
Dr. Mazher Hussain
The Islamia University of Bahawalpur, Pakistan

Mian Muhammad Ahmad
The Islamia University of Bahawalpur, Pakistan

Muhammad Anwar Farooq
The Islamia University of Bahawalpur, Pakistan

A B S T R A C T

The electorates are the key players in the true functioning of the democracy, destined to exercise their will with their sovereignty to elect the members of the Parliament and assemblies. In this way, they play an effective role in the indirect mode of political participation, called the elections, and by their right to vote called the franchise or suffrage. The evolution of the idea of electorates in United India is an interesting episode of South Asian History in terms of the British legacy. How this idea evolved and flourished here is the core theme of article in hand which highlights the efforts of Indians in securing their constitutional rights through peaceful struggle which is a great lesson for today’s terrorism-stricken world.

K E Y W O R D S


The idea of elections, (based on representatives and electorate), assemblies in the modern sense had been developed as late as 1850s. According to Maurice Duverger, “in 1850 no country in the world (except the United States) knew political parties in the modern sense of the world. There were trends of opinion, popular clubs, philosophical societies, and parliamentary groups, but no real parties” (Maurice Duverger, 2000, p.23).

In the third world countries including Indian subcontinent, the political system was developed under the aegis of imperialism. The Industrial Revolution (1700-1950) introduced a new form of imperialism as European countries competed throughout the world both for raw materials and for
trade markets. In the late 19th century imperial ambitions were motivated in part by the need for commercial expansion, the desire for military glory, and diplomatic advantage (Maurice Duverger, 2000, p.213).

However, in the Indian subcontinent, it was the British who, after replacing the old Mughal Monarchy (1526-1857), introduced parliamentary system on western footing. Even before the assumption of the power by the British Crown, many rules and regulations were introduced to regulate and consolidate the rule of the East India Company (est.1600) (Char, 1983, pp.213-350). These rules although ensured an effective check and balance over the affairs yet the inclusion or representation of the masses in the affairs of the Company was out of question at least at that time.

2. THE QUEST FOR ELECTORATE AND METHOD OF ELECTIONS: THE GOVERNMENT OF INDIA ACTS 1861 AND 1892

The period between 1773 and 1861 is generally marked by the totalitarian attitude of the British. After quelling the war of Independence 1857, it took another five years to make an enactment (1861) to include some natives in the affairs of the government (Bimanbedari Majumdar, 1965, pp.137-138). Later different experiments were put into effect to expand and enhance this inclusion and representation of the people. Also, to organize the public opinion about the efficacy of the British government, the British encouraged forming the first Indian Political Organization, called the Indian National Congress (hereafter INC) in 1885 (Mukherjee & Mukherjee, 1957, p.24). From the very beginning INC, contrary to the expectations, expressed grave discontent with the form of government established, under the Act of 1861 and pushed for the reform and expansion of the legislative councils by the admission of a considerable proportion of elected members to it. In addition, INC also demanded that similar councils should be established for different provinces with the right to discuss budget. By 1890, these continuous insistences from INC compelled the British to introduce some reforms on the existing Act of 1861, which led to the introduction of new enactment in the form of the Indian Council Act 1892 (Tara Chand, n.d., p.107).

The first reform, that the Act of 1892 introduced, was to increase the number of additional members both in the Central and the Provincial Council to not less than ten and not more than sixteen (Mukherjee & Mukherjee, 1957, pp.26-27). While in case of Provincial Councils of Bombay and Madras the increase was between 8 and 20, for Bengal 20, and for the North-Western Provinces and Oudh at 15. However, the method of election was not yet introduced rather the selection or nomination to the Councils was put into effect (Reginald Coupland, 1967, p.72). The Act empowered the Governor General in Council, with the approval of the Secretary of State, to make regulations for the nomination of additional member and to prescribe the way such regulations should be put into effect. This provision was considered sufficiently comprehensive to include the method of election (Mukherjee & Mukherjee, 1957, p.27). Lord Cross, the then Secretary of State for India was opposed to the introduction of the electoral system and consequently no provision was made in the original bill to embody the elective principle. However, the much-heated debate on electoral issue in the British Parliament, resulted in disdaining of the term ‘election’ with a view that the electoral system was unfamiliar to oriental ideas and, therefore, had only been tried on a small scale in local bodies (John Cumming, n.d., p.99).
3. THE GOVERNMENT OF INDIA ACT 1909 AND THE INCREASE OF INDIANS’ VOICE

There is no doubt that the Act of 1892 enlarged the function of the Council and Indians could put questions yet a lot was left to be introduced or put into practice. Indians were without any real voice in the administration of their country. The non-official members were not authorized to amend the bills introduced by the government. The Act, in its actual functioning, was like a steam engine without necessary material to generate steam and eventually led to discontent among the political quarters of India (A.B. Keith, n.d., p.59). The demand for an effective package of reforms increased continually and it was the result of almost eleven years of agitation and effort that the Minto-Morley Reforms (1909) were introduced.

In 1909 Reforms, it was agreed that in the immense diversity of interests and opinions in India, representation was the only practicable means of embodying the elective principle in the constitution of the Councils. For certain limited interest, such as the presidency corporations, universities, chamber of commerce or planting community, it was an easy task to frame limited electorate. Difficulties began when it was a question of providing for widespread interests or communities, such as the land holding or professional classes, or for important minorities, such as Mohammadans in many provinces or the Sikhs in the Punjab. The Mohammadans indeed had pressed for and obtained from Lord Minto (1905-1910) a promise that they should elect their own members in separate Mohammadan constituencies (Aga Khan, n.d., pp.112-113). Similarly, to the large landowning interests, a special electorate was conceded based on a high franchise. The residuary constituencies for the provincial councils which constituted the only means of representation of the people at large were constructed out of municipalities and district boards voting in groups (Aga Khan, n.d., p.119).

The provincial legislatures were enlarged up to a maximum limit of 50 additional members in the larger provinces and 30 in the smaller and the composition was generally so enlarged as to give a combination of officials and nominated non-officials a small majority over the elected members except in Bengal where there was a clear elected majority (Sardar Ali Khan, 2005, p.62).

The Imperial Legislative Council was also enlarged. The number of additional members was ordinarily 60, out of which, not more 28 might be officials. The Governor General also nominated three non-officials to represent certain specified communities and had at his disposal two other seats to be filled by nomination. In this case, also it was found necessary to rely largely upon the representation of interest rather than territories (Mukherjee & Mukherjee, 1957, pp.35-36). The 27 elected seats were partly shared by certain special constituencies, such as the landowners in seven provinces, the Mohammadan in five provinces, Mohammadan landowners in four provinces (at alternate elections only), and two chambers of commerce, while the residue of open seats was to be filled through election by the non-official members of the nine provincial legislative councils (A.B. Keith, n.d., pp.139-140).

Minto-Morley Reforms of 1909 admitted the need for increased representation, while reiterating the impossibility of basing it generally on a direct or general franchise. They admitted the desirability of generally securing non-official approval to the government legislation, though they trusted in an emergency to the support of nominated members, to the sharing out of interests.
between different classes of elected members, and in the last resort to overriding legislation in the Indian Legislative Council where an official majority was retained (A.B.Keith, n.d., p.119).

The reforms of 1909 tried to remove the fiction of nomination of elected representatives and openly adopted, wherever practicable, the system of election for the appointment of non-official members to the various legislative councils (John Cumming, n.d., pp.109-110). This was no doubt a step in the right direction, but the proposals made by the Government of India to carry into effect the principle of election were most novel, scientifically unsound and socially vicious and mischievous, and they were rightly condemned by the intelligentsia of all communities (Reginald Coupland, 1967, p.89).

The electorate created by the regulation under the Act of 1909 was divided into three main categories:

1. General Electorate: Consisting of the non-official members, either of the Provincial Legislative Councils or of the Municipal and District Boards.
2. Class Electorate: Comprising land-holder constituencies and Mohammedan Electorate, and
3. Special Electorate: Consisting of Presidency Corporations, the Universities, Chambers of Commerce, Port Trusts, Planting and Trade Interests, etc. (A.B.Keith, n.d., p.143)

As an embodiment of the representative principle, no one could deny that the proposed electoral system had several defects. Particularly, the very restricted nature of franchise and except in constituencies composed of the members of some special class or community, the lack of any real association between the primary voter and the member representing on the councils (Wasti, 1965, pp.176-190). In Indian Legislative Council, there were 18 members who were elected to speak for sectional interests and 9 who might be said to represent the views of the people. However, the largest constituency which returned a member directly to the Indian Legislative Council did not exceed 650 persons; and most of the constituencies were decidedly smaller. The constituencies which returned the 9 representatives of the people at large were composed of the non-official members of the various provincial legislative councils and the average number of the voters in these electoral bodies was only 22 (Lovat Fraser, 1911, p.384). In the case of the provincial council themselves, there was the same division of members between those who were directly elected to represent special interest and those who were elected indirectly as representatives of the general population. There was absolutely no connection between the supposed primary voter and the man, who sat as his representative councils, and the vote of the supposed primary voter had no effect upon the proceedings of the legislative council (Mary Countess of Minto, 1934, p.290). In such conditions, there could be no responsibility upon, and no political education for the people who normally exercised a vote. It can securely be concluded from the above discussion that the work of calling into on electorate capable of bearing the weight of responsible government was still to be done.

4. MONTAGUE CHELMSFORD REFORMS 1919 AND THE METHOD OF ELECTIONS EVOLVED

During the years between 1909 and 1916 the local self-government had not been made a reality in most parts of India, hence, some reforms were required to give it reality, and results were to be awaited before attempting anything more ambitious. Now it was out of question that the hopes and
aspirations of the Indians would be conciliated by merely making over to them the management of urban and rural boards. Moreover, the development of the country politics had reached a stage at which the conditions justified an advance in the wider sphere of the government, and it which, indeed government without the cooperation of the people would become increasingly difficult (John Viscount Morley, 1917, p.293). Thus, it was of the paramount importance to the constitutional progress of the country that every effort should be made in local bodies to extend the franchise, so that awareness in citizenship might, as far as possible be extended, and everywhere started in a practical manner (Wolpert, 1967, p.166). In a sense, responsible institutions would not be stably-rooted until they became broad based, and far-sighted Indian Politicians would find no field into their energies could be more profitably thrown than in developing the boroughs and communes, leading to anarchy in the country (Abdul Hamid, 1971, pp.86-91).

These reasons ultimately led Lord Chelmsford’s Government in May 1916 to consider what further progress along the local self-government was immediately possible. However, it was considered in the first place that the system of indirect elections should be introduced. It was quite possible that due to unequal to differentiate the qualifications for a vote not merely between provinces, but between different parts of the same provinces. It was essential to take due account of the problem involved in the maintenance of an electoral roll, the attendance of voters at a polling centre, the danger of impersonation, and the subsequent adjudication of electoral petitions. On these considerations, the strength of the official and non-official agency which would be made for electoral purposes throughout the country, had an important bearing, and warned against any such inordinate and sudden extension of the franchise as might lead to a breakdown of the machinery through the sheer weight of numbers (Abdul Hamid, 1971, p.95).

At this point, another question needed more consideration which arose about elected assemblies – whether communal electorate were to be maintained. Reportedly, it was a closed question, because the Muslims never agreed to any revision of the arrangement promised in 1906 and secured them in 1909. In proposing the appointment of a commission ten years after the new Act took effect, the British were in favour of complete responsible government in the provinces to be established by that time (Edwin S. Montagu, 1930, p.8). In many of the provinces, as a matter of fact, could follow in the time mentioned. It was observed that the peace was everywhere unequal though progress in one province was considered to stimulate progress elsewhere. The reasons that made complete responsibility impossible at that time were likely to continue operative in some degree even after a decade, including the slow-paced development of responsibility in the electorate and the less growth of proper relations between representative and constituencies (Wolpert, 1967, pp.169-170). It was also observed that the electorate of general character were hardly existed and almost all were designed to represent special classes or where designed to represent special classes or interests and consisted of very few people. Those which presented Muslims were intended to be inclusive but even those were limited to a few hundred electors. The much larger electorate were to be set up despite still mere fractions of the population were devoid of political experience (William Golant, n.d., p.169). Furthermore, the habit of considering issues, realizing the value of the proper use of vote and the judging candidates about their fitness to represent the elector’s views were to be acquired in due course of time. These difficulties were increased by the general lack of education. Where their great mass of population was illiterate as in most part of India at that time political ideas might be expected only to spread slowly, hampering the progress of political education to the
people. In view of the development of political opinion between 1909 and 1916, it was, therefore, clearly desirable that periodic inquiries should take place at intervals that might prove to short rather than that encouragement should be given to agitation by under delay (Edward Thompson & Garratt, 1958, p.284).

As a matter of fact, a complete responsible government essentially depended upon the existence of an electorate sufficiently active and mindful of affairs to hold their representatives effectively to account. Accordingly, it was an important task before Lord Chelmsford’s Government to examine the growth of capacity and responsibility in the electorate. As per the British view-point, its attainment was dependent upon the efforts of the Indian people themselves. It was not to give it to them still they fulfilled the necessary conditions for it (G.W.Chaudhry, 1970, pp.189-190).

The Act of 1919 set up in place of the Imperial Council consisting of one House, a bicameral legislature at the Centre i.e. the Central Legislative Assembly and the Council of State (G.W.Chaudhry, 1970, p.201). The Council of State consisted of 60 members out of whom 33 were elected and 27 were nominated by the Governor-General. The Central Legislative Assembly consisted of 145 members, out of which 103 were elected and the rest were nominated. Out of the nominated members, 25 were officials and the rest non-officials. Out of the 103, elected members, 51 were elected by the general constituencies, 32 by communal Constituencies (30 by Muslims and 2 by Sikhs) and 20 by special constituencies (7 by land-holders. 9 by Europeans and 4 by Indian Commerce) (Mukherjee & Mukherjee, 1957, pp.111-113).

The life of the Central Legislative Assembly was 3 years and the Council of State 5 years but the same could be extended by the Governor-General. It is to be noted that the last Assembly sat for 3 years. The first speaker of the Assembly was nominated by the Government, but the subsequent speakers were elected by the members of the Assembly (Mukherjee & Mukherjee, 1957, pp.116-117).

The Franchise Committee had recommended a system of indirect elections to the Central Assembly on the ground direct elections though preferable, were impracticable because the unwieldy character of the constituencies. Ultimately, the Government of India decided in favour of direct elections for other houses of the Central Legislature (Mukherjee & Mukherjee, 1957, p.117).

5. EVOLUTION OF ELECTORATE AND THE GOVERNMENT OF INDIA ACT 1935

In early 1920s the Government of India set up another committee under the Chairmanship of Sir Alexander Muddiman to inquire into the difficulties arising from or defects inherent in the working of the Government of India Act 1919, with a view to improve it (Gwyer & Appadorai, n.d., pp.115-116). Majority of the Muddiman Committee favored the existing constitution as it was working in most provinces and was affording valuable political experience while the minority view was that the diarchy had absolutely failed and could not succeed at all in the future. In September 1925, the report of the Muddiman Committee was discussed but without any result. Next move of the British Government was the appointment of Simon Commission (S. Gopal, 1957, p.20) in November 1927 to inquire into the working of the government and development of representative government in India. Commission was resented due to its all-white composition (Report of the Indian Statutory Commission, (1930), 1930, p.116). The exclusion of Indians in the personnel of the Commission was considered a humiliation to Indian self-respect. However, the Commission gave its
recommendations in May 1930, by suggesting the abolition of Dyarchy in the province and the provincial administration to be handed over to the ministers. Interestingly, the Commission did not give any solid recommendation about the extension of franchise, method of election and the nature of the electorate. Earlier Nehru Report (1928) had proposed joint electorate contrary to the Muslims demand of separate electorate. Nehru Report was highly resented by All India Muslim League and Mr. Jinnah (1876-1948), instead gave his own recommendations, materializing the Muslim aspirations in the form of his 14 points (Ahmad, n.d., pp.195-201). After the publication of the Simon Commission Report and its condemnation by the people of India, the British Government called for a Round Table Conference in London during 1930-32. However, the RTC failed to reach any definite conclusion about the future constitutional arrangement.

In the situation, the British Premier Ramsay MacDonald gave his famous “Communal Award” on 26 August 1932. According to the Award, election to the seats allotted to the Muslim, European and Sikh constituencies would be by voters – voting for separate communal electorate, covering between them the whole area of a province. It also recommended a provision to be made in the new constitution of India to allow the revision of electoral management after the lapse of 10 years with the assent of the communities affected, for the ascertainment of which suitable means were to be devised. All qualified who were not voters in Muslim, Sikh, Hindu, Christian, Anglo Indian or European constituencies, were entitled to vote in a general constituency.

Government reserved to itself the right of making slight variations in the number of seats given to the various communities with a view to facilitate the work of the delimitation of constituencies. However, the proportion was not being materially changed. Mohatama Gandhi in his letter written in March, 1932, to Sir Samuel Hoare, Secretary of State for India, had warned him that he would resist the grant of separate electorate to the depressed classes (Ahmad, n.d., pp.195-201).

When the whole scheme regarding the future constitution of India was thrashed out, the British Government issued in March, 1933, a small document known as the White Paper (Ahmad, n.d., p.392). It gave in detail the working basis of the new Indian Constitution with a diarchy at the Centre and a responsible Government in the Provinces. As was to be expected, the White Paper was condemned by the Indian public opinion. However, despite the opposition and criticism, the British Government went on with its programme.

In April, 1933, a Joint Select Committee was appointed to examine and report on the Government proposals as contained in the White Paper (Ahmad, n.d., p.393). The Committee consisted of 16 members each from the House of Commons and the House of Lords and Lord Linlithgow as its Chairman. The Committee invited representatives from British-India and the Indian States. After examining many witnesses and going through the memoranda received from the Indian Association, British Indian Delegations, the Joint Select Committee submitted its report on 22nd November, 1934. Although it did not alter the fundamentals as given in the White Paper, it recommended may changes in the structure of the Provincial and Federal Legislatures and other matters also. When the reforms scheme was thoroughly discussed and given final shape by the Joint Select Committee, a Bill was drafted on those lines and introduced in the House of Commons on 5th February, 1935 (William Golant, n.d., p.169). Sir Samuel Hoare, the Secretary of State for India, oversaw the Bill which was severely criticized by the Labour Party for its limited scope. The Labour members tried to amend the Bill in such a way as to recognize explicitly Indian's right to Dominion Status (William Golant, n.d., p.170). The diehards led by Winston Churchill tried to
introduce reactionary elements into the Bill. However, the Government went on with its own which was passed by the House of Commons on 4th June, 1935. The Bill was introduced in the House of Lords on 6th June, 1935, and was passed in July, 1935 (William Golant, n.d., p.171). Here also the efforts of the Labour members to liberalize the Bill failed. As the Government, had made some amendments in the Bill at this stage, the Bill had to be sent back to the House of Commons which accepted the proposed amendments. The Bill received the Royal assent on 2nd August, 1935, as Government of India Act, 1935 (William Golant, n.d., p.172).

The Government of India Act of 1935 was very lengthy and complicated Statute. That was partly since the Act dealt with a highly complex type of Federal Constitution and because it sought to provide legal safeguards against misbehaviour on the part of the Indian Ministers and the legislators (V. P. Menon, 1957, p.59).

The prominent features of this Act were the acceptance of an All-India Federation, the introduction of partial responsibility in the form of diarchy at the Centre, the grant of autonomy to the provinces, safeguards, reservations, special Responsibilities, Overriding Powers, etc., in the hands of the Governors and the Governor-General, creation of a Federal Court, Federal Railway Authority, the Reserve Bank of India, Public Service Commission for the Federation and Provinces (V. P. Menon, 1957, pp.53-56).

Although the Government of India Act, 1935, is a masterpiece of draftsmanship, it was the most complicated instrument in the whole history of Constitutional development in India. The complexity arises from various reasons, the chief of which is unique nature of the problem which the scheme was designed to solve (William Golant, n.d., p.172).

In 1939 the World War broke out and the co-operation of Indian States, which was a necessary preliminary to the introduction of Federation, had not been secured as the scheme was put on hold (M. H. Saiyid, 1962, p.292). By the time War ended in 1945, it had become clear that federation in India was not practicable proposition, because soon after the introduction of provincial autonomy in 1937, the two main communities began to drift apart politically and this tendency was accelerated, during and immediately after the War (William Golant, n.d., p.200). The demand of the Muslims for a separate homeland had become so forceful that partition of India had become inevitable (William Golant, n.d., pp.200-201). Thus, after 1937, the Central Government of India worked under the Act of 1919 except in its relation to the Provinces and some other matters, while the Provinces came under the Act of. 1935 (William Golant, n.d., p.201).

6. CONCLUSION

When the World War II broke out in September, 1939, India was immediately declared a belligerent country by the British Government without consulting the people of India. The Congress Working Committee strongly protested this action of the British Government. They called upon the British Government to declare their war aims in clear-cut terms. They asked whether the war aims of the Government included the treatment of India as a free nation whose policy would be guided in accordance with the wishes of the people or not. They firmly declared that the Committee could not associate herself with the offer of any co-operation in a war which was conducted on imperialistic lines and which was meant to consolidate imperialism in India and elsewhere. The British Government refused to give the assurance demanded by the Congress. It
made merely vague promises to the effect that at the end of the War the British Government would be willing to consult the various interests in India to make such modifications in the Act of 1935 as might seem desirable. Resultantly, there was a lot of discontentment in the country. Later events hastily moved towards confrontation of Indians with the colonial British. During the time the British tried to quench the discontent groups but they were not ready to have a compromise less than independence. Henceforth, every constitutional formula, given by the British was taken with some pinch of salt and could not achieve assent of the Indian leaders. Negotiations during the World War II and hereafter remained result-less. It was evident, especially after the 1945-46 elections that the British would sooner or later pack up. The electorate gave their clear verdict in these elections and resultantly the British had to cede to the partition of India. This situation gave way to the 3rd June (1947) Partition Plan and the arrangements for the great divide.

REFERENCES


© 2017 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY) license (http://creativecommons.org/licenses/by/4.0/).