

# Was the Delimitation Commission Unfair to Muslims?

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## Abstract

In the Sachar Committee Report, a report from 2006 about the socio-economic status of Muslims in India, it was stated that a number of constituencies (electoral districts) reserved for Scheduled Castes (SCs) have a high proportion of Muslims and a low proportion of SCs, while there are many general (unreserved) constituencies with fewer Muslims and more SCs. Some have interpreted this as an allegation that the Delimitation Commission in the 1970s willfully assigned constituencies reserved for SCs to areas with a high Muslim population. Since this Delimitation was in force for more than 30 years (1974-2007), this could have seriously undermined the representation of Muslims in India. In this paper I use archival evidence from the Election Commission records as well as unique statistical data of the Muslim population across Indian constituencies in the 1970s to show that there is no evidence that such a systematic discrimination took place. Looking at data from 14 Indian states, I show that the Muslim population is on average lower in reserved constituencies than in general ones. This is mainly due to the fact that reserved seats by construction have a high concentration of SCs, and therefore a lower concentration of other groups. On comparing reserved and general constituencies with similar proportions of SCs, I find that there is no statistically significant difference in the proportion of Muslims in reserved and general areas. These results do not suggest that Muslims have been adequately represented in Indian politics, but simply that it is unfounded allegation that Muslims have been over-represented in reserved constituencies.

**Key words:** India, Delimitation, Sachar Committee, Muslims, minorities, representation

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## Introduction

In the Sachar Committee Report, a report from 2006 about the socio-economic status of Muslims in India, it was stated that a number of constituencies (electoral districts) reserved for Scheduled Castes (SCs) have a high proportion of Muslims and a low proportion of SCs, while there are many general (unreserved) constituencies with fewer Muslims and more SCs.<sup>2</sup> The veracity of this claim was supported with examples of the percentages of Muslims and SCs in reserved constituencies in UP, Bihar and West Bengal: “The data shows that constituencies which have been declared reserved for SCs by the Delimitation Commission in these three states are by and large those constituencies where Muslims live in greater numbers often more than 50 per cent as well as their proportion in the population is higher than that of SCs [...] Arguably, this can be seen as discriminatory and certainly reduces the opportunities that Muslims have to get elected to democratic institutions” (Sachar 2006, footnote 7 p. 25). Some interpreted this evidence as an unfortunate side-effect of the reservation system – arguing that the Delimitation Commission could not avoid picking areas with a large number of Muslims because Muslims and SCs tend to live in the same areas – while others perceived it as an allegation that the Delimitation Commission had willfully undermined the representation of Muslims in India. The previous delimitation at the time of writing this report was the 1976 Delimitation. Since this Delimitation was in force for more than 30 years (1974 – 2007),<sup>3</sup> a systematic bias against the Muslim community in this delimitation would have been a serious act of discrimination against the Muslim community in India. In this paper I show that the evidence provided in the Sachar report

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<sup>2</sup>On 9 March 2005, the Prime Minister’s Office issued a notification for the constitution of a High Level Committee for the preparation of a report on the social, economic and educational status of the Muslim community of India. The committee was chaired by Justice Rajindar Sachar and submitted their report in 2006. The full report and related documents are available online at [URL] <http://minorityaffairs.gov.in/sachar>, accessed May 30 2013.

<sup>3</sup>The official year of the delimitation report was 1976, but some states (including UP and Orissa) started using the new delimitation already in 1974.

was wrong and misleading and that Muslims were not over-represented in the state assembly constituencies that were reserved for SCs between 1974 to 2007.

The evidence is presented in three sections. The next section provides an overview of the political representation of Muslims in India, of the claims in the Sachar Committee Report, and of the problems with the evidence provided in the report. Using archival evidence from the Election Commission records, I then go through how the delimitation process in the 1970s took place. The detailed internal records of the work of the Delimitation Committee show that the process of delimiting constituencies was done systematically on the basis of census data and maps. There is no evidence in the records of the selection of reserved seats being influenced by the demographic distribution of religious communities. However, such biases could have crept in without leaving traces in historical records. In the last section I therefore present estimates of the 1971 Muslim population in 3,199 constituencies in 14 Indian states, and show that at the time of the delimitation the Muslim population was on average lower in reserved constituencies than in general ones, that Muslims only out-number SCs in a few reserved constituencies (while they out-number them in many more general ones), and that the examples provided in the Sachar Committee report were extreme cases that are not representative of the norm. The slight under-representation of Muslims (and other groups) in reserved constituencies is natural, since SC constituencies by construction have a high concentration of SCs. When matching reserved constituencies to comparable general constituencies, there is no difference in the percentage of Muslims in the population across these matched pairs.

These results show that it is an unfounded allegation that Muslims have been over-represented in reserved constituencies. This does not suggest, however, that Muslims have been adequately represented in Indian politics. Looking at the percentages of SCs and Muslims across the constituencies in this dataset it is apparent that there are large groups of Muslims in some

reserved constituencies. The way the reservation system for SCs is designed there will always be large non-SC communities in these constituencies. In the case of Muslims it might seem particularly unfair to be part of such a large minority, since Muslims have been – and remain – politically under-represented in India. The fact that SCs have reservations, while Muslims have no such safeguards, means that there are fewer open seats from which Muslims (and other groups) can compete. The political question remains whether the under-representation of Muslims should be fought by granting political reservations, requiring that political parties should promote more minority candidates, changing the electoral system to accommodate minority representation, or by working harder to reduce the social biases that prevent candidates from minority communities from being electorally competitive in open seats.

## **Muslim representation in India**

The concern about the under-represented of Muslims in Indian politics is not a new issue. In October 1906, after discussions had started about allowing Indians to elect representatives to the legislative councils across the country, a delegation of Muslims visited Lord Minto, the Viceroy of India, in his summer residence in Shimla to demand political safeguards. In an address read by Sir Aga Khan III, they argued that Muslims would remain a minority in a plurality electoral system, and that Muslims must be ensured communal representation. In his response to the address, Minto stated that: “the Mahommedan community may rest assured that their political rights and interests as a community will be safeguarded by any administrative re-organization with which I am concerned” (quoted in Minto 1934, p. 47).

Minto kept his promise. In the Indian Council Act of 1909 several communities, including Muslims, landholders and different commercial interests, were ensured the right to elect community representatives to the Legislative Councils in British India (Ilbert 1910, pp. 432-35).

Ten years later, the Montagu-Chelmsford report (1918, p. 149) strongly discouraged a continuation of the communal representation, but conceded that it would be politically difficult to remove the provisions that were in place:

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

As a result, political reservations for Muslims, and other groups, became a part of the Government of India Acts of 1909, 1919, 1935 and the first draft of the Indian constitution. However, seeing the violent effects of communal conflict at the time of Partition made many of the representatives in India's Constituent Assembly change their minds. In spring 1949, the Advisory Committee on Minorities and Fundamental Rights passed a resolution to abolish reservations for religious minorities. Sardar Patel, the chairman of the Committee, explained in a letter to the President of the Constituent Assembly that the resolution was motivated conditions in the country having “vastly changed since August 1947” and that “it was no longer appropriate in the context of free India and of present conditions that there should be reservation of seats for Muslims, Christians, Sikhs or any other religious community” (CAD 1950/1999, vol. 3, pp. 311-12). The resolution was supported by several of the Muslim representatives in the Constituent Assembly. For example, Begam Aizaz Rasul stated that “reservation is a self-destructive weapon which separates the minorities from the majority for all time” (CAD, 1950/1999, vol. 3, p. 300).

The Assembly consequently removed the constitutional provisions for reservations for religious communities, and only kept them for a limited time period for SCs and Scheduled Tribes (STs).<sup>4</sup>

Over time, however, it has become clear that Muslims in India have remained politically under-represented and lagged behind other group in socio-economic terms. According to the Indian census of 2001, Muslims constitute 13.4% of the Indian population, but their representation in political positions has consistently been lower than that. In an overview of Muslim representatives in the Indian national parliament from 1952–2004, Ansari (2006, p. 64) shows that Muslims only held about 4% of the seats after the 1952 election, that their representation gradually increased to about 9% in the 1980 elections and then declined to 5-7% in the elections between the mid-1980s and 2004. Ansari (2006) concludes that Muslims have been consistently under-represented and that parties' unwillingness to nominate Muslim candidates is one of the main reasons for this under-representation.<sup>5</sup>

Going through data from the 2009 national elections, Jaffrelot et al. (2009) report that 5.5% of the Members of Parliament were Muslims, although more than 10% of the contesting candidates were Muslims. The low success rate of these candidates could mean that political parties fielded Muslims in constituencies where they were not expecting to win the election, or that there was a bias against Muslim candidates among the voters. It could also be that these candidates were less competitive than other candidates, since 393 out of the 832 Muslim candidates (47%) ran as independents and therefore did not have the electoral support of one of the major party networks.

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<sup>4</sup>The original time limit was 10 years, but these provisions have been extended every 10 years since the constitution came into force and are still in place.

<sup>5</sup>He suggested that the representation of Muslims could be increased by making it compulsory for parties to nominate more candidates from religious minorities, by including Dalit Muslims in the lists of SCs, or by dereserving SC/ST constituencies with a high population share of Muslims (Ansari 2006, pp. 400–401).

In an extensive study of the caste-community profile of elected representatives in India, Jaffrelot and Kumar (2009) provide state-wise evidence of the changing nature of members of the legislative assemblies across 16 Indian states. They show that while there has been an increase in the representation of several marginalized groups, the representation of Muslims has remained fairly stable over time. In Uttar Pradesh (UP), where Muslim constituted about 18.5% of the population according to the 2001 census, they have held between 5.5% and 12% of political positions between 1952 and 2002. In West Bengal, with a large Muslim minority (25% in 2001), Muslims have held 9.7-14.3% of the positions in the legislative assemblies.

In ongoing work, Bhalotra et al. (2012) use legislator names to identify Muslim members of state legislative assemblies in India between 1980 and 2007. They find that across India the share of Muslim state legislators has remained between 7% and 8.5% over these decades. Comparing the presence of Muslims in assemblies to their share of the population in each state shows that they are under-represented in every state except the Muslim-majority state of Jammu and Kashmir. There does not appear to be any specific pattern in the fraction of Muslim candidates compared to Muslim legislators. In some states, the fraction of Muslim legislators is slightly smaller than the fraction of Muslim candidates (e.g. West Bengal, Kerala), but the reverse holds true in other states (e.g. Gujarat, Bihar). There is, however, a clear difference in party affiliation between Muslim and non-Muslim legislators: only 1% of Muslim legislators belong to the BJP, compared to 14% of non-Muslim legislators that come from other parties.<sup>6</sup>

## **The Sachar Committee Report**

In recent elections, the demand for reservations for Muslims in educational institutions, governmental jobs and in politics has been used as a campaign strategy by several political

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<sup>6</sup>In ongoing work, Raphael Susewind (2013, forthcoming) has also developed name recognition software that is able to identify the religious community of MLAs. This software relies both on name recognition from name databases and recognition of common combinations of letters, and will therefore probably be able to categorize names better than existing softwares.

leaders. Responding to the increasingly politicized issue of the status of Muslims in India, the Prime Minister's office issued a notification in March 2005 of the creation of a High Level Committee which was to prepare a report on the social, economic and educational status of Muslims in India. This committee, which was chaired by Justice Rajindar Sachar, submitted their report in 2006.

The Sachar report included chapters about demographics, education, employment, bank credit, access to infrastructure, poverty, health and other socio-economic issues. The political representation of Muslims was not part of the Terms of Reference of the report, and in the main text of the report only a few paragraphs are about the political representation of Muslims. Yet, the short foreword of the report includes the following two paragraphs (Sachar, 2006, p. xiii):

“Another issue emphasized before the Committee was that a number of Parliamentary and Assembly constituencies with substantial Muslim voter population are reserved for SCs while the SC population was not high there. Contrarily, constituencies with comparatively lesser Muslim voter population remain unreserved even though they have sizable SC population. It was suggested to the Committee that it would be more equitable to reserve those constituencies where voter population of SCs is high rather than those where it is low and, instead, Muslim presence is high. (See Chapter-2)

This matter is in the purview of Delimitation Commission. The Committee hopes that it would receive the attention of the Government immediately because the Delimitation Commission is at present engaged in this exercise and evidently any suggestion or any exercise to be done by it has to be undertaken during the current term of the present Delimitation Commission.”

The wording of these paragraphs suggests that Muslims have been systematically over-represented in reserved constituencies. Because of its prominent position in the foreword of the report this claim received considerable attention, and has since then been repeated in political debates, newspapers, internet articles and academic papers.<sup>7</sup> Some of those commenting on the report have denounced the evidence in the report and called it a political gimmick meant to set the stage for a political demand for reservations for Muslims, but a lack of easily available data has made it hard to provide consistent counter-evidence.<sup>8</sup> In this paper I try to provide such data by explaining in some detail the process by which seats were reserved for SCs by the Delimitation Commission in the 1970s and by presenting estimates of the percentage of Muslims across general and reserved constituencies. First, however, I will address some of the problems with the evidence of the representation of Muslims that was presented in the Sachar Committee Report.

The conclusion in the Sachar Committee report about Muslims being over-represented in reserved constituencies was based on weak evidence. In Chapter 2 of the report it is noted that in talking to Muslims across Indian states the “[a]ttention of the Committee was drawn to the issue of Muslim concentration assembly constituencies being declared as 'reserved' constituencies

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<sup>7</sup>The claim has been discussed by, among others, Basant (2007), Kalam (2007), Alam (2008), Ahmed (2008) and Yadav (2008). There are also many newspaper articles and blog posts about the evidence presented in the report. For example, on 19 April 2011 Mumtaz Alam Falahi reproduces the tables from the Sachar committee in a post at twoCircles.net and commented that “It’s like killing of two birds with one stone. Constitutional requirements for one community is fulfilled at the cost of the other. Seats are reserved for Scheduled Castes in legislative bodies in the country - a constitutional obligation - but it is done in effect by diminishing the Muslims representation in the very legislatures.” This article was then posted on other blogs, including the blog of Congress politician Mohd. Khaleequr Rahman.

<sup>8</sup>For example, the keynote speaker in a seminar about the report in Ahmedabad, Dr Rakesh Sinha from the Department of Political Science at the University of Delhi, denounced the report: “There was no transparency in the working of the committee. It has twisted facts and figures. It has even suggested delimitation of constituencies so that the Muslim population in different places can come under one constituency. This is a clear case of overreach and a precursor to the demand for religion-based reservations” (cited in an article posted on [URL] [www.expressIndia.com](http://www.expressIndia.com) April 27 2008, accessed May 30 2013).

where only SC candidates can contest elections. By this move, it was argued that Muslims are being systematically denied political participation” (Sachar 2006, p. 25). As mentioned in the introduction, it was then stated that efforts were made to ascertain this allegation, and that it had been found to be true on the basis of data from UP, Bihar and West Bengal (Sachar 2006, p. 25, footnote 7):

“The data shows that constituencies which have been declared reserved for SCs by the Delimitation Commission in these three states are by and large those constituencies where Muslims live in greater numbers often more than 50 per cent as well as their proportion in the population is higher than that of SCs. On the other hand, there are quite a large number of other constituencies within the respective states, where the share of SCs is large, often closer to or even more than one half but these are declared as ‘un-reserved’. Arguably, this can be seen as discriminatory and certainly reduces the opportunities that Muslims have to get elected to democratic institutions.”

The data that was collated by the Committee was appended to the report, and the data provided for UP has been reproduced in Figure 1. Looking at the data in Figure 1, the conclusion drawn by the Committee seems fair. The numbers show areas in UP that are said to be reserved and which have a higher population of Muslims than SCs, and clearly show that other general areas have a high number of SCs and a low number of Muslims. This evidence has been criticized for being weak because there are few cases and that these cases may not be representative. This is an important criticism, since the data that it presented includes only 8 reserved and 9 general areas in UP (and 9 reserved and general areas from Bihar and 10 reserved and general areas from West Bengal). In addition, however, the numbers are both wrong and misleading.

**Appendix Table 2.2: State Assembly Electoral Constituency / Tahsil, Reserved for Scheduled Castes with relative share of Muslim Population**

Tahsil Name	Total Population	Muslim Population	SCs Population	STs Population	SCs Pop as % of Total Population	Muslims as % of Total Population
<b>Uttar Pradesh : Reserved Assembly Constituency</b>						
Hapur	773899	220996	181026	11	23.4	28.6
Najibabad	605199	297892	139227	418	23.0	49.2
Nagina	625366	264523	134807	2004	21.6	42.3
Koil	1373814	368210	283384	203	20.6	26.8
Khalilabad	605777	194538	123577	192	20.4	32.1
Mankapur	530697	95791	87701	9	16.5	18.1
Jansath	767827	280764	125816	0	16.4	36.6
Faridpur	383771	88280	61607	0	16.1	23.0
<b>Uttar Pradesh: Un-Reserved Assembly Constituencies</b>						
Marihan	189950	6167	93575	617	49.3	3.2
Ghorawal	225824	10198	100869	8	44.7	4.5
Lalganj	287983	17125	122031	189	42.4	5.9
Hardoi	975970	85110	391950	98	40.2	8.7
Misrikh	764302	65750	289823	19	37.9	8.6
Sandila	828047	120541	309395	75	37.4	14.6
Haidergarh	507962	72085	182517	61	35.9	14.2
Bakshi Ka Talab	276134	33062	98476	93	35.7	12.0
Tahrauli	151202	4688	53302	57	35.3	3.1

Figure 1: Evidence from UP of Muslims being over-represented in reserved constituencies (reproduced from Sachar, 2006, p. 269).

The first problem is that the data presented is for administrative blocks, not for constituencies. For example, the first row of data is for Hapur tahsil, not Hapur constituency. Hapur tahsil is an administrative block that was split between three constituencies in the 1976 delimitation (and in the 2008 delimitation). In the 1976 delimitation, Hapur Tahsil was split between constituency number 391 Hapur (reserved for SC), 392 Garhmukteshwar (general) and 398 Kharkhauda (general).<sup>9</sup> In other words, the numbers in the first row of the table represent data for three assembly constituencies, of which only one is reserved. This problem applies not only to Hapur, but to the other cases that are presented too, since there is hardly ever a perfect overlap between political constituencies and administrative blocks in India.

<sup>9</sup>Which after Uttaranchal became an independent state became constituencies 375, 376, 382.

The second problem with the data is that it is from the 2001 census of India, while the Delimitation Commission, which drew these boundaries and selected these seats, worked with data from the 1971 census of India. Since there have been considerable changes in the total population, the SC population, and the religious composition in India between 1971 and 2001, the data is potentially very different from the data that was originally used to create these constituencies.

Finally, and most importantly, the cases that are shown are extreme cases that do not provide an accurate impression of the SC population or Muslim population in reserved and general constituencies in the three states. As will be shown in Figure 2, there are places in UP, Bihar, West Bengal and other states that are reserved for SCs although they have a low SC population and a high Muslim population, but this is not the norm. In the next section I will describe how the selection of reserved seats took place in the 1970s and show that there is no evidence of bias against the Muslim community in the work of the Delimitation Commission.

## **The delimitation process**

The boundaries of state assembly constituencies and parliamentary constituencies in India are determined by the Delimitation Commission, which is set down by the Government of India under the provisions of the Delimitation Commission Acts. When the constitution of India was drafted, the intention was that a new Delimitation would be conducted after every decennial census, in order for all constituencies to retain approximately the same population size. Consequently, a Delimitation Commission was formed, and new constituency boundaries were drawn out, in 1952, 1963 and 1972. However, in the 1970s it was decided to ‘freeze’ all political boundaries until 2001, as increasing the political representation of areas with a higher birthrate was seen as a perverse incentive to the implementation of family planning programs.<sup>10</sup> The result

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<sup>10</sup>The decision was implemented in the 42nd Amendment to the Indian Constitution in 1976.

was that the boundaries of most constituencies in India, and therefore also the location of the constituencies reserved for SCs, remained the same between 1974 and 2007.

The work of the Delimitation Commission of the 1970s was meticulously recorded and kept in the archives of the Election Commission of India, and I studied the work of the Commission by going through these records.<sup>11</sup> The first draft of new constituencies was completed in the Election Commission premises in New Delhi. The Commission received district-wise booklets from the Census of India office, with information about the overall population, SC population and ST population in each village in India, according to the 1971 census. A group of civil servants consulted these booklets, as well as maps of the districts, and drew out suggested new constituencies. Their goal when delimiting the boundaries of each constituency was to ensure geographically coherent areas with a similarly sized electorate. State assembly constituencies were to fit within the boundaries of each district, while Lok Sabha were constructed from several State Assembly constituencies, and could therefore cross district boundaries. The documents they worked with did not contain information about the religious composition of villages or districts.

Once all the constituency boundaries had been drawn out, the next step was to select seats to be reserved. According to the Delimitation Act of 1972 (GOI, 1972), there were two selection criteria: (1) that the proportion of SCs should be high in selected constituencies and (2) that the reserved constituencies should be geographically spread out within the state. In practice this meant that states, and then districts, were ‘assigned’ reserved seats on the basis of the proportion of SCs in their population. For example, since 13.3 % of the population in Andhra Pradesh was SC, and since the state assembly was supposed to have 294 political seats, 13.3% of those 294 seats were to be reserved. In the same way, if a district had 13 % SCs and 6 political seats, then

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<sup>11</sup>This information in this section is based on my archival work in the record room of the Election Commission in February 2011. I am grateful to the Director of Statistics Yashvir Singh for granting me access to these records. Soon after I consulted the records they were transferred to the National Archive in New Delhi, where they are now publicly available.

$6 \times 0.13 = 0.78 \approx 1$  reserved seat was assigned to that district. If a district was eligible for one reserved seat, the constituency with the highest proportion of SCs within the district was to be assigned to be reserved. If a district was eligible for more than one seat, the two constituencies with the highest proportion of SCs, which were not bordering each other and preferably not in the same block or subdivision, were supposed to be chosen to be reserved. Similarly, reservations were given to the Lok Sabha seats with the highest proportion SCs within each state that were not bordering each other and preferably not in the same Division of the state. At this stage of the delimitation it therefore seems unlikely that the Delimitation Commission could have discriminated against religious minorities in their work.

At the next step of the delimitation process, however, there was some room for political maneuvering. Each state was asked to select 5 Members of Parliament and 5 Members of the Legislative Assembly to serve as associate members of the Commission. These associated members were supposed to go through the suggested constituencies and provide local knowledge about geography and infrastructure that might make the constituencies unpractical. The Delimitation Commission also travelled to each of the states and had open public meetings where they heard the opinions of people about how the borders should be redrawn. In addition, the Commission received many letters from people trying to influence the delimitation process. Their records include minutes from these meetings and copies of these letters, and show how they treated the various suggestions.

Without doubt the most common concern that was raised was about moving the location of reserved seats. In most of these cases the Delimitation Commission made it clear that they would not follow such suggestions. For example, in the *resume* (summary) of the public sittings and meetings with associate members in various cities in Madhya Pradesh in 1974 it was written that “[s]everal proposals were made for revising the extent of the seven constituencies in the district

with the main object of shifting the SC seat [...] These proposals were also made in the meeting with the Associate Members but were not accepted by the Commission. We may not make any change in the extent of the constituencies.” The extent to which the Delimitation Commission ignored suggestions they perceived as politically motivated can be gaged from a letter of March 29, 1975 from Bhogendra Jha, associate member from Bihar, who wrote: “We beg of you to express our shock and surprise at the proposals having almost totally hushed aside duly signed and argued proposals by three-fourths of the associate members. Even criterias of geographical compactness, administrative boundaries, communication facilities, etc. have not been given the least consideration in several cases.”

There are some exceptions to the Delimitation Commission assigning the constituencies with the highest proportion of SCs to be reserved for SCs. In some cases the constituency with the highest proportion of SCs also had the highest proportion of STs and was therefore reserved for STs. In some other cases the Commission chose to pick the constituency with the second highest proportion SCs to be reserved because it was argued that the area with the highest proportion of SCs had already been reserved for the past 20 years, and that this led to people in the area losing interest in politics. Other than that, the records suggest that the Commission was fairly faithful to their task of selecting reserved seats on the basis of the concentration of the SCs in the population and spreading the reserved seats out within the state. At no point in the internal documents of the Delimitation Commission is there any mention of the proportion of Muslims or other religious communities in delimiting constituencies or assigning reserved seats.

The result of the step-wise selection of reserved seats effectively spread the constituencies reserved for SCs across the country, but also meant that many constituencies with a high percentage of SCs remained general. Looking at the 14 largest Indian states, the percentage of SCs in the general constituencies that were created in the 1970s ranged from about 0.2 % to 51.7

%, with an average percentage of 14 %. In the constituencies reserved for SC, the percentage of SCs in the population ranged from 4% to 66.5% (in Bihar and West Bengal respectively), with an average of about 25 %.<sup>12</sup>

## **Muslims in Indian constituencies**

Evidence presented in the previous section suggest that the Delimitation Commission did not take the religious composition of areas into consideration when they drew constituency boundaries or selected reserved seats. As was explained, however, such biases could have crept in through the pressures and suggestions made by local politicians. To determine whether this actually happened, we need to look at the actual numbers of Muslims in the constituencies that were created in the 1970s. The best source for this information is the 1971 census of India, since this was the data consulted by the Delimitation Commission, politicians and others at the time of the drafting of the delimitation.

There were two major challenges to working with the 1971 census data. First, the data were not electronically available. Second, the geographical units of the census are different from political constituencies. The first problem was solved by entering the data for the religious composition for each block in the 15 largest Indian states.<sup>13</sup> The second problem was solved by creating estimates for the religious composition of constituencies based on this block level data. Going through the 1976 Delimitation report, it is easy to identify which blocks overlapped with which constituencies. One constituency typically consisted of about 1.5 blocks, and in such cases the estimated constituency level values are the sum of the values for the whole block and half of

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<sup>12</sup>The numbers for the percentage SCs in each constituency in the 1970s are from the internal records of the Delimitation Commission.

<sup>13</sup>This work was done in collaboration with Dr Sanjeer Alam at the Center for the Study of Developing Societies and with the excellent research assistantship of Jeevan Kumar.

the values for the other block. I was able to do this for 14 states.<sup>14</sup> Since the constituency level estimates are population-weighted estimates they might not be perfectly accurate at the constituency level, but assuming that the mistakes are uncorrelated with whether a constituency is reserved or general, the group averages for the reserved and general constituencies should be unbiased.

The resulting dataset has estimates of the religious composition of each of the 3,199 constituencies in the 14 states at the time of the 1970s delimitation. On average across the constituencies in these states, Muslims constituted 10.3% of the population.

Summary statistics for the Muslim population across the constituencies in these states are presented in Table 1. The first column (N) gives the number of state assembly constituencies included in the dataset, the other columns show the minimum, maximum, median and average percentage of Muslims in the constituencies in each state. As we can see from the table, the percentage of Muslims is the highest in West Bengal (since Jammu and Kashmir is not included), where the percentage of Muslims ranged from about 0.5% to almost 80%, with an average of about 20.5%. A median value of about 14.3% means that half of the constituencies had less than 14.3% percentage of Muslims, but that a few constituencies with a very high percentage of Muslims pulled up the average. Kerala had a similar pattern, while in other states the numbers of Muslims across the constituencies were lower.

One of the concerns often raised about the representation of Muslims in India is that they are in minority in almost all constituencies and therefore cannot easily get elected. The estimates presented here confirm this concern, as they suggest that Muslims only formed the majority in of the electorate in 52 constituencies in these 14 states between 1974 and 2007 (1.6% of the

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<sup>14</sup>The states included in the data are Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, UP and West Bengal. Data for Orissa was excluded in this case because of issues in matching up blocks and constituencies. The merging work was done in collaboration with Dr Rikhil Bhavnnani and has been described in further detail Jensenius (2013).

constituencies). However, given that about 8% of Indian politicians from 1980 to 2000 were Muslims, most Muslim candidates who have won elections must have done so with the support of non-Muslim communities.

Table 1: Summary statistics for the percentage of Muslims in state assembly constituencies in 14 Indian states

	<b>N</b>	<b>Min</b>	<b>Max</b>	<b>Median</b>	<b>Mean</b>
Andhra Pradesh	294	0.12	35.61	6.41	8.10
Bihar	324	1.04	72.44	10.98	13.46
Gujarat	181	1.37	31.30	7.18	8.36
Haryana	90	0.19	76.36	0.85	3.90
Himachal Pradesh	68	0.03	9.72	0.65	1.47
Karnataka	224	2.01	28.67	10.22	10.61
Kerala	140	1.35	70.23	14.24	19.50
Madhya Pradesh	320	0.24	25.79	2.83	4.35
Maharashtra	288	0.81	31.47	7.84	8.40
Punjab	117	0.02	15.18	0.34	0.81
Rajasthan	200	0.36	42.37	5.11	6.88
Tamil Nadu	234	0.82	25.56	4.13	5.11
Uttar Pradesh	425	0.05	59.74	13.06	15.49
West Bengal	294	0.46	79.88	14.29	20.47

## More Muslims in reserved constituencies?

The data presented in the previous section suggest that Muslims formed a majority of the electorate in only 52 constituencies in the 14 states covered in the data. But are there more Muslims than SCs in many reserved constituencies? Figure 2 shows the percentages of Muslims and SCs in the constituencies in the sample. The left plot shows the general constituencies in the sample, while the right plot shows the constituencies reserved for SCs.

The diagonal line splits the constituencies into areas where there are more SCs than Muslims and constituencies where there are more Muslims than SCs. Since both groups are large

minorities who are spread unevenly across India, there are cases of both reserved and general constituencies with more Muslims and with more SCs. Overall there are 51 reserved constituencies (out of the 480) where there are more Muslims than SCs, and there are 2 reserved constituencies with a Muslim *majority*. It is therefore a clear exaggeration to claim that Muslims are “often more than 50 per cent” as was stated in the Sachar Commission report (footnote 7 p. 25).

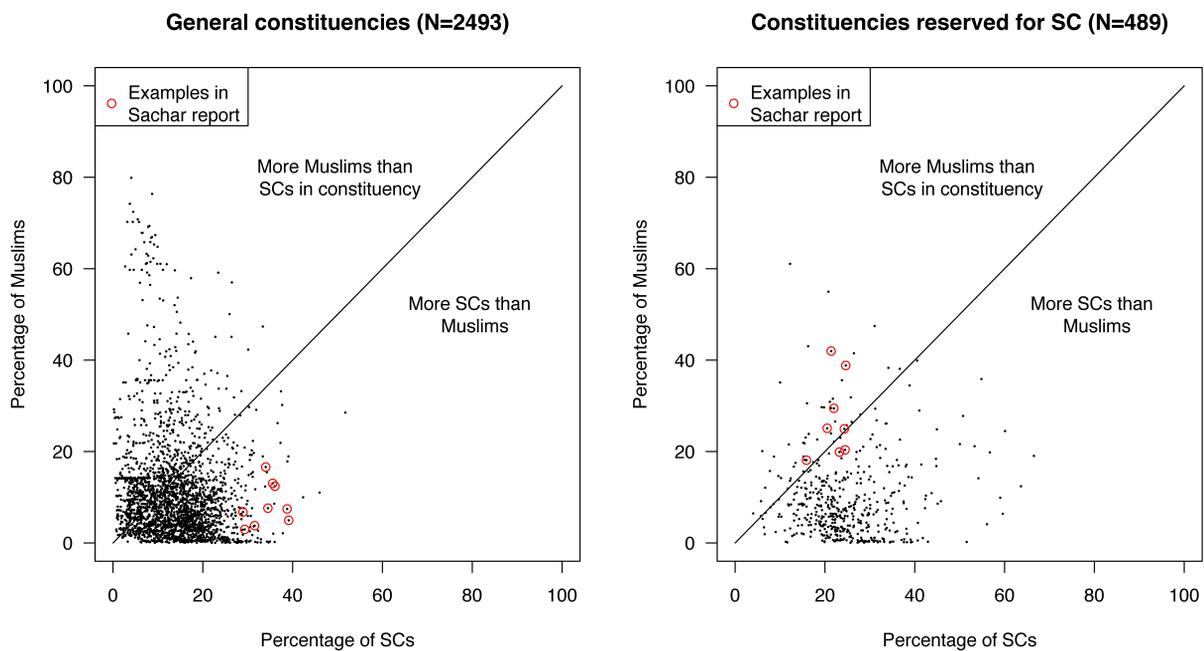


Figure 2: Percentage of Muslims and SCs in constituencies across 14 Indian states

The circles around some of the dots in the plots show the constituencies that roughly correspond to the *tahsils* (blocks) from UP given as evidence in the Sachar committee report for Muslims being over-represented in reserved constituencies. As we can see in the plot of general constituencies, the areas given as examples are extreme cases that had a higher percentage of SCs and a lower percentage of Muslims than most of the other constituencies. In the plot of reserved constituencies, we can see that the examples in the report are extreme cases where the Muslim

representation was unusually high compared to the SC population. As is quite apparent in these plots, there are many constituencies across India where there are more Muslims than SCs, but that is not the typical scenario in reserved constituencies, and it is not more common in reserved constituencies than in general ones.

Finally, we can return to the question of whether there were more Muslims in reserved constituencies than in non-reserved constituencies. If this was the case we should expect to see that the percentage of Muslims was higher in reserved constituencies than in non-reserved constituencies. The left plot of Figure 3 shows the distribution of the percentage of Muslims in general constituencies and constituencies reserved for SCs. In general constituencies we can see that the average value for Muslims was about 11%, while in constituencies reserved for SCs it was about 10%. In other words, there were on average *fewer* Muslims in reserved constituencies than in general constituencies, and these differences are statistically significant from 0 ( $p < 0.01$  in a Welch two-sample t-test).<sup>15</sup>

This finding is not surprising given that constituencies reserved for SCs were selected because they had a higher percentage of SCs than other constituencies. If there were more SCs in these constituencies then by construction there were fewer others. It might therefore be more interesting to look at the percentage of Muslims among the non-SCs in the population in these constituencies. The right plot in Figure 3 shows the percentage of Muslims among the *non-SCs* in general and reserved constituencies. In this case we see that Muslims constituted 12.7% of the population in general constituencies and 13.3% in constituencies reserved for SCs. This difference of 0.6 percentage points is not statistically significant.

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<sup>15</sup>In constituencies reserved for STs, the proportion Muslims is much lower than in both general constituencies and constituencies reserved for SCs. This is probably because ST seats are not spread out geographically, but are assigned to areas with a very high proportion STs. This is not really possible to do in the case of SCs, since SCs are much more spread out across the country than STs.

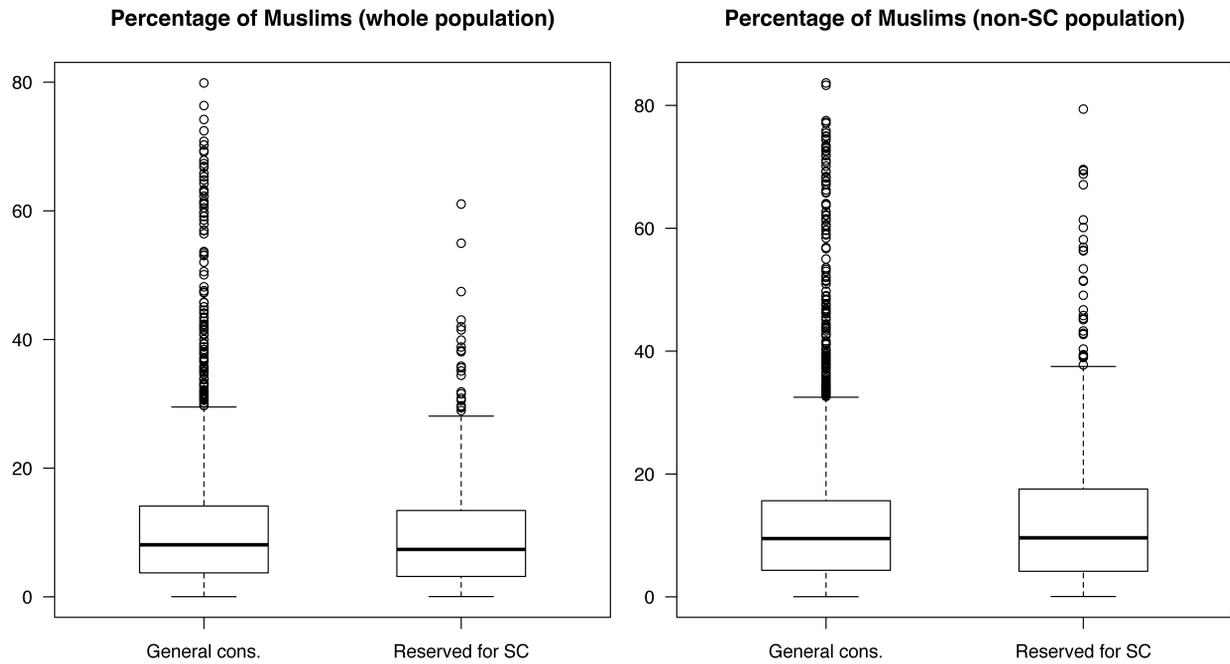


Figure 3: Percentage of Muslims in reserved and general constituencies across 14 Indian states

However, looking at this data at the aggregate level may conceal important state-wise variation. Figure 4 shows the percentage of Muslims in reserved and general constituencies across the 14 states in the sample. In the plot we can see the average percentages as well as the range of percentages of Muslims (minimum to maximum) in reserved and general constituencies. P-values from significance tests (Welch two-sample t-test) are reported on the right side of the plot. Consistent with the cross-state findings, we see that the percentage of Muslims is consistently lower in reserved constituencies than in general ones across all the states. For the most part these differences are not statistically significantly different from each other, except for Bihar and Rajasthan where there are statistically significantly fewer Muslims in reserved constituencies than in general ones.

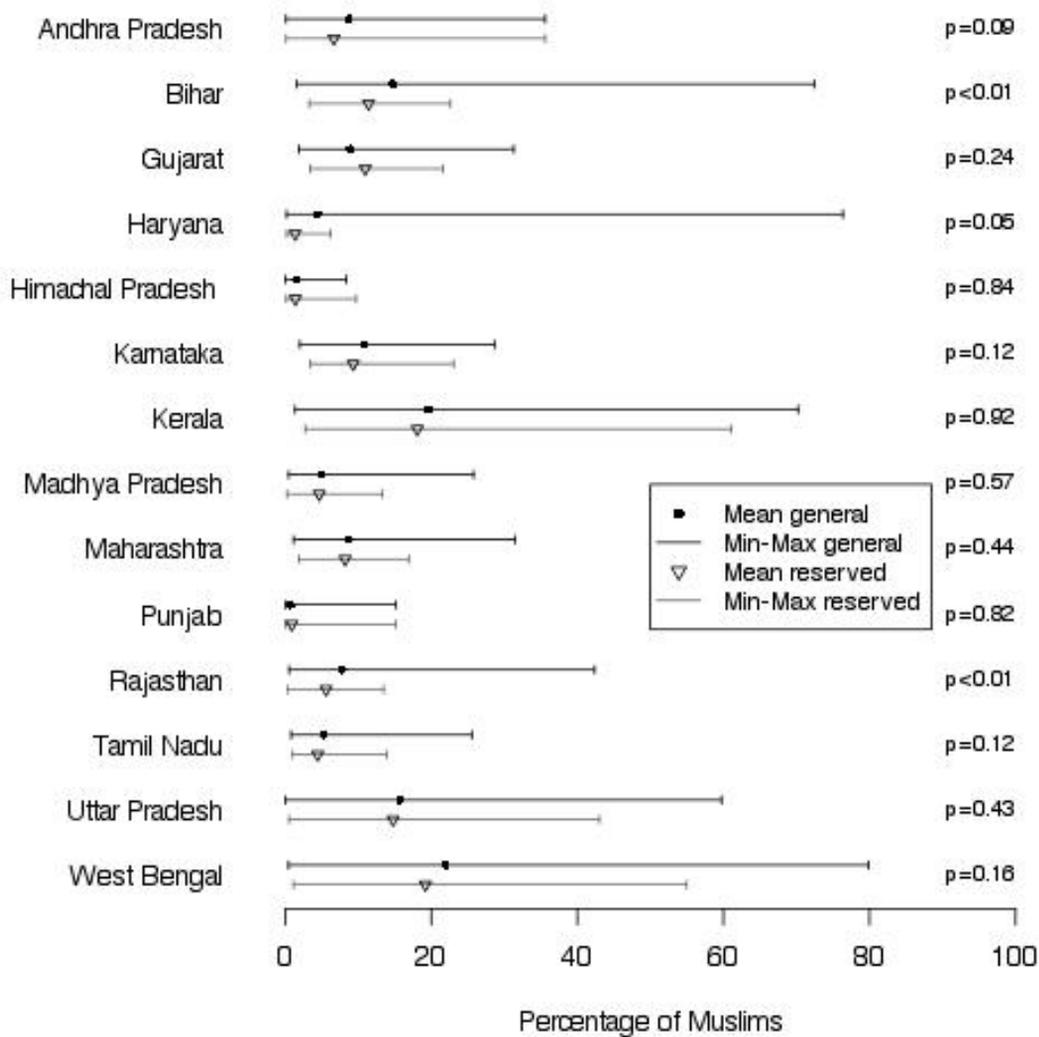


Figure 4: Percentage of Muslims in reserved and general constituencies by state

Looking at the data in this way may still be biased, because there might be a correlation between where Muslims and SCs happen to live. Perhaps there are generally *fewer* Muslims in areas where there are many SCs and a similar percentage of Muslims in general and reserved constituencies might therefore be concealing a bias where reserved constituencies have more Muslims than *comparable* general constituencies. To see whether this is the case, I matched each of the reserved constituencies in the sample to a general constituency within the same district

with the most similar percentage of SCs in the population. This means that for each reserved constituency, I found the general constituency within the same district with the most similarly sized SC population, and I then reduced the sample to only comparing these pairs of very similar reserved and general constituencies.<sup>16</sup>

Table 2: Output from matching models

	Full data	Matched data	Matched with caliper
Percentage of Muslims in general cons.	11.0	9.9	8.8
Percentage of Muslims in reserved cons.	9.7	9.7	8.6
Difference in means	-1.3	-0.3	-0.2
P-value	<0.01	0.39	0.65
Percentage of SCs in general cons.	13.8	21.1	20.7
Percentage of SCs in reserved cons.	24.8	24.7	20.8
Difference in means	11.0	3.6	0.1
P-value	<0.01	<0.01	0.93
Number of general constituencies	2493	487	116
Number of SC constituencies	489	487	116

Table 2 presents the results from the matching analysis. The first column shows the percentage of Muslims and SCs in the full data, the second column presents the data for the matched cases. Here we see that there is still an average difference of 3.6 percentage points in the percentage of SCs in the constituencies, since the constituency with the highest proportion of SCs

<sup>16</sup>An exact match on state and district and a closest neighbor match on percentage of SC in the constituency, without replacement, was done using the package Matching in the R programming environment. Since the reserved constituencies were selected on the basis of percentage of SCs within each district, matching constituencies in this way should make the matched constituencies very similar on other characteristics too. I checked the balance for these matched constituencies on a range of other variables available in the primary census abstract, such as the literacy rate in the constituency, the percent STs, the percent workers and so on and found that they were indeed very comparable. None of these other variables came out as statistically significantly different in a t-test or a KS-test. For a more extensive discussion of matching constituencies, see Jensenius (2013).

sometimes has a much higher percentage of SCs than the constituency with the second-highest proportion of SCs. These pairs are still much more comparable than the whole sample, and here we see that the percentage of Muslims is only about 0.25 percentage points lower in reserved constituencies than in general constituencies, but this difference is not statistically significant (p-value of 0.39 in a paired t-test).<sup>17</sup>

In the third column I present a matching model where the matches were restricted to being at most 0.5 percentage points apart. This means that if the general constituency that was paired up with a reserved constituency had an SC population that was more than 0.5 percentage points smaller than the reserved constituency, then this pair was discarded from the analysis.<sup>18</sup> In this case we are left with 116 pairs of very similar constituencies, where the reserved constituencies only have 0.07 percentage points more SCs than the general constituencies on average. In other words, here we are comparing very similar pairs of constituencies within the same districts, of which half were reserved and half were general. When we compare very similar constituencies in this way, we can see that there was virtually no difference in the percentage of Muslims in reserved and general constituencies. The difference of 0.1 percentage points is far from being statistically significant (p-value of 0.93 in a paired t-test). There is no pattern in this data of Muslims being over-represented in reserved constituencies.

## **Conclusion**

Muslims have been under-represented in Indian politics since independence. In the Sachar Committee report from 2006, evidence was provided that a number of constituencies reserved for Scheduled Castes (SCs) have a high proportion of Muslims and a low proportion of SCs. This

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<sup>17</sup>A two-sample t-test is used when looking at the full data, but on the matched data I use a paired t-test since we can assume the same variance in the two groups after they have been matched up.

<sup>18</sup>Here I used a caliper on the variable for percentage of SC, so that matched pairs could be at most 0.5 percentage points apart on that variable.

information could be interpreted as an allegation that the Delimitation Commission willfully had assigned reserved seats to areas with a high concentration of Muslims in order to weaken the political influence of the Muslim community.

This paper has shown that the evidence provided by the Sachar report was misleading and that Muslims were not over-represented in the state assembly constituencies that were reserved between 1974 and 2007. The detailed records of the work of the Delimitation Committee in the 1970s show that the process of delimiting constituencies was done systematically on the basis of census data and maps. The Delimitation Commission was under strong political pressure to change borders and change the location of reserved seats, but this was mostly related to politicians wanting to avoid their constituency becoming reserved, and such suggestions were for the most part rejected by the Delimitation Commission. There is no evidence in the records of the selection of reserved seats being influenced by the demographic distribution of religious communities. This can be confirmed by looking at the actual numbers of Muslims in reserved and general constituencies. Using estimates of the Muslim population across the constituencies in 14 Indian states, based on block-level data from the 1971 census, I show that Muslims were a majority in only 52 state assembly constituencies (of which only 2 were reserved) and that Muslims were not over-represented in reserved constituencies. When we compare reserved constituencies to comparable general constituencies there is no difference in the percentage of Muslims in their populations.

It is true that the Muslims population is sometimes larger than the SC population in reserved constituencies, but that is the result of Muslims being more numerous than SCs in many constituencies across India. The SC reservations have been designed in such a way that SCs are usually a minority in reserved constituencies, and the majority of people living in reserved constituencies will therefore be unable to run for election. Sometimes Muslims form a large part

of those other people, and this does affect the Muslims from that constituency politically, since the competition is blocked off for only SC candidates. This is one of the disadvantages of reserved seats: some people are guaranteed representation at the cost of others. However, as I have shown in this paper, the SC reservations have not affected the Muslim community any more or less than other non-SC communities. In the case of Muslims it might seem more unfair to lose the opportunity to compete from a constituency with a large co-religious community since Muslims have been politically under-represented in India, but the current Indian electoral system is not based on an assumption of ethnic voting. Unfortunately, there is no easy solution to how to design quotas that help some without seeming unfair to others.<sup>19</sup> The only good solution to improving the representation of all groups in India is to either change the electoral system to a more proportional design or to reduce social divisions and biases enough for candidates from all groups to become competitive without the help of institutional safeguards.

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<sup>19</sup>The type of legislative quotas with common rolls that is currently used for SCs and STs, prevent other groups from running for election in the reserved areas. A rotation of the reserved seats prevents politicians from building up their support base and work with a long time-horizon. Separate electorates for different groups may strengthen social cleavages between groups and thereby create more conflicts. Party quotas, where political parties have to field candidates from a variety of groups, are less intrusive than legislative quotas but might lead to parties fielding minority candidates in areas where they have little support. The best solution is perhaps to move to a proportional representation type of electoral system, but that is likely to increase communal tension because it will make it more profitable to politicize caste and communal cleavages.

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