Constitutional Equality and the Politics of Representation in India

Zoya Hasan

It is widely believed that an historic shift has taken place in the forms and modes of political representation available to people seeking representation of their interests and social claims. Two changes are noteworthy. From the classic patterns of the earlier 20th century, based on social relations forged in workplaces, organized in trade unions and mass organizations linked to programmatic political parties, it has moved to a 'new politics' of social movements, voluntary associations, NGOs, etc., rather than political parties, and local rather than national concerns.[1] The second change is in the process of representation marked by a greater emphasis on descriptive representation and participation in decision-making. Today, equitable and fair-minded policies can be objected to on the grounds that the processes by which they were arrived at were undemocratic and excluded women and minorities, for instance. Even when there are no laws that require it, many political parties have decided their lists are not properly representative without certain numbers of people from different groups.

These global trends are only partially applicable to India but they provide an important context for the discussion of the politics of representation in India. Most accounts of representative democracy in India indicate a deepening of democracy and place considerable emphasis on electoral politics in providing space for the expression of rights and claims by disadvantaged groups. Some political scientists have described electoral politics in the 1990s as the second democratic upsurge (the first having succeeded India's independence from colonial rule).[2] This democratic upsurge has brought political leaders from some of the historically lower and back-ward castes to centre stage, and significantly voter participation is higher amongst the poorer classes, less well educated and socially underprivileged castes and classes, unlike in industrialized democracies where participation is biased in the direction of the better educated, more wealthy and advantaged citizen.[3] The increased participation in electoral politics of groups considered most peripheral has

come about through political parties even though they are weakly institutionalized. Contrary to most expectations the needs and interests of people, especially the poorer groups, are met through political parties, and not social movements and NGOs.[4] Available evidence so far highlights a substantial increase in political participation and continuing importance of parties, both of which underline the strength and legitimacy of the political system. But this evidence also poses difficulties with regard to political representation. Political participation simply does not tell us enough about the status of political equality and citizen efficacy unless we accept the standard formulation that everyone's vote should count as one vote, which means that all are equal. Political equality implying a roughly proportionate distribution of political activity rarely extends to the sphere of representation in crucial decision-making institutions. That is to say, there is no tendency towards equality when it comes to the distribution of power or representative bodies. Political participation, in the form of voting, attending public meetings, participating in demonstrations and rallies is on the increase, but the polity that provided the genuinely equal opportunity to participate in public meetings and so on does not produce the same kind of equality among the people elected.

Representative politics has come to dominate the world of politics since the institutionalization of democracy itself. Political representation may involve either a representative acting for others by virtue of a contract or mandate between them or it may involve descriptive representation when a person is deemed representative because of personal/social characteristics or both of these, but additionally it has a procedural character, involving the acceptance of general responsibility for the interests of people/constituents. This paper follows this wider definition and the general principle that the representative does not represent persons as such; rather the representative is charged with the responsibility of seeing that the interests of the constituents are adequately represented in decision-making, and is obliged not only to represent interests, but also to ensure that something is done about the pressing problems of the constituency, in terms of production and implementation of appropriate policies, for instance.[5] In short, the representative is accountable to her constituency for all acts of omission and commission.

This paper is organized around the theme of political representation in India. Representation can be assessed in at least two ways: (a) Process of representation and (b) the quality of representation and responsiveness.[6] Three such groups that have been historically underrepresented in politics and for whom there are no electoral reservations are: Other Backward Classes (OBCs), women and minorities (although the OBCs since 1994 have reservations in public employment).[7] The first section deals with the changing politics of representation in India in the past two decades, the growing demands for proportional representation, and for political inclusion of two influential groups: the scheduled castes and tribes and Other Backward Classes. In the second section, representation is briefly explored in relation to women and minorities. The third section deals with some reflections on the challenges for political representation in India's diverse democracy.

My aim in this paper is to account for the varied trajectories of caste, community and gender in Indian politics through an analysis of the politics of representation, and consider the limits of the dominant conception of representation as presence.[8]

While the earlier form of representation with its focus on a 'politics of ideas' may be an inadequate vehicle for dealing with political exclusion, there is little to be gained by switching to a 'politics of presence'. The main argument developed here is that the politics of presence does not offer a resolution to the problems of under-representation or to the more fundamental issue of the representation of interests of constituents, especially the needs of the most vulnerable. Increasing the political representation of Muslims underscores the point that this may not bring about an equality of outcome, and, therefore, not an appropriate focus for government policy. Additionally, changing the social composition of the legislature may have a minimal effect on the structure of party politics, policies and outcomes for the disadvantaged groups. The challenge of representative politics is to try to ensure a link between representatives and those represented, and this is important because it can pave the way for substantive democracy.

I

Electoral reservation, like job reservation, is one of a series of measures used in India for achieving greater equality of outcome across social groups. These measures are enshrined in the Constitution for the Scheduled Castes and Scheduled Tribes. In addition, reservations were extended to them in education and public employment. Though in 1950, the government's position was that only these two groups are entitled to reservations, it has been extended to the Other Backward Classes (OBCs) in education and public employment since 1994, but not in legislatures. More recently, the decentralization measures passed in 1992 introduced electoral reservations for a third category – 33 percent for women in local bodies.[9]

The Constitution and the dominant political discourse in the 1950s installed a specific view of representation, derived from the notion that representatives were supposed to be acting on behalf of the society taken as a whole or the constituency they represented. This was a conception widely shared by the Congress leadership; it allowed no space for descriptive representation. Of all nationalist leaders, Gandhi was the one who personified this view of representation: I claim myself in my own person to represent the vast mass of the untouchables. Here I speak not merely on behalf of the Congress, but I speak on my own behalf, and I claim that I would get, if there were a referendum of the untouchables, their vote, and I would top their poll.[10] B. R. Ambedkar, on the other hand, argued representation of opinions and preferences alone is not an adequate measure for democracy; it requires personal representation as well.[11] As early as 1920, Ambedkar had posed the problem of representation faced by untouchables: 'The right of representation and the right to hold office under the state are two most important rights that make up citizenship. However, the untouchability of the untouchables puts these rights far beyond their reach. They [the untouchables] can be represented by the untouchables alone.' For him clearly the general representation of all citizens would not serve the special requirements of the untouchables, because given the prejudices and entrenched practices among dominant castes, there was no reason to expect the latter would use the law to emancipate themselves. '[A] legislature composed of high caste men will

not pass a law removing untouchability, sanctioning intermarriages, removing the ban on the use of public streets, public temples, public schools. . . . This is not because they cannot, but chiefly because they will not.'[12] Gandhi reacted fiercely to the idea that upper caste Congressmen could not properly represent the untouchables, calling it 'the unkindest cut of all'. He insisted that unlike the minorities the issue of untouchability was a problem internal to Hindus and should be resolved by them.[13]

Historically, the most significant politics of dispute with regard to representation is that between Mohammed Ali Jinnah and Jawaharlal Nehru. The differences between the two men were articulated through their very different conceptions of representation. Nehru refused the logic of Jinnah's demand that the Congress treat the Muslim League as the authoritative and representative organization of India's Muslims, a logic that placed immutable identities above changeable interests. For Nehru it was imperative that the Congress should be a movement without exclusive barriers to entry, and should be potentially open to all who subscribed to its principles. Nehru wrote to Jinnah: 'You have rightly pointed out on many occasions that Congress does not represent everybody in India. Of course not. It does not represent those who do disagree with it, whether they are Muslims or Hindus. So also the Muslim League as any other organization represents its members and sympathizers. But while the Congress by its constitution has its membership open to all who subscribe to its objective and method, the Muslim League is only open to its members.'

This belief that politicians should work in favour of larger social interests that were not their own dominated the first phase of democratic politics. Political parties throughout this period were supposed to be a crucial aggregative medium for the articulation of collective interests. Parties in office believed that they should intervene to reform the position of the socially and economically underprivileged. Underpinning these concerns was a consensus that the state was the most important means for the promotion of public good and well-being. This conception had its origins in ideas and principles of developmental democracy, and extended to the end of the 1960s, over four general elections. Political debates were carried out in terms of conflicts between political ideals of laissez-faire and state intervention, capitalist development and socialist redistribution. Social classes like the industrialists, managerial elites and middle classes were central to political life and representation.

From the late 1970s, the conception of representation has undergone very significant changes. The spread of democratic politics, in particular through the means of elections, has given rise to a new form of representation, distinct from the models associated with Gandhi and Nehru. The emerging trend points to a shift towards 'politics of presence'. In this understanding, the political actor claim to act on behalf of his or her own kind – caste, religion or linguistic group.[14] Elected politicians see their duty is not to act on behalf of anyone else but themselves and their own supporters linked by kin, caste or religion. Descriptive representation by one's own group/category has gained strength, consequently, the political discourse has been dominated by ethnic inequalities, which dictate the pattern of mobilization considerably weakening the earlier language of class interests, capitalism and socialism. The emphasis has shifted from objectively defined interests to a much greater focus on identity and distribution of patronage that openly prefers certain groups to others, and thus privileges political presence over common interests.

Increased political competition in the late 1980s and 1990s led to a new wave of rhetoric, which seemed to favour the lower castes. The political and administrative importance of caste, the OBCs in particular, which took shape around the demand for reserved quotas in government set the context for these changes. The new strategy of political representation reached its apogee in the wake of former Prime Minister, V. P. Singh's, decision to implement the quota recommendations of the Mandal Commission, which changed the terms of political discourse and brought about the overriding interpretation of electoral representation as descriptive representation. Simultaneously, a range of social movements – including women's, Dalit, and minority movements – signaled similar assertions and demands for recognition and power. The main contribution of the Mandal decision was to make a broad range of castes club together under the OBC label. The new unity helped the OBC to organize themselves as a powerful group outside the Congress system by leveraging its main asset, its massive numbers at the time of elections.[15] By giving the lower castes large numbers of tickets and the possibility of a share in power, non-Congress parties addressed the critical issue of the representational blockage in political institutions.[16] Ultimately, the political space for OBCs increased because lower caste voters decided no longer to vote for upper caste candidates put up by parties such as the Congress. The new development lay in the fact that these groups were not content with representation by upper caste elites and they wanted personal representation.[17]

The politics of identity has doubtless contributed to the entry of these groups into the political arena. An important issue, however, is the way government policies and ethnic politics combine to manage and control political outcomes by redefining politically relevant identities and categorizations. From the beginning the definition of backwardness has been emphasizing the centrality of caste and that 'it was not merely a religious institution but was instead inscribed by relations of power and therefore disadvantage which needed to be corrected'. This understanding helps explain why some groups are advantaged more than others independently of traditional notions of political power, and how state policy can reinforce or alter such advantages. The relationship between the conception of backwardness and political power involved questions of entitlement (what are your rights?) and of classification (what group do you belong to and where does it fit the political landscape?) and political representation. It also helps explain why power sharing gets restricted to essentially upper and backward caste groups and not extended to other disadvantaged groups. At the same time, it raises the larger question of how to classify traditionally disadvantaged and underrepresented groups and where to draw the line in terms of caste versus class or caste versus community. In this latter instance it brings up questions about the status of other groups in Indian society, and the extent to which social backwardness is only about Hindu society, which automatically excludes the consideration of other axes of social stratification. The issue is straightforward: should backwardness be defined in terms of ritual and social exclusion or in terms of their social and economic backwardness? The preference was for the former, which ruled out class, community and gender differences as decisive factors in the determination of public policies. What's more, the official identification of citizens on the basis of caste has the effect of turning caste into a tool

of empowerment, even as minority identity, for instance, cannot be used to the advantage of subordinate groups.

India has become much more proportional in its approach than it was under Nehru or Indira Gandhi. This can be seen from the major increase in the number of lower caste legislators and senior civil servants in influential government positions. This has undoubtedly produced a shift in the balance of political power in governments and legislatures. Political representation has a new downward thrust, now prevalent in much of north India, which coincides with similar patterns in south and west India well established by the late 1960s. The share of upper caste legislators in all the legislative assemblies and the national Parliament has been declining and that of the lower castes rising. The backward castes with no legislative reservations constitute more than a quarter of the Lok Sabha today.[18] For Parliament, 64 percent of the north Indian MPs in the first Lok Sabha came from the upper castes and only 4.5 percent from the OBCs; by 1996, the share of OBC MPs had increased to over 25 percent.

II

The substantial increase in the representation of backward castes has resulted in an escalation of demands for political representation from other excluded groups, notably women and minorities.[19] The space available to women within the political system has not been significant, despite the growing participation of women in elections and powerful women vying for more power.[20] From 1952 to 1999 over 1400 women have contested elections and over 365 have been elected to Parliament. The number of women candidates contesting on party tickets has fluctuated over time: it declined in the 1970s and has risen again in the late 1980s, falling off again in the 1990s. These fluctuations correspond to changing trends and patterns of party politics and their perceptions of the women candidates, and it varies from state to state. Parties are reluctant to offer tickets to women. Of all the parties, Congress has fielded the most candidates since 1952 and therefore most of the elected candidates have been Congress members. Most parties blame women themselves for their underrepresentation, that is to say their low winnability, even though there is no evidence that women candidates represent a greater risk. For example, in the elections between 1957 and 1996, women running on party tickets won twice as often as they lost. In 1999 women contestants formed only 5.2 percent of the total contestants but compared to men the success rate of women candidates in major political parties was better.[21] However, parties give low preference to women candidates, even though voters are not disinclined to support their candidacy. Voters accepted women candidates no differently than a male candidate, which means there are other considerations weighing against the selection of women on party tickets. These include the rising cost of running a campaign and women's capacities in marshaling the necessary resources. With elections becoming more competitive and expensive there is greater struggle for patronage and men had distinct advantages in getting it. They used their political networks and their resources to get access to tickets, party posts and political influence. Indeed, political parties often have given tickets only to attract 'women's votes' or appeal to 'women's constituency'.

It is in the light of this experience and that of several other countries that have enhanced women's representation through quotas that the demand for reserved seats for women had come up in the 1990s. The Women's Reservation Bill (WRB) proposes to reserve one-third seats in legislatures for women.[22] Despite strong pressure from women's organizations to introduce reserved constituencies as a method of increasing women's representation, it has encountered strong opposition from political parties. What is puzzling is the reluctance of political parties who supported the reservation of seats for women in local bodies to have a similar legislation at the parliamentary level. Doubts have been raised whether reservations of constituencies is the best route, especially given the problems relating to the rotation system. A new scheme currently under discussion proposes creating additional parliamentary and legislative seats by one-third as a way out of the imbroglio on the WRB. The disinclination to extend quotas to women raises important issues about the relationship of gender and representation, on the one hand, and minorities and representation, on the other; historically speaking, the latter has been a loaded issue since Partition, while the former gets short shrift on the ground that women do not constitute a category or group.

The controversies surrounding legislative reservations for women, however, form an interesting comparison because there are such striking parallels in their histories, as both the Mandal Commission and the WRB demonstrate. Neither women nor backward classes were entitled to preferential treatment after independence, but in subsequent decades it became clear that the democratic goals of the nation required more attention to discrimination and exclusion. The government undertook an examination of the status of women and backward classes resulting in two government reports – *Towards Equality* and *The Mandal Commission* – with two very different outcomes. Both reports echoed the same position about unequal access to education and opportunities but striking differences in reaching their goal. But the repeated deferment of the WRB shows that gender is not seen as a legitimate political category compared to caste or tribe. Even though the legitimacy of gender as a political category was never questioned, it appeared to be at odds with identity politics. Thus the main arguments against women's reservations continue to be tied to concerns about other disadvantaged groups, namely OBCs and scheduled castes. Between the two the backward castes represent a particularly powerful constituency in democratic politics and the 1990 decision to grant reservations to OBCs in central government jobs has increased their political clout.[23] Throughout the debate over women's reservations, caste groupings were given precedence over gender, which is singled out as a problematic category for group-based policies. The gender basis of backwardness is contrasted with caste backwardness, which was still considered a more legitimate political grouping. In other words, the inequalities faced by other communities outweighed those faced by the category of women. Importantly, backwardness and reservation seen as a reparation are wholly defined in terms of caste origins and the historical injustice suffered by the lower castes. This national recognition has given the caste-based critiques of women's reservations a political grounding.

Although India's Constitution does not require that minorities will be included in government, there is a national consensus that the dominance of the Congress party

after independence allowed minorities to gain effective representation, ensuring minority proportionality in politics, education and government employment and giving minorities a veto over decisions harmful to their interests.[24] While the Congress governments regularly offered positions to Muslims it was by far and away not proportional to their population.[25] Given the exaggerated ideas about the Muslim presence in public life it is hardly surprising that the issue of Muslim under-representation has gone unnoticed, in fact it has gone by default. Muslim representation in all spheres of public life remains far below what their numbers would warrant. On the whole the representation of Sikhs, Christians and Jains is roughly in proportion to their population. Only Muslim representation continues to be appreciably lower than the proportion of their population, averaging 4 to 6 percent.[26] Only 10 states have Muslim representation in Parliament. The rest have no representatives from the Muslim community. More significantly, the success ratio of Muslim candidates has slipped from 61 percent in 1952 to 18–20 percent in 1991–9.[27] This pattern is explained partly by the demographic distribution of Muslims as compared to other minorities, and partly by the sharply polarized inter-communal situation prevailing in the country.[28] It has also been explained by the majoritarian first-past-the-post electoral system, which helps minorities that are geographically concentrated and not those minorities that are geographically dispersed.[29] Thus, the Scheduled Tribes manage to win seats in excess of the quotas reserved for them largely due to the concentrated nature of their population in central and northeast India where they are present in large numbers. Disaggregating constituency data shows one interesting feature and it is this: out of the 406 Muslim MPs elected from 1952 to 1999, only 24 percent were elected from Muslim majority constituencies, whereas 76 percent were elected from non-Muslim majority constituencies indicating that significant proportions of non-Muslims are voting for them. There is clear evidence that Muslims can and do win from non-Muslim majority constituencies despite the Hindu–Muslim polarization since 1989. This points to the importance of voting on non-ethnic party lines which means political parties can accommodate minority groups like Muslims.

Despite the striking under-representation of Muslims, the idea of promoting the representation of minorities is very controversial. Historically, the political claims of Muslims are grounded in perceptions of a distinct group identity and interest, and as such are conceived as more threatening to national cohesion. Several Muslim organizations have used the group identity argument to emphasize the need for increasing the representation of Muslims in legislatures and decision-making; they are demanding proportionate representation. This argument gives primacy to identity over differences of opinion and interests. It sees minority identity and security endangered by the lack of an authentic representative voice in legislatures.[30] The identity argument, however, would have to address the question of who the Muslim legislator represents – the people of his constituency, the people of his religious community or the nation as a whole. According to one leading advocate of Muslim representation: 'a Muslim legislator also represents the Muslim community. He acts as a channel of communication between the community and the system. When he promises to carry the legitimate and felt grievances to the powers-that-be, he builds up the confidence that justice will be done. The Muslim legislator is thus both an

advocate of the community and a pillar of the system. With his presence in the corridors of power, he is the agent of history for bridging the psychological gap that still exists between the community and the administration.'[31] In this view, the community is defined as an internally coherent monolith, presumed to be devoid of internal differentiation, much less of differences of opinion and interests.

There are at least two ways of addressing under-representation of Muslims: the political and the electoral. Since the current climate of communalism and confrontation between the Congress party and the BJP does not hold out the hope that even secular parties would give a proportionate number of seats to Muslims, some have suggested remodeling the electoral system.[32] This system is likely to improve the representation of minorities as political parties would be compelled to give representation to candidates from all the communities and regions on their list and also accord due priorities on it to be able to appeal to the entire electorate.[33] There are two options here: one is through a semi-proportionate system to ensure that Muslim representation in the legislature goes up substantially; the second is simply a careful delimitation of constituencies that produces Muslim plurality constituencies enabling underrepresented groups to get a fair chance of election.[34] There are two objections leveled against it. First, it would engender ethnification of the party system and if this gives rise to social polarization, as for instance in Sri Lanka, then minorities will suffer isolation despite more proportional representation. In other words, the prospect of legislative majoritarianism would easily offset the gains from proportionality in representation. Secondly, this system though much more representative may not be effective in India in the absence of a properly institutionalized party system. Only a democratic party can ensure that candidates are given tickets on merit and seats from where they stand a good chance of winning. Also it works best in small countries with a maximum of three to four parties. It has been pointed out that even the delimitation of constituencies would achieve Muslim representation at the cost of reducing the clout of Muslim electorate in the remaining constituencies. The fear is that minority voters would become a national constituency – equivalent to a separate electorate – which will become the restricted sphere of influence of minority parties.[35] All this has to be weighed against the aggregative potential of the single-member plurality systems. Developments in the realm of communal politics in the past decade show that protection of minorities has occurred when minorities have been able to rely on majority support, rather than acting alone as minorities. Instead of mainstreaming the community this would lead to the further segregation of Muslims. Party lists should assign fairly high priority to giving proportional representation to minority candidates. This will induce parties to internalize minority concerns and at the same time encourage minority voters to opt for mainstream parties.

III

What then are the implications of these shifts in the representative process and what have the representatives been able to do with political power? Electoral competition between political parties and participation is flourishing, and political power has

moved downward, a development that cannot be taken lightly. The political elite is not monolithic. But to understand representation, we need to look at how the representatives in the political system exercise power, that is, it should be judged against the criteria of both processes of participation and outcomes. Outcomes should be assessed in terms of the extent to which the well-being and interests of the constituents are advanced. Whilst backward caste mobilization has successfully challenged upper caste/class domination, the experience of the north Indian states of Uttar Pradesh and Bihar would suggest that the achievement of power was rarely translated into policy outcomes, which are pro-poor in the socio-economic sense, or implementation of policies and programmes that address the vital concerns of the disadvantaged. Lacking a broad-based social vision they often end up as sectarian struggles, which cannot challenge the structures of privilege and exploitation. Further, an over-emphasis on descriptive representation could weaken the basis for political accountability. More compelling is the argument that it undermines a politics of general interest and shared concerns. Consequently, it has invariably resulted in promoting personal empowerment, rather than more positive outcomes. In other words, descriptive representation achieves little more than empowerment of elites.

We need to look closely at the informal structures of power and see how the actors in the political system exercise power. This entails an examination of the relationship between class power in society and political power. A number of studies of rural Uttar Pradesh have revealed clear differences regarding formal and informal access to land, access to lucrative non-agricultural jobs and ties to the state apparatus, among caste groups. Much like the dominant castes in Andhra Pradesh, Maharashtra and Gujarat, the Jats and the upper OBCs have achieved sufficient upward mobility since the green revolution, and used their economic advantage to gain public employment. They managed to obtain these benefits through connections with politicians often acting as intermediaries between the public and the administration. The important point is that their political success is closely linked to their economic power, which they can leverage to secure state privileges, such as police and legal intervention, in defending agricultural land or improving low wages for farm workers. They have been able to take advantage of identity politics and backward caste mobilization to advance their interests.

A recent study of electoral reservation for scheduled castes and scheduled tribes calls into question the extent to which the MPs and MLAs elected from reserved constituencies can effectively represent the interests of Scheduled Castes and Scheduled Tribes. Even though there are very few systematic attempts to measure the impact of electoral reservations in terms of their wider socio-economic and policy implications, one analysis that looks at reservations and policy outcomes shows that there is no positive relationship between the number of Scheduled Castes and Scheduled Tribes legislators on government performance measured in terms of total expenditure, education spending or land reform legislation and implementation.[36] There is, however, a positive relationship between the proportion of Scheduled Tribe legislators in a state and the amount of welfare spending targeted at the Scheduled Tribes. There is no such relationship in the case of the proportion of Scheduled Caste legislators and spending on Scheduled Caste welfare.[37] The Scheduled Tribe representatives are more effective due to the concentration of the tribal population in particular

constituencies – their political strength is built upon local tribal support. But this study does show that the proportion of Scheduled Castes and Scheduled Tribes has a positive impact on the level of job quotas, although this would benefit the 'creamy layer' among the targeted groups. The best effect of electoral reservation has been to provide a guaranteed minimum number of legislators from the Scheduled Castes and Scheduled Tribes and that it provides representation for a group that would not otherwise get adequate representation.

Although the debate on political representation and the form it should take remains inconclusive, rival positions have marshaled arguments about the implications of different conceptions of representation, and I want to conclude with three main arguments.

The first concerns the shift from the representation of ideas and policies to representation as presence and its broader political implications. Representation as presence has always existed in India, both among and within parties. Within the dominant Congress party, particular social groups won more positions on party lists and organization but overall there was an attempt to maintain a balance between ideas and presence. Now most political parties give priority to representation as presence. This could over-politicize group differences, thereby disrupting political stability, weaken the basis for political accountability, and undermine representation aimed at promoting the general interests and shared concerns, which might also have policy implications. Such a shift towards identity politics has exacerbated social conflicts and advanced the politicization of social cleavages. Indeed, the most overtly conflictual aspects of Indian politics have in recent years been those related to ascriptive identity politics, variously, Punjab, Assam, Kashmir, Ayodhya and Mandal. It has reduced accountability and damaged responsiveness because presence becomes a value in itself at the expense of interests, principles and ideas.

The second concerns proportionality in the process of representation and the varied trajectories of gender and minority as categories/groups in enhancing their presence in decision-making structures. Several factors account for the problems with regard to increasing the representation of women and minorities. The comparison between women and OBCs, and between Muslims and OBCs, is useful because it shows that although women constitute half the population and Muslims are a numerically large minority, they cannot harness their numbers in the absence of political mobilization and readiness of political parties to give them nominations. Indeed, the political empowerment of OBCs in Uttar Pradesh is a significant reminder in this regard because it shows that they first mobilized through political formations and then went on to demand reservations. The category of women illustrates the difficulty of building a political identity based on gender, but when we look at the problem in a larger time-frame then we can see that reservations do play the role of a catalyst in the construction of political identities. In other words, Scheduled Castes, Scheduled Tribes and OBCs have become political categories through reservations. True, women are heterogeneous and divided by caste, class, religion and region, but so are the OBCs, and yet they have overcome this heterogeneity and dispersal thanks to political mobilization and reservations, which has been crucial to their political success along with representation.[38]

Reservations have not been extended to other disadvantaged groups because the

64

official conceptions of backwardness draw from a representation of Indian society mainly in terms of its caste-based social stratification. The inequalities of gender and class consistently get discounted, as do the disadvantages of belonging to a particular religious minority when they are incompatible with caste. Not surprisingly, Indian politics has shown time after time that caste and caste-like groupings, such as the OBCs, tend to prevail over gender and minority identity (though the latter prevail in relation to personal laws, etc.). This has been reinforced because: 'The influx of lower orders into the field of democratic contestation has . . . (made) it respectable to talk of caste in the public domain. The emergence of social justice as a rubric to talk about caste equity (and) political representation of castes and communities . . . is a distinct achievement of this period'.[39] The uncomfortable questions thrown up by the WRB and Muslim under-representation have been invariably located in a template of group identities. But there are difficulties in defining the exact characteristics of group identity in any coherent way.[40] The politicization of identity has worked most successfully in the case of scheduled castes and scheduled tribes because it has been used as part of a broader and more complex conception of social and economic backwardness.[41] Above all, the expression of identity takes a more practical conception of political identity in terms of government policies and programmes. Seen in these terms, political identities can be related to the ideological and social bases of parties and whether they are broadly based or based on narrower social/ethnic constituencies. Issues of group representation, therefore, should be approached in terms of their political consequences and outcomes, rather than abstract, essentially contested, conceptions of group identity and development.[42]

The third argument pertains to the substance of representation. While much of the justification for electoral reservation revolves around the need for marginalized groups to have a voice within the legislature which will otherwise get submerged, there is little systematic evidence to show that representatives elected from these seats have performed this role with effectiveness. Special representation in governing institutions may not benefit the whole community, and it invariably results in promoting personal empowerment of middle classes and elites and transfer of resources to them. It may just create a new elite among the disadvantaged who participate with society's elite. Foregrounding group claims can result in bypassing equality in a more fundamental sense. It has the important effect of preventing fundamental change, such as land reform, because the new elite now has a stake in the existing system. However, this should not rule out measures such as electoral reservations for women or modifications in the electoral system to increase the presence of excluded groups because making political elites more representative is an important objective that stands on its own even if it does not result in social redistribution or increasing the weight attached to the concerns of the disadvantaged. But even as proportionate presence in the higher echelons can be seen to have symbolic effects, it is only one of the strategies required to achieve substantive equality and policy outcomes. Increasing the presence of excluded groups is insufficient to ensure that these groups are better represented. There is no guarantee that changing the composition of political elites would change the substance of representation. What matters is substantive representation when representatives actually represent the interests of their constituents. Today, the limiting conditions are not social

65

backwardness per se or the social background of representatives, but power structures, and materially there is no change in the power structures. It may well be that the overemphasis on electoral politics and representation as presence is producing a space that does not allow democracy to take on the radical shape of substantive democracy. By its very nature representation as presence does not have a broad transforming agenda. It is a politics of positional change, not structural reform.

Zoya Hasan
Jawarhalal Nehru University, New Delhi

Notes

1. Harriss (2005).
2. Yadav (1999: 2393–9).
3. Membership of political parties went up between 1971 and 1998, and participation in political activities like attendance at election meetings more than doubled in the same period. According to the CSDS survey of political attitudes, the number of those who said they were members of political parties almost doubled between 1971 and 1996 (Yadav, 2000: 134–5).
4. For example see findings of the survey reported by Harriss (2005).
5. Chandhoke (2004).
6. Chandhoke (2004).
7. Rao (1998: 19–35); see also McMillan (2005: 6–7).
8. Philips (1995: 25).
9. On women's representation see Tawa Lama-Rewal (2001: 1435–40).
10. Gandhi (1993).
11. For a discussion of Ambedkar's ideas on the subject see Rodrigues (2005: 56–8).
12. Cited in Omvedt (1994: 146).
13. Kumar (1987).
14. Khilnani (2002: 73–4).
15. Khilnani (2002: 98).
16. This point has been emphasized by Chandra (2000: 12–14).
17. Chandra (2000: 54–5).
18. Jaffrelot (2000: 98).
19. On women's representation see Tawa Lama-Rewal (2001: 1435–40).
20. Approximately 365 women MPs between 1952 and 2000 is not a bad record and is more than many comparable states. Over time India has been losing ground as other countries have increased the political representation of women quite dramatically mainly through some form of quotas. Only seven countries have achieved the critical mass of 30 percent: Sweden, Norway, Denmark, Finland, South Africa, Netherlands and Germany. In all these countries quotas have ensured that women constitute a certain number on candidate lists, parliamentary and committee.
21. Data from Towards Equality (GOI, 2002: 287–8).
22. The Women's Reservation Bill proposes to reserve one-third of the seats in legislatures for women. Doubts have been raised whether reservations of constituencies is the best route, especially given the problems relating to the rotation system. Many observers have argued that the alternative of a mandatory quota of tickets for women by every recognized political party would be superior and more efficacious. But women's organizations and many women MPs have expressed grave misgivings that this would result in party bosses limiting women to the seats they cannot win.
23. Tawa Lama-Rewal (2001).
24. For example, Arendt Lijphart the proponent of consociational theory makes this argument (see Lijphart, 1996).

25. Wilkinson (2000).
26. Jayal (2004: 187–90).
27. This information is based on Sridharan (2004).
28. Sridharan (2004).
29. Sridharan (2006).
30. Several Muslim MPs during the debate on the Shah Bano controversy questioned the legislative competence of Parliament to legislate on personal laws.
31. Syed Shahabuddin, Muslim India, July 1985.
32. Congress leader Salman Khurshid, President of the UPCC, has been advocating a change to PR (see The Hindu, 25 January 2005).
33. In the event of under-representation of particular groups seats could be allotted from the party lists according to the percentage of votes received by parties. However, under this system the representation of the disadvantaged critically depends on whether the open or closed lists systems are followed. The former allows strategic voting and facilitates minorities getting representation for their candidates. In the open list the parties mention the names of candidates, which enables voters to give their preferences, while in the closed system the voter does not have a choice and has to exercise preferences for the party and not the candidate. In the latter, representation depends on internal democracy and the accommodative politics practised within parties (see Sridharan, 2006).
34. Yadav (1996: 20).
35. Yadav (1996: 62).
36. Rohini Pande's study discussed in McMillan (2005: 198).
37. McMillan (2005: 198).
38. See articles by Louis (2004), Singh (2004) and Narayana (2004).
39. Yadav (1999: 2393–9).
40. McMillan (2005: 310–11).
41. One recent study focusing on the role of political identity argues that the representation of Dalit interests has come not from elected representatives from reserved constituencies but from a Dalit party, the BSP. On this see Pai (2004).
42. Pai (2004).

References

Chandhoke, Neera (2004) 'Crisis of representative democracy', *The Hindu*, 19 June 2004.

Chandhoke, Neera (2005) 'Seeing the State in India', *Economic and Political Weekly*, 12 March 2005.

Chandra, Kanchan (2000) 'The Transformation of Ethnic Politics in India: The Decline of Congress and the Rise of Bahujan Samaj Party in Hoshiarpur', *Journal of Asian Studies*, February 2000.

Gandhi (1993) *Autobiography*. Boston: Beacon Press.

GOI (2002) Towards Equality. The Unfinished Agenda: Status of Women in India 2001, National Commission for Women. Government of India, New Delhi 2002.

Harriss, John (2005) 'Political Participation, Representation and the Urban Poor: Findings from Research in Delhi', *Economic and Political Weekly*, 12 March.

Jaffrelot, Christophe (2000) 'The Rise of Backward Classes in the Hindi Belt', *Journal of Asian Studies*, February.

Jayal, Niraja Gopal (2004) 'A Malevolent Embrace? The BJP and Muslims in the Parliamentary Election of 2004', *India Review*, 3(3), July.

Khilnani, Sunil (2002) 'The Indian Constitution and Democracy', in Zoya Hasan, E. Sridharan and R. Sudarshan (eds), *India's Living Constitution: Ideas, Practices, Controversies*. Delhi: Permanent Black.

Kumar, Ravinder (1987) 'Gandhi, Ambedkar and the Poona Pact, 1932', in Jim Masselos (ed.), *Struggling and Ruling: The Indian National Congress, 1885–1985*. New Delhi: Sterling Publishers.

Lijphart, Arendt (1996) 'The Puzzle of Indian Democracy: A Consociational Interpretation', *American Political Science Review*, 90(2).

Louis, Prakash (2004) 'Safeguards or Segregation? Reservations for the Scheduled Castes in Bihar', in S. Tawa Lama-Rewal (2004).

McMillan, Alistair (2005) *Standing at the Margins: Representation and Electoral Reservation in India*. Delhi: Oxford University Press.

Narayana, K. S. (2004) 'Reservations for Backward Classes in Kranataka's Panchayati Raj Institutions', in S. Tawa Lama-Rewal (2004).

Omvedt, Gail (1994) *Dalits and the Democratic Revolution: Dr Ambedkar and the Dalit Movement in Colonial India*. Delhi: Sage.

Pai, Sudha (2004) 'A Quest for Identity through Politics: The Scheduled Castes in Uttar Pradesh', in S. Tawa Lama-Rewal (2004).

Philips, Anne (1995) *Politics of Presence*. Oxford: Clarendon.

Rao, Nirmala (1998) 'Representation in Local Politics: a Reconsideration and Some New Evidence', *Political Studies*, xl(vi): 19–35.

Rodrigues, Valerian (2005) 'Ambedkar on preferential treatment', *Seminar*, 545, May.

Singh, Bhupinder (2004) 'The Policy of Reservations for Scheduled Tribes', in S. Tawa Lama-Rewal (2004).

Sridharan, E. (2004) 'Elections and Muslim Representation in India', *Mimeo*, December.

Sridharan, E. (2006) 'Does India Need to Switch to Proportional Representation: The Pros and Cons', in Paul Flather, *Recasting Indian Politics: Essays on a Working Democracy*. London: Palgrave.

Tawa Lama-Rewal, Stephanie (2001) 'Fluctuating, Ambivalent Legitimacy of Gender as a Political Category', *Economic and Political Weekly*, 28 April.

Tawa Lama-Rewal, Stephanie (ed.) (2004) *Electoral Reservations, Political Representation and Social Change in India: A Comparative Perspective*. Delhi: Manohar Publishers.

Wilkinson, Steven (2000) 'India, Consociational Theory, and Ethnic Violence', *Asian Survey* xl(5), September/October.

Yadav, Yogendra (1996) 'Electoral Reforms: Beyond Middle Class Fantasies', *Seminar*, 440, April.

Yadav, Yogendra (1999) 'Electoral Politics in the Time of Change; India's Third Electoral System, 1989–99', *Economic and Political Weekly*, 21–8 August 1999.

Yadav, Yogendra (2000) 'Understanding the Second Democratic Upsurge', in Francine Frankel et al., *Transforming India: Social and Political Dynamics of Democracy*. Delhi: Oxford University Press.