

## **RESERVATION IN ELECTION**

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### **Abstract**

Political concerns over economically disadvantaged minority groups are compared to global poverty levels. The state-time variance in reservation in India's state legislative assemblies is used to refute the concept that political reservation is endogenous. This disparity is caused by national rules that require reservations to be updated and implementation delays for altered reservations. This distinction is the outcome of national policies that alter reserves. We discovered that increasing the number of seats granted to Scheduled Tribes considerably reduced poverty in sixteen of India's most populous states between 1960 and 2000.

When the percentage of seats assigned to Scheduled Castes was increased, however, there was no variation in the number of poor people. Political reservations for Scheduled Tribes appear to benefit individuals who are just above and well below the poverty line, and they appear to have a greater impact on rural poverty than urban poverty. These initiatives are more likely to alleviate urban poverty.

**Keywords:** Reservation, Election, Schedule Castes, Schedule Tribes, Women

### **Introduction**

In India, women and members of Scheduled Castes and Tribes are granted preference for academic and government positions. Seats in the State Assembly and Parliament are reserved for certain areas. Backward castes and tribes are included in government-published schedules as Scheduled Tribes (usually abbreviated as ST) and Scheduled Castes (often abbreviated as SC) (sometimes abbreviated as SC). These castes and tribes are thought to be less sophisticated than other populations. All voters, even those from non-SC or ST communities, have the right to vote for a candidate from the SC or ST community running for office in their district. Roughly a quarter of all Indians belong to the SC and ST categories. They have about the same number of

seats in Parliament's chambers.<sup>1</sup> This statistic will vary depending on the population and percentage of SC/ST citizens in each state. In municipal and local body elections, candidates from other Backward Class groups enjoy reserved seats in addition to SC/ST candidates. The representative for each constituency is chosen at random. Wards are voting districts in municipal and other local elections. As a result, the number of wards or constituencies in the elected body may be equal to the number of seats up for election. Members of Scheduled Castes and Tribes are allotted seats in constituencies based on the size of their respective populations. These seats are referred to as "reserved" seats.

With a separate electorate, under early British control of India, not only were seats reserved for a certain community, but voting for the reserved constituency was also restricted to members of that community. For example, in Muslim-only voting districts, only Muslims were permitted to vote for Muslim candidates.

### **Definition**

Every legally eligible voter in a country, area, or election is referred to as an electorate. Voters may also be linked to certain elections. A country or territory is considered to have a unified electorate when every eligible voter in that country or region votes for every candidate running for office during election season.<sup>2</sup>

A nation's or region's voting population is divided into several distinct electorates, each of which is distinguished by a distinct set of variables, such as religion, caste, gender, and occupation in the case of different electorates. Under this setup, electors in each constituency can only vote for candidates running for office in their own electorate. Minorities usually support separate voting systems because they believe that without them, they would not have equal representation in government. If Muslims had their own distinct electorate, they could, for example, choose their own distinct leader in Muslim-only elections. Every Indian citizen has the right to vote for their representatives, according to the Constitution. Those in charge of creating the constitution were concerned that open voting would make it difficult for minority organizations with fewer

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<sup>1</sup>Holzer, Harry J. and Neumark, David. "Assessing Affirmative Action." *Journal of Economic Literature*, September 2000, 38 (3), pp.483–568.

<sup>2</sup>Election Commission of India. *Statistical Reports on General Elections in India, 1962-1999*, New Delhi.

members to be elected to national or state legislative assemblies.

### **Institutional Background**

Since 1950, the Indian Constitution has included a number of affirmative action measures aimed at improving the social and economic condition of historically marginalized communities. These provisions guarantee that they will have quotas in educational institutions and positions in a certain proportion of government jobs, in addition to representation in the Lok Sabha, India's national legislature (henceforth referred to as "parliament" to indicate this legislature), the State Assembly, India's state legislature, and village panchayats. The castes and tribes eligible for these provisions are listed in Articles 341 and 342 of the Constitution. These groups are known as Scheduled Castes and Scheduled Tribes, respectively. The lists of Social Castes and Social Types, or SC/STs, have changed several times over the years.

According to the 2001 Population Census, the SC and ST groups are estimated to account for approximately 16% and 8% of India's total population, respectively. According to Article 332 of the Indian Constitution, people from the SC and ST groups are eligible for political reservation in parliamentary and assembly decisions in India. Only candidates from Scheduled Castes (SCs) are qualified to run in a district designated for SCs, referred to as a "SC constituency" in the following sections. Similarly, candidates for office in a district expressly designated for STs (referred to as a "ST constituency" below) may only be members of tribes named among the STs. Every voter, regardless of caste or tribal identity, votes for the SC and ST seats.<sup>3</sup>

The following is the mechanism for selecting reserved parliamentary constituencies: The number of reserved seats in a state is initially decided by the proportion of SCs and STs in the population. Second, whether a community belongs to the SC or ST constituency is determined by its population proportion in the state. Finally, the final SC constituency status has been changed to distribute reserved seats geographically throughout the state. As a result, whether a constituency is reserved is determined by the percentage of the population. However, the assignment is complicated by the inclusion of spatial dispersal.<sup>4</sup>

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<sup>3</sup>Galanter, Marc. *Competing Equalities: Law and the Backward Classes in India*. Berkeley: University of California Press, 1984.

<sup>4</sup>Miguel, Edward and Mary Kay Gugerty. "Ethnic Diversity, Social Sanctions, and Public Goods in Kenya." *Journal of Public Economics*, 2005, 89, pp. 2325-2368.

Because the SC population is dispersed across the state, SC voters are a minority in every district, regardless of the reservation status of the seat in which they reside. Yet, because they live in geographically remote areas, ST voters constitute the majority in roughly half of the seats reserved for them.

### **Anglo-Indians**

The Anglo-Indian group is entitled to a reservation under Indian Constitution Article 334. The 5th Amendment, ratified in 1970, the 23rd Amendment, ratified in 1980, the 45th Amendment, ratified in 1990, the 62nd Amendment, ratified in 2006, the 79th Amendment, ratified in 2010, and the 95th Amendment, ratified in 2020 all extended its original 20-year term. It was originally intended to end 20 years after the Constitution became law. As of January 2020, the 104th Constitutional Amendment Act of 2019 would abolish the Anglo-Indian reserved seats in the Indian Parliament and state legislatures. According to Federal Law Minister Ravi Shankar Prasad, who introduced the bill in the Lok Sabha, as of the 2011 Census of India, there were just 296 Anglo-Indians in India. However, this figure is debatable. Ravi Shankar Prasad, the responsible party, presented the bill. The precise number of Anglo-Indians is unknown; some estimates put the figure at 150,000. It is estimated that between 75,000 and 100,000 people live there.

### **Scheduled Castes and Scheduled Tribes**

Members of the Scheduled Castes (SC) and Scheduled Tribes (ST) are guaranteed a certain number of seats in urban and rural institutions, as well as in the Indian Parliament and state legislatures (ST). There is no distinct electorate for these reserved seats; they are chosen by the entire constituency. A generic seat, often known as a non-reserved seat, is one that can be run for by any member of the SC or ST community. The Indian Constitution established this system in 1950 and intended it to survive for the first ten years. Its goal was to ensure that underrepresented, disadvantaged, and vulnerable groups who required further protection may participate in politics. This reservation is set to expire in 2030 as a result of India's 104th Constitutional Amendment; however, it could be extended by passing another constitutional

amendment.<sup>5</sup>

The percentage of the population that met the criteria for the SC categorization increased, going from 14.6% in 1971 to 16.6% in 2001. This constitutes a considerable leap in total quantity. In a similar line, the percentage of the population that identified as STs rose from 6.9% in 1971 to 8.2% in 2001, representing an overall upward trend. In accordance with the Delimitation of Parliamentary and Assembly Constituencies Order of 2008, the Delimitation Commission increased the number of seats reserved for Scheduled Castes in the Lok Sabha from 79 to 84, while also increasing the number of seats reserved for Scheduled Tribes in the Lok Sabha from 41 to 47. This was done as a result of an increase in the overall population of Scheduled Castes and Scheduled Tribes that was found in the 2001 census. In accordance with the 2008 Request for Delimitation of Parliamentary and Group Voting Demographics, this was carried out to its successful conclusion.

According to Article 330 of the Indian Constitution and Section 3 of the Representation of the People Act of 1951, seats in the Lok Sabha are allocated to members of the Scheduled Castes and Scheduled Tribes depending on the proportion of the state's population that belongs to such groups. This is the criteria that is used to allot seats in the Lok Parliament.

### **Other Backward Classes**

As a result of the Mandal Commission's recommendations being implemented, OBC candidates now have reserved seats in elections for both rural and urban government units. The percentage of such groups in the state's overall population determines the number of seats that should be set aside for Other Backward Classes.

### **Women**

Gram Panchayats, Block Panchayats, District Councils, and Municipal bodies each provide one third of their available seats to female members. In the event that this reserve is extended in the future, the Parliament and the State Legislature may be taken into consideration. In 2008, the Women's Reservation Bill was presented in the Indian Parliament with the intention of reserving 33 percent of all seats in the Lok Sabha and in all state legislative assemblies for female

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<sup>5</sup>Planning Commission of India. Report of The Expert Group on Estimation of Proportion and Number of Poor. Planning Commission, Government of India, New Delhi, July 1993.

candidates. On March 9, 2010, the measure was passed into law by the Rajya Sabha. The House of Representatives, known as the Lok Sabha, was never given the chance to vote on the bill. Female candidates who were nominated between 1957 and 2019 are eligible for one of the two seats that have been set aside for them in the 89-person Jammu and Kashmir Legislative Assembly. This occurred before Articles 370 and 35A of the Indian Constitution were removed from their respective positions.<sup>6</sup>

### **Sangha and Bhutia-Lepcha seats in Sikkim**

In 1975, India officially acknowledged Sikkim's status as a sovereign state. The only person who is eligible to hold one of the 32 seats in the Sikkim Legislative Assembly is a person who is a member of a Buddhist Sangha. The right to vote and to run for office can only be exercised by monks and nuns residing in one of the 111 Buddhist monasteries that have been officially acknowledged. In addition, inhabitants of the Bhutia-Lepcha ethnic group in Sikkim have been guaranteed a total of twelve seats in the Sikkim Legislative Assembly.

### **Without Reservations, Weaker Groups Are Not Represented**

Why is it so important for the government to make sure that each group is appropriately represented in the Panchayat, given that women, SCs, and STs all have the right to vote and run for office, and since the identity of a politician is vital to the supply of public goods?

In all honesty, very few women, SCs, or STs use their reserves to win elections. This is true for all groups. In the two districts in Rajasthan and West Bengal that do not have seats, there are 6.5 percent and 1.7 percent of Pradhans who are female, respectively. There are 7.5% of general practitioner seats in West Bengal that are held by SC Pradhans. These seats are not officially reserved for SCs. Notwithstanding this, none of the women who had been elected to a reserved seat in Rajasthan's first Panchayat election in 1995 were re-elected in the state's second Panchayat election in the year 2000.<sup>7</sup>

There is little question that a portion of this is connected to their unwillingness to run for office: There is a presumption among 33 percent of West Bengal's female Pradhans that they will not

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<sup>6</sup>Alesina, Alberto, Baqir, Reza and William Easterly. "Public Goods and Ethnic Divisions" Quarterly Journal of Economics, November 1999, 114 (4), pp 1243-1284.

<sup>7</sup>Banerjee, Abhijit and Somanathan, Rohini. "The Political Economy of Public Goods: Some Evidence from India." Journal of Development Economics, 2007, 82, pp. 287-314.

participate in the forthcoming election. In rural India, literate women who come from middle-class backgrounds are typically considered qualified to run for government. It is socially inappropriate for a woman to work outside the home in many households, let alone seek for political office. This is especially true in the United States.

It is of the utmost importance to investigate whether or not political parties will nominate candidates from underrepresented groups even if they are not required to do so by law. If they were asked by their party, 26% of women in West Bengal said they would consider running for office. It has come to light that their political party will almost probably not extend an invitation to women, members of historically oppressed groups, or people of color to compete for open seats in upcoming elections. In India's political parties, women and persons from lower castes are substantially underrepresented compared to other demographics. As Pande demonstrates, political parties that have poor minority representation frequently field a small number of minority candidates in both the primaries and the general elections. This is done under the assumption that a candidate's identity is relevant to how public resources are allocated.

The total number of votes cast is the last variable to be considered in this equation. It's possible that people have skewed ideas about how well women and members of other minority groups perform professionally. According to the findings of several studies, women and members of minority groups routinely experience prejudice.

### **Suggestions to overcome such challenges**

- **Training and leadership programs for women:** Women must pay special attention to the numerous leadership development and training programs designed specifically for them, whether they are currently in political office or just beginning their careers. These programs not only teach women how to understand the budget and make decisions, but they also assist them in establishing communities, developing self-worth, learning how to resist injustice, and becoming more confident and motivated. As a result, they significantly impact women's political participation.

In 2021, newly elected female delegates will be able to rally behind the values of equality, non-discrimination, and community development thanks to funding from the United Nations Development Programme (UNDP). The project, "Enhancing Women's Political Participation at

the Subnational Level,” would establish and run training sessions for newly elected members in order to ensure that women may participate in politics and public life as freely and democratically as men can. It will also conduct an education campaign on the subject.<sup>8</sup>

- **Inter-factional associations and groups:** Given that men outnumber women in the media and in positions of power the n state, oblast, municipal, and local administrations, it may be difficult to dispel the notion that politics is a “man's world.” As a result of the assistance provided by inter-factional associations and groups whose goal is to promote gender equality, women are better able to champion important political issues, become more visible in public, support other women MPs and councillors, and respond to sexism, gender discrimination, and other issues. Promoting a culture of cooperation and innovation in addressing gender equality challenges necessitates the development of such groups.
- Introduce temporary quota systems and inclusive, gender-sensitive leadership pathways to help bring all girls and women into political spheres.
- Advocate for more inclusive and diverse representation of people in leadership roles, and fight to provide women equal visibility in politics and other decision-making processes as men.
- Establish a safe and supportive political environment a top priority so that all girls and women can participate in public life at any level without fear of physical or online harassment or violence.
- Ensure that women are always in positions of leadership and decision-making, especially during peace discussions and humanitarian emergencies.
- To advocate for gender equality and to encourage community and sporting events that aid in the development of girls and women's leadership potential.
- Increase possibilities for women to serve on corporate boards and in executive positions to encourage them to take on leadership roles at work.

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<sup>8</sup>Besley, Timothy and Burgess, Robin. “Land Reform, Poverty Reduction, and Growth: Evidence from India.” Quarterly Journal of Economics, May 2000, 115 (2), pp. 389-430.



- Contribute to grassroots organizations that help girls and women get the information and skills they need to participate independently and constructively in the public, economic, social, and political spheres.
- Establish accountability rules and methods to monitor and report on the government's progress toward its gender equality obligations.

### **Conclusion**

Reservation has the potential to significantly increase the participation of underrepresented groups in political decision-making. Despite the fact that this change will elect politicians with less knowledge and experience to power, there is no evidence that it will result in poor decisions. While neither the quantity nor the quality of public goods appear to have been harmed, women tend to be less likely to accept bribes. There is also a significant re-allocation of goods in favor of the group in power's preferred allocation. To determine whether or whether this typically improves wellbeing, an assessment of the social welfare function would be required. Reservation, on the other hand, emerges as the logical winner as a successful reallocation technique.