Advocating for inclusive electoral processes, for minority rights and for rule of law in South Asia:

Situation Report India

South Asians
for Human Rights

INTRODUCTION

Elections constitute the foundation of the democratic system and the defining characteristic of the modern representative democracy. Elections create a sense of involvement and participation of the citizens and increase the interest in the political affairs of the country. Elections in India are conducted every five years and basic provisions of the elections and the mode of conduct are based on the Representation of People Act, 1950. According to Art.326 of the Constitution of India 'the election shall be on the basis of adult suffrage. *i.e*., every person who is a citizen of India and who is not less than 18 years of age shall be entitled to vote at the election provided he is not disqualified by any provision of the constitution or of any law made by the appropriate legislature on the ground of non residence, unsoundness of mind, crime or corrupt or illegal practice[1]'. Political parties are central to the election process. The total number of political parties contesting Lok Sabha elections has gone up from 55 in 1952 to 230 in 2004 and 370 in 2009. The total electorate in the country is approximately 714 million compared to 671 million in 2004. This marks an increase of 43 million in the electorate[2]. The 61st Amendment Act of 1989 lowered the voting age from 21 to 18. In the 2009 elections there were 828,804 polling stations in the country, as compared to 687,402 polling stations during 2004 Lok Sabha elections. This marks an increase of 141,402 polling stations[3].

Though democracy always works on the basis of majority, the rights of minority communities are also a concern of modern democracies. Zoya Hasan has rightly observed that western scholars often associated with democracy - homogenous population, an industrial economy, high levels of education, and shared civic culture- all these were absent in the India of 1950s. Yet, democracy in India has not only endured, it has grown[4]. India, being the largest democracy in the world is also a land of diversities, has to ensure adequate representation to all majority and minority communities through the electoral processes. Other than electing the representative periodically, electoral process works as an agent of social change. It is an integrating factor within the political system and a mechanism of social change at the three main levels *i.e*., village,

---

[1] Art. 326, The Constitution of India, referred from P.M. Baxi, *The Constitution of India* (New Delhi: Universal Law Publishing Co., 2010), p.276.

[2] GOI, *General Elections 2009; Reference Handbook* (New Delhi: Press Information Bureau,2009), p.10.

[3] *Ibid*., p.11.

[4] Zoya Hasan, *Parties and Party Politics in India* (New Delhi: Oxford University Press,2002), p.1.

the state and the nation[5]. Franklin Roosevelt once said, "no democracy can long survive which does not accept as fundamental to its very existence the recognition of the right of minorities"[6].

1. MINORITIES AND THE NEED FOR AN INCLUSIVE PROCESS

Scholars from various disciplines attempted to define 'minority' with one or more of the following features: inferior numerical strength, a desire to preserve its culture and traditions, social deprivation and disadvantage and an unfavourable power equation[7]. Minorities are the non dominant group with a distinct identity. UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, 1977, define minority as, "a group numerically inferior to the rest of the population of a state, in a non dominant position, whose members being nationals of the state-possess ethnic, religious or linguistics characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditional religion or language[8]". Conventionally all those communities which are lesser in number and power compared to the major ones, and all weaker and depressed sections of the society come under this category. This can be based on gender, community, economic status, language, region and religion. The constitution of India does not contain any definition of minority as such but it provides all important provisions for the safeguard and equal treatment of the minorities. According to B.R Ambedkar, who explained the term minority in India in the constituent assembly debates, "the word is used not merely to indicate the minority in the technical sense of the word; it is also used to cover minorities which are nonetheless, minorities in the cultural and linguistic sense[9]. Most of the safeguards to protect the interest of various religious, linguistics and ethnic minorities are there in the chapter of fundamental rights itself. Instead of taking an identical strategy of accommodation towards different cultural communities, the state in independent India has devised different institutional mechanisms for giving

---

[5] Duncan B.Forrester, "Electoral Politics and Social Change", in *Economic and Political Weekly,* Vol. 3, No. 26/28, Special Number (Jul., 1968),p.1075.
[6] Sebastian Vempeny, *Minorities in Contemporary India* (New Delhi: Kanishka Publishers, 2003),p.186.
[7] Riaz Ahmad, "Minorities", in Mohanty, Saxena, Sebastian, Trivedi (eds.), *Weapon of the Oppressed: an Inventory of People's Rights in India,* (New Delhi: Daanish Books, 2011), p.149.
[8] Minorities under International Law, www.ohchr.org accessed on 03.10.2011.
[9] Sebastian Vempeny, *op.cit*.,p.181.

recognition to their interests. This is why the constitution makes different policy provisions for different types of 'differences', each justified in terms of some criterion of appropriateness[10].

In India the minority communities face institutionalised discrimination and they have gone through a phase of self hatred, low self esteem, low self confidence, insecurity and socio-economic, political and educational backwardness. The unequal status in the name of religion, gender, caste, region and language is much embedded in the Indian society. The hierarchy and inferior social order in the name of ideas and identity exclude the minorities from the larger society. The state's efforts to protect the lives and rights of the minorities are not satisfactory. The threat to minorities in India arises from the situation in which mechanisms of state power has been over shadowed and over-ruled[11]. The minorities are politically vulnerable and their participation in the election process is minimal. Participation in the elections means voting and if interested further, attending party meetings, campaigning, supporting various activities of the party, raising funds, holding party offices, having links with pressure groups and contesting elections[12]. It is marked that there are low voter registration and voter turnout in the areas of disadvantaged and marginalised people.

In this study the major criteria in deciding the minorities was on the basis of their 'political exclusion'. Geddes has defined political exclusion as "the isolation of poor people and communities from the mainstream of the political process, and the making of decisions about their lives elsewhere by others. This is particularly the case where geographical concentrations of poverty and deprivation exist - in inner cities, on peripheral housing estates, or in poor rural communities[13]". So in the context of election process we can identify the following groups as minorities and marginalised as they always had/have been politically excluded. They are Women, Religious Minorities, The Scheduled Castes (SCs) and Scheduled Tribes (STs), Internally Displaced People (IDPs), Non-Resident Indians and Physically Disabled People.

---

[10] Niraja Gopal Jayal, *Representing India; Ethnic Diversity and the Governance of Public Institutions* (New York: Palgrave Macmillan, UNRISD, 2006), P.4.

[11] Akhtar Majeed, *Nation and Minorities; India's Plural Society and its Constituents* (New Delhi: Kanishka Publishers, 2002), p.9.

[12] Subrata Kumar Mitra and James Chiriyankandath (eds.), *Electoral Politics in India a Changing Landscape* (New Delhi: Segment Books, 1992), p.201.

[13] Geddes cited in Janie Percy Smith (ed.), *Policy Responses to Social Exclusion; Towards Inclusion?* (Buckingham: Open University Press, 2000), p. 148.

Perhaps they are excluded by others or self excluded (because of lack of information, knowledge and understanding of processes, opportunities, participation and representation). There is a need for inclusion of these minorities in our socio economic and political processes since they were victims of historical injustices. They suffered from various forms of deprivation and discrimination on the basis of sex, religion, caste or disability and were always excluded with an inadequate share of power. Zoya Hasan points out two major reasons for focusing on the politics of inclusion, firstly, the increased presence of historically excluded groups is a sign of inclusiveness in public institutions, and this, in turn, is an important marker of the fairness of democratic regimes. Secondly, greater inclusion of the excluded groups in the decision making institutions would provide these bodies with the presence of people who can articulate the interests of these sections, which may otherwise be neglected by default[14]. Since the power is the means to attain most of the social economical and political goals which in turn concludes the status of 'majority' and 'minority' in the society, their participation in the election process which is a key to power, should amplify. Contesting elections is not the only way to power, by voting for the candidate of your choice as well make you gain the power and attain the goals directly or indirectly. Let us outline the status of various minority communities in the election processes of India.

2. WOMEN

Women are the largest minority group in India. As per the 2001 census the total population of India was 1,028,737,436 of which the male population was 532,223,090 and female population was 496,514,346. According to the provisional population totals of census 2011, out of total population of 1,210,193,422 persons, 623,724,248 are males and 586,469,174 are females. As per this, the sex ratio of India is 940. The sex ratio at the national level has risen by seven points since 2001[15].

Women's participation and representation in the elections and other political activities have come a long way over the decades but still women are not able to get an equal status and share in

---

[14] Zoya Hasan, *Politics of Inclusion; Castes, Minorities and Affirmative Action* (New Delhi: Oxford University Press,2009), p.2.
[15] GOI, *India Census 2011,* accessed from www.censusindia.go.in on 01 Sept 2011.

the political sphere. It is significant to indicate that while a minority of men enjoyed the voting rights on the basis of their property criterion, the system unfairly disqualified women on the basis of sex. Women's participation in the political life of present day India dates back to the early 20th century, when organisations such as the Women's India Association (WIA), the National Council of Women in India (NCWI), and the All India Women's Conference (AIWC) were formed in 1917, 1925, and 1927 respectively. The support and contributions by Bharat Stri Mahamandal, Bhagini Samaj, Gujarati Hindu Mandal, Culcutta Mahila Samiti and many other women's organisations who were working on eradicating the social problems of women and for their education and empowerment, were decisive. The emergence of numerous women's organisations in the urban and rural areas has been a striking phenomenon. Organised activism by women for franchise came out in the background of reforms in 1917 promising 'to gradually develop self governing institutions in India with a view to the progressive realisation of responsible government'. In fact the Indian women's fight for the franchise itself is a history. Anupama Roy explains,

> When Southborough Committee, which dealt specifically with the franchise issue toured India, a women's delegation led by Annie Besant, with Sarojini Naidu as one of its members, met it to press further for women's franchise. The committee's final report concluded that the demand for women's franchise in India was a 'limited' one, confined to a small group of educated women, and that Indian women in 'general' did not want the vote. Even if they did, the committee claimed that the social disabilities of women under Indian customs would hamper a general implementation of female enfranchisement. It was argued that the low rates of literacy in India and the prevalence of purdah would give rise to practical administrative problems in giving women the vote[16].

By 1929-30, nine provinces had given franchise to women based on the condition of age and property, yet still they did not have any right to sit in the legislature. Later, in 1931, The Karachi session of the Congress, passed the fundamental rights resolution, affirming its espousal of universal adult franchise[17]. This was among the seventeen items on the charter of freedom. Again, the Government of India Act 1935 did not accept universal adult franchise. It introduced

---

[16] Anupama Roy, *Gendered Citizenship; Historical and Conceptual Explorations* (New Delhi: Orient Longman Pvt Ltd, 2005),p. 132-133.
[17] *Ibid*.,p. 147.

separate electorates for women, with the reservation of 41 seats for women in the provincial legislatures (communal basis)[18].

The continuous efforts taken by prominent women leaders like Rajkumari Amrit Kaur, Muthulakshmi Redyy, Begam Hamid Ali, Sarojini Naidu, Annie Besant, Dr. Joshi, Mrs. Sushma Sen, Mrs. L. Mukherjee, Mrs. N.L Subba Rao, Saraladevi Chaudhurani, Rameshwari Nehru, Margret Cousins, Mrs.Hamid Ali, Rani Rajwade, Tarabai Premchand gave a new awakening to the political consciousness and thereby a radical social and political change in the status of Indian women by giving them a political identity as citizens. The support from the Indian National Congress was vital as none of these women's organisations were originally political.

Notwithstanding the many provisions in the constitution to ensure complete equality between men and women, even today the Indian women suffer a lot of discrimination both in her private and public life. To study this we can analyse women's participation in the elections and their representation in the legislatures over the last few years.

Women's voting rates increased from 37 percent in 1952 to a high of 68 percent in 1984 and was 47 percent in 1991. In the 1999 Lok Sabha Elections, 58 percent female voters exercised their franchise[19]. Factors such as cultural outlook, exposure to western influence, industrial development, urbanisation, literacy, awareness of caste and class and of the surroundings have an impact on the voting behavior of women[20]. Women are under represented in parliament and higher decision making bodies. The representation of women in parliament has not increased much from the 4.4 percent in the first parliament to 8.8 percent in the 1998 elections and 8.3 percent in 2004 elections[21]. Female representation in the lower house of the Indian parliament is much less than the world average of 20 percent, lower than the "critical mass" required to introduce gender parity in political decision making and legislation. Similarly, the number of female representatives in legislative bodies in most of the states in India is also below the 20

---

[18] *Ibid*.,p. 145.

[19] Zoya Hasan and Ritu Menon*, Unequal Citizens: A Study of Muslim Women in India* (New Delhi: Oxford University Press, 2004), p.206.

[20] Usha Thakkar, "The Women's Vote", in Subrata Kumar Mitra and James Chiriyankandath (eds.), *Electoral Politics In India : A Changing Landscape* (New Delhi: Segment Books,1992),p. 202.

[21] Amrita Basu, "Gender and Politics", in Niraja Gopal Jayal and Prathap Bhanu Mehta (eds.), *The Oxford Companion to Politics in India* (New Delhi: Oxford University Press,2010), p.172.

percent mark reflecting a pan Indian gender exclusion from electoral participation and quality representation[22]. Praveen Rai observes that,

> The electoral participation of women in India is a much discussed issue with a wide range of opinions and differing views. On the one hand, some theorists argue that the electoral process in India is fraught with male patriarchy and dominance that act as impediments to women participation. The lack of political voice and poor representation in parliament is a result of exclusions on gender basis. On the other hand there are theorists who dispute the argument and feel that the increased participation of women in electoral competition in the 1990s as voters and sharing of political power at the grass root level reveal that electoral politics in India is no more gender exclusive but is quite inclusive[23].

The table below explains how women are totally under-represented in political office and how minimal the opportunities are that women get to contest the elections.

Table-1 **Proportions of Male and Female Candidates of All Political Parties**

Election Year	percentage of all candidates who were men(excluding all independents)	Percentage of all candidates who were women (excluding all independents)	Percentage of Elected candidates who were men (excluding all independents)	Percentage of Elected candidates who were Women (excluding all independents)	Percentage of all candidates who were elected (excluding all independents)	Percentage of the women candidates who were elected(excluding all independents)	Percentage of male candidates who were elected(excluding all independents)	Percentage of independent candidates who were women
1984	95.5	4.5	91.8	8.2	33.5	61.8	32.2	2.5
1989	95.3	4.7	94.4	5.6	21.1	25.0	20.9	2.2
1991	95.1	4.9	92.1	7.9	16.9	27.2	16.4	2.8
1996	94.7	5.3	92.5	7.5	16.1	22.9	15.7	4.0
1998	93.1	6.9	92.2	7.8	18.9	21.3	18.8	4.0
1999	92.4	7.6	91.1	8.9	19.9	23.3	19.6	4.0
2004	92.2	7.8	91.6	8.4	17.6	18.9	17.5	4.9

Source: Niraja Gopal Jayal and Prathap Bhanu Mehta (eds.), *The Oxford Companion to Politics in India* (New Delhi: Oxford University Press, 2010),p.172.

---

[22] Praveen Rai, "Electoral Participation of Women in India: Key determinants and Barriers", *Economic and Political Weekly*, Vol XLVI, 15 Jan 2011, p.47.
[23] *Ibid*.

From the table it is evident that women are more likely to be elected than men. In the 2009 national elections the success rate of women candidates were 11 percent compared with the 6 percent of men. It all points to the fact that women are facing marginalisation within the party structure. We have to remember that this was the period when the country witnessed some strong women's movements, but still it did not have much impact on the political representation of women. One obvious reason is the male domination in the political and public sphere. Very few women hold any kind of party offices and even fewer than that are the numbers of women who come up to the leadership position in party organisations and there is a lack of mobilisation on the part of organisations. Almost all the leading parties have very strong women's wing. In fact most of these parties are just using them as weapons during the election campaigns and also to make their processions and the public meetings more 'colourful'. Even if few of them come to power, they are not recognised adequately and they are assigned low profile or 'soft or feminine' responsibilities.

Table-2 **Representation of Women in Indian Parliament**
From 1st to 15th Lok Sabha

Year	Total number of seats	Number of women members who won	% of the total
1952	489	22	4.4
1957	494	27	5.4
1962	494	34	6.7
1967	523	31	5.9
1971	521	22	4.2
1977	544	19	3.4
1980	544	28	5.1
1984	544	44	8.1
1989	529	28	5.3
1991	509	36	7.0
1996	541	40	7.4

1998	545	44	8.0
1999	543	48	8.8
2004	543	45	8.1
2009	543	59	10.9

Source: Election Commission of India

Praveen Rai, "Electoral Participation of Women in India: Key determinants and Barriers", *Economic and Political Weekly*,Vol XLVI, 15 Jan 2011, p.47.

There are hardly any united efforts to create an inclusive electoral process for women. The reasons for women's under representation can be many. Women's access to power is still mediated by their relationship to male kin, and is often indirect and symbolic[24]. Most importantly political parties in our country are still patriarchic and do not support women and give tickets to them to contest the elections. Many of them think that holding responsible positions in the public life clash with a woman's household activities and other responsibilities. The women's wing of most of the political parties are composed of wives, mistresses, daughters , daughters in law and other friends and relatives of the male members. Women get tickets to contest election on the basis of patronage of male leaders or they have to be from very politically influential families (or you have to be a film star). Only one or two women leaders among them have proved themselves through struggles and political activism. One important fact is that women in public life find themselves judged, and judging themselves, by two different standards. One is of feminity, of the private world, which regards her as nurturing, submissive, emotional and home-bound. The other standard is their changed role in the public world which expects women to be competitive, ambitious and rational. This private/public split marginalises women in the decision making process[25]. One thing for sure, all political parties know that women are their vote bank; whoever supports the women's issues will win the elections. Women's issues are not only relating to the dowry, sati, rape and the violence against her. All those issues which affect her day to day life like price hike, difficulties in getting water, electricity and gas - all these issues influence her decisions to take part in the election process.

---

[24] Amrita Basu, "Gender and Politics", in Niraja Gopal Jayal and Prathap Bhanu Mehta (eds.), *op.cit.,* p.168.
[25] Usha Thakkar, "The Women's Vote", in Subrata Kumar Mitra and James Chiriyankandath (eds.), *op.cit.*,p. 209.

Again, criminalisation of politics, violence in the society and the attitude of male party members to women, marginalise their participation in politics.

Another reason can be the religion and orthodox traditional values embedded in the society which restrict the mobility and freedom of women. Usha Thakkar points out,

> Muslim women's right of equality in law, Mary Roy's claim for equality, the struggle launched for the land rights of the tribal women, and the Deorala incident of Sati clearly show that women's issues are intertwined with religious norms and the political process, not free from gender bias. These issues are of paramount importance not only to women, but to all citizens who have faith in democracy and equality. Still, these did not get the attention they need in the agenda of political parties[26].

The status of Muslim women in India is all the more worse. Low literacy rate and restriction to move outside the home is higher in Muslim society compared to other communities. Zoya Hasan and Ritu Menon in their study point out that comparatively more Hindu respondents from both urban and rural areas were aware of the correct age of voting. Among Muslims, about 51 percent replied correctly but lack of response amongst Muslims was higher[27]. When they asked about the autonomy in voting more than 60 percent of the women agreed that their husbands advise them and 30 percent stated it is their family members which also included husbands and greater proportion of Muslim women consult their husbands in comparison to Hindus[28]. A majority of them (69 percent) were unaware of any kind of reservations for women. Interestingly, the proportion of respondents who consult their husbands is significantly higher in the upper most socio economic class (74 percent) than in the lowest (52 percent) and urban educated women are more aware of rights and policies and more likely to decide on their own as to which party they should vote for [29].

In 1992, the reservation of women in Panchayat and Municipalities added into law by the 73rd and 74th amendments to the constitution of India. The amendment made it compulsory for states to establish and support Panchayats. The amendment implemented a one-third reservation of

---

[26] *Ibid.*,p. 200.
[27] Zoya Hasan and Ritu Menon,*op.cit.,*p.206.
[28] *Ibid*.
[29] *Ibid.*,pp.206-220.

total seats to women with the practice of direct elections every five years[30]. This increased the participation of women in the local bodies and it certainly gave an upward mobility in their social political and economic status. That is why we need a Women's Reservation Bill in India and the reason why it is not implemented yet after so many years of legislative debates, points back to the same old argument of dominance of patriarchy. Only strong reservation policies for women in the legislatures will bring the change. That will give women more confidence and freedom and will help them to ascend the ranks of party hierarchy and come to power.

3. RELIGIOUS MINORITIES

India's diversity indeed represents almost all major and minor religions of the world. Many of them originated in India and many of them were adopted. All the states and union territories in India are multi religious. The Preamble of the Constitution proclaims that India is a secular republic[31]. The religious composition of India as per the 2001 census stated that, Hindus consist 80.5 percent of the total population. Muslims are 13.4 percent, Christians are 2.3 percent, Sikhs are 1.9 percent, Buddhists are 0.8 percent, Jains are 0.4 percent, people who have other religions and persuasions consist 0.6 percent, and 0.1 percent have not stated their religion[32]. Moreover, these religions are not monolithic, they are internally again diverse. In short, the community spectrum of India is very complex and often policies and programs fail to capture these complexities.

During the days of the constituent assembly debates, the issue of minority rights for religious minorities was subjected to much discussion and controversy. By the end of the debate, except granting the political safeguards to the religious minorities, other rights to protect their identity and prevent discrimination against them put in place[33]. Hindus are the dominant majority in the national level. It obviously makes the Muslim population the largest minority group in India. In

---

[30] Daniel W Crowell, *The SEWA Movement and the Rural Development* (New Delhi: Sage Publications,2003), p.163.
[31] The Constitution (42nd Amendment) Act, 1976 added the word secular to the preamble.
[32] GOI, *India Census 2011,* accessed from www.censusindia.go.in on 25 Aug 2011.
[33] Bishnu N.Mohapatra, "Minorities and Politics" in Niraja Gopal Jayal and Prathap Bhanu Mehta (eds.), *op.cit.,* p.220.

the case of the Christian and Muslim community, a minority population with fair numbers has thinly spread throughout the country, and exists in relatively large groups only in occasional pockets. In contrast to this a vast majority of Sikhs are concentrated in Punjab[34]. They are religious as well as a linguistic minority in India. They may not be numerically a minority in various regional and local settings (Sikhs in Punjab and Muslims in Kashmir are not minorities there) but they are a political minority in the country with their poor participation and representation in the political process and in terms of population they are not proportionately represented.

Table 3 **Position of Major Religious Minorities in 1951 and 2001.**

Muslims	35,414,284	9.91	138,188,240	13.4
Christians	8,392,038	2.35	24,080,016	2.3
Sikhs	6,219,134	1.74	19,215,730	1.9

Source: www.censusindia.go.in

The figures in the above table indicate that the minority groups have shown a considerable growth rate during last few decades. Still their conditions in life are precarious. According to a recent report, 43 percent Muslims and 27 percent Christians live below the poverty line in comparison to 39 percent of Hindus in India[35]. India witnessed frequent tensions time to time between various religious groups. Be it Hindus, Muslims or Sikhs all these violence in the name of religion have influenced the political decisions of the country. A particular religious sentiment can highly influence the election results. Though political parties use religions as a political weapon, they actually do not do anything to give adequate representation to the religious minorities. Their only logic is to win the elections. So mostly the Hindu dominated constituency will have a Hindu candidate and Muslim dominated area will have a Muslim candidate. Let us analyse the status of major religious minorities in India.

---

[34] T.V Sathyamurthy, "Introduction to Volume 3", in T. V Sathyamurthy(ed.), *Region, Religion, Caste, Gender and Culture in Contemporary India* (New Delhi: Oxford University Press,1996), p.39.
[35] Bishnu N.Mohapatra, *op.cit*., p.229.

Though the Muslim Population is 13.4 percent, their representation in the Lok Sabha and State Assemblies are less than a third of their population share. In 1952 the Muslim representation in the Lok Sabha was 4.3 percent, the highest was in 1980 with 95 of total seats and in the 2004 election it was 6.4 percent with 35 seats in the total seats of 543[36]. There are numerous debates around the topic of the present day conditions of Muslims in India and many scholars explains various historical, political , social and economic aspects of it.

Muslims had come to India as traders in the seventh century and then as political rulers. By 13th century Muslim rule and religion of Islam was established in India[37]. During the partition Muslim elites migrated to Pakistan and India witnessed the growth of Muslim middle class in the first few decades of the independence. The Muslim middle class is still weak, relatively small and hesitant to act as an agent of change to provide leadership to community in its search for equity and justice[38]. One major problem facing the community is the continued eruption of large scale communal riots from time to time, "regardless of which side starts the riots (this is often impossible to determine objectively), the Muslims are generally the relative losers in terms of lives lost and property destroyed[39]". There is not even a single year in India without the communal peace disturbed in a small or large scale in some part of the country. If they are not able to find any reason, they go back to history - find the reasons and fight for it. Muslim legislators throughout avoided raising issues that were considered to be exclusively Muslim, with the fear that they would be branded 'communal'. Since the religious minorities and Indian politics are convertible terms, the Muslim personal laws are always under various political debates. Especially with Art.44 which says, "the state shall endeavour to secure for citizens a uniform civil code throughout the territory of India", the Muslim personal laws were dragged into the communal politics of India.

The proportion of the number of posts occupied by the Muslim community in the government services is insignificant as compared to their census position. Even during the British period, their number in the government jobs was minimal as they did not have proper English education.

---

[36] Election Commission Statistical Report, www.indian-elections.com
[37] Sebastian Vempeny, *op.cit.*, p.xxi.
[38] Zoya Hasan, *Politics of Inclusion...op.cit.,* p.166.
[39] D.E.Smith cited in Kamlesh Kumar Wadhwa*, Minority Safeguards in India*, (Delhi: Thomson Press (India)Ltd,1975),p.154.

The Hindus, especially high class Hindus were open to learn English under the British but the Muslims objected to it as they feared the English education would undermine their religion. The apparent result was that the share of Muslims in the British administration reduced while the Hindus poured into every government office[40]. Another important point to be noted about Muslims is that a large proportion of Muslims in India are descendents of converts from various 'low' castes, whose social economic conditions remained largely unchanged even after conversion[41]. In various pockets of the country the education and literacy rates of Muslims are much worse than that of SCs and STs.

The condition of Christians in India is also not very different from that of Muslims. Rowena Robinson writes, the Indian census merges the Christians into a single group, but they belong to different denominations. Catholics from the largest group with 50 percent of population, next is Protestants with 40 percent, 7 percent are Orthodox Christians and 6 percent belong to indigenous sects. Christians as descendants of low caste, low status converts stretches the reality, over the 50 percent of all Christians are from the untouchable castes. Those who are tribal in origin constitute 15-20 percent, conversion took place among the castes with fishing and boat handling skills such as the Mukkuvars and Paravas along the southern coast[42]. It is true that religion has also served as a useful tool in the hands of certain deprived segments of the population which have sought to resist cultural economic and political subjugation for example, the Adivasis especially in the north east and central India, large numbers of who have adopted Christianity, or the Dalits who have embraced Budhism in certain areas[43]. Dalit Christians have not been able to gain official recognition as SCs. For the last few years there are numerous debates going on about the Mandal commission and Sachar committee findings about Dalit Muslims and Dalit Christians[44].

---

[40] Sebastian Vempeny, *op.cit.*,p.3.
[41] Zoya Hasan, *Politics of Inclusion…op.cit.,* p.166.
[42] Rowena Robinson, "Negotiating Boundaries and Identities: Christian Communities in India", in Surinder S Jodhka (ed.), *Community and Identities: Contemporary Discourses on Culture and Politics in India* (New Delhi: Sage Publications,2001), pp.222-223.
[43] T.V Sathyamurthy, *op.cit.,* p.37.
[44] Mandal commission's task was to identify the OBCs and to determine whether they should be eligible for reservations along with the lines of the SCs and STs. When it came to religious minorities, the commission made all the excluded groups among them to OBCs for purposes of affirmative action. The Sachar committee suggested bifurcation of the OBC category and putting Dalit Muslims in a separate Most Backward Category (MBC).

Since India is a democracy without a state religion, always has taken a neutral stand towards all faiths; still, when we analyse the conditions of Christian – Muslim minorities we find that, underrepresentation is not the only problem they endure. They are the victims of organised spread of hatred and dislike against them by a group of Hindu fundamentalists, who believe in the supremacy of Hindutva. They prejudice against Muslims and Christians and question their patriotism. It is more severe in the case of Muslims. In the words of D.E Smith, "like the Muslims, the Christian in India bears a stigma imprinted by history". It is the foreign origin of Islam and Christianity, their past association with foreign rulers, and their present international ties which lead some Hindus to doubt the 'Indianness' of those who profess these faiths[45]". The frequent attacks on Christian Priests and Nuns, even the cruel murders by Hindu fundamentalists and the destruction of their church and prayer halls challenges the constitutional protections given to the religious minorities in India to practice their religion. We cannot forget that they have a significant role in achieving literacy, healthcare, employment and social justice in the rural areas and the remote villages of the country. In spite of all these never felt the need for a Christian political party, which shows their trust on the majority.

The Hindus are antagonistic when it comes to Christian conversions. For a certain lower caste Hindus who were dehumanised and exploited by the dominant Brahmins and the upper caste Hindus, Christianity and Islam conveyed as a liberating force. It is a fact that the converted Muslims or Christians hardly had any upward financial mobility. Their status is more or less the same. Nonetheless, in a democratic country like India the retention of their religion should be a matter of choice not forced upon and the domination of one religion over the other is never tolerable. Dr. Karan Singh once said that, not only in India but throughout the world, religion has through the ages played two distinct roles in the society. On the one hand, it had the effect of unifying large sections of people who would otherwise have remained fragmented and fractured into petty tribes and principalities on the other, religion also led to sharp and severe divisions between man and man, group and group, nation and nation[46].

---

[45]   Kamlesh Kumar Wadhwa, *Minority Safeguards in India*, (Delhi: Thomson Press (India) Ltd, 1975), p.162.

[46]   Karan Singh quoted in Kamlesh Kumar Wadhwa,*op.cit.*,p.13.

Another significant religious minority in India are the Anglo Indians. They are a minority community which possesses racial, religious and linguistic characteristics. Their population was approximately 150,000 in 2010. According to Art 330 the community has been provided 2 seats in Lok Sabha and Art. 333 ensures one Anglo Indian member each in the legislatures of Andhra Pradesh, Bihar, Kerala, Madhya Pradesh, Maharashtra, Karnataka, Tamil Nadu, Uttar Pradesh and two in West Bengal to represent their community[47]. This was done in the early years of independence itself, otherwise it would have been very difficult for them to find a representation in the legislatures after fighting the present complexities.

All these problems of religious minorities in India indicate the urgency of a more inclusive election process. It might be an Olympic task to ensure adequate representation to all these religious minorities. It is the duty of the secular political parties to allot more seats to all these minorities and ensure adequate representation. Otherwise, caste, religion and language will proliferate which in a way can act as an element of disintegration in the name of reactionary forces.

4. SCHEDULED CASTES AND SCHEDULED TRIBES

Indian society is strongly embedded with its hierarchical social orders. SCs STs constitute 16.2 percent and 8.2 percent of the Indian population respectively[48]. K.M Panicker observed, 'that in India, minorities had come to denote religious minorities, which will exclude small communities within the majority community who may not have adequate representation in the service…The SCs were neither a racial minority nor a linguistic minority- and certainly not a religious minority-but disadvantaged Hindus who needed protections earlier enjoyed by non-Hindu minorities[49]. STs are there in almost all major states of India. 94 percent of Adivasi population lives in the rural areas compared to 80 percent of the general population[50]. They are a homogeneous group mostly settled in the secluded areas and will be having entirely different cultural and social values from the mainstream society. Both the SCs and STs enjoy fundamental

---

[47]   *Ibid*.,p.168.
[48] GOI, *India Census 2011,* accessed from www.censusindia.go.in on 25 Aug 2011.
[49] Zoya Hasan, *Politics of Inclusion…op.cit.,* p.31.
[50] B.Janardhan Rao, "Adivasis in India: Characterization of Transition and Development", in T. V Sathyamurthy(ed.), *op.cit.*, p.417.

rights relating to equality, freedom, cultural protection and prohibition of discrimination like any other citizens. The affirmative action in respect of them relates to reservation of seats in elected bodies, parliament, state legislatures and panchayat institutions and recruitment to public services and entry into educational institutions. By the 73rd and 74th constitutional amendments they have one third of seats reserved in the local bodies. The constitutional policy regarding the reservation of seats for the SCs and STs were interpreted by the Supreme Court in V.V GIRI v. D.S Dora judgment. The court held that there was no separate electoral roll and that the elections were on the basis of joint electorate. Although seats were reserved for the SCs and STs, the members of these castes or tribes were not precluded from contesting the general seats[51].

For many years the SCs and STs lived under the guilt of being poor and backward and considered themselves as a burden on the development process of the country. During the freedom movement leaders like B.R Ambedkar and Jyotirao Phule made the Dalits to raise their voice against caste oppression and fight for equality and dignity. Until recent times in the electoral politics, the SC communities were mostly aligned with the 'mainstream' political formation, the Congress Party. Because of many policy reservations and government jobs they became confident enough to articulate and mobilise the people of same community and started taking efforts to fulfill their aspirations. Jodhka quoted Kaviraj, 'caste groups instead of crumbling with historical embarrassment, in fact, adapted themselves surprisingly well to the demands of the parliamentary politics'[52]

British colonial rule treated caste as the' institutional key stone of the Indian society'. Beginning with the decennial all India census of 1871, the census became the main instrument of gathering information about the caste system and classifying it[53]. From 1920 onwards, under Gandhi's leadership, the struggle for freedom also incorporated the issue of social equality for the 'Harijans' and more radical rejection of Brahminical Hinduism articulated by B.R Ambedkar. In the Government of India Act of 1919, the depressed classes were given representation in the central and provincial legislatures[54]. Jayal explains,

---

[51] In Supreme Court of India decided on 20.05.1959. Shri V.V Giri vs D.S Dora Judgment, www.manupatra.htm
[52] Surinder S Jodhka, "Caste and Politics", in Niraja Gopal Jayal and Prathap Bhanu Mehta (eds.), *op.cit.,* p.164.
[53] Niraja Gopal Jayal, *Representing India...op.cit.,* p.58.
[54] Ibid., pp.58-59.

The arrangement was formalised in the Communal Award of 1932, whereby a fixed number of seats in every provincial legislatures were to be reserved for the members of the depressed classes, as well as of the religious minorities. This was clearly an important precursor to the provisions of the constitution of independent India, as was the procedure of creating Schedules for tribes and castes deserving of such reservation. Initiated in 1936, the task of 'scheduling' attempted to identify and list every depressed community in every province, and the initial list contained 400 untouchable groups apart from many tribes. This is the origin of the terms Scheduled Castes and Scheduled Tribes[55].

Now today's Political parties give opportunities to a number of Dalit leaders only because the constitution requires it and they will have to fill the reserved seats. Another aim is to get votes in the name of minority sentiments. This will be evident if we look into the fact of how many Dalits were elected in the Lok Sabha other than from the reserved constituencies. In India a certain number of parliamentary constituencies are reserved for the SCs and STs in each state according to their proportion to the total population[56]. In such constituencies only candidates from these communities can contest the election and these constituencies will change from one election to the other. In total there are 79 parliamentary seats reserved for the SCs and 41 seats for the STs[57]. The statistical report of the election commission gives a caste wise candidate summary in which in the 2009 general election 23.95 percent candidates were from SCs and 7 percent were from STs. Since, 1971 the maximum number of SC and ST candidates was in 2004 with the percentage of 25.24 and 7.16 respectively[58]. Most of the SC seats are supported by political parties and very rarely an independent Dalit candidate contests the elections. Moreover, more of urban based professionals are getting elected and the SCs from the rural areas hardly get any chance. It is also worth noticing that the same SC and ST leaders are getting re-elected for many years. Most of the time they do not enjoy any particular power in the legislatures, usually they are just puppets in the hands of the dominant. In fact in many assemblies the reserved candidates support the dominant party to prove their majority on the floor. If we see the last few elections there are a high turnout of Dalits and the poor, noticeably in support of parties like Bahujan Samaj Party (BSP) which is a Dalit party led by a Dalit woman.

---

[55] Ibid., p.60.
[56] Provisions contained in Art.330 of the Indian Constitution.
[57] Delimitation Constituencies, www.indian-elections.com
[58] *Statistical Reports on General Election*, Election Commission of India, New Delhi.

5. PHYSICALLY DISABLED

A disabled person is someone with restrictions or lack of abilities to perform an activity in the manner or within the range considered normal for a human being and such persons are treated as having disabilities. It excluded illness/injury of recent origin (morbidity) resulting into temporary loss of ability to see, hear, speak or move[59]. Harlan Hahn, the American political scientist observes, "that the emergence of disabled people as a 'new minority group' is complemented by a novel socio-political analysis that offers a direct challenge to the dominant 'functional limitations' paradigm, which informs medical rehabilitation and economic policies for disabled people[60]. He emulates studies of contemporary political protest to argue that the distinguishing physical and behavioural features of disabled people, their growing collective awareness, and their differential treatment, secure their redefinition as a 'minority group'. This signifies their common interest with other oppressed minorities, and heralds their embrace of the struggle for legal and civil rights[61].

Disabled persons constitute around 2.13 percentage of the total population as per the 2001 census of India. According to 58th round National Sample Survey, there are 1.85 percent persons with disabilities in India including persons with visual, hearing, speech, locomotor and mental disabilities[62]. At the national level, 45,571 and 24,731 households having at least one disabled person, selected from 4,637 villages and 3,354 urban blocks respectively, were surveyed. The number of disabled persons enumerated in rural and urban India was 49,300 and 26,679, respectively[63]. Reports say that in every 100,000 persons in India there are 1,755 people physically or mentally disabled. And about 10.63 percent of the disabled persons suffer from more than one type of disability. About 55 percent of the disabled in India are illiterate and about 9 percent completed 'secondary or above' level of education. The World Health Organisation (WHO), estimates in a

---

[59] *Disabled Persons in India*, Report number 485 (58/26/1), National Sample Survey Organisation, Ministry of Statistics and Programme Implementation, Government of India, New Delhi, December 2003.
[60] Colin Barnes, Geof Mercerand and Tom Shakespeare, *Exploring Disability; a Sociological Introduction* (Cambridge: Polity press, 1999), p. 71.
[61] *Ibid*., pp. 71-72.
[62] Vikash Kumar, "Disability, Inclusiveness and PRIs in India" ,in Yagati Chinna Rao and Sudhakara Karakoto (eds.),*Exclusion and Discrimination* (New Delhi: Kanishka Publishers, 2010),p.348.
[63] *Disabled Persons in India*, Report number 485 (58/26/1), National Sample Survey Organisation, Ministry of Statistics and Programme Implementation, Government of India, New Delhi, December 2003.

developing country, at any given point of time, 10 percent of the population can be identified as persons with disabilities. Disabled population in India is approximately 2.19 crore[64].

The table below indicates the extent of disability per thousand persons.

Table:3
Per 1000 --distribution of physically disabled persons by extent of physical disability -- sex and sector

all-India

disabled persons	extent of physical disability				total
	cannot take self-care even with aid/ appli- ance	can take self-care only with aid/ appliance	can take self- care without aid/ appli- ance	aid/ appli- ance not tried/ not available	
(1)	(2)	(3)	(4)	(5)	(6)
rural male	116	179	610	93	1000
rural female	152	154	585	107	1000
rural persons	131	169	600	99	1000
urban male	126	186	625	60	1000
urban female	160	181	598	58	1000
urban persons	140	184	614	59	1000
male	118	181	613	86	1000
female	154	160	588	96	1000
persons	133	172	603	90	1000

source: *Disabled Persons in India*, Report number 485 (58/26/1), National Sample Survey Organisation, Ministry of Statistics and Programme Implementation, Government of India, New Delhi, December 2003.

---

[64] Nikhil Jain, "Physically or Mentally Challenged", in Mohanty, Saxena, Sebastian, Trivedi (eds.), *op.cit*., p.172.

Almost all liberal democracies in the world have introduced anti discrimination laws for an equal and just treatment towards people with disabilities. In India there are laws and policies formulated by the government for their social inclusion. Persons with Disabilities (Equal Opportunities, Protection of Rights and full Participation) Act 1995 gives special provisions on discrimination against them.

In spite of the existence of legal safeguards they are always treated as "special", "challenged" and "different" and always marginalised. It is true that they do things differently, but they also have the right to enjoy the same status the other citizens have. In recent years, disability has gained recognition as a social and human rights issue rather than a medical concern. Social perceptions of disability promote the rights of differently challenged persons as equal members of society and view disability as a social consequence or an impairment[65].

They are the most disadvantaged minority group. All other groups can at least raise their voice or protest against the injustices and the discriminations. The disabled persons need help for that too. In India we will not get any authentic data about the disabled people. They were not included in the census till recent. Their first census was in the year 2001. They never had a representative in any legislatures[66]. Recently in Chennai during the local body elections the nomination of a hearing impaired woman candidate was rejected on the grounds that 'the rule does not allow a hearing impaired person to contest the election'[67]. This incident makes us realise the extent of discrimination against disabled people as in the local bodies women have one third seats reserved otherwise. It is a critical requirement to ensure their participation in the political process and guarantee their representation in the elected bodies considering them as equal citizens. We do not have any provisions to protect the interest of those most vulnerable sections with double or triple disability, for example, SC/ST Disabled Woman. There is no reliable data available about the number of disabled women. They have no history. Despite their significant numbers, women and girls with disabilities, remain hidden and silent, their concerns unknown and their rights overlooked. In a society with patriarchal attitudes they subject to deliberate neglect, verbal abuse,

---

[65] *Ibid*., p.171.
[66] Interview with Jayashree Raveendran and Janaki Pillai at The Ability Foundation, Chennai on 03.10.2011.
[67] Assurance to Persons with Disabilities, *The Hindu*, Chennai, Oct 4, 2011.

physical assault and sexual harassment[68]. Eighty percent of the disabled women remain single throughout their life.

The reasons why the disabled people are not active in party politics are because of various constrains like most of the time they are dependent on another person if they have mobility related impairments. With architectural and attitudinal barriers disabled persons are rendered all the more helpless. Moreover, many party offices and meeting places are physically inaccessible for them. It is very difficult for them to frequently attend the party meetings, campaigning, door to door canvassing etc and this restricts them from becoming a full time party activist.

For the complete expression of their citizenship, they need to take part in the various political processes including elections, directly. The UN Convention on the Rights of Persons with Disabilities, which was ratified by India in October 2007 legally supports:

- The right to vote (article 29)
- The right for recognition before the law (article 12)
- The right to access to information (article 21)
- The right to freedom of expression and opinion (article 21)
- The right to accessibility (article 9)

First of all, we will have to educate the disabled people about their right to vote, bring about greater awareness by roping in the local news papers, television channels, and radio, disseminate information through mass media campaigns about the voting rights of the disabled people and the facilities they can demand from the presiding officer if necessary. This information needs to be released periodically shortly before the commencement of the elections, to help the people recall the information. The voter ID cards should mention the disability details of the voter, so that statistics can be collected to facilitate easy access to the polling booths. There should be permanent postal ballot system for people with severe mobility problem[69].

There should be much more awareness on the Rule 40 of the conduct of Elections, which says,

---

[68] Meenu Bhambani, "Social Responses to Women with Disabilities in India", in Asha Hans and Annie Patri (eds.), *Women, Disability and Identity* (New Delhi: Sage Publication, 2003), pp.76-88.
[69] Able to Vote, *Success and Ability*, The Ability Foundation, Chennai, Apr- Jun , 1999, p.11.

- A blind or infirm person is allowed to take a companion to the polling booth to assist him/her, provided the presiding officer is satisfied about the disability.

- The companion who accompanies the disabled voter must be over 18 years of age and should not assist more than one person on that day.

- The companion must maintain the secrecy of the vote.

- It is the elector's prerogative to choose the companion[70].

To include them in the election process we will have to ensure their accessibility to the polling stations. They need aid according to the extent of their disability. We should ensure them special facilities like priority for entering polling stations without waiting in the queue and other needed assistance for them to cast the vote. Electronic Voting Machines (EVMs) with Braille to enable visually impaired voters and special care for the speech and hearing impaired voters and temporary ramps for people using wheelchair should be provided.

If we look at the election manifestos of almost all major parties for the 2009 Lok Sabha elections, they all have included different schemes for the disabled. THE CONGRESS Manifesto said "The Indian National Congress will ensure a comprehensive cover of social security to all persons who are at special risk including (i) single-woman headed households; (ii) disabled and the elderly; (iii) urban homeless; (iv) released bonded workers; (v) members of primitive tribal groups; and (vi) members of designated "most backward Dalit communities". The BJP manifesto included (1) Ensure and implement the right for education and vocational training for the disabled. (2) Ensure disabled-friendly access to public utilities, public buildings, and transport. (3) Ensure maximum economic independence of the disabled by creating more income generation models for the disabled. (4) Facilitate establishment of an Institute of Vocational Training for the Disabled in every district with public-private partnership. (5) Provide special incentive for the adoption of a disabled child. (6) Support voluntary organisations working for the care of the disabled. COMMUNIST PARTY OF INDIA (MARXIST) presented the provisions for people with disabilities as (1) Strengthening of the Persons with Disabilities Act. (2) Properly implementing reservations provided for persons with disabilities in public sector employment, poverty alleviation, programmes and education. (3) All buildings, public places, transport, information

---

[70] *Ibid.*, p.13.

and other avenues to be fully accessible and barrier free to people with disabilities. (4) Ensuring free provision of aids and equipments for differently able people by the Government and the COMMUNIST PARTY OF INDIA talked about Rights of people with special needs. (1) Implement the Persons with Disabilities Act 1995 effectively giving adequate opportunities to build their capacities and also make schools and other premises accessible to all. (2) There is an emerging need to combat HIV/AIDS/STD etc. and ensure medical care, human treatment and security to the victims. In the previous 2004 Lok Sabha election manifestos also, most of them have talked about these issues in a different style.

6. NON RESIDENTIAL INDIANS (NRI)

NRI's are Indian citizens who ordinarily reside outside India and hold Indian passports. NRIs are a political minority in India irrespective of their religion, caste and community because they are totally excluded from the political process of the country. The minorities living in India are victims of historical injustice based on religion, caste or ethnicity. However, most of those living abroad are from dominant castes or communities and enjoy majority status in the normal course when they are in India. Nevertheless, they are a numerical minority when they are viewed as NRIs and they are not able to pursue any of their rights as Indian citizens for the reason that they are not an 'ordinary resident' in the country. One thing we should realise is that elections and such political processes have an impact on the citizens living abroad. NRIs contribute towards a major share of the Indian economy with their substantial investments and deposits. Therefore they would want to vote for a candidate or a political party who has a favorable agenda. Moreover, most of the NRIs want to come back and settle down in India and they do not want to stay abroad for a lengthy period.

There are approximately 11 million NRIs live across the globe[71]. They have major share in the country's economy and development. Other than the huge NRI funds political parties spend during the election campaigns the NRIs never had any role in the Indian election process. Section 19 of The Representation of the People Act (RPA)-1950 allows a person to register to vote if he or she is above 18 years of age and is an 'ordinary resident' of the residing constituency that is,

---

[71] The Hindu Online Edition , dated 24 Nov 2010.

living at the current address for 6 months or longer. Section 20 of the above Act disqualifies a Non-Resident Indian (NRI) from getting his/her name registered in the electoral rolls. However, the Parliament passed the Representation of People (Amendment) Bill, in the Monsoon session, 2010 to allow NRIs to vote in Indian elections and now the government has issued a Gazette Notification in this regard[72]. According to this Gazette Notification, Indian citizens even if he or she remained away from the place of residence in India for more than six months owing to employment, education or otherwise and have not accepted the citizenship of any other country, can enroll their names in the voters list. However, the person will be able to exercise the franchise only if he or she is physically present in the constituency on the polling day. As of now, India does not have an absentee ballot system. Consequently, it prevents the NRI citizens from casting the vote in elections to the parliament and to the state legislatures. It is impossible for the citizens to travel to India just for casting their votes. There are many debates and lobbying going on about this issue.

The Global NRI Voting Rights Campaign Team has an 'online petition campaign' addressing the Prime Minister of India and they have forwarded the copies to the President of India, Leader of Opposition, Ministry of Overseas and the Chief Election Commissioner[73]. They say that there are 1.5 crore Indians living outside India and it is practically impossible for all of them to travel to India at the same time. Usually, election/nomination dates are announced around 45 days in advance which is a very short duration to travel. When they demanded for the provisions for an absentee voting facility, the options given were 'internet voting' and a combination of 'internet and postal voting'.

7. INTERNALLY DISPLACED PERSONS

IDPs are those who were forced to flee their homes or habitual residence because of various natural and manmade reasons. They are refugees in their own country. By and large, they remain outside the public "consciousness" or "imagination", experiencing a high degree of alienation, marginalisation and exclusion from the larger society[74]. There is a huge variation about the

---

[72] *Ibid.*

[73] Global NRI Voting Rights Campaign Team http://www.NRIVotingRights.info

[74] Monirul Hussain, "Internally Displaced Persons in India's North East", *Economic and Political Weekly*, Feb 4, 2006, p.391.

numbers of IDPs in India because the population is constantly fluctuating. The latest World Refugee Survey put the total number of IDPs in India as 507,000; the Indian Social Institute in Delhi and the Global IDP project place it at 21.3 million[75]. Thukral quoted Cernea that 'by its true nature displacement is a disruptive and painful process. Economically and culturally it creates a high risk of chronic impoverishment that typically occurs along one or several of the following dimensions: landlessness, joblessness, homelessness, marginalisation, food insecurity, morbidity and social disarticulation'[76]. In India the major cause of displacement is the development induced projects. A close look at the composition of the displaced people reveals that the majority belong to the poorer and the backward sections of the society. Even government estimates show that 40 percent displaced by various development projects are Tribals and almost 20 percent are Dalits[77]. Government acquires the land on the basis of the Land Acquisition Act, 1894 and according to that government can acquire the private lands and the land owners would not have much options other than flee from their land. The development projects are mainly big dams, large industries, power plants or mines (ironically the rich resources are there where the poor and powerless live). These projects are made to protect the national interest and for the development of all, although in practice, their impact on both these counts is questionable. Most of these projects somehow violate certain rights of a particular community or group of people and they are not sensitive to the social situations and not in tune with the ground realities and local conditions of the people. Sadly, the people who have alienated from their own land and resources have no political right or no voice in the elections. However, the political parties who pretend to support them and sell the sentiments of the poor will win the elections.

Lama in his paper categorises the displacement into four major types. (1) political causes including secessionist movements (Naga Movement, Assam Movement and Kashmir's 'war' between state and militants etc.), (2) Identity Based Autonomy Movements (Bodo Movement), (3) Localised Violence (caste disputes in Bihar and Uttar Pradesh, urban riots in Mumbai, Coimbatore, Aligarh, Bhagalpur and 'son's of soil' policy etc), (4) Environmental and

---

[75] Mahendra P Lama, "Internal Displacement in India: Causes , Protection and Dilemmas" , *Forced Migration Review,* Vol.No.1, Issue No. 8, Oxford UK, 8 Aug 2000. pp.24-26.

[76] Michael Cernea quoted in Enakshi Ganguly Thukral (ed), '*Big Dams , Displaced People; Rivers of Sorrow, Rivers of Change* (New Delhi: Sage Publications, 1992), p.21.

[77] *Ibid.*, p.8

Development Induced Displacement (Dams, Roads etc)[78]. Another major reason for displacement is Natural Disasters like Floods, Landslides, Cyclones, Earthquake, Tsunami etc. which often happens in different areas of the country. Whatsoever the cause of Displacement is, the authorities always neglect them as they are a minority and most of them are too poor to react as well. They have no legally enforceable right except for compensation. The compensation given to them is inadequate and inappropriate, if at all it reaches them. The then Chief Minister of Kerala himself admitted the story of diverting the fund for Tsunami relief. There are another group of people who are indirectly affected by all these because of the change of land pattern and they will not be able to cultivate or make a livelihood from the same land. India does not have strong national policy or law to tackle the Displacement issues. The Constitutional provision, Article 19 (e) says: Fundamental right 'to reside and settle in any part of the territory of India', has been interpreted as right of people, especially indigenous people, to their land. The article also provides for 'reasonable restrictions' in the 'interests of the general public or for the protection of the interests of any ST.'[79] The constitutional provision is itself contradicting. The 'Draft National Development, Displacement and Rehabilitation Policy', 2005, is advocated to deal with the displacement issues in a much more humane manner.

Now, how can we include these displaced people in an electoral roll when the people displaced 10 years back are still IDPs? We do not have an efficient rehabilitation policy in India, moreover, with the increase of population the pressure on land also increases which makes it difficult for the resettlement of the displaced people. In the case of natural calamities people still come back to where they lived, but that is not the case with the people displaced because of the development projects. The only practical solution in such cases is the Unique Identification Number (Aadhaar)[80] by which people can be identified and through which, the problems in issuing the voter identity card or enrolling their names in the voters list, would be avoided.

8. OBSERVATIONS AND RECOMMENDATIONS

---

[78] Mahendra P Lama, *op.cit*., p.24-26.
[79] P.M. Baxi, *The Costitution of India* (New Delhi: Universal Law Publishing Co., 2010), pp-38-39.
[80] Aadhaar is a 12-digit unique number which the Unique Identification Authority of India (UIDAI) will issue for all residents in India. The number will be stored in a centralised database and linked to the basic demographics and biometric information – photograph, ten fingerprints and iris – of each individual.It is easily verifiable in an online, cost-effective way.

1. Right to vote should be a fundamental right.

2. Adequate amendments to the Representation of the People Act, 1950. The act is more than 60 years old and it should be amended according to needs of changing time.

3. The concerned authority should keep updating the electoral rolls. Usually it is the last moment work from the Election Commission and in the process they miss out the names of many voters.

4. Pass the Women's Reservation Bill as soon as possible through which women get 33 percent reservation in the legislatures.

5. The Election Commission and Civil Society organisations should organise more awareness programmes and advocacy at the grassroot level.

6. Election commission should make sure that all political parties have a secular behaviour and give more seats to the religious minorities, especially Muslim candidates. All political parties should give mandatory quotas for the candidates from minority communities (apart from the reserved constituencies and general candidacy).

7. Issuing of Unique Identification Numbers will help IDPs and those who have changed their place of residence because of various reasons like employment, education and marriage, to exercise their voting rights.

8. Election commission should identify the areas where any particular group of people are systematically excluded from voting, especially in the remote areas, villages in the forest peripheries, tribal hamlets and border villages of the state.

9. Ensuring a violence free election and greater security will result in more participation of the people from vulnerable communities.

10. The Election Commission should create more awareness on the minority voting rights and keep systematic statistics about the minority voting and participation in the election process.

11. Make provisions for Absentee Ballot system. It can be a combination of internet and postal ballot. The Election Commission can upload the e-ballot on their websites and the NRIs can download and caste the vote and post it according to the prescribed norms.

12. It is a known fact that campaign expenditure plays a vital role in the ability of candidates to contest elections. This adversely affects those women candidates and marginalised

sections who are not really economically independent. Election commission has to find a solution to this.

13. People with disabilities should get essential facilities in the polling booth. Generally, the political parties only bring them to the polling booth on the Election Day which makes them obliged to vote for that particular party. The election commission should arrange transportation facilities for all disabled persons and old age people and anyone in need.

14. If the disabled person does not have a companion, one of the polling officers or other designated officers should accompany the physically challenged person to the ballot box. If the disabled person is accompanied by a party worker, he/she will not be able to caste the vote in free spirit.

15. The blind and the speech and hearing impaired voters should be given proper training and practice before their final casting of the vote.

16. There is a scope for extensive research in the area of Inclusive Electoral Process and the role of the Civil Society is crucial especially, in a country like India where 'unity' and 'diversity' has to connect together.

9. CONCLUSION

The process of elections is a complete balance between a citizen's rights and duties. Choosing the representative is a citizen's right and choosing the 'right representative' is a citizen's duty. Through inclusive electoral process we should make sure that the historically disadvantaged communities also get an equal participation in the democracy. It is observed that their social and political exclusion which leads to a low social and political prominence, keep them marginalised from the mainstream society. The inadequate participation of the minority communities in the public institutions is one of the deficits of democratic governance in India. The electoral participation becomes important in strengthening the links between democracy and social development. Human development and social development are possible only when the citizens participate in the local national elections and become an active part of the governance system.

As outlined, Women, Muslims, Christians, SCs and STs, Disabled people, IDPs and NRIs are the prominent political minorities in India. With them the transgender people also are a minority in

India. They were granted voting rights in 1994 and Shabnam Mausi Bano was the first transgender person to be elected to a legislature. It is a challenge to propose an electoral system which represents the heterogeneous society with all their social political and religious interests. To ensure their inclusion in the public institutions and the power structure we need to have affirmative action and reservations. Notwithstanding the criticisms, the positive discrimination policies have worked more effectively for the disadvantaged and marginalised sections of people. As justice Shetty of Supreme Court of India observed, "it is well said that in order to treat some persons equally, we must treat them differently. We have to recognise a fair degree of discrimination in favour of minorities[81]".

The paper has tried to examine the status of minorities in India. It could gather that even after so many constitutional assurance and legislations the most vulnerable sections in the minorities are still left outside the system. Their voter turnout would be higher, but their representation in the legislature is negligible. Even if they win the elections to the legislature through the reserved seats most of them become very passive without taking part in any legislative debates. It is hard for people from poor social and educational background like SCs and STs, Women and other disadvantaged to speak at meetings without inhibitions, asserting one's individuality in a group and to express their opinions freely without any doubt. Another noticeable point is that the problems of socio cultural and political inequalities discussed in the paper on the basis of gender, religious minorities, caste/ tribe and displacement overlap sturdily with economic inequalities. Majority of people from these communities are under the poverty line. All these issues appeal for a more inclusive electoral process and a better governance system. The electoral system and the electoral laws must be reformed adequately for a more free and fair representation.

---

[81] See Sebastian Vempeny, *op.cit.*,p.189.