)

Table 4.12

**Comparison of State-Wise Distribution of the Parliamentary Seats
1957 and 1962⁵⁸**

Name of State or UT	1957					1962		
	Single member constituencies		Two member constituencies		Total number of seats	Single member constituencies		
	Gen	ST	SC	ST		Gen	SC	ST
Andhra Pradesh	27	---	6	2	43	35	6	2
Assam	7	1	1	1	12	9	1	2
Bihar	33	4	7	1	53	41	7	5
Gujarat	17*	3	1	--	22	18	1	3
Maharashtra	29*	1	6	1	44	36	6	2
Kerala	14	--	2	--	18	16	2	--
Madhya Pradesh	15	3	5	4	36	24	5	7

⁵⁷ The task of dividing each one of these constituencies into two compact and convenient single-member constituencies and deciding in which of them the seat should be reserved for the scheduled castes or scheduled tribes was given to the Election Commission. In regard to the latter part of the work, a direction was given in section 3 of the Act that the seat should be reserved in that single-member constituency which, in the opinion of the Commission had the greater concentration of population of the scheduled castes or, as the case may be, of the scheduled tribes. The procedure laid down in the Act for the guidance of the Election Commission was a simplified form of the procedure prescribed for the Delimitation Commission in the Act of 1952. Representatives of the legislatures were not associated with the Commission. It was required to formulate its proposals for the division of the two-member constituencies in each State, publish them in the official gazettes and in two or three important newspapers in the regional language, invite objections and suggestions by a specified date and after considering them, determine the matters finally by making necessary amendments in the Delimitation of Parliamentary and Assembly Constituencies Order, 1956. *Election Commissions of India's "Report on the Third General Elections in India": 1962, Vol I.*

⁵⁸ Ibid.

Madras	27	--	7	--	41	34	7	--
Mysore	20	--	3	--	26	23	3	--
Orissa	6	2	4	2	20	12	4	4
Punjab	12	--	5	--	22	17	5	--
Rajasthan	13	1	3	1	22	17	3	2
Uttar Pradesh	50	--	18	--	86	68	18	--
West Bengal	20	--	6	2	36	28	6	2
Delhi	3	--	1	--	5	4	1	--
Himachal Pradesh	2	--	1	--	4	3	1	--
Manipur	1	1	--	--	2	1	--	1
Tripura	--	--	--	1	2	1	--	1
Total	296	16	76	15	494	387	76	31

*Note—The figures are for the Gujarat and Maharashtra areas, respectively, of the former State of Bombay.

Table 4.13

**Comparison of State-Wise Distribution of Legislative Assembly Seats
1957 and 1962⁵⁹**

Name of State or UT	1957						1962				
	Single member constituencies			Two member constituencies		Total number of seats	Single member constituencies			Total no of seats	
	Gen	SC	ST	SC	ST		Gen	SC	ST		
Andhra Pradesh	195	--	2	43	9	301	246	43	11	300*	
Assam	63	--	17	5	9	108	77	5	23	105**	
Bihar	192	--	18	40	14	318	246	40	32	318	
Gujarat	@91	--	13	10	4	132	122	11	21	154+	
Maharashtra	@174	--	4	33	10	264	217	33	14	264	
Kerala	102	--	--	11	1	126	114	11	1	126	
Madhya Pradesh	121	--	27	43	27	288	191	43	54	288	
Madras	129	--	--	37	1	205	168	37	1	206++	

⁵⁹ Ibid.

Mysore	150	--	--	28	1	208	179	28	1	208
Orissa	47	--	15	25	14	140	86	25	29	140
Punjab	88	--	--	33	--	154	121	33	--	154
Rajasthan	88	--	8	28	12	176	128	28	20	176
Uttar Pradesh	252	--	--	89	--	430	341	89	--	430
West Bengal	135	3	--	42	15	252	192	45	15	252
Total	1827	3	104	467	117	3102	2428	471	222	3121

Notes:-- *One general seat reduced by Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959; ** Three tribal seats reduced by the Naga Hills Tuensang Area Act, 1957; + No. of seats increased by the Bombay Reorganisation act, 1960; ++ One general seat increased by Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959; @ The figures are for the Gujrat and Maharashtra areas , respectively , of the former State of Bombay.

The allocation of the reserved seat to one of the two areas turned out to be quite a problem in an appreciable number of cases, mainly because of the lack of detailed population figures for smaller administrative units.⁶⁰ In the case of seats reserved for Scheduled Castes, the Commission began by first reserving the constituencies with the highest concentration of Scheduled Castes - usually not much more than 20 per cent and then selecting the others by the dispersal criterion. Since the Scheduled Caste, population, was evenly dispersed, the constituencies reserved for them contained far fewer Scheduled Caste members. Among the 76 Lok Sabha constituencies reserved for Scheduled Castes, they nowhere comprised a majority and

⁶⁰ This was primarily because the 1951 census gave the scheduled castes and scheduled tribes population only for 'tracts' the size and composition of which varied greatly. Sometimes a tract covered "the rural areas of two or three tehsils in a district, or three or four small towns, or some such grouping, which made it impossible to determine accurately the scheduled castes or scheduled tribes population of an assembly constituency as a whole or of a specified part of a constituency. The method of computing by the rule of proportion which had perforce to be adopted in these circumstances was not satisfactory. As a result of this experience, the Election Commission strongly recommended to the Census Commissioner for India that the 1961 census must give the scheduled castes and scheduled tribes population figures for each primary unit (like a village or a municipal ward or a mohalla in a town) for which the total population is shown. Ibid.

only 13 in which they comprised nearly thirty per cent. Most of the Scheduled Castes constituencies contained between 10 and 30 per cent of Scheduled Castes and the vast majority of the SC population- perhaps 75 per cent – were left outside the constituencies reserved for them. Of the 111 Lok Sabha constituencies where Scheduled Castes comprised more than 20 percent of the population, only 46 were reserved, while 29 constituencies reserved had less than 20 per cent SC population.⁶¹ The same pattern appears in the reserved seats in the state legislatures.

4.6: General Elections after the abolition of double-member constituencies

Table 4.14
Party Distribution of SC Reserved Seats (in Single- Member Constituencies)
1962⁶²

Party	Lok Sabha
Congress	62
CPI	2
REP	2
Akali Dal	2
Gantantra Parishad	1
JS	3
PSP	2
DMK	1
SWA	2
JP	1
Independents	1
Total	79

⁶¹ In the case of Scheduled Tribes, of the 29 constituencies in which Scheduled Tribes comprise over 40 per cent of the population, 23 were reserved. Thus the reserved seats encompassed the bulk of the Scheduled Tribes population, perhaps close to 70 per cent. For more details see Marc Galanter, 'Compensatory Discrimination in Political Representation: A Preliminary Assessment of India's Thirty-Year Experience with Reserved Seats in Legislatures', *Economic and Political Weekly*, Vol. 14, No. 7/8, Annual Number: Class and Caste in India (Feb., 1979), pp. 437-454

⁶² *Election Commission of India. Statistical Report on General Elections, 1962 to the Third Lok Sabha*, Vol I.

Table 4.15
Party Distribution of SC Reserved Seats (in Single- Member Constituencies)
1967⁶³

Party	Lok Sabha	Legislative Assemblies
Congress	47	237
CPI	2	14
RPI	1	6
Akali Dal (S)	1	-
Gantantra Parishad	1	-
BJS	5	48
PSP	2	11
DMK	6	-
SWA	3	44
Soc/SSP	3	22
CPI (M)	2	17
Independents	3	35
Other parties	2	64
Total	77	498

Thus, the domination of the Congress in the reserved seats continued even after the bifurcation of the double-member constituencies. On the contrary, the number of Scheduled Caste members holding the unreserved seats that was as high as six at the centre in 1957, was reduced to the only seat in West Bengal in 1962. (See Table 4.16)

⁶³ Lelah Dushkin, (1972) Scheduled Caste Politics', op.cit. p.203. Also see *Election Commission of India. Statistical Report on General Elections, 1967 to the Fourth Lok Sabha*, Vol I, New Delhi.

Table 4.16
Election of Scheduled Castes to Non- Reserved Seats in Lok Sabha and
Legislative Assemblies (1952-1967)⁶⁴

Election	Lok Sabha				Legislative Assemblies			
	Total seats	Reserved for SC	Non-reserved	Non-reserved filled by SC	Total seats	Reserved for SC	Non-reserved	Non-reserved filled by SC
1952	489	72	392	5(1)	3234	471	2571	5
1957	494	76	387	7(3)	3201	470	2411	7
1962	494	76	387	1	3296	480	2553	12
1967	520	77	407	0	3467	496	2723	4

Note: Figures in parenthesis are the number of non-reserved seat victories which were general seats in double member constituencies.

Though the number of Scheduled Castes winning the non-reserved seats increased in the legislative assemblies by three, according to eminent social scientists has been termed merely as aberration and not trend, as it once again is reduced to only four in the 1967 election.⁶⁵ To no one's surprise, the Scheduled Castes failed to win even one unreserved seat for Lok Sabha in 1967.⁶⁶

In the meantime, since reservation of seats for Scheduled Castes at the local level elective bodies were not specifically provided by the Constitution, several states, namely Assam, Gujarat, Kerala, Maharashtra, Mysore, Punjab, Rajasthan and Uttar Pradesh in 1963, in reference to arrangements provided in Article 15(4), started reserving seats for Scheduled Castes in local bodies on the basis of population. In 1966 all the states except Bihar, Jammu and Kashmir, Orissa and West Bengal

⁶⁴ However, the present data excludes the figure of Buddhist (as they were not eligible for reserved seat, nor listed in RCSCHEDULED CASTES) presented in Galanter's work. Other Buddhists may have occupied general seats subsequently. Marc Galanter, (1979) 'Compensatory Discrimination in Political Representation, op. cit:

⁶⁵ In fact in the later years, it was even lesser: 1969-70 (nill); 1970-71 (3); 1971-73 (nill) and 1973-75 (4).

⁶⁶ In the later year it could not merely win one in 1971 and 2 in 1977.

reserved seats in gram panchayats and most states provided for reservation or co-optation of members of these groups in the higher tiers of panchayat institutions.⁶⁷

However, all this was being done at the behest of the ruling political party, i.e. Congress both at the state level and the Centre. Reservation for Scheduled Castes/Scheduled Tribes was extended for yet another ten years in 1969.⁶⁸ This was done despite the constant opposition of the several MPs on the ground that there wasn't any "scientific study of the effects of [reservations] for the past twenty years".⁶⁹

4.7: Reserved Seats 1971-2010

On the whole there has been no significant change in the reserved seats since it was allotted in 1962. Though, the Constitution of India had laid down the provision that the boundaries of constituencies be reviewed after every decennial census, the forty-second amendment passed in 1976 under the Congress sponsored Emergency made it ineffective until 2001 and again in 2001 for another thirty years through the Eighty-Fourth Amendment. Had Constitution been followed as the provisions were made in original, the number of reserved seats in the 2004 and 2009 parliamentary elections would have been 89 (instead of 79), i.e. ten more seats than the present reserved seats. The same would have been the case at the state level.

⁶⁷ Marc Galanter, (1979) 'Compensatory Discrimination in Political Representation', op. cit

⁶⁸ The clause just mentioned "although the Scheduled Castes and Scheduled Tribes have made considerable progress in the last twenty years, the reasons which weighed with the Constituent Assembly in making provisions with regard to the aforesaid reservation of seats and nomination of members, have not cheapest to exist. It is, therefore, proposed to continue the reservation for the Scheduled Castes and the Scheduled Tribes ... for a further period of ten years. See *The Constitution (Twenty-Third Amendment) Act, 1969*; also available at <http://indiacode.nic.in/coiweb/amend/amend23.htm>

⁶⁹ R R Masani in Parliament in 1969 as cited in Marc Galanter, (1979) 'Compensatory Discrimination in Political Representation, op. cit.

In fact, some of the studies have shown that Congress did not show any interest in the reserved seats because it used it as a 'dumping ground' for areas which did not support it in the electoral competition.⁷⁰ It is also clear from the fact that until now the Scheduled Castes constitute only 23.7 per cent of their total population in the seats reserved for them. Out of the 84 reserved seats there are only 39 seats where Scheduled Castes constitute more than 20 per cent. Thus, for parties associating with Dalits, namely the Republican Party of India (RPI) in the 1960s and 1970s and the Bahujan Samaj Party (BSP) in 1980s, winning the reserved seats have been a tough task. Due to the greater presence of the non-Scheduled Caste voters, the reserve seats on most of the occasions have been won by other parties. Even when the BSP under the leadership of Mayawati, who successfully formed its own government in the state of Uttar Pradesh, could win only 2 reserved seats out of 17 in 2009 Parliamentary election in the state.

Thus, though the electoral policy and praxis for Scheduled Castes in independent India saw many changes between 1951 and 1961, it has not been a matter of concern for politics and the politicians in the later years. The provision for reservation in political representation has been simply extended for ten years four times in 1980, 1989, 2000 and 2009 consecutively without any meaningful debate.⁷¹ The government instead of identifying factors responsible for its failure has been constantly repeating that "the reasons which weighed with the Constituent Assembly in making provisions with regard to the aforesaid reservation of seats and nomination of members have not ceased to exist. It is, therefore, proposed to continue the

⁷⁰ Gopal Guru (1986), 'Political Reservations for the Scheduled Castes: A Politics of Reformism', in Ram Gopal Singh (ed.), *The Depressed Classes of India: Problems and Prospects*. New Delhi, B R Publishing Corp.

⁷¹ See *The Constitution (Forty-Fifth Amendment) Act, 1980*; *The Constitution (Sixty -Second Amendment) Act, 1989*; *The Constitution (Seventy-Ninth Amendment) Act, 2000*; also available at <http://indiacode.nic.in/coiweb/amend/amend...htm>

reservation for the Scheduled Castes...for a further period of ten years”.⁷² No attempt to evaluate scientifically whether the existing mechanism ensures true representation of Scheduled Caste voters shows sheer apathy towards the issue.

For the academics, too, the concern on electoral system though remained varied and wide;⁷³ it fell short of analyzing the electoral method or the representative character of the Scheduled Caste representation and looking ways for electoral alternatives. At the most, what attracted them was the rise of sub-elites among the Scheduled Castes.⁷⁴ There isn't any study that shows the impact and maps the

⁷² Ibid.

⁷³ For detailed reference of some of the electoral studies please see Subhash C. Kashyap (ed), (1971), *Elections and Electoral Reforms in India*, New Delhi, The Institute of Constitutional and Parliamentary studies; Ramashray Roy (1973), *The Uncertain Verdict: A study of the 1969 Election in Four Indian States*, New Delhi: Orient Longman Ltd; D.L.Sheth (ed) (1975), *Citizens and Parties: Aspects of Competitive Politics in India*, Bombay: Allied Publishers Private Limited; Oliver Mendelsohn (1986) 'A "Harijan Elite" ? The Lives of Some Untouchable Politicians', *Economic and Political Weekly*, Vol XXI, No 12, March 22, 1986; Ramashray Roy and V.B. Singh (1987), *Between two worlds: A study of Harijan elites*, Delhi: Discovery Publishing House ; Subrata K. Mitra and V.B.Singh (1999), *Democracy and Social Change: A cross National analysis of the National electorate*, New Delhi: Sage Publications; Ramashray Roy and Paul Wallace, (2000), Indian Politics and the 1998 election: Regionalism, Hindutva State Politics, *Economic and Political Weekly*, Vol.35, No.5, pp.267-271; Rohini Pande, (2003), Can Mandated Political Reservation Increase Policy Influence for Disadvantaged Minorities?, *The American Economic Review*, Vol 93, No 4, pp.1132-1151; Esther Duflo (2005) 'Why Political Reservations ?' Issue 2-3, *Journal of European Economic Association* pp. 668-678; Also see Arend Lijphart, (1996) ' The Puzzle of Indian Democracy: A Conscociational Interpretation, *American Political science Review*, Vol 90, No. 2, June 1996, pp258-268 and (1999) *Patterns of democracy*, New Haven: Yale University Press and (1977) *Democracy in Plural societies: A comparative exploration*, New Haven: Yale University Press and (1984) *Democracies: Majoritarian and Concensus patterns of government in Twenty-one countries*, New Haven: Yale University Press. Also see documentation by the Lokniti: Institute for Comparative Democracy, Centre for Study in developing Societies, New Delhi (CSDS) such as "News Paper documentation (Mimeo) January 2006- September 2008"; "News Paper documentation (Mimeo) January 2004- December 2005"; "Publications on electoral Politics (1998-03) (Mimeo); also see website of Lokniti <http://www.lokniti.org> and special issue on 'Electoral Politics in India, 1989-99' *Economic and Political Weekly*, Vol.XXXIV,Nos 34-35, Aug 21-27/28- Sept3, 1999.

⁷⁴ For more details see Chapter 5.

Scheduled Castes' perception on these effects. An attempt, based on empirical work in the states of Punjab and Andhra Pradesh, is made in the next chapter to map the perception of the Scheduled Castes to identify problems of reservation in political representation for Scheduled Castes in the current electoral system. Drawing inferences from that, the study comes to a conclusion in the last chapter.