

**STATUS OF POLITICAL REPRESENTATION OF THE  
LIMBOO AND TAMANG IN STATE LEGISLATIVE  
ASSEMBLY OF SIKKIM**

**A Dissertation Submitted**

**To**

**Sikkim University**



**In Partial Fulfillment of the Requirement for award of the  
Degree of Master of Philosophy**

**By**

**Suraj Rai**

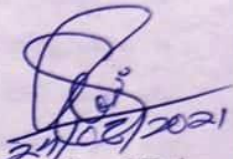
Department of Peace and Conflict Studies and Management

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August, 2021

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All the assistance and help during the course of investigation have been duly acknowledged by him.

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## ACKNOWLEDGEMENT

It's a great pleasure to acknowledge all the people who helped me to complete this dissertation. First of all, I would like to give deep gratitude to my supervisor Dr. Dinesh Kumar Ahirwar for his excellent supervision and guidance. I also would like to thank our Head of the Department Professor Nawal K. Paswan and former H.O.D Dr. Vimal Khawas. Also, I am thankful to our other faculties Dr. Salvin Paul and Dr. Sanghamitra Choudhary for their suggestions and inputs.

I would like to thank Dr. Veenu Pant (Associate Professor) and Dr. Anira Phipon Lepcha (Assistant Professor) faculties from Department of History, Sikkim University for helping and guiding me in each and every step of my research. And I would also like to mentioned show gratitude towards Mr. S. P Limboo, chairman of LTVC, Mr. Yehang Tshong, President of LTVC and Ms. Anjana Tamang Ph.D. Scholar from Department of History, Sikkim University, Bishal Subba, Man Hang Limboo, Passang Tamang, Ajay Kr. Chettri, and SandhiyaTshong. And my sincere thanks goes to all my villagers of Satam, South Sikkim for their emotional and financial support towards me.

I would also like to thank Dr. Maheema Rai, Nimkit Lepcha, Biveshna Pradhan and my roommates Govinda Chettri, Mandeep Dhamala, Sosong Lepcha, Navin Rai (Mama), Sanjeev Rai, Ratan Raisaily and Sandeep Limboo for their immense support and never-ending motivations. Also, my thankfulness wouldn't be complete without the support of my friends Wangchu Lama, Treyata Tamang, my class mates and other Research Scholars from my department, Abinash Basneet, Yogesh Limboo, Salon Bhujel, Gopal Rai, Manita Rai, Jigme Dorjee Bhutia, Astha Rai and Bishal Bhandari.

Lastly, my deep gratitude goes to my beloved Late father. Mr. Maha Bir Rai who always inspired and encouraged me to pursue higher studies. I would also like to thank my mother's Mrs. Dhan Maya Rai and Sashi Maya Rai and my younger brother Bishal Rai whose sacrifice and dedication towards me and giving unconditional love are the strongest drive that made me to complete this dissertation I am always indebted towards them.



Suraj Rai

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## **Abbreviations**

BL	-	Bhutia and Lepcha
ECI	-	Election Commission of India
LT	-	Limboo and Tamang
PRI	-	Panchayati Raj Institution
STs	-	Schedule Tribes
SCs	-	Schedule Castes
LTVC	-	Limboo Tamang Voluntary Committee
SILTJTAC	-	Sikkim Limboo Tamang Tribal Joint Action Committee
STBA	-	Sikkim Tamang Buddhist Association
SILTAC	-	Sikkim Limboo Tamang Apex Committee
SLA	-	State Legislative Assembly
TAC	-	Tribal Advisory Committee
SDF	-	Sikkim Democratic Front
SKM	-	Sikkim Krantikari Morcha
SSP	-	Sikkim Sangram Parisad
RES	-	Reservation of Elected Seats

# **Chapter - I**

## **Introduction**

### **1.1 Introduction**

Political Representation is action of making citizens' voices, opinions, and perspective "present" in public policy-making processes. According to Hanna Pitkin (1967) "Political Representation is a way to make (the represented) present again". Representation plays a vital role in shaping the future policies for communities and they have full responsibility for holistic development. As per the Article 330 and 332, the Constitution of Indian has provided seat reservation for political representation to socially and educationally weaker section in the Lok Sabha of the Parliament and the State Legislative Assembly of the Indian States.

An important objective of the Indian reservation system is to uplift the social and educationally backward classes into main stream. Furthermore, the Indian Constitution has recognized the weaker sections as Schedule Castes and Schedule Tribes. The tribes in India are considered to be the indigenous people of the land. Adivasi, Va nyajati, Vanvasi, Pahari, Adimjati and Anusuchit Jan Jati are also referred as tribal, the latter being the Scheduled Tribes as the constitutional name. The Scheduled Castes were segregated on the basis of extreme social, educational, economic backwardness arising out of the traditional social structure. Besides from that such section who indicates the primitive traits, geographically isolated, shyness, and one who has distinctive culture are considered as Scheduled Tribes. However, Sikkimese Limboo and Tamang communities fall under the scheduled tribe categories (Chettri:2013).

Sikkim became a part of India, under the 36<sup>th</sup> Constitutional Amendment Act on 16<sup>th</sup> May 1975. Sikkim consists of three main ethnic communities having their different socio-cultural and religious practices. Three important ethnic groups are Bhutia, Lepcha and Nepalese. Bhutias and Lepchas including Chumbipas, Dophpas, Tromopas, Drukpas and Tibetan were recognized as a tribal community under the Scheduled Caste & Schedule Tribe Order, 1978, later on, the Limboos and Tamangs also got recognition of Scheduled Tribe on 2003.

Legislative Assembly of Sikkim consists thirty-two seats, out of which twelve seats are reserved for Bhutia and Lepcha (BL) and one for Sangha as per the treaty of 8<sup>th</sup> May Agreement. Another special provision was made for Sikkim 371F clause (f) provides the special protection for right and interest of the different sections of the population and provision for the number of seats in the Legislative Assembly. Apart from that, the clause (a) and (c) of sub-section (1-A) of Section 7 of the Representation of People (Amendment) Act 1980 has provided the seat reservation for Bhutia and Lepcha (Bhutia:2016:23).

Similarly, the Limboo and Tamang communities who got recognition of tribal status as per the Schedule Caste and Scheduled Tribe Order, 2002 and got the final ascent from the President Dr. A.P.J Abdul Kalam on 7 January 2003. Likewise, along with the ST reorganization they also get the right of seat reservation for political representation in the State Legislative Assembly as per the article 332 of the Indian Constitution. However, till date Limboo and Tamang communities are deprived of their Constitutional Right. According to the 2011 census there are 91,399 Limboo and Tamang inhabitants within the State. The total population of LT tribal is about 14.97 percent of the entire population of Sikkim. Out of total 32 seats in Sikkim Legislative

Assembly, the Limboos and Tamang's community is entitled to get 5 seats in the same.

Undoubtedly, both the communities enjoyed every privilege provided to Scheduled Tribe, for instance, reservation system in the field of government's service sectors, reserved seats for higher education for students who belonged to Limbo and Tamang community except reservation for Political Representation. They were granted with all the facilities given to scheduled tribes. But they were deprived from the legal and Constitutional right, since, 2003. Therefore, this study explored the hindrance in the delay of Limboo and Tamang's demand for seat reservation in State Legislative Assembly of Sikkim.

## **1.2 Review of Literature**

### **1.2.1 Theoretical Framework: Democratization and Political Representation**

Democratization refers to political changes moving toward decentralization of power. In other words, democratization is the process of making country more democratic or it can be seemed as shift of political regime from one to another, such as, transformation of authoritarian regime towards democracy. In fact, the term "Democratization" has no single definition. Similarly, it is an action of making something accessible to everyone. The democratization became major global phenomena during the twentieth century. It has spread vigorously from 1970s (Lewise: 1997:56).

In 1975 more than 68% of countries were under authoritarian rule and by the end of 1995 the percentage decreased from 68% to 26% percentage. The rapid transformation began from South Europe in the mid-1970s. Later, it was spread towards Latin America and parts of Asia in the 1980s. According to David Potter,

there are five types of Political regime such as, Liberal Democracy, Partial Democracy, Authoritarian, and its two makers Direct and Partial democracy.

Similarly, India has the Representative Democracy. In this system rules and policy decisions are not made by the entire community but by representatives accountable to the community. This accountability is secured primarily through free and fair and competitive elections in which virtually all adult men and women have the right to vote and stand for elective office (ibid:1997). In a liberal democracy, people's representatives play a fundamental role in formulating policies that guarantee and safeguard the rights and privileges of various marginalized communities within the State. In other word, liberal democracy refers to a political system in which individual rights (particularly property rights) are given special Constitutional protection against majorities (Bhattacharya:2012:18).

In India the Constitutional development took place into two phase such as during the pre- and post-independence. After the independence of India, the drafting committee of the Indian Constitution considered the necessity of the political seats for the marginalized section of the Indian society. Therefore, under the positive discrimination the Scheduled Castes and Scheduled Tribes are provided political representation (Bhat:2019).

The Scheduled Castes and Scheduled Tribes got the special Constitutional provision such as, Article 332 under it their political seats were reserved in State Legislative Assembly of States. Consequently, the candidates belong to SCs and STs can contest from their reserved constituencies. Apart from, educational and social upliftment, they also got an opportunity to stand up in the field of politics where minorities representatives can take part in important decision-making process.



Therefore, it is very important to have political representation for minorities in liberal democracy.

In order to understand why the minorities should get their political representatives, it is important to know what is political representation is? In term of political representation several authors and scholars have their different opinion and still the term representation become matter of huge debate and discussion in contemporary societies. According to William Archibald Dunning, an American historians and political scientist, “Representation as a principle does not appear in political theory until the later centuries of Rome, when the prince was regarded as the representative of the Rome people taken collectively” (Bhattacharya: 2012:67).

In medieval time, idea of representation is ascribed to a representative’s character to the monarch. Such as, the Emperor and the Pope. In the republic, monarchies, there were no representatives. Huntington and Nelson define political participation as “Simply an activity by private citizens designed to influence governmental decision making” (Firlie: 1940:237).

Hanna Pitkin had identified the four distinct views of political representation that emerged in the political literature. Firstly, the Formalistic Representation which identifies the political representation with the formal procedure for example, free and fair election, used in the session of representatives. Likewise, the Formalistic representation includes authorization and accountability. Authorization is a representative is an individual who has been authorized to act on the behalf of another or group of others. Whereas, theorist who take the accountability view argued that a representative is an individual who will be held to account. Secondly, Symbolic representation is a political representation that stands for the people they represent as

long as these people believe in or accept them as their representatives (Pitkin:1972:38).

Thirdly, the Descriptive Representation constitute a segment of political who represent the larger population from which they come. There are representations that advocates the name of a specific group that are homogenous to the background of the politician. Descriptive Representative resembles their descriptive characteristics such as, Race, Gender, Class etc. Whereas, fourth representation is Sustentative Representatives would be the tendency to vote, through an informed process by someone who represents the thoughts and principles, citizen want to see safeguard (ibid:1972:60-69).

The Political Representation is one of the important features of democratization, without representation, democracy seems to be incomplete. Meanwhile, when Sikkim became a part of India with special provision of Article 371F, its clause (a) states that the Legislative Assembly of the State of Sikkim consist of not less than thirty members (Bakshi:2010). Likewise, there are thirty-two seats are available in Legislative Assembly, among those 12 seats are reserved for the Bhutia and Lepcha as per the 8<sup>th</sup> May Agreement of 1973 which b was signed between the King, there political parties and the Government of India. After the merger they got the ST recognition in 1978, on the side, the Limboo and Tamang who was included in Scheduled Tribes Order 2003. Accordingly, as per the Article 332 of the Indian Constitution, they should get seat reservation in Legislative Assembly. However, till date the two communities demand was pending therefore, this research was conducted which was the demand of political representation for the two demanding communities of Sikkim (Karki:2018:12).

## **Reservation System in India**

Reservation in India is a form of affirmative action designed to improve the well-being of social and educationally backward and underrepresented communities. It is also known as Positive Description because in order to uplift the backward communities, state has taken initiatives with the help of Constitutional safeguard. According to Article 15 (1) of the Indian Constitutions “The State shall not discriminate against any citizens on the ground of religion, race, caste, sex, place of birth or any of them”. Accordingly, as per the Article 16 (4) gives special powers to the state by stipulating that “Nothing in this article or Clause (2) of Article 16 (4) gives special powers to the State by Stipulating that “Nothing in this Article of Clause (2) of article 29 shall prevent the State by making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes (Bakshi:2010:26-30).

### **1.2.2 Constitutional Assembly Debates and Reservation of Representation for Scheduled Tribe**

The Constituent Assembly came into existence in December 1946, and the members of the assembly worked for about three years in farming the longest written Constitution of the world. The ideals about which the Freedom Movement had spoken were to be translated into Constitutional provisions. One of them was the protection of socially backward Communities. Issue of reservation was placed explained, accommodated and accepted with the national spirit to assimilate section of society including the intended beneficiaries of the reservation policy into the mainstream of national life (Chandavarkar:2016).

While proposing of the Objective Resolution, the Indian Constitution in 1946 Jawaharlal Nehru had given the direction to Indian Constitutional makers on the basis of which it had to be written which later became preamble of Indian Constitution. Almost all the members supported the resolution whole heartedly except B.R Ambedkar. He criticized Nehru on mentioning only the safeguard of minorities, backward and tribal areas and failed to mention the remedies for them who were historically exploited by the Indian Caste System<sup>1</sup>.

Most of the leaders of the Congress were in favor of reservation but faced criticisms from their own members. The members of Madras criticized the idea of the electorate for the Scheduled Castes and the diel of reservation. On the other hand, Nagappa a member of Scheduled Castes or Depressed caste argued that the reservation should be given to the people who were exploited in the past. By mentioning the number of Scheduled Caste members and the population in the various part of the country, he came to a conclusion that reservation was very much needed for the Scheduled Caste and Scheduled Tribes<sup>2</sup>.

Unlike Scheduled Caste representatives, the Scheduled Tribes representatives expressed their voice of dissent by asserting that they were the original inhabitants need to be treated with dignity. Jailpal Singh from Bihar argued that the tribal people were neglected for the last 6000 years and they were suppressed. So, he demanded fair Adivasi (representation) and women representation in the Indian Constitution (Chandavarkar:2016).

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<sup>1</sup> Constitutional Assembly Debate (Proceedings)- Volume IX, 1949.

<sup>2</sup> Constitutional Assembly Debate (Proceedings)- Volume IX, 1949.

Questions were put up regarding the representation of backward classes in the legislature and expected that the proposed Constitution would guarantee equality and at the same time protect the rights of the Depressed Classes. H.J Kanderkar expressed this grief regarding the lost seats of Harijan in the Central Provinces presently, Madhya Pradesh and demand for the representation according to their numerical strength.

Provision for the abolishing the untouchability in the draft Constitution were welcomed in the Constituent Assembly. Eventually, the fundamental right of not being subjected to any discrimination came to be qualified by the provisions to procedure 'positive discrimination'. According to Nesiiah (1949), unlike Martin Luther King, Ambedkar was in a position of authorized Chairman of the Drafting Committee of the Constitution and Minister of Law, he was vested with both real and symbolic authority at the highest level. Hence, he was able to intervene effectively for the emancipation of Dalits. Similarly, Sardar Vallabhbhai Patel who presented the Report on the political safeguard of minorities, concluded the discussion with provision of minorities to the contest from any general seats. The statement laid down by Patel created controversy among the Advisory Committee and in the Minority Communities that was passed by the majority.

P.S Deshmukh expressed his satisfaction on report which was made for the safeguard of the minority's right. However, at the same time, Deshmukh feared that the so-called majority might be marginalized. Further, he suggested that they should focus not only in minorities but also proposed to shift their attention towards the oppressed and neglected rural population. Besides that, other members from Depressed Classes like S. Nagappa and Jailpal Singh demanded representation in

proportion to their population and representation in cabinets too. In regard to reservation in proportion of seats in Parliament and State Legislatures, the Constitutional allotted a time limit of ten years. Nevertheless, this was not agreeable to the Scheduled Castes but accepted the advice of the political masters (Bajpai:2000).

The Government of India has enacted various legislature to ensure smooth functioning of Indian democracy and elimination of the fear of encroachment of minorities right. Accordingly, the Article 330 of Indian Constitution calls for the reservation of seats in each State for the marginalized groups such as, Scheduled Castes and Scheduled Tribes in the Lower House of the Indian Parliament in proportion to the size of their population in the respective provinces. None other than Scheduled Castes and Scheduled Tribes candidates can contest elections from the reserved Constituencies (Thresiam:2011).

### **Sixth Schedule**

The Sixth Schedule under Article 244 (2) of the Constitution relates to those areas in Northeast which are redeclared as Tribal Areas and provides for the District or Regional Autonomous Councils for such areas. Such councils have elaborated Legislative, Executive and Judicial Powers. The Schedule also lays down the provision relating to the administration of these tribal areas. The North East States like Assam, Meghalaya, Mizoram, and Tripura form a group of Tribal Area. These areas are designated with the status of Autonomous District Councils and Regional Councils having their own administrative systems. They are the elected councils and hold legitimate administrative powers within a democratic country (Singh:2007).

The various privileges enjoyed by the states under the provisions of the Sixth Schedule. Out of many provisions, the most pertinent to the current study is the

establishment of the Tribal Advisory Council (TAC) in the States having Scheduled Areas. The TAC may be established in any state having Scheduled Tribes but not in a scheduled area, under the guidelines of the president. TAC consists of not more than 20 members out of which three-fourths are from the representatives of Scheduled Tribes in the Legislative Assembly of the state. TAC plays the role of an advisor to the state government on matters regarding the welfare and advancement of the Scheduled Tribes in the state as may be referred to it by the Governor (Hansaria:2017).

The drafting committee of the Constitution ensured that affirmative action, like reservation in jobs and places, to improve the condition of weaker sections and guarantee their legitimate rights. But regarding the implementation of reservation policy a huge debate and discussion took place, Indian reservation policies were provided to those who were exploited and suppressed historically, in order to uplift them reservation policy was adopted in India. While drafting the Indian constitution an intense debate and discussion took place between the members of the drafting committee. Some sections of the members were in favor of reservation and some were against the idea of reservation within Constituent Assembly (Mondal:2019).

### **Status of SCs and STs Representation in State and Center**

In India, proportionate number of political positions and employment post are held for specific groups of the population, including Scheduled Castes, Scheduled Tribes. Scheduled Caste and Scheduled Tribes have reserved constituencies in both Parliamentary and State Assemblies elections. The candidates of General category are barred from contesting from these constituencies. A number of seats in the Parliament of India, State Assemblies, Municipalities and Villages level institutions are reserved

for Scheduled Caste and Scheduled Tribes. Also, the members of Scheduled Castes and Scheduled Tribes are not debarred from contesting unreserved seats.

Constitution has provided many provisions for the Scheduled Castes and Scheduled Tribes in India, such as, the Article 332 clause (1) states that "Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam), in the Legislative Assembly of every State". Likewise, the Article 330 clause (1) and [1] (b), provide the reservation for Scheduled Caste and Scheduled Tribe in the House of the people (Bakshi:2010:278-279).

Lok Sabah of Indian Parliament consists 543 seats and 131 seats are reserved. 84 reserved seats are given to Scheduled Castes and 47 seats for Scheduled Tribes in the Lower House. The number of constituencies are reserved for Scheduled Castes has increased from 79 to 84 after the delimitation. Likewise, the number of seats reserved for Scheduled Tribes has increased from 41 to 47.

### **Political Representation for Women in India**

The constitution of India guarantees justice, liberty, equality to all its citizens irrespective of their race, creed, gender, caste through various provisions laid down in the documents like Fundamental Rights and Directive Principles (Bakshi:2010:84). The framers of the constitution have realized the principles of true democracy by giving privileges to the underprivileged and the minorities. This provision not only grants equal status to women but it also empowers the constitution to adopt policies against the discrimination of women (Divya:2017).

The right to vote is said to be the starting phase of women's struggle in political equality and participation (Choudary:2018). The voting participation of



women in India has increased to a great extent over the years from 1952 till date, though there is a huge gap between men and women participation, according to the reports of Election Commission of India. The representation of women in the lawmaking and law implementing bodies is still lagging behind in the Indian Parliament. The first demands for political representation and suffrage in India were raised in 1917 by a delegation led by Sarojini Naidu and Margaret Cousins. Govt. of India Act.1935 provided for reservation of 41 seats for women at the provincial level and limited reservation at the central level (Chandra:2016).

The number of representatives has always been fluctuating. As per the reports of election commission of India in the year 1952, only 4.4% of women members were elected in the Lok Sabha. At present year 11% of women members are elected in the Lok Sabha. Regarding the women representation in the Rajya Sabha, there is a marked difference between men and women members. In the year 1952, 6.9% of women members were elected to the Rajya Sabha which has increased to 10.6% in 2013. The women representatives in both the houses are very low as compared to that of the voting strength which was 65.30% in 2014 general elections. Very a smaller number of women has succeeded in being a member of Union Cabinet. Therefore, it is clear that very few women are part of the decision making the body in India (Neerav:2020).

### **1.2.3 Status of Limboo-Tamang in Sikkim**

The Limboo and Tamang are the two ethnic communities of Sikkim, who have their distinctive identities and culture, due to which they were recognized as the Scheduled Tribes of Sikkim in 2003.

## **Limboo Community**

The community is known as Tshongs or Chongs in Sikkim, they were popularly noted as Yakthumba in Nepal, which is an endogamous term generally used by the Limboos themselves (Gurung:2011). Prithivinarayan Shah gave some of the Limboos the name of Subba as their title. According to R.K Sprigg, the Limboos were living before the formation of Sikkim. Likewise, Limboos is said to be one of the earliest inhabitants of Sikkim. Their members are believed to be the descendants of the ancient Kiratas from the Pre-historically occupied areas of Limbuwan, now in Nepal (GOS:2007).

The Limboo language belongs to the Kiranti branch of the Tibeto Burman language family. According to Sprigg, its script shows similarities with the Tibetan and the Lepcha scripts, although it was later influenced more by the Devanagari script. They have their own dialect and have their own script, Sirijonga. In 1981 the Limboo language was recognized as one of the state languages of Sikkim. Traditionally, the Limboos were animistic like the Lepchas. They didn't have any distinct deity or image of God but later they made their own religion known as Yuma, or Yuma Samyo or Yumaism. However, in the last century, a large majority of them have become Hindus, and upwardly mobile Limboo families have Sanskritised their lifestyles. Some of them have become Christians in the Darjeeling Hills and Sikkim. They are primarily agriculturalists, pastoralists and laborers, and some are in government employment in contemporary Sikkim (Arora:2007).

Most of the Limboos inhabit the following areas in Sikkim: Daramdin, Soreng, Hee, Dentam, Lingcchum, Khaniserbong, Samdong, Yuksam, and Darap in West Sikkim; Rabitar, Shokay, Sripatam, and Namphok in South District and Assam Linzey, Aho and Pakyoung in East District and Mangshila in the North District. As per the SSEC 2006, the Limboo Population in Sikkim is 56,650 persons out of which

there are 29,343 males and 27,307 females. They account for 9.74% of the total population (Bhutia:2016)

### **Tamang Community**

According to Dor Badhur Bista, the Tamangs can be regarded as one of the most ancient tribes within the Himalayan families. Tamang's are one of the major Tibeto-Burman speaking communities who was originally called "Bhote" meaning Tibetan. Later on, the term 'Tamang' was attached to them because they were said to be horse traders (Tamang:2006).

In the Tibetan language "Ta" means horse and "Mang" means traders. In Hooker's writing, the Murmis are the only native tribe remaining in any number in Sikkim, beside the Tibetan of the loftier mountains. The Murmis are a scattered people of Tibetan origin and are called "Nishung", being composed of two branches, respectively from the district of "Nimo" and "Shung", both on the road between Sikkim and Lhasa. Both their religion and language are purely Tibetans.

The Tamang is one of the major tribes of Sikkim. They have a distinct culture, language, and religion. Tamang has its own language and script and share, several words with the Tibetan language. Through the Sikkim official language (Amendment) Act, 1995, the Government recognized Tamang as one of the official languages of Sikkim (GOS:2018)

Tamang inhabited in areas around lower Teesta valley and Rangit Valley, namely, West, East, and South Districts. They live in areas of Soreng, Richenpong, and Chakung in West District; Jorethang, Damthang, Melli, Rateypani, Boomer and Temi-Tarku in South District; Central Pandam, Assam Linzey, Ranka and Gangtok in

East District of Sikkim. As per the SSEC 2006, the Tamang Population in Sikkim is 39,457 persons out of which there (Bhutia:2016).

#### **1.2.4 Demand for Political Representation and Seat reservation in Sikkim**

The Limboo and Tamang communities are continuously demanding their seat reservation since they got the ST status. The two community has demanded their political seats even during the time of Chogyal dynasty (Karki:2018). Their demand and struggle for political seats reservation are mentioned briefly mentioned below:

##### **Pre-Merger**

The Limboo community struggled for their political representation and seat reservation during the time of Chogyal in Sikkim. Historically Limboo has signed the ‘Lho-Men Tsong-Sum<sup>3</sup>’ treaty (Bhutia:2016) while the signing an accord of the trinity, they pledged to stay united, as one family under the one order, one destiny and one religion. But Limboo community was isolated from time to time while taking an important decision made by the Chogyal. In 1917, when Revenue Order No.1<sup>4</sup> was implemented, the Limboos have not protected the subject of the Chogyal’s citizens; Limboo had to pay a high number of texts as other communities in Sikkim. In 1925 when the Sikkim State Council was constituted even none of the Limboo or Tshong were included in the Sikkim Council (Gurung: 2011:166-167).

In 1952, Sikkim Darbar introduced the Parity System in which six seats were allotted to the Bhutia and Lepcha and six seats to Nepalese in the State Council of Sikkim and not even a single seat was allotted to the Limboo. Therefore, the Limboos realized that they were discriminated in every aspect. Hence, they revolted against

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<sup>3</sup> A treaty which was signed between the three ethnic communities: - the Bhutia, the Lepcha, and the Tsong or Limboo.

<sup>4</sup> According to Revenue Order No. 1 “No Bhutia and Lepchas are to be allowed to sell, mortgage or sub-let any of their land to any person other than a Bhutia or a Lepcha without the express sanction of the Darbar.

Chogyal and demanded Tshong seat for Limboos in State Council of Sikkim. Therefore, they were able to secure seats but didn't last for long because 8<sup>th</sup> May Agreement of 1973 again excluded the Limboo from Sikkim State Council from political representation, henceforth it will be right to say this agreement was the initial development of the LT issue in Sikkim (Karki:2018:7).

On the other hand, Tamang communities demand the recognition of Scheduled Tribe is older than the demand of Limboos of Sikkim. The demand of tribal status for the Tamang communities began from Darjeeling before 1960, when other Tribes such as, Bhutias, Lepchas, Yalmos, Kagateys, and Sherpas were included in the list of Schedule Tribes of India in 1952, as per the article 342 of the Constitution of India (Tamang:2006:109).

As the Limboo and Tamang were left out from their inclusion in the tribal list of Sikkim in 1978, before that both the communities were left out in West Bengal. Tamang communities all over India became conscious, especially from the Darjeeling district of West Bengal felt that the Tamangs follow the same Lamaistic Buddhism as the Tibetans and Bhutias but are not given tribal status. By realizing this fact from time to time the different leaders of Tamang communities like Narayan Tamang, Lt.Pritiviraj Sangden, Yugan Goley and Karma Bamchuk Rumba demanded the inclusion of Tamang communities into Tribal Status (Bomzon:2006).

### **Post-Merger**

It was in 1975, under the 36<sup>th</sup> Amendment Act of Indian Constitution, Sikkim merged to a democratic state of India. Lendup Dorjee Kazi became the first Chief Minister, who sowed the seed of democracy in Sikkim. Under his tenure, the Bhutias and the Lepchas get the ST recognition in 1978, where the Limboo and Tamang was left out

during the time of inclusion. And one year later, a letter was sent by the Ministry of Home Affairs (MHA) Delhi to the State Government of Sikkim, which clearly mentioned that the Limboo can be grouped with the Lepcha and their entry could be 'Lepcha-Limboo'. Apart from that, another left out communities list was given by the MHA which are Manger, Gurung, Tamang, and Rai, that can be included after review of Sikkim Government. Nevertheless, due to ignorance of government, the golden opportunity was missed to get ST reorganization (Rai: 2018:155).

After the 1979 election, Nar Bahadur Bhandari came up with several political issues and took advantage of the situation by raising the burning issues as anti-merger and restoration of Bhutia and Lepcha seats which was abolished during Kazi led government. He assured self-respect, dignity to the Sikkimese and usher for democracy, socialism, secularism and scrub corruption. However, the Bhandari government also failed to include the Limboo and Tamang in ST recognition because he thought that the inclusion of Tamangs and Limboos in the Schedule Tribes list would lead to division within the Nepali community in Sikkim. Bhandari viewed that the issue of Tribal status for Tamangs and Limboos could not be isolated from the issue of citizenship, seat reservation and recognition of Nepali language. Therefore, his government failed to fulfill the demand of Limboo and Tamang communities (Yasin:2012:76-78)

Failure of Bhandari Government gave birth to a new political party in 1992 which was popularly known as Sikkim Democratic Front (SDF). And in 1994, SDF party formed their government under the leadership of Pawan Kumar Chamling in Sikkim. Under the SDF government many initiatives took place. Such as, in 1994, Bhujel, Gurung, Limboo, Rai, Manger, Sunuwar and Tamang were recognized and

declared the Socially and Educationally Backward Classes in the State of Sikkim. In 1995, these communities were included in the central OBC list. Later, Limboo and Tamang communities with the help of SDF led Government, the two communities are included in the Union List of Scheduled Tribes under the Scheduled Caste and Scheduled Tribes Orders (Amendment) Act 2002 and the bill received Presidential assent on 7<sup>th</sup> January 2003 (Karki:2018:12).

Along with Schedule Tribe recognition, Limboo and Tamang communities also have their Constitutional provision for seat reservation in Sikkim Legislative Assembly. As per the Article 332 clause 1 and 3 of Indian Constitution, which clearly states that “Seats shall be reserved for the Scheduled Caste and Scheduled Tribe in the Legislative Assemblies of the State” (Bakshi:2010:278). Therefore, this work has focus mainly on the factors for delaying the Limboo and Tamang seat reservation in the State Legislative Assembly of Sikkim.

### **1.3 Rationale and Scope of the Study**

Representation is an inherent principal of democracy; it is an inalienable request to be part of the political process. Limboo and Tamang are already notified as tribes of the State of Sikkim. Therefore, the demand for reservation of seats by Limboo and Tamang is a crucial issue of political discourse of Sikkim. Both the communities have been demanding their political right as per the provisions of Indian Constitution since, 2003 to till date. Consequently, four election was over but their demands remain pending election after election.

The association of both the communities, such as, the Sikkim Limboo Tamang Tribal Joint Action Community (SLTJAC) and Limboo Tamang Voluntary Committee (LTVC) have realized that the constitutional demand can only met when a

political pressure is created and that led to change in the willingness of political party and the government. Accordingly, the Sikkim Limboo Tamang Apex Committee (SILTAC) was in favor of former SDF government and their seat formula laid by Burman Commission. The demand has raised by these two communities in Sikkim. Their demand has created the conflictual scenario and had seen a trend of divergence among different communities. As a result, in 2019's general election of Sikkim, the Sikkim Krantikari Morcha (SKM) party got a victory upon a prolonged SDF party because this government had assured to fulfill the demand of Limboo and Tamang communities. However, after winning the general election of 2019, the LT demand have become one of the most challenging political agenda. Therefore, this study is highly significant to understand the emerging dynamics of demand for the political representation, as it is a subject of emerging conflict. Accordingly, this study has focused to comprehend the conflict and how it is going to be resolved through political participation.

#### **1.4 Objectives of the Study**

- To examine different perspectives on Political Representation in India.
- To know the status and demand of Limboo and Tamang for political reservation in Legislative Assembly of Sikkim.
- To understand the conflict dynamics of the demand for political representation in State Legislative Assembly of Sikkim.



### **1.5 Research Questions**

- What are various perspectives and debates on Political Representation in India?
- What are the problems and challenges in fulfilment of the demands of seat reservation in Sikkim Legislative Assembly?
- How Limboo and Tamang's demand for political representation has influenced political discourse in Sikkim?

### **1.6 Research Methodology**

The study area is Sikkim. The purpose of choosing this area for a field is that the demand for tribal status was started from Darjeeling in the 1960s and got extended to Sikkim after the merger in 1975, where Limboo and Tamang communities started demanding for tribal status in Sikkim.

The study was based on both quantitative and qualitative methods where data was collected from both primary and secondary sources. Primary data was collected from the field study area that is Sikkim. The data was collected on the basis of an open-ended as well as close ended questionnaire. The study had used different techniques of qualitative research such as, Focus Group Discussion and in-depth interview.

The study area is Sikkim, where the total sample size of 100 people have been taken which is based on snow ball sampling, where 25 people are Limboo respondents, 25 people from Tamang and 50 people from the non-LT Communities. The key informants' members are the Sikkim Limboo Tamang Join Action Community (SLTJAC), Sikkim Limboo Tamang Apex Committee (SLTAC)

and Limboo Tamang Voluntary Committee (LTVC). Meanwhile, the different political parties, research scholars and students are the target group for the data and information. The questionnaires are based on close-ended and the interviews will be open-ended in nature.

## **1.7 Chapterization**

This study consists of five chapters that are as follows: -

### **Chapter - I: Introduction**

This chapter discusses the introductory section of the study consists of Review of Literature, Rationale and Scope of the Study, Objectives of the Study, Research Questions, and Research Methodology.

### **Chapter - II: Political Representation in India**

This chapter has examined the different perspectives on political representation in India. It has covered the discourse on representation in India. It has also covered the current debate on representation for women in Parliament as well as another movement for representation. This chapter has also discussed the historical development of reservation system in India, where second section will focus on the Constitutional Assembly debate on Reservation seat for ST. The last section of this chapter has examined the Constitutional provision for Reservation in India.

### **Chapter - III: Political Representation in Sikkim**

This chapter has discussed the status of reservation in Sikkim. It would explore the political imbalance with status. It has covered the problems and challenges in the fulfillment of the demands of reserved seats for Limboo and Tamang in the State Legislative Assembly of Sikkim.

#### **Chapter - IV: Status of Limboo and Tamang for Political Representation in Sikkim Legislative Assembly**

This Chapter is based on the field work visit, data interpretation and analysis. This chapter has also examined the issues focused on the status of Limboo and Tamang for the Political Representation in Sikkim with major findings.

#### **Chapter - V: Conclusion**

This Chapter has concluded the summary of the study with certain findings and recommendations.

## **Chapter - II**

### **Political Representation in India**

#### **2.1 Introduction**

Political representation is one of the most important characteristics of the Parliamentary democracy. Indian is one of the largest democratic nation having a unique feature of unity in diversity through Constitution. Since, the colonial period people of Indian started demanding for the people's participation and representatives in legislature of British India.

India has Parliamentary system and people are able to took actively participate in making and unmaking of various policy and shapes the pathway through the representatives. Therefore, while framing the Indian Constitution, the drafting committee underwent series of debate and discussion regarding the safeguard and rights of the minorities. Constitutional makers felt very necessary to have political representation for the minorities, so, they can took actively participate in important decision-making process. Hence, in order to heard their voice, the Indian Constitution had provided political seat reservation in the Central as well as State Legislative Assembly.

In this backdrop, this chapter deals with the concept of political representation and its origin. It also tries to highlight the brief history of Constitutional development in India and the claims for the political representation by different communities. This chapter also inspects the reservation system of India and different provision which is made for the Scheduled Castes and Scheduled Tribes in order to uplift them educationally, socially and economically.

## **2.2 The Definition of the Political Representation**

There are numerous perspectives on political representation from different writers and scholars. The activity of making people “present” in public decision making, where political actors behave in the best interest of citizens is political representation. However, the term ‘representation’ can be described as- “an agent, deputy or substitute, who supplies the place of another or others”. Thus, similar perspective regarding the political representation has been shared by Fairlie (Fairlie:2019:236).

According to the Merriam Webster dictionary representation implies "A person or group speaking or acting for or in support of another person or group." The people granted their leaders the authority of decision making in representative democracy by voting. So, on behalf of the people, their political actor will represent them.

Political participation exists when in the political arena, political figures or delegates speak, support, symbolize and behave on behalf of the other person. Hanna Pitkin has submitted similar statements, according to which the idea of parliamentary representation is "a way of making the represented present again". In Pitkin's view, democratic participation is the practice of having the voices, thoughts, and viewpoints of people involved in the processes of public policy making (Pitkin:1972).

In other words, political representation is the mechanism in which the electorate selects their members by adult franchise practice. Representation involves indirect decision-making in another word. An integral characteristic of political representation is that an interim assembly is set up for decision-making by the electorate and politics. People vote for the leader of their party and their representative will form popular voices for policy-making Henceforth, the idea of

parliamentary representation deals with the decision-making process in which, by popular mandate, the members can gain power (Menocol:2014).

### **2.3 Origin of Political Representation**

Representative governance was used interchangeably with the word democracy in the early 21st century. In every public entity, the new conception of political representation is considered an integral aspect. In the initial process, however, representation had no association with the principle of democracy, nor with the notion of equality and justice. In the evolution of time, parliamentary representation and democracy have become an integral aspect of the representative form of Parliament. It is very interesting to know the history of representation from classical to modern, in order to explain how the word representative was interrelated with democracy.

While tracing back the history of Political Representation, there was an institutional arrangement was establishment in Athens in 501 B.C. E, which was quite similar to modern representative democracy. It consisted of five hundred members equally appointed from ten different tribes. The principle of sortition was central to the representative officer in Athens. This mechanism guarded public from the misdeeds done by the handful of oligarchic elements in elections and helps to keep representation democratic (Osborne: 2011:9).

The Primary factor for implementing a system if representative was to enlarge of democracy over the larger community and to choose their representatives through the direct participation of all. However, the Athenian did not meet an existing theoretical advocacy to match its practical use. Among those theorists who did not simply criticize democracy but Aristotle stood practical use. Among those theorists who did not simply criticize democracy and Aristotle stood out with the idea polity was limited in size precisely by the requirement of direct participation in deliberative

proceedings (Baggini:2018). According to Aristotle's view the political power during the classical age was only enjoyed by the few people, whereas further he states suggest that the size of the politics should be extend by giving the direct participation to the common people. From ancient Greece to the eighteenth century, democratic regimes were always conceived of in terms of the "Athenian model" of a small community whose citizens participate directly in the government of affairs<sup>5</sup>.

The Roman Assemblies were also focused on a tribal basis, analogous to Athens. The delegates appeared steadily. Yet most people did not join the assemblies, and this arrangement was not accepted conceptually or lawfully. According to American historian and political scientist William Archibald Dunning, in political theory, representation of a principal does not appear until the later centuries of Rome, when the princes were regarded as the collective representation of the Roman people.

According to Pliny and Younger, election is an ancient custom, and early electoral theory declarations such as "The emperor of all the people should be chosen by all the people" appear to suggest a democratic relationship. Similarly, Pope Celestine I, say to exercise gaining the approval of the "better part" of the people, further saying that "a bishop should not be given to those who are unwitnessed". Likewise, Pope Leo I (440-461) urges that "He who governs all should be elected by all." Here, Pope Leo I explicitly note that, at least in ecclesiastical contexts, several instances of such electoral approval can be found in the first millennium. In 1140, Gratian communicated the Roman theory requiring such consent: "What touches all must be approved by all"(Rautenfeld:2019:5).

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<sup>5</sup><https://www.encyclopedia.com/social-sciences/applied-and-social-sciences-magazines/cambridge-university> Accessed on 12/06/2020.

In the medieval period, the concept of democracy extended beyond the notion of agreement, concentrating on the principles of the right of the majority to settle an issue. These principles alone were unsuccessful in establishing the notion of representation, realized in the context of feudal and Germanic law. This practice in law recognizes only true people as persons with right and interests. As a result, there was just the idea of a proctor: one real person acting on behalf of another real person as an assistant. After 1150 C.E, when the notion of protector was associated with the notion of a corporation, the notion of political representation arose when a fictitious individual consisting of a collective of persons with shared interests, which was itself called the seat of rights and interests (Osborne:2011:56).

The ideas of a deliberate act of collective solidarity, a social association for the purpose of defending and fostering the common values of society as a whole. For example, in the *Summa Theologica* (1265-1273), such representative relations are often referred to by Thomas Aquinas, where a temporal or Church authority, ruler, sovereign, queen, pope, bishop or others, is said to “represent” their communities in the same that they stand as allegorical representations or symbols of the universal and disembodied whole. In fact, this symbolic representation acts when, by their office, magistrates represent the image of the whole state and generally when the weightier portion of each group is taken as the majority (Aquinas:1981:6).

In the definition of a constituency as the aggregate of actual people, William of Ockham soon challenged the notion of a corporation, and the collectivist conception of the relationship between representative and constituency. As the doctrine of Ockham applied to the business principle of representation, he condemns the assignment of rights to fictional fiction, such as collective rights, the church and



the state. On real people have rights and interests, and they should not be alienated by a fake business entity<sup>6</sup>.

The notion of a leader of a corporation does not take into consideration the fact that actual people do not delegate all their authority or do nothing contrary to faith and sound morals. Through opposing the corporate representative account and demanding that delegates should represent only actual people and classes of individuals. This separation between the representative and the constituency opens the door for a culture of transparency and accountability between the representative and the constituency to be established, preventing Ockham from assimilating the representative into the group it represents. It was the medieval growth of parliaments that ensured for themselves the rights of deliberation and decision-making. The idea of representation brought Leon's Spanish empire to a proper constitutional environment in 1181. In these parliamentary powers, treaties and discussions were shared between crowns, bishops, nobles and wise men, aside from the assessment of taxes and soldiers. The power granted by the agreement of those parliaments has been enhanced and has been accepted as symbolic of nature (Osborne: 2011:71).

The first direct recognition of parliamentary representation is seen on the occasion of the English Parliament of 1254, when the knights of the provinces were elected in the national courts and empowered to speak for and bind the whole society. Similarly, in 1365, when England's Chief Justice proclaimed that "the parliament is the body of the whole realm. By the 14th century, parliamentarians were often required to communicate to the king and his advisors the grievances of their constituents, giving birth to the formula "Redress of grievances before supply. The

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<sup>6</sup> Williams, M. S. (2000). *Voice, trust, and memory: Marginalized groups and the failings of liberal representation*. Princeton University Press.

role of the representative was, therefore, to serve as a two-way medium of communication, expressing concerns and public opinion, thus ensuring common support for supply policies. In essence, this led to the assertion that rulers would operate in the interests of those they represent, to the degree that they are representative (Pitkin: 1972:62).

The political thinkers and ideas of Renaissance Italy became interested in theories of parliamentary and participatory democracy. Although there was no understanding that the legislature could properly consist of representatives selected by citizens rather than the individuals themselves. There has been some growth in the proto-democratic conception of representation among some Puritans (English Protestants), especially the Levellers in England. Therefore, in order to give practical voice of their demands for a greater franchise and a legislature liable to a broad electorate, the notion of democracy governed by the people and the theory of representation merged together. Throughout the seventeenth century, the corporate concept of representation, in which people were considered to be included in the legislative body and its portrait, the official, impacted both ideology and fact.

## **2.4 Representative Democracy**

The Industrial Revolution in England began on the beginning of the 15<sup>th</sup> Century, combining small-scale manufacturing with large-scale production of commodities. Therefore, England began conquering several new colonies for natural resources and human resources in order to extend their empire. Later, colonies started to claim their independence because of the abuse of colonial rule. Without actual representation in parliament, the American people began seeking representation to create the progressive message "taxation without representation is tyranny" The constitutions of

those colonies and the new American republic declared that only the election of citizens produces true responsibility and assurances that representatives can genuinely behave in the interests of their constituents (Hansraj:2012:45).

The argument for representative democracy was articulated conclusively by James Madison (2003). According to him, democracy can be spread by democratic mechanisms over a much wider territory and population than was historically considered feasible. This method has many benefits, including the possibility that, in judgement, experience, and such abilities as public speaking and persuasion, the members will be superior to their constituencies. "Madison states in "The Federalist No. 10" that the effect of a representative legislature would be "to refine and broaden national opinions by passing them by the means of a selected group of people whose wisdom can better distinguish their country's true interest and whose loyalty and love of justice would be least likely to surrender it to immediate or partial considerations (Madison: 2003:44-45).

Elected structures have greater cohesion and consistency when compared to directly participatory institutions, because representative bodies are less prone to respond on unexpected differences in opinion than individuals. A representative democracy can be made to target more consistently at a public benefit that incorporates the needs and desires of all, more reliably than if all citizens in the country were specifically surveyed, by the modern science of electoral engineering (ibid:2003:47-48).

Madison argues in "The Federation No. 51" that a cluster of extended and objected districts contributed to the separation of government and federalism. "By understanding so many separate descriptions of citizens in society, it would make

majority domination less likely, as it would reduce an unfair combination of most of the whole, very unlikely, if not impracticable." Madison thus hoped that the personal value, that is, the patron-client, of relations between electors and their representatives would be minimized by those organizations. Such corruption was widespread in early parliamentary politics, and broad programmatic policies often suffered as a result (ibid:2003:166).

By the mid-nineteenth century, the triumph of this view was so complete in the minds of democratic thinkers that John Stuart Mill could clearly say, as a matter of course, in *Considerations on Representative Government* (1862), that "the only government which can fully satisfy all the requirement of the social state in one in which the whole people participate. But since all cannot, in a community exceeding a small town, participate personally in any but very minor portions of the public business, it follows that the ideal type of a perfect government must be representative" (Rautenfeld:2021:7).

Only by practice has the consequence of the inherently dynamic set of democratic structures of democracy come to the fore. There are a number of examples that indicate that elections in the early twenty-first century were the main basis of political authority. For example, in authoritarian and totalitarian systems, even rulers and ruling parties have used elections to show the existence of lawmakers. This has demonstrated that parliamentary participation has become critical in politics in the age of the new world. Although corporatist modes of representation survived in countries as varied as Germany in the 1930s to Sweden in the 1970s without overt political links in the twentieth century, direct election of representatives by persons organized

into districts created on a territorial basis is now the primary link between citizens and their governments (ibid:2021:8-9).

Real developments in the understanding of democratic politics have been made by the study of legislative structures. The intimate relationship between the candidate and electors would matter even more in systems where voters select between publicly designated candidates than in systems where voters choose between parties and the lists of candidates affiliated with them. A series of recommendations that outline the influence of district size on the electoral system as a whole was proposed by Maurice Duverger. Real developments in the understanding of democratic politics have been made from the study of representative institutions (ibid: 2021:10-11).

A first-past-the-post voting system in which districts elect a single candidate by a majority of votes tends to create a two-party system, while a system in which districts elect several candidates tends to create a multi-party system at the same time. A collection of refined proposals has been developed to account for most situations, but there are exceptions to these statements. The numerous active efforts to exploit the electoral laws to produce system-wide outcomes further show that there is sufficient, if only implicit, knowledge of the operation of democratic institutions. Possible manipulations, corrupt and salutary, include refusing or guaranteeing equality of minorities, unifying divergent political agendas into a few parties, and supplying a wide spectrum of political offices with proportional representation.

Thomas Hare opined that proportional representation called the single transferable vote, which is commonly considered as the fairest, since the vote of each person would count against the electoral result. One mystery that seems to outweigh

political scientists' capacity to illuminate, though, is why people vote at all. The irony of democracy is that it helps societies to spread over such vast numbers that the chance of the vote of any single person being the tie-breaker is so infinitesimal that no functional justification for voting appears to exist. However, the representative system continues to confer and affirm the authority of most modern democracies, with or without high voter turnouts (Hare:2018:88-90).

#### **2.4.1 Representative Democracy and Electoral Engineering**

According to Hanna Pitkin (1962), the idea of political representation is basically a modern one that emerged with the American and French Revolutions and it had tenuous relations with the concept of democracy and voting. It is also noted that for the predecessors of the liberal government, Greece and the Romans, there were no representational systems. Nor were the legislative institutions formed during the English, American and French Revolutions considered democratic (Pitkin:1972:26).

#### **2.5 Types of Political Representation**

Different scholars have shared their numerous views on political participation. Here, Hannah Pitkin (1962) and Jane Mansbridge (2003) are two scholars who have put forward their opinions on various forms of political representation.

Four opposing views on political representation were described by Hannan Pitkin (1962). They are Formalistic, Authorization, Descriptive and Symbolic Representation. In the political literature on the topic, she has described four distinct views of political representation that emerge as follows:

Firstly, Formalist representation, which, for example, associates democratic representation with the formal procedure; free and equal elections, used in the section

of representatives". Again, authorization and transparency require formalistic representation. Authorization sees a delegate as a person who, on behalf of another or a group of others, has been allowed to act. In comparison, philosophers who take the view of accountability argued that a representative is a person who is kept to account (Pitkins:1962:38).

Secondly, Symbolic representation is a political representation that stands for the individuals they represent as long as they believe in or accept them as their representatives." Pitkin claims that these political representation views owe political representation an inadequate account since they lack an account of both how representatives act with the represented and the moral standards for assessing the acts of the representative (ibid: 1962:92).

Thirdly, Descriptive representation are segment of lawmakers, who represent the broader population they come from, constitute descriptive members. There are representations that support a particular group's name that are homogeneous of the political context. The descriptive characteristics of descriptive members are similar to race, gender, class, etc. Lastly, Sustentative Members will be the inclination of those who shares the ideas and ideals, people wish to see safeguard, in an educated process, to vote (ibid:1962:60).

The four forms of representation, however, were also identified by Jane Mansbridge (2003), such as: promissory, anticipatory, gyroscopic and surrogate. According to Mansbridge, the promissory representation concentrated on the conventional style of representation, where, with the help of assurances during the referendum process, representative emphasis was placed on the principle of confidence and public mandate. In order to gain the confidence of the people and to

receive their vote, during election campaigning, representative made many commitments. A candidate works for the general good and promises later after the winning of the referendum. In this form of representation, it is difficult for the electorate to guarantee that all the commitments made by the members are met. But it is solely based on the will and desire of the members. The representative shall vote for its members on the basis of the prior job performed by the representative (Mansbridge: 2003:515).

Similarly, the anticipatory mode of representation is another one. Representatives don't reflect on what they pledged in the last election in this sort of representation. Yet they rely on whether they hope their constituency will approve them in the next election, as well as the public. Whereas, Surrogate representation is a method of representation in which members behave in the interests of citizens outside their constituencies. Whereas, the members use their own decisions in the Gyroscopic representation to decide who and whether they can behave on behalf of the public they represent. According to Hobbes, this form of representation is called a normal representative, one who, on behalf of the representative, makes his own decision. Mansbridge explores the relationship of control between electors and legislators. The electorate shall, by their elections, pass the decision-making authority to their members. Likewise, the transition of authority from principal to agent and the promised leader would be people's voices. For starters, owing to limited population numbers, they already have proper representation in small states. Furthermore, political presence in larger states can be expanded accordingly due to the large population scale (ibid:2003:515-516).

According to Friedrich, the origin of the medieval corporate structure that was non-electoral in existence is traced. The basic relationship between being elected and



thereby being representative of others, deemed fundamentally to be a modern one, had medieval precursors. In the early 19th century, reinforced by Jeremy Bentham, James Mill, Benjamin Constant, Alex de Tocqueville and John Stuart Mill, among others, the claim that there was an integral relationship between representation and democracy was established. However, for Tocqueville and Mill in particular, representation by forgoing informal relations between the delegate and the state could likely better control government, which until then had a negative connotation (Datar:2019:10).

## **2.6 Evolution of Representative System in India**

The early demand of the development of the representative institution begins with the Indian Councils Act of 1861. However, the people of India started demanding their representatives form of government in India. European radicals and Bengali counterparts centered in Calcutta stated advocating a representative government for India. The process of democratization in Europe and North America has a deep impact on the writings of the mid-nineteenth reformer Gopal Hari Deshmukh (Sharon: 2011:1)

### **2.6.1 Constitutional Developments During Colonial Period in India**

In the essay published by the Marathi journal 'Prabhakar'<sup>7</sup> in 1848, Deshmukh took an effort to mobilize people. He urged the Indians to send a petition to the Queen of England calling for India to be given a parliament. In Bombay, Deshmukh proposed that such a parliament should be assembled and that each city and district should be asked to send two delegates to this assembly each. It also noted that the delegate should be chosen by all parts of the organization. Representative should be selected

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<sup>7</sup> Prabhakar is a weekly Marathi Journal which was started by Govind Vithal Kunte on 28<sup>th</sup> October 1841 in Pune. Kunte was the first Professor of Marathi Journal.

on the basis of India's castes and oddly, he said, an excessive proportion of representation should not be granted to the Brahmin. Deshmukh also contributed to the early Indian discourse on political representation, which seems to have been largely forgotten (Datar:2019:20-21).

The Charter Act of 1833 was the first step in creating a difference between the administrative and the legislative roles of the Executive Council of the Governor-General by introducing to it a fourth member who would attend the sessions of the Council only when it assembled to legislate as set out in the Act. The Governor-General of Bengal has been turned into the Governor-General of India. Under this Act, Lord William Bentick became India's first Governor-General at the time, thus depriving the Governors of Bombay and Madras of their legislative powers. The Government of Governor-Genera became known as the 'Government of India' for the first time, and its Council was given exclusive legislative authority for the entire of British India. The operations of the British East India Corporation as a trading entity were terminated by this Act and it became a solely administrative body (Chandra: 1989:26).

The Council was further extended by the Charter Act of 1853, but only for legal purposes. Demand to have non-official representatives, both European and Indian, was refused on the grounds that it would be impossible to choose reasonably representative Indian non-officials (Datar:2019:21). Similarly, the Government of India Act of 1858, where the British Crown claimed East India Company hegemony over India. Without any public participation, this established absolute imperial control. Edward Stanley<sup>8</sup> was vested with complete authority and control over the

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<sup>8</sup> Edward Stanley was a British Statesman. He served as Secretary of State for foreign affairs.

Indian administration through the Governor-General as his agent where he was ultimately responded towards the British Parliament (ibid: 1989:28).

The Indian Councils Act of 1861 was first adopted as a reaction to the uprising of 1857 as the legislative institutions in India. The Colonial government found that it would not be possible to rule India without having Indian representation. It then specified that while carrying out the statutory undertakings, the Governor General's Executive Council should have some Indians as non-official members. By returning legislative authority to the Bombay and the Madras Presidencies, the act began the mechanism of decentralization. It would not be incorrect to say that the 1861 Act was the first step in India's path of self-government (Thomas: 1965:273).

In 1882 and in 1886, for the North-Western Provinces, Uttar Pradesh, the Punjab and Burma, a legislative council was created for Bengal. The Indian Council Act of 1892, on the other hand, incorporated the idea of elections in an indirect fashion. It enlarged the functions of the Legislative Councils and gave them the power of discussing the Budget and addressing questions to the Executive (Das:2000: 3831).

## **2.7 Politics of Representation in Colonial India**

The development of the representative institution in India was distinguished by demands of varying severity made for political representation by different groups and by sectional interests. The numerous groups argue that political participation is required, and each group spoke to push for their communities' reservation of seats. The Muslims, the Sikhs, the non-Brahmins of the Madras and the Bombay Presidencies, the Depressed Classes (Scheduled Castes) and the Scheduled Tribes, along with the Anglo-Indians, are the groups that demand political representation.

### **2.7.1 The Muslims**

Muslim sought separate political representation after the creation of the All-India Muslim League in 1906. After the late nineteenth century, concern was conveyed that it would lead to being swamped by the majority Hindus population because the Muslims were a numerical minority and electoral structure that lacked safeguard provision for the community. The Shimla Address<sup>9</sup> submitted the resolution to Viceroy, Lord Minto made these points in the demanding political recognition of the Muslims during the Morley-Minto reforms of 1909. The Muslim group must face various kinds of opponents and arguments when seeking the independent voting right (Libert: 1915:34).

Finally, for the first time, the Morley-Minto Amendments expressly recognized Muslims as a separate political group for the purposes of electoral representation. The Muslim community is the only one that was remembered in this way and the heavy critique of the India National Congress, which denounced separate political representation in its annual sessions of 1909, 1910 and 1911. But the Indian National Congress approved the separate electorates for the Muslim community after 1912 and they have asked for the electoral inclusion of the Hindu of the Sindh and the Punjab where they are in number of minorities. Similarly, without reasoned discussion, the Montague-Chelmsford Report gives the Muslims separate representation after their Morley-Minto reform passed the legislation after much argument and debate (Bandhopadhya:2018:166).

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<sup>9</sup> Shimla Address or Shimla Deputation of 1909, the 35 Muslims under the leadership of Sir Agha Khan met with Viceroy Lord Minto and placed demand for separate electorates for the Muslims.

### 2.7.2 The Sikhs

In Morley-Minto Reform in 1909, the Sikhs demanded political representation, but their appeal was ignored. The Punjab government arranged for separate Sikh representation in its recommendations for an expanded Provincial Council. Similarly, there were also Hindu and Muslim calls for political representation. Hindus assert that there was no greater contrast between the Hindus and the Sikhs. On these lines, both disagreed and stated to have their own distinct representation. The Punjab government, amid this claim, accepted the proposal for separate representation for their populations. They argued that the Sikhs were more backward than provincial Muslims, and they were a significant group deserving of consideration (Datar:2019:49-52).

The Sardar Sundar Singh Majithia also put the most articulated advocacy for the assertion of representation of the Sikhs regardless of the Punjab government. He concluded that if backwardness is the prerequisite for giving the Muslims independent representation, then even in terms of minority, the Sikhs definitely deserved it. Likewise, by pointing out that the British had taken Punjab from the Sikhs and were the last to be vanquished by the Raj, he appears to have evoked historical memories. Loyalty was also stated in the regular themes of military services, but sadly there were almost no official views in support of the Sikh demands<sup>10</sup>.

Consequently, the Montagu-Chelmsford Report of 1919, at the end of World War I, granted the Sikhs separate electors on the basis of distinct and substantial

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<sup>10</sup> Government of India, Constitutional Reform in India, Published under the Authority of Government of India, Vol.III,784. Cited in Datar, Abhay V. (2019). *Political Representation in India 1908-1951*. p.p.49-50.

populations that are presently unrepresented in terms of separate representation. It is added that the Sikhs also provided the Indian army with a gallant and significant feature. By giving the separate electorate to the Sikhs one thing is clear that there was no clear yardstick by which claims to representation were accepted or rejected (Halifax: 1935:16).

Barkar Ali, a leader of the Punjab Congress Committee, said, contrary to the separate representation of the Sikhs, that there is no point in granting the Sikhs separate representation, because they were Hindus. Whereas the former President of the Congress, R.N. Mudholkar, supported the representation for Sikhs. Similarly, the Joint Select Committee on the Government of India Bill 1919 has also addressed the same issues. Sardar Thaker Singh, who observed the committee's appearance, called for separate representation on the basis that no group member was ever elected in the general constituencies. Annie Besant states that "no such provision for the community is needed because its interest was the same as the Hindus"<sup>11</sup>. While the Government of India Act 1919 provided electors to Sikhs, the Sikhs were always willing to give up their arguments that separate representation provides for all groups to do so. There are several questions that emerge about the identity and representation of Sikhs.

Sir Mohammad Shafi, the Muslim League's principal spokesperson, opposed the fact that there was no real distinction between the Sikhs and the Hindus in his evidence to the Simon Commission. According to him, the disparity between the Sikhs and the Sunnis was identical to whatever distinction existed. In fact, in order to

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<sup>11</sup>Joint Select Committee on the Government of India Bill,1919, Vol.III, Appendices (His Majesty's Stationery Office London,1919),9. Cited in Datar, Abhay V. (2029). *Political Representation in India 1908-1951*. p.p. 50-51.

achieve political representation, the Sikhs consider themselves to have distinct personalities, which was a direct move to mitigate the non-Muslim weighting arguments in the Punjab. But the Sikhs witness naturally to opposed these attempts to deny their separate existence (Datar: 2019:51-52).

### **2.7.3 Depressed Classes**

The word 'Dalit' was coined in post-colonial India by the disciples of Ambedkar, which is a Sanskrit word, meaning 'suppressed', to describe the depressed classes. They did not accept the word Harijan (Child of God) used by Gandhi for the untouchables in Hindi social order because of their aversion against him. The word Dalit therefore, became the vernacular terminology for the oppressed classes, which a wider connotation for electoral sociology in the democratic polity of the country (Singh:2016:118).

Dr. B.R. Ambedkar, who organized the dalits into the Depressed Classes Association in 1930, clashed with Mahatma Gandhi at the Second Round Table Conference by demanding separate electorates for dalits. When the British government conceded Ambedkar's demand, Gandhiji began a fast unto death. He believed that separate electorates for dalits would slow down the process of their integration into society. Ambedkar ultimately accepted Gandhiji's position and the result was the Poona Pact of September 1932. It gave the Depressed Classes (later to be known as the Schedule Castes) reserved seats in provincial and central legislative councils, nevertheless, they were to be voted in by the general electorate. The dalit movement, however, continued to be apprehensive of the Congress led national movement (Mondal:2019:2).

Depressed Classes had no demand during the time of Morley-Minto reform 1909 asking for political reform. By the end of First World War, political

understanding within the population had increased, attracting the interest of the nationalist leaders as a consequence of concentrating on the grievances of those oppressed groups. The meeting held in Bombay in 1919 by the Depressed Classes Mission Society also called for the allocation of political seats for them on the basis of their proportion (Datar: 2019:65).

The Government of Madras was the first to draw attention to the need for the depressed classes to secure representation. In the response to the Montague-Chelmsford Report 1919 and referral to the South Borough Committee 1919, it is noted that high standards of franchise credentials would be received by the depressed class and emphasized that no political candidate will be chosen from any non-communal electorate regimes. The need for representation of the Depressed Classes was also strained by the Central Province and the Berar Administration. The Bombay Government, however, noted that the word Depressed Groups is hard to describe (ibid: 2019:65-66).

The Depressed Groups have been denied from the representation. For example, Sachidananda Sihna from Bihar does not mean that if a group is barely involved in politics, they should have different voters. Similarly, Pandit Moti Lal Nehru, who represents the United Provinces, states that "the issue of depressed classes did not exist as elsewhere" in his provinces. Thus, he rejected in his colonies the nature of untouchability. According to N.K Kelkar of the Central Provinces, owing to the lack of representation, the interest of the society will not suffer. Nonetheless,



several parts, such as Bihar Muslim, Bengal Hindus Upper-Caste, argue that the Depressed Classes require separate representation<sup>12</sup>.

In support of Muslims and Sikhs, the Government of India Act, 1935, which differentiates between the implementation of federalism in India, continued communal representation with weighting. In the House, the elective seats were split into general seats, Sikh seats and Mohammedan seats. Some seats for scheduled castes and women were also reserved.

Dr. B.R. Ambedkar called for a 'Separate Electorate Scheme' for the Dalits, given the increasing inequality between the Dalits and the rest of the Hindu population. Mahatma Gandhi stoutly rebutted this motion as he saw an everlasting abyss in the event of acknowledging Ambedkar's demand. The Simon Commission's report eventually awarded the Depressed Groups reserved seats. However, as Congress was interested in its making, the Simon Commission Report remained a dead letter. A meeting was held in London in 1930 to get out of the impasse, and then a Second Round Table Conference in 1931 but petered out (Varshney:2014:1).

The British arbitration was declared in August 1932 during the Second Round Table Conference on the role of different classes in the Constitution, which recognised the right of the untouchables to have a separate electorate. Within the system of general constituencies and within 71 independent constituencies, which could only be filled by Scheduled Castes candidates, they were granted the right to vote at the same time. This scheme, however, was not palatable to Mahatma Gandhi, which later led to the "Poona Pact" between Gandhi and Ambedkar, which instituted a

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<sup>12</sup> Reforms Committee (Franchise), Evidence Taken Before the Reforms Committee (Franchise), Vol, I, 24. Cited in Datar, Abhay V. (2029). *Political Representation in India 1908-1951*. p.p. 50-51.

system of reserved seats under which the Untouchables in the Legislative Council were granted 148 seats (instead of 71 as suggested by the Communal Award). In those 148 constituencies where the Untouchables were the most numerous, the representatives of the Depressed Classes would themselves nominate the four Dalit leaders who would be the candidates from whom all constituency electors, mixed among all castes, would then have to elect their representative (ibid:2014:1).

#### **2.7.4 The Scheduled Tribes**

The term “tribe” has been defined in different ways by different individual scholars and hence there is no universally accepted definition. Though definition of the term “tribe” has long been a subject for discussion among anthropologists, but so far, there is no generally accepted definition (Naik:1968). Similarly, Beteille (1974) concluded that in India, “there really is no satisfactory way of defining a tribal society”. The Constitution of India though made a several provisions for safeguard to tribal but it is nowhere defined in the Constitution. It only declares that the Scheduled Tribes are “the tribes or the tribal communities or parts of or groups within tribes or tribal communities” which the President of the country may specify by public notification via Article 342 (Chettri: 2013:8).

The tribe communities are also recognized as Indian aborigines. Actually, in terms of political participation in India, the tribe’s population was ignored during the early days. Neither the Montague-Chelmsford 1919 report was nor the response of the First Despatch nor the Government of India 1935 to the report. In reality, in India, the whole study fails to consider the tribal community.

It was just the provincial government that was worried about the tribes where the heavily settled tribal people were exists. Such as, Bihar, Orissa, Central Provinces,

Berar and Assam these were the places and there was no election, of course, but candidacy was proposed by all provincial government, which was also approved by the South Borough Committee 1919. During the proceedings of the 1919 Joint Select Committee, the group did not feature much either in the rules made under the Government of India Act 1919 or in the constitutions framed by the nationalist movement during the 1920s take the community's note. However, the Simon Commission remorsefully found that the bulk of those elected from the tribes dominated seats in Bihar and Orissa were non-tribal, but refrained from making any clear recommendations<sup>13</sup>.

The question of Scheduled Tribe's representation has been acknowledged in the details sent to the Simon Commission 1919. But there have been some issues, such as, if non-ST's nature should be considered party members and if it came to power whether it was split by conversion to Christianity. Sarat Chandra Roy was an anthropologist who was elected to the Bihar and Orissa Assembly from a predominantly constituency reserved for Scheduled Tribes. Similarly, J.A. Hubback, the special officer of local government changes, described him as a tribal leader because he commands the Scheduled Tribe's respect, while Roy himself deprecated the fact that both representatives nominated to serve the aborigines were Christian missionaries while the non-Christian aspect of the group was numerically greater than its Christiana counterparty<sup>14</sup>.

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<sup>13</sup>Indian Statutory Commission Report, Vol-I, Survey, Cmd.3568,161. Cited in Datar, Abhay V. (2019). *Political Representation in India 1908-1951*. p.77.

<sup>14</sup> Indian Statutory Report, Vol-XV, Extracts from Oral Evidence (Official) (His Majesty's Stationery Office: London,1930), 273 and 274. Cited in Datar, Abhay V. (2019). *Political Representation in India 1908-1951*. p.77.

Nonetheless, the issue did not even appear in the official submission to the Commission of the Government of Bihar and Orissa. The Lothian Committee also did not consider the topic of political participation for Scheduled Tribes. However, left it to settle on the issue of provincial governments. Again, on the basis of their general backwardness, it was Roy who made a clear appeal for tribal inclusion. There were a few members of the tribal party who made it a point to mention the tribal representation before the Lothian Commission (Kumar: 1985:90).

Scheduled Tribes inclusion was once again not favourably represented during the proceedings of the Joint Committee on Indian Constitutional Change. To infer that Scheduled Tribes did not portray themselves was common. The question of tribal inclusion was answered, however, by the leading Labour MP, Colonel Josiah Wedgwood. He further proposed that the tribal could represent English anthropologists in the all-India legislature, while the Anglo-Indian chief, the Sir Henry Gidney, shared his belief that Christian missionaries in India could represent tribal groups. While many views were shared, the society did not really need representation<sup>15</sup>.

Wing Commander A.W.H. James, an MP, who circulated extensively among the tribal regions and advocated that all regions inhabited by tribes 'excluded' or exempted from the scope of changes and subsequently called 'Valueless' tribal representation. The Census Commissioner of India, Dr. J.H. Hutton, later echoed his preference for the appointment. This disrespect to tribal representation has been extended far and wide. Ambedkar was reluctant, though for different reasons. He

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<sup>15</sup> Joint Committee on Indian Constitutional Reform ( Session 1932-1933), Volume IIB, Minutes of Evidence given before the Joint Committee on Indian Constitutional Reform (His Majesty's Stationery Office London,1934),1225. Cited in Datar, Abhay V. (2029). *Political Representation in India 1908-1951*. p.p. 50-51.

believed that the society therefore lacked policy agency to make the full use of their political rights and could be misused by others (Datar: 2019:78-79).

Ambedkar later proposed that tribal-dominated regions should continue to be known as: exempt areas and administered by the Statutory Commission. By the time the Constitution Assembly was assembled, this neglect of tribal rights was, of course, altered. The group has now found a dynamic spokesperson for Jai Pal Singh. In his first speech to the Assembly, he called for a higher degree of representation for the tribal group, which has since been thousands of years, not just the aborigines of the land, but on the grounds of marginalization by Hindu law. In the Constituent Assembly, there was some resentment that the Minority Rights study did not list the Scheduled Tribes as one of the groups that were given reservations. Sardar Patel told the members that the subject was to be dealt with by a different committee (ibid: 2019:79).

Two sub-committees were named by the Assembly, the first headed by Gopinath Bordolo, who was Assam's premier dealing with the tribal Assam. Second, chaired by the social worker veteran A.V. Thakkar who is also known to lift the tribal in the rest of the world as Thakkar Bappa. Since the group was in the majority in the area, the Bordolo Sub-Committee did not prefer reservations on the tribal of the hill district of Assam. Whereas, in both the provincial and the central legislature, the Thakkar Sub-Committee firmly proposed reserved tribal seats, failing to ensure the tribal representation in the legislatures. However, in contrast to their share of the population, they are underrepresented in the composition of the Legislature<sup>16</sup>.

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<sup>16</sup>Constituent Assembly Debates, Vol. VIII,120. Cited in Datar, Abhay V. (2029). *Political Representation in India 1908-1951*. p.78.

The legitimacy of the 'tribal' or Scheduled Tribes' grouping has not been challenged until now. Hey. L.N. Orissa's Sahu reminded his fellow members that two tribes in his provinces were politically advanced and were thus no longer fit for inclusion in the category. His point appeared to be that a high degree of political consciousness meant that there was no longer a need for institutional protections in the form of reservations and the two could now be easily omitted. Sahu also observed that a slow tribal Hinduisation process was taking place, the pace of these changes was not pushed, and speed was allowed. Oh, K.M. Munshi opposed Singh's efforts to build the tribal into a single unit as he found out that the group 'Scheduled Tribes' was hardly any commonality between the different tribes. The Assembly also saw a discussion about how to translate the word Scheduled Tribes into Hindi, and Singh favoured the use of 'Adivasi' over every other term. Beyond this, there was not much debate on the issue (Bajpai:2000:1842).

## **2.8 On Minorities Question, SC and ST**

The Constitution Assembly was formed in 1946 with the eventual transition of power. The first meeting of the Assembly took place in 1946, when the assembly was boycotted by the Muslim League because of an unsatisfactory and inappropriate constitutional settlement. The thorny topic of parliamentary representation appeared during the drafting of the Indian Constitution. Probably the only leading political figure to come up with a legislative structure plan was Dr. Bhim Rao Ambedkar (Rodrigues: 2002:920).

The bulk of the Muslim population went to Pakistan after the partition of India and Pakistan, and the remaining Muslims became minorities in India. Ambedkar recommended that all minorities, according to their proportion, be granted seats in the

legislature. Initially, a clause to reserve seats for different electors was finalized in 1948 by the drafting committee. However, by 1949, no other group was given reserved seats in the midst of significant political action except Scheduled Tribes and Scheduled Castes. On the other hand, by the arrangement of the President, the Anglo-Indians were given representation and the Governors of certain States nominated the community's representation to the lower house of Parliament. The lower houses, respectively, of the provincial legislature (Thresiamma: 2011:180).

After much discussion, the Constituent Assembly has agreed that certain provinces must have bi-cameral assemblies. Likewise, the Indian electoral structure architecture was put in place. In 1950 and second in 1951, two parts of legislature were first enacted, each titled as the Representation of People Act. In multi-member constituencies, the Representation of People Act 1951 banned expanded voting. According to the provisions of the Representation of People Act 1950, the Election Commission, another body set up by the Constitution, was tasked with the duty of delimiting the Constitution. In finalizing delimitation recommendations, the committee was to be briefed by the regional Legislative Advisory Committee (Das:2000: 3831).

## **2.9 Constituent Assembly Debate on Scheduled Castes and Scheduled Tribes**

In December 1946, the Constituent Assembly came into being, and the members of the assembly served for almost three years to draft the world's longest written constitution. It was important to convert the principles that the Independence Struggle had spoken about into Legislative clauses. The defense of socially backward societies was one of them. Reservation problems were pleaded for, clarified, accommodated and embraced with the national spirit to assimilate parts of society into the

mainstream of national existence, including the expected beneficiaries of the reservation program (Chandavarkar:2016:18).

Nehru put forward the Objective Resolution before writing the Indian Constitution. In a simple meaning, he had given the direction on the basis of which it had to be written to Indian Constitutional makers, which later became a preamble of the Indian Constitution. Nearly all the participants, except for B.R Ambedkar, whole heartedly adopted the motion. He blamed Nehru for just considering the security of minorities, backward areas and tribal areas. But the remedies for the Scheduled Caste and Scheduled Tribes, who were traditionally oppressed by the Indian caste system, were not listed (Rodrigues:2002:474).

Much of the congress representatives were in favor of reservation, but were facing opposition from their own men. As an appropriate precaution for the Scheduled Caste Quota, the representatives of Madras opposed the notion of separate voters:

“...Even if the Harijans are given this percentage of Votes and this kind of electorate system, the Harijans are in a position to withstand the attractions that they will have to face at the time of elections. So many parties can set up candidates and they can purchase the Harijans and put up any candidate they desire, and any candidate can come up in the Assembly and certainly he may not represent the community though he may get percentage of votes that is desired by this system. As long as the Scheduled Castes, or the Harijans, or by whatever name they may be called, are economic slaves of other people, there is no meaning demanding either separate electorate or joint electorates or any other



kind of electorates with this kind of percentage. Personally, speaking I am not in favor of any kind of reservations in any place whatsoever<sup>17</sup>”.

A member of the Scheduled Caste, Nagappa, argued that the quota should be granted to the ancient people who were oppressed by late commanders in the past. Reservations should be provided to safeguard the rights of minorities by listing the number of Scheduled Caste and Scheduled Tribal members and the population in different parts of the country.

Unlike Scheduled Caste members, the representatives of the Scheduled Tribes articulated their voice of protest by asserting that they wanted to be regarded with respect as the original settlers. Jaipal Singh of Bihar claimed that over the last 6000 years, the tribal people have been ignored and constantly isolated and suppressed. He then called for equal inclusion of Adivasi (representation) and women in the Indian Constitution (G.O.I:1949).

Questions were asked about the representation in the legislature of backward classes and required that the new Constitution would ensure equality and secure the interests of the depressed classes at the same time. H.J Kanderkar shared his sorrow over the losing seats of Harijan to Madhya Pradesh, the present Central Province. He notes his claims:

“I remind you of the Poona Pact. I place before you the example of my own province. In Central Provinces where we constitute 25 per cent of the population and we are entitled to 28 seats, we are given only 20 seats in pursuance of Poona Pact. Where have our eight seats gone? ...Harijans cannot tolerate such injustice. They

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<sup>17</sup> Constituent Assembly Debate, Volume IX.45.

should be given representation according to their numerical strength”<sup>18</sup>. Thus, H.J Kanderkar called for the seats of the depressed class of the missing political representation, and proposed having their seats according to their numerical power or on the basis of their population proportion<sup>19</sup>.

Provisions of 'Untouchability' were usually welcomed in the proposed Constitution. The simple right to 'not be exposed to any prejudice' gradually became entitled by the requirements to procure 'preventive discrimination.' Unlike Martin Luther King, Ambedkar was, according to Nesiiah, in the role of approved Chairman of the Constitutional Drafting Committee and Minister of Law, 'he was vested at the highest level with both actual and symbolic authority.' Therefore, he was able to successfully intervene in the liberation of the Dalits. Sardar Vallabhbhai Patel, who delivered the Study on the Political Security of Minorities, concluded the debate with a provision to threaten minorities from every general position. The statement laid down by Patel created controversy among the Advisory Committee, and in the Minority Communities that was passed by the majority (G.O.I:1949).

P.S. Deshmukh shares his pleasure with the study made in order to protect the interests of the minority, but at the same time concerns that the so-called majority might be oppressed. He suggested that they should not only concentrate on minorities, but also turn focus to the oppressed and marginalized rural population. Members, on the other hand, create unhappy grades, such as S. Nagappa and Jaipal Singh, in proportion to their population and representation in cabinets, also demanded representation. With respect to the reservation of seats in parliament and state assemblies, a time limit of ten years was allocated by the Constitution. While this was

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<sup>18</sup> Constituent Assembly Debate, Volume IX,45.

<sup>19</sup> Ibid,45.

not applicable to the scheduled castes, the advice of the political masters was accepted (ibid:1949).

In order to ensure the smooth running of Indian democracy and to remove the fear of invasion of minority rights, the Government of India has adopted new laws. Article 330, Section 16 of the Indian Constitution, calls for the allocation of seats in each State in the lower House of the Indian Parliament for the oppressed classes (SCs and STs) in proportion to the size of their population in their respective provinces. The group of SCs and STs is needed to contest elections in reserved constituencies (Louise: 2019:56).

### **2.10 Reservation in India**

The Indian Constitution described several classes as SCs and STs who were traditionally marginalized and laid behind from getting equal opportunity in Indian society. Therefore, it is claimed that the reservation in Indian law is a kind of an affirmative action, with a certain percentage of seats reserved for socially, educationally and economically disadvantaged sections of society in different sectors such as the Union and state civil services, educational institutions, the Parliament of India (Mondal:2012:6).

William Hunter and Jyoti Rao Phule first coined the concept of the caste-based quota method in 1882. The reservation system was reserved from provisions of separate voters for minority groups such as Muslims, Sikhs, Indian Christians, Europeans, Dalits (ibid:2012:7).

For Scheduled Castes and Scheduled Tribes reservation system was implemented to uplift and ensure socio-economic justice for the poor and downtrodden parts of society. In the Indian Constitution, the Constitution makers put

a reservation scheme because the ST's and SC's were denied from the proper education system, or permitted access to markets, public places, temples and other places. They are also perceived to be historically disadvantageous. Thus, in order to provide security and fair justice to everyone, regardless of their caste, creed, race, language and place of birth, the Constitution makers deliberately incorporated the feature of 'equality' into the Constitution of India (Das:2000:3832).

The Constitutional makers introduced, among other things, a 'preferential treatment' scheme in favor of poorer parts of society in order to get them to par in Indian society. Achieving social, physical, and political justice and equality of rank and opportunities is one of the preambular purposes of the Constitution, as per the Preamble of the Indian Constitution. The Indian Constitution has introduced numerous Directive Values of State Policy in order to promote socio-economic equality for all people. The Constitution of India abolishes the wicked tradition of 'Untouchability' in order to eliminate injustice. Article 15 (1) of the Indian Constitution provides that 'A State shall not discriminate against any person solely on the grounds of religion, race, caste, sex, place of birth or of any of its people' (Bakshi:2010:42).

Dr. B.R Ambedkar, the chief architect of the Indian Constitution, illuminated the harsh reality of Indian society by witnessing and recognizing the injustices and contradictions of Indian society when delivering his speech at the Constituent Assembly.

“We must begin by acknowledging first that there is complete absence of two things in Indian Society. One of these is" 'equality'. On the social plane, we have in India a society based on privilege of graded inequality, which means elevation

for some and degradation of others. On the economic plane, we have a society in which there are some with immense wealth as against many who are some with immense wealth as against many who are living in utter poverty in politics, we have equality and in social and economic life, we have inequality. We must remove this contradiction at the earliest possible moment, or else those who suffer from inequality will blow up the structure of the political democracy which this Assembly has so laboriously built up” (Mujtaba et al:2019:557).

As per the above statement of Dr. B.R Ambedkar equality should be secured to all the citizens even in socio-economic life through state’s involvement. To secure adequate means of livelihood of all citizens and in order to secure the educational and economic interest of the weaker section of the people, especially of the Schedule Caste and Scheduled Tribe and to protect from social injustice and all exploitation the reservation system was introduced by the Constitutional makers in India.

Two groups, such as Scheduled Caste and Scheduled Tribe, who are socially and educationally deprived sections of people, have been given reservation seats in the field of education and public jobs by the Constitution of India. Government has taken reservation steps further; it is also known as 'affirmative action' in order to protect the rights of the OBC and reserved for the OBC. The reservation scheme is also enforced for the economically and educationally deprived segment of the legislature in both the Parliament and State Legislatures (Louis: 2019:2475).

India's governmental policy regarding minorities in society strategy, all the more prominently known as "Reservation Policy", is composed by the arrangements in the Indian Constitution which was embraced in 1950, however its introduction at the nation level traces all the way back to the mid-1930s. The two significant

highlights of the arrangement in the constitution which should be recognized with the end goal of this working paper are: the guideline of "Non-separation and Equal freedom" and the arrangements cherished in the Constitution enabling the State to find a way to guarantee equivalent freedom (Senapati: 2016:5).

The SCs and STs of the National Commission are empowered to swap their socio-economic status by various provisions. The amendment was made by both the Central and State Governments to consider the Other Backward Classes. In order to increase the economically deprived class of society, India made a provision to reserve about 22 percent of the seats in the education and government work sectors (Lochan:2017:12).

### **2.10.1 Education**

The numerous reservation provisions for the SCs and STs have been issued by the Indian Constitution. According to Article 15 Clause (4) and (5) of the Constitution allocation of seats in educational establishments for SCs, STs and Backward Classes. In addition, private aided and unaided colleges of government institutions should have to reserve those seats for the students belonging to these classes. 15 % of seats for SCs and STs students under the 86th Constitutional Amendment Act. Similarly, in order to protect and promote educationally backward classes, the Constitution of India sought to include both majors and protections. As per the Sub-clause 2 of the 86<sup>th</sup> Amendment Act has insertion of new article 21A which states that “the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manners as the State may, by law, determine”<sup>20</sup>.

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<sup>20</sup> Lochan, Sansar. (2017).Provision for Reservation System. Retrieved November 4,2020, from <https://www.sansarlochan.in/en/reservation-system-related-articles-in>.

### **2.10.2 Employment**

The constitution provides for both appointment and promotion in the government services. Article 16 (4) empowers the State to make “any provision for the reservation in appointments, or posts in favor of any backward class of citizens”. Article 16 (4 A) enables the State to make provision for reservation in matters of promotion to any group or groups of posts in the services under the State in favor of the SCs and STs. Article 335 states: The claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments of services and posts in connection with the affairs of the Union or of a State. In addition to the education, the Constitution has provided the reservation of jobs in order to uplift the backward people to bring at par with mainstreams. Similarly, Article 16 (4) of the Indian Constitution offers equal opportunities for all. According to Article 335, vacancies for public sector SCs and STs in both State and Central Government are asserted (Senapati:2016:6-7).

### **2.10.3 Reservation Provision in Lok Sabha and Legislative Assembly**

In addition to jobs and education, in the Lok Sabha of the Parliament and Legislative Assembly of States, the SCs and STs have had their parliamentary seat reservations. In accordance with Articles 330 and 332 of the Constitution, the allocation of seats for both SC's and ST's in India is given. According to Article 330 clause (1) states that “Seats shall be reserved in the House of People for (a) The Scheduled Caste and (C) Scheduled Tribes”. Similarly, according to Article 332 provides the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Legislative Assembly of the States. Henceforth, under the Constitutional Provision the SC's and ST's have

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their political seat reservation in the House of people as well as Legislative Assembly of the States (Senapati:2016:8-9).

### **2.11 Women Representation in India**

The women came forward with their demands for voting rights before Independence of India as early as 1917, far before women in other parts of the world had already won their rights. They bravely struggled both against colonization and against conventional, patriarchal culture. The Irish-Indian Margaret Elizabeth Cousins, who also founded the All-India Women's Conference (AIWC) in 1927. She had advocated, with much enthusiasm, the granting of the same suffrage rights for women as would be granted to their brothers (Gandhi:2017:1).

Another women reformer as well as women activist, Sarala Devi Chaudharani was also a founder of the first women's organization in Indian, the Bharat Stree Maha Mandal at Allahabad in 1910. She also advocated the proposal of women suffrage before the Montague-Chelmsford team in December 1918. After the thirty years of prolonged and difficult struggle along with the Independence, the women of India were able to secure the voting right (Odvevar:1989:173).

The Indian Constitutional Laws have given men and women equal status and equal protection in India. Many male social activist advocates for women's rights from time to time in order to grant them equal status as men. Among them, one of India's leading personalities is B.R Ambedkar.

In the Indian Parliament, the representation of women in the law-making and law enforcing bodies is also lagging behind. A delegation headed by Sarojini Naidu and Margaret Cousins raised the first demands for political representation and suffrage in India in 1917. Oh, Govt. The India Act of 1935 called for the allocation of



41 seats at the provincial level for women and restricted vacancies at the central level (Neerav: 2020:34).

Via various clauses set out in documents such as Fundamental Rights and Directive Values, the Constitution of India guarantees justice, liberty, equality to all its people regardless of race, religion, gender, caste. Through granting rights to the underprivileged and the minorities, the framers of the constitution have realized the values of genuine democracy. Not only does this section give women equal status, but it also empowers the constitution to enact laws against violence against women. In Indian politics, the policy of reserving seats for the female segment of society in legislative bodies is well known and heavily contested (Bakshi:2010:92).

It is said that the right to vote is the starting point of women's fight for democratic representation and inclusion. In India, women's voting participation has risen to a great degree over the years from 1952 to date, but there is a large difference between participation by men and women, according to the reports of Election Commission of India (Bisht: 2018:16).

The number of delegates has fluctuated at all times. In the year 1952, just 4.4% of woman members were elected to the Lok Sabha, according to the records of India's Election Committee. As of 2013, 11% of women in Lok Sabha have reported from parliamentary members. There is a marked disparity between male and female members with respect to women's inclusion in the Rajya Sabha. In 1952, 6.9% of female members were elected to the Rajya Sabha, which rose to 10.6% in 2013 (Neerav:2020:45).

The women representatives in both houses were very limited in contrast with the voting force of 65.30 percent in the 2014 general election. A relatively limited

number of women have managed to become members of the Cabinet of the Union. It is also clear that very few women in India are part of the body's decision-making process (Ojha: 2009:32).

Realizing the de facto participation of women in Indian affairs. Women also increased the case for women's seat reservations in India. The Women's Representation Bill, which recommended reserving 33% of Indian Parliament seats. In the state and central legislative assemblies in India, there has been national discussion on merits and demerits about the reservation of women's seats. Different legislative steps to achieve gender equilibrium in government institutions have been implemented in numerous countries. Such as the inclusion quota scheme, which helps enhance and protect the participation of women in parliament (Neerav:2020:45).

Women's political participation and equality can be seen from understanding the relevant markers of the role of women in every culture. For both normative and realistic purposes, the presence of women is considered important. The needs of all people, viewed from a normative viewpoint, should be reflected by the political elite. It may result in legislation representing only the male view if women are not involved in the democratic process. In fact, however, it may contribute to the redistribution of money and decisions that may not be in women's benefit.

### **2.11.1 Reservation in Panchayati Raj for Women**

At its inception, panchayats have been the foundation of grassroots democracy in Indian villages. Gandhi favoured the Panchayati Raj and his dream was converted by the passing of the 1992 Constitution (or simply the Panchayati Raj Act) (73rd Amendment) Act, which implemented the three-tier Panchayati Raj system to ensure

the inclusion of people in rural reconstruction in general and that of women in particular. It came into force on 24 April 1993 (Deo: 2011:5).

As provided for in Article 243 D of the Constitution, 1/3rd of the Seats of the Panchayati Raj Institutions and 1/3rd of the Offices of the President shall be reserved for women at all levels of the Panchayati Raj Institutions referred to in Part IX of the Constitution. Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Kerala, Maharashtra, Orissa, Rajasthan, Tripura and Uttarakhand have made legal provisions for 50 percent reservations between members and Sarpanches for women. According to the State of Panchayat Report 2007-08 commissioned by the Ministry of Panchayati Raj, a declaration giving the status of Elected Women Members in all States and UTs. (Deo: 2011:1).

The principle of reservation has gone through a lot of opponents and controversy before the implementation of the reservation system in the Indian Constitution. While, after long debate and discussion, it was passed by the constituent assembly members, the reservation scheme was introduced in India. for a period of ten years, that is, 1951 to 1961, the reservation scheme was only proposed for the SC and ST community. However, it was expanded year after year and the reservation system has been introduced to date. Therefore, at the Panchayati Raj Institution, the Constitution also has a political seat allocation. Pursuant to Article 243D of the Indian Constitution, seats in each Panchayati Raj should be reserved for SC's and ST's according to their proportions (Bakshi:2010:204).

## **Summary**

In the initial stage the representatives have neither to do with the democracy nor the citizens have their voting rights. The political representation is modern phenomena where representatives act on behalf of the citizens.

In the scenario of India, the political representation became very popular when democratization process took place in India. Before the independence, India was under the British reign where some political conscious people started demanding their representation and asked to establish Parliament. During the British rule in India many Constitutional reforms were made such as Morley-Minto reform of 1909, which provides the communal award to Muslim community in India. Similarly, this reform was followed up by the Montague-Chelmsford reform of 1919 and the Government Act of 1935.

Soon after the independence the Constitutional development took place in India, and within the Constitutional framework different reservations provisions were made for the socio-economic and educational weaker sections. The Scheduled Castes and the Scheduled Tribes were the most important section whose interest was protected by the Indian Constitution. The Indian reservation was introduced with an objective to uplift and to bring weaker section at par with the mainstream. Through this reservation system the SCs and STs are getting reservation in education and government as well as private employment. Most importantly they also have political seat reservation in State as well as Central legislature. Therefore, it will not be wrong to say that reservation policy adopted by the Government of India is securing the minorities rights in the field of politics. By having political representation of the minorities, they are able to be a part of an important policies making and politically they will be able to enjoy their rights in Parliamentary form of Government. The women of the India also come forward with the demand of 33% seat reservation in the

Central legislature, Therefore, in Parliament form of democracy each and everyone have their rights to choose their representatives and every section of the minorities are fully safeguarded by giving the political seat reservation within India.

## **Chapter - III**

### **Politics of Representation in Sikkim**

#### **3.1 Introduction**

The Bhutia, Lepcha and Nepalese are the three major ethnic groups of Sikkim. Competition and conflict for political power, economic benefits, social status and distribution of resources. Ethnicity in Sikkim revolves around rivalry for equal rights and resources and access to political power among the three ethnic groups. The Himalayan kingdom of Sikkim became the 22nd State of the Indian Union under the 36th Amendment Act of 1975. The 36th Amendment Act of 1975 is responsible for the legislative adoption of Article 371F. Article 371F is also consider as the Mini Constitution of Sikkim. There is a certain sub-clause in Article 371F which protects the rights and interests of the different sections of the Sikkim population. Besides that, it also has provisions for the number of seats in the State Legislative Assembly of Sikkim.

Merger of Sikkim with India created a significant development and one of such was certain modifications for the existing minorities that is to furnish norms and reservation for the specification of the Schedule Castes and Schedule Tribes communities in the State. Accordingly, this chapter examines with the issues of Sikkim in terms of political seats reservations. Specified under the special Article 371(f) and Article 332 of the Constitution of India which provides the reservation for political representation in State Legislative Assembly of Sikkim. Apart from that, it also tries to highlight the reservation pattern of different communities of the State, such as, Bhutia-Lepcha (BL), Scheduled Castes, Other Backward Castes (both Central and State), Scheduled Tribes (Limboo and Tamang) and Indigenous Tribes in terms of education, employment and politics.

### **3.2 Politics of Representation Before Merger of Sikkim**

Before the merger, the First State Council was introduced by Maharaja Tashi Namgyal in 1953. The State Council and Executive Council Proclamation 1953' is also known as the State Council. There were 12 elected members of the State Council and five nominated members of the King. The Bhutia-Lepcha and Nepali community must share fifty-fifty of the twelve seats, that is 6 seats for BL as well as 6 seats for Nepali representatives. The term of the State Council lasted for three years, and it was later expanded on 31 December 1957.

In 1958, the Second State Council was held and its strength increased from the current 17 seats to 20 seats. The seats of the Second State Council were divided as follows: 6 for the Bhutia-Lepcha as, 6 for the Nepalese, 6 for the Chogyal (King) nominees, one for the Sangha and one for general. Here, the Sangha seats were introduced by the King of Sikkim to the State Council for the first time (Gurung:2011:273).

Due to Indo-Sino War in 1962, the Third State Council election was lined up, later it was held in 1967. The number of seats increased from 20 to 24 during the third State Council election. Out of twenty-four seats, eighteen were elected, divided into seven seats for Bhutia-Lepchas, seven for Nepali, one for General and one for Tshong (Limboos), one for Sangha, one for Scheduled Castes, and six for Chogyal. Thus, during the reign of Maharaja Palden Thondup Namgyal, the Tshong (Limboo) seat was also reserved for the first time (Bhutia:2016).

Similarly, the fourth election of the State Council took place in April 1970, with the same allocation of seats as the previous Council, composed of six executive members. But popular resistance and public demonstrations against Chogyal took place in 1973. The Chogyal requested the aid of the Government of India in order to get the revolutionary crisis under control and establish the rule of law. As a result, 1973 8<sup>th</sup> May Agreement between the Government of India, the Chogyal and the representatives of the three Sikkim political parties was signed. The Sikkim Janata Congress, The Sikkim National Congress and The Sikkim National Congress (Gurung:2011:275). In addition, India's Government provided guarantees on three fronts through this agreement:

First, to take responsibility in Sikkim for the establishment of law and order and for effective administration. Secondly, in order to ensure the further growth of the Constitutional Government, the unity of the peoples, good governance and rapid development of economic and social development. Finally, to provide the head of the administration, i.e., the Chief Executive to accomplish and safeguard all the above needs and priorities, (Adhikari:2010:23).

Another important improvement of this arrangement was the raise in the number of seats from 24 to 32 and the elimination of reservations by creating a single-member one-vote system for the joint electorate. Similarly, the fifth election took place in April 1974, in compliance with the 8th May Agreement of 1973, in which the Sikkim Congress, with Lendup Dorjee Kazi as President and K.C Pradhan as Vice-President, secured 30 of the 32 seats. Later, Nar Bahadur Khatiwara was also joined with the Sikkim Congress which gave strength of 31 to Kazi's Government (Bhutia: 2016:98).

Soon after the triumph of the Sikkim Congress party in 1974, the Sikkim Assembly passed a resolution on 10 April 1975 for merger of Sikkim with India. As a consequence, Sikkim became the 22nd state of the Indian Union by amending the 36th Amendment Act of 1975. From here onwards, Sikkim initiated a new age of political system with democratic mechanisms. Article 371F was also adopted as a special clause for Sikkim by the 36th Amendment Act. Sub clause (a) of Article 371F specifies that the Legislative Assembly of the State shall be comprised of not less than thirty members. Another clause (b) and its sub-clause I states that, as a consequence of the election held in Sikkim in April 1974, the Sikkim Assembly was formed with thirty-two elected members in that election. Likewise, from 1975 to till date Sikkim has 32 seats in the State Legislative Assembly. The State Legislative Assembly which is situated in the Sikkim's capital at Gangtok (Gurung: 2011:43).

### **3.3 Post-Merger Sikkim and Constitutional Framework Facilitating Reservation**

In the context of Sikkim, the idea of political reservation is not new because before its merger with India, different section of people already has political seat reservation in State Council of Sikkim. When Chogyal introduced the State Council in Sikkim, political seats were already reserved for Bhutia and Lepcha, Sangha, Tshong as well



as Nepali communities. It was only after the merger in order to maintain the spirit of the Indian Constitution the reservation for Scheduled Castes and Scheduled Tribes was introduced in Sikkim (Yasin: 2012:74).

Differences between the pre-merger and post-merger reservation systems was that, Sikkimese communities have only seat reservation in the field of politics. Whereas, after post-merger, people not only have political reservation in State Legislative Assembly however, people also have reservation in the field of Education and Government jobs. This differences people of Sikkim had experienced after the merger with India, which provides equal opportunity to sustain their livelihood and opportunity to all Sikkimese.

Article 371F of the Indian Constitution is special article which provides the political seat reservation for the different section of Sikkimese people. According to the Article 371F sub clause (f) which provides the provision to protect the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim. Which may be filled by candidates belonging to such sections and for the delimitation of the Assembly Constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly of the State of Sikkim (Bhutia: 2016:99-102).

Likewise, the reservation system benefitted to aforementioned categories in Sikkim. Such as, Scheduled Tribe, Other Backward Caste, Scheduled Castes, Scheduled Tribes and with effect of Article 16 sub clause (4) “Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which in the opinion of the State, is

not adequately represented in the services under the State”. The State Government of Sikkim also provide the reservation to Lepcha (Rong) community as Indigenous Tribes in Sikkim. The ethnic communities have been categorized under various social groups namely: Other Backward Castes, Scheduled Castes, Scheduled Tribes and Indigenous Tribes (Bakshi:2010:29-30).

The process of recognition of central OBCs continued in stages with the subsequent recommendations of the Sikkim Backward Class Committee, established in 1993 under Section 3 of the Backward Classless Act of the Sikkim Commission, duly notified in Official Gazette No. 8/LD/1993 in 1993 (Bhutia:2016:125).

They are categorized into two within the Nepali Communities in Sikkim, i.e., Central OBC and State OBC. As written in the Gazette of India (Extraordinary) Part-1, Sec-1 No. 88, New Delhi, Thursday, May 25, 1995, Ministry of Welfare, Resolution No. 12011/7/95-BCC, New Delhi, 24 May 1995, seven groups were recognized and notified as central backward castes, such as Bhujel, Gurung, Limboo, Manger, Rai, Sunuwar including Koincha/Mukhia and Tamang. Consequently, in 1999 and 2000 Sanyasi, Thami as well as Jogi were also recognized as Central OBC by the Government in India. Similarly, Bahun, Chettri, Newar (Pradhan) fall under the State OBC list, interestingly Bhujel, Gurung, Jogi, Kirat Rai, Manger, Sunwar (including Koincha/Mukhia), Thami and Sanyasi fall under Central OBC list in Sikkim (ibid:2016:126).

Since, the merger of Sikkim with India, it was mandatory to examine the populations that fulfil the criteria of the Scheduled Castes, such as, extreme social backwardness, education and economic backwardness stemming from conventional untouchability traditions. Thus, in order to bring at par with other communities, the

Damai, Kami (Ironsmith and goldsmith), Majhi and Sarki was recognized as the Scheduled Caste, with the 1978 Scheduled Castes and Scheduled Tribes Order (Sikkim, 2008). As per the 2011 census, the total population of the Scheduled Castes was 28,275 and 12.44% out of total population of Sikkim (Bhutia:2016:122-123).

Parallel to the Scheduled Castes, the process of inclusion for the Scheduled Tribes also took place in Sikkim after its merger. Consequently, the Government of India notified the Bhutia and Lepcha, including Sherpa, Kagatey, Yalmo, Tibetan, Tromapa, Dukpa, Chumbipa and Dophthapa, as the Schedule Tribes of Sikkim in 1978. Similarly, after prolonged demand, in 2002 the Limboo and Tamang were also included in the list of Scheduled Tribes and in 2003 the President of India acquired the final essence (Roy: 2016:14).

Apart from the Scheduled Tribes, Lepcha's are considered as indigenous people, recognized by the Government of Sikkim in 2005 as the Most Primitive Tribe. In compliance with Government Notification No.3(54) PA/518/2006 notified on 18 November 2006, due to their low economic status and illiteracy rate, the Sikkim Government recognized the Lepcha communities as Primitive Tribes. In order to improve their socio-economic and educational growth and progress in Sikkim, the Government has now taken steps to bring the advanced communities on par with each other (Arora:2017:203).

### **3.4 Demand of Scheduled Tribes Status and Response of Political Parties**

Accordingly, the Chief Secretary of Sikkim, T.S Gyaltshen, asked the Central Government to furnish norms for the specification of the Scheduled Castes and Scheduled Tribes communities in Sikkim (Chettri:2012:74). Lendup Dorjee Kazi was the first Chief Minister of Sikkim, had proposed ST status for Lepcha and Bhutia in 1978. As a result, only the Lepcha and the Bhutia including (Chumbipa, Dophthapa,

Dukpa, Kagatey, Sherpa, Tibetan, Tromopa, and Yolmo) got the ST status in Sikkim with the Scheduled Castes and Scheduled Tribes Order 1978 (Bhutia:2016:123).

Later, Central Government found there are many left out communities, whose criteria are eligible to be included in the Scheduled Tribes in Sikkim. Therefore, the Central Government stated that the Limboo also known as Tshong, including other communities such as Tamang, Rai, Gurung, and Manger can be included in the list of Scheduled Tribes in Sikkim. However, the state government did not take any serious concern on that matter and did not feel necessary to include the above communities in the Scheduled Tribes list. Henceforth, Limboo and Tamang were left out by getting scheduled tribe status in Sikkim (Rai:2018:153).

### **3.4.1 Sikkim Sangram Parishad**

In 1981, Nar Bahadur Bhandari, the then Chief Minister of Sikkim, initially recommended to the Government of India that Limboo and Tamang be included in the list of Scheduled Tribes. He had mentioned on 25 May 1982 that "Tamangs and Limboos are very old communities, largely residing in the higher elevations of Darjeeling and Sikkim districts. They were backward communities of the State, socially, economically and educationally, and requested the Central Government to be included in the list of Scheduled Tribes. But inconsistently, Bhandari led Government later redirected their attention from ST status for LT to the Nepali language movement. ST status for Limboo and Tamang, though, was found to be denied during his tenure (Gurung:2011:244).

Nar Bahadur Bhandari engaged actively in the Nepalese language movement. This movement's primary goal was to add the language of Nepali as one of India's national languages. Aside from that he also wished to regain the Nepalese seats in the

1979 Governor's Ordinance stripped from the State Legislative Assembly. Consequently, on the ground that the demand of the two groups could hinder the demand of the Nepali language movement. Therefore, the Bhandari-led Government was believed to ignore the problems of Limboo and Tamang communities. Bhandari's official note submitted by the Minister, SC/ST and Welfare Department on 22 August 1987 said, " Limboo and Tamang should not be included in the List of Scheduled Tribes as this would divide the Nepali Community" (Rai:2018:155).

Nevertheless, Limboo and Tamang have a powerful spear-headed campaign in Sikkim, except that Nar Bhandari failed to accept the demands of the LT. He also rejected the Mandal Commission set up by the Central Government during the Morarji Desai Prime Minister ship on 1<sup>st</sup> January 1979. The aim of this Commission was to elevate the socially and economically backward class from the Indian states. Henceforth, it was perceived by the Bhandari government as the Central government's racist approach, since, Chettri, Bahaun, and Newar were not included on the list. The Bhandari Government therefore, dismissed the Mandal Commission report's suggestion that it contribute to racial conflict among the Sikkimese people (Tamang:2006:113).

Furthermore, on 7 December 1990, the Assembly passed a resolution urging the rejection in Sikkim of the Center's guidelines of the adoption of the Mandal Committee. The Chief Minister Bhandari said that "If the Mandal Commission wants to be implemented in Sikkim, it should be implemented in all the majority of the state communities." In reality, by being ST and OBC, two chances were lost during the Bhandari administration (Rai:2018:120).

### **3.4.2 Sikkim Democratic Front**

In 1994, Pawan Kumar Chamling became the Chief Minister momentarily after the coming of Sikkim Democratic Front (SDF) Government the pending Mandal Commission was implemented. Several communities, such as, Limboo, Tamang, Bhujel, Gurung, Rai, and Manger, were recognized as Central OBC by the Ministry of Welfare on 25 May 1995. Pawan Kumar Chamling wrote to the Union Home Minister, Shri S.B Chavan, in connection with the introduction of the Mandal Commission in Sikkim, that the Limboo, Tamang and Gurung should be included in the list of the Scheduled Tribes in Sikkim. Later, other groups such as, Sunuwar, Bhujel, Rai, Manger, and Thami were also included in the proposed list for the status of Scheduled Tribes (Rai:2018:141).

The Bill seeking to change the Constitution (Sikkim) Scheduled Tribes Order 1978 (Bill No. 62) was presented in the Union Parliament in December 2002 and was approved by the Rajya Sabha on 18 December 2002 and also passed by the Lok Sabha on 19 December 2002. Finally, on January 7, 2003, the Bill obtained presidential approval. Therefore, in Sikkim, the two groups are eligible to get the Scheduled Tribes Status. The demand for ST was realized by the Limboo and Tamang societies of Sikkim their organizations, and the sponsorship of Mrs. Dil Kumari Bhandari (former M.P). The SDF led government clearly also played an essential role (Gurung: 2011:293-294).

Similarly, the issue did not end here after receiving ST status. Although the groups should have such seat reservations in the State Legislative Assembly as per their proportion at the time of becoming the Scheduled Tribes. It is evident from Article 332 of the Indian Constitution that there should be a seat allocation in the SLA for STs. Consequently, since 2003, the Limboo and Tamang communities of Sikkim

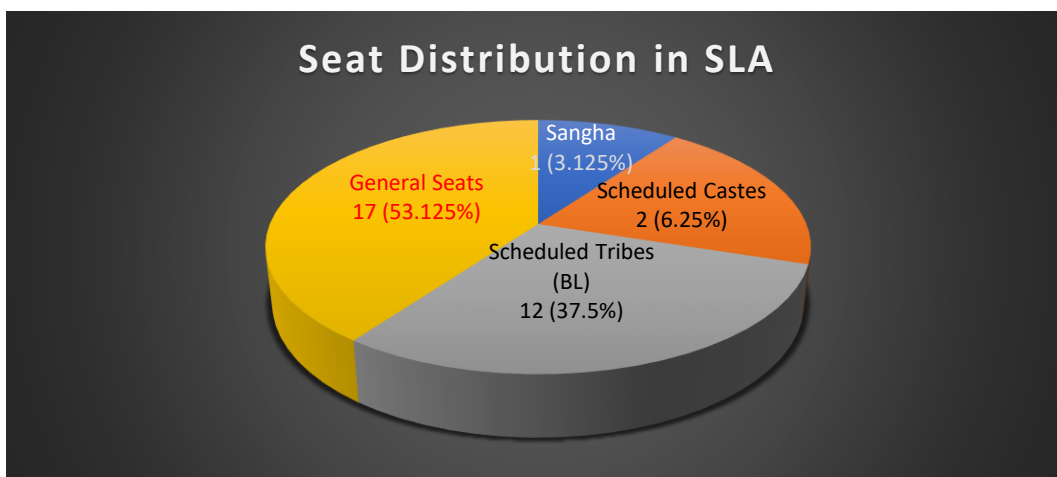
have been seeking their Constitutional rights of political representation. However, their demand has been unfulfilled.

### **3.5 Seat's Distribution of the State Legislative Assembly of Sikkim**

In the State Legislative Assembly of Sikkim political seats were reserved for the Scheduled Castes, Scheduled Tribes and for the General communities. Accordingly, two seats were reserved for Scheduled Castes like Kami, Sarki, Damai and Majhi from the present thirty-two seats. Similarly, twelve seats are reserved for the Scheduled Tribes (BL) and one for Buddhist monk or Sangha. Correspondingly, seventeen seats are reserved for the General communities. However, in Sikkim many debates and discussion are taking place among politicians and community's leader regarding the disproportionate political seat distribution for BL in the State Legislative Assembly. Due to which the Limboo and Tamang have no permanent seat reservation in the State Legislative Assembly though they got Tribal Status in 2003 (Bhutia: 2016:123).

Similarly, the reservation of Sangha seats was focused exclusively on the religious organization. For the 'elven left out groups,' much of the Nepalese group wants ST status, which often directly or implicitly refers to the political as well as socio-economic reservation in Sikkim. Thus, in the State Legislative Assembly, there are several problems related to seat allocation. Figure No: 3.1 would display the present allocation of seats for the various segments of people and their proportion. It helps to realize which groups of individuals have more percentages in terms of representation. The balance and imbalance of the political seats that are shared in Sikkim is also established.

**Figure 3.1: Seat Distribution in State Legislative Assembly**



Source: Gazetteer of Sikkim, 2016

### 3.5.1 Seats Reserved for the Scheduled Castes in State Legislative Assembly

Since, the time of the Chogyal Dynasty in Sikkim, the Scheduled Castes seats have been available in the State Council. The Scheduled Castes communities had just one reserved seat from the Third State Council Election of 1967 onwards. After the union with India, it was later raised from one to two seats. The Constitution of India has provided the allocation of seats for the scheduled castes and scheduled tribes in India (Bhutia: 2016:123).

Article 332 (1) specifies that "Seats in the Legislative Assembly of all States shall be reserved for Scheduled Castes and Scheduled Tribes" (Bakshi: 2010:278). Therefore, in order to provide political representation for the Scheduled Castes of Sikkim, two seats in the State Legislative Assembly were allocated to them according to their proportion. As per the above figure no. 3.1, the Scheduled Castes community have 6.25% of political representation in the State Legislative Assembly. In 2019's State Assembly election Suntia Gajmer and L.B Das are two SCs candidates who wins from the reserved Constituencies from Salghari-Zoom and West Pendam.



### 3.5.2 Seats Reserved for the Scheduled Tribes

Bhutia and Lepcha have 12 BL seat reservation in the State Legislative Assembly of Sikkim. In around they are enjoying 37.5% of political rights. Sikkim is one of the unique State of India, where the seats are reserved for specific groups such as, BL because of the historical treaties of 8<sup>th</sup> May 1973. Schedule Tribes of Sikkim. Nevertheless, Limboo and Tamang candidates cannot contest from the 12 reserved seats of the BL. The 1979 Representation of People's Ordinance, which served on the seat of the Legislature under the concept of the Indian Constitution, was passed by the State Legislative Assembly of Sikkim. In compliance with this 1979 decree, the Assembly's thirty-two seats were divided into 17 seats for the General, 12 for the Scheduled Tribes (BL), 2 seats for the Scheduled Castes and 1 seat for the Sangha (Bhutia:2016:123-124).

RC Poudyal challenged the Union of India as well as the Government of Sikkim in the Supreme Court in the RC Poudyal vs. Union of India 1993 case. He was against reserving 12 seats for Bhutia and Lepcha and one seat for Sangha. The Statutory validity of 12 seat vacancies out of 32 seats in the SLA for Bhutia and Lepcha is provided by Section 5A (2) as inserted by the Representation of People Amendment Act 1980. RC Poudyal thought that the allocation of 12 seats for BL origin is breaching the Article 14 "Equality before law", Article 170 (2) Composition of the Legislative Assemblies. Clause (2) of Article 170 notes that the seats shall be reserved according to the proportion of the population (R.C. Poudyal v. Union of India:1993).

Sub clause (f) of the Article 371 F preserves the rights and interests of the various parts of the Sikkim community and accounts for the number of seats in the Sikkim Legislative Assembly. However, in Sikkim Bhutia and Lepcha origin only

have their seat reservation for political representation without corresponding to other community such as Tshong (Limboo) and Nepali communities.

In addition, R.C Poudyal has argued that the seat allocated for BL is unfair, which also contravenes Article 332 (3). In compliance with sub-clause (3), 'Seat reservations in the State Legislative Assembly for Scheduled Castes and Scheduled Tribes shall be reserved on the basis of their overall proportion of the population.' However, in contrast to other communities, the BL has more civil rights and their political right in Sikkim was not fairly spread (Bakshi:2010:278).

Reservation of one seat for the benefit of the Sangha (Buddhist Lamaic Religious Monasteries), which is based solely on a religious differentiation which is contrary to Article 15 (1) 'Prohibition of discrimination.' The State shall not discriminate against any person on grounds only of religion, caste, sex, place of birth or any of them.

The RC Poudyal notes that it contradicts the principle of secularism expressed in the Preamble of the Constitution of India by reserving one Sangha seat in the State Legislative Assembly. Centered on Article 325, Poudyal also questioned the Indian Union. "As per this Article, "No individual shall be ineligible for inclusion on the grounds of religion, races, castes or any of them in any such special roll as the electoral roll for any constituency (R.C. Poudyal vs Union of India, 1993).

In its reaction to the petition lodged by RC Poudyal, the Supreme Court ruled that the election took place in 1974 on the basis of the Tripartite Treaty of 8 May 1973. Soon after the merger of Sikkim, by amending the 36th Amendment Act in 1975, was combined with the Indian. Subsequently, section 7 (1-A) and 25A of the Representation of People Act 1950 as added by the Election Laws Extension to

Sikkim) Act 1976 and the Representation of People Act 1980 Constitutional validity of the Representation of People Act 1951. The Section 5A (2) as inserted by the Representation of People amendments Act 1980 provides the Constitutional Validity of 12 seat reservation for Bhutia and Lepcha section and one seat was reserved for Sangha in the State Assembly of Sikkim. Out of 32 seats, 12 seats were reserved for BL and 1 for Sangha constituency (R.C. Poudyal vs Union of India, 1993).

The monasteries are primarily religious in nature and they represent a separate segment of society and provide service to the Bhutia and Lepcha of the population seen in 111 registered monasteries. On this background they should not be considered as mere religious institution for the purposes of reservation. Therefore, the Constitution permits nominations to be made in the Sikkim Legislatures, so, the creation of separate electorates for the Sangha seat cannot be objected to. As well as the related amendment clause of the Representation of the People Act, the constitutional amendment adopted in Article 371F(f) is lawful and legitimate since a perfect arithmetical equality of the worth of votes is not a legally required democratic imperative (R.C. Poudyal vs Union of India, 1993). Similarly, the Supreme Court issued its decision in the R.C Poudyal vs. Union of India case.

Similar to Bhutia and Lepcha, another tribal group are the Limboo and Tamang who got ST recognition in 2003, by the Government of India. So, they are demanding their seat reservation in State Legislative Assembly of Sikkim. But they are continuously denied by their Constitutional rights given by the Article 332 (1). Therefore, being a citizen of democratic country, where the preamble of the Constitutional itself provides the guarantee of justice on the ground of social, economic, and political. But in the scenario of Sikkim, the Limboo and Tamang

communities are denied from their political right by not having seat reservation in State Legislative Assembly.

### **3.5.3 A Seat Reserved for Sangha**

Sangha is one of Sikkim's 32 assembly constituencies in India's northeastern state. The Sikkim Lok Sabha constituency comes under this constituency. The only state where a seat is reserved for a Buddhist monk is Sikkim. In fact, there is no Sangha seat on the map or geographical boundaries to identify its precise location. There are 2,881 total Sangha voters, including all monks and nuns from 111 recognized monasteries in the province (Achom: 2019:56).

Before the Indian unification, since the state was ruled by the theocratic monarchy ruler Chogyal, Sikkim was known as a Buddhist republic. During the reign of the Chogyal dynasty, Sikkim adopted Buddhism as State religion. The Chogyal also provided the political seat reservation for Buddhist monk as a Sangha seat in Sikkim. Every person of the monastic Sangha community living across the Himalayan State can vote in this virtual Assembly Seat. The constituency of the assembly is reserved for monks of the Sangha faith, and the election can be contested only by those whose names appear in the records of 111 recognized monasteries in Sikkim (ibid:2019:57).

## **3.6 Distribution of Seats in Education and Employment in Sikkim**

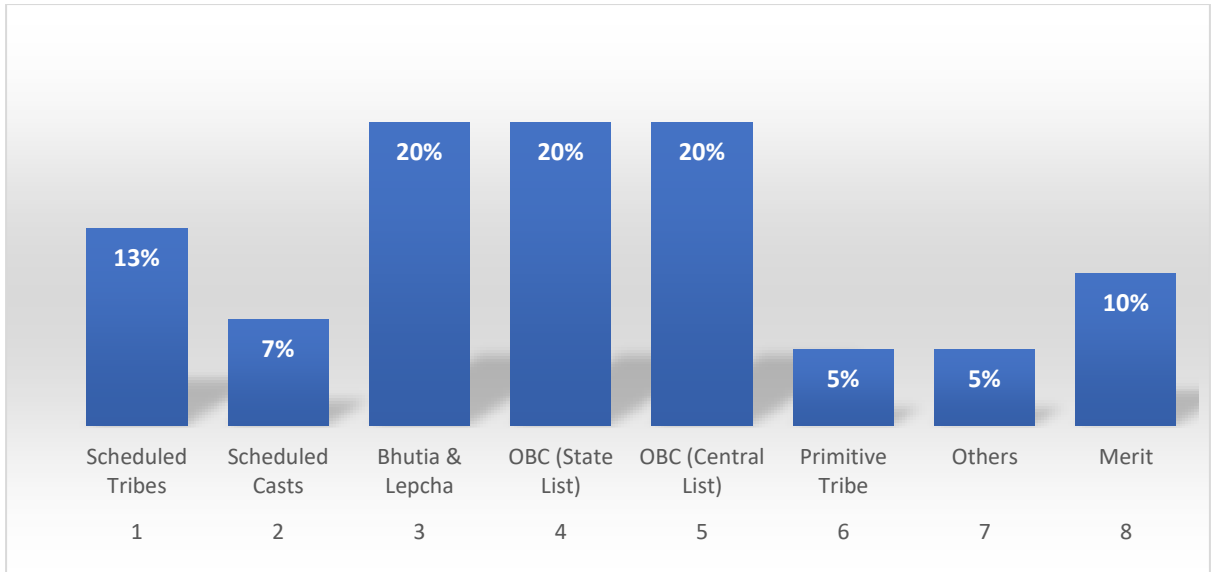
The State Government had provided reservation in the field of service sector and academic sector. The different ethnic communities of Sikkim were eligible to get reservation in the field of Government jobs and in higher studies which are mentioned below:

### **3.6.1 Reservation in Education**

Sikkim being a 22<sup>nd</sup> State of India, the preamble of Constitution itself provoke the idea of equality in terms of opportunity. Accordingly, in the field of education there are certain provision laid by the Indian Constitution, which provides an equal opportunity for the student who belongs to socio-economic backward categories. As per the Article 15, Clause (4) and (5) of the India Constitution provides reservation of seats to SCs, STs and Other Backward Classes in educational institution. Apart from, Government institutions private aided and unaided institution should have to reserve certain seats to the students, who belongs to this groups (Senapati:2016:7).

It is clearly mention in the Constitution that in order to uplift socially and educationally backward students, the State Government can make special provision to safeguard the weaker sections. Therefore, in order to fulfill the Constitutional obligation and to educate the backward section, the State Government of Sikkim has taken many initiatives and adopted reservation policy. Such as, the Government has provided reservation for the socially and educationally weak students who belongs to Scheduled Castes, Scheduled Tribes and Other Backward Classes. In the following chart seats quotas reservation for the higher studies to different section are clearly shown categorically.

**Figure 3.2: Representation in the Higher Education in Sikkim**



Source: Department of Education, GoS<sup>21</sup>, 2019

As per the above chart, the student belongs to different categories are getting educational reservation facilities in Sikkim. The State Government of Sikkim has applied all the distribution policy provided by the Indian reservation system. It also enables equal opportunity for the all-social background students to achieve higher education in Sikkim. However, Sikkim is a State where educational seats were reserved for the particular communities that were the Bhutia and Lepcha. Again, for the Lepcha communities of Sikkim they have seat reservation by being Primitive Tribes. Therefore, in comparison of OBC communities of Sikkim with BL communities, the Bhutia and Lepcha communities has upper hand upon other communities. At the same time the BL communities can compete from the BL, Scheduled Tribes and General seats, and Lepcha communities have their seat reservation by being Primitive Tribes of Sikkim. Hence, it the field higher of studies BL communities have more advantage and somewhere the other communities are left behind in terms of educational reservation in Sikkim.

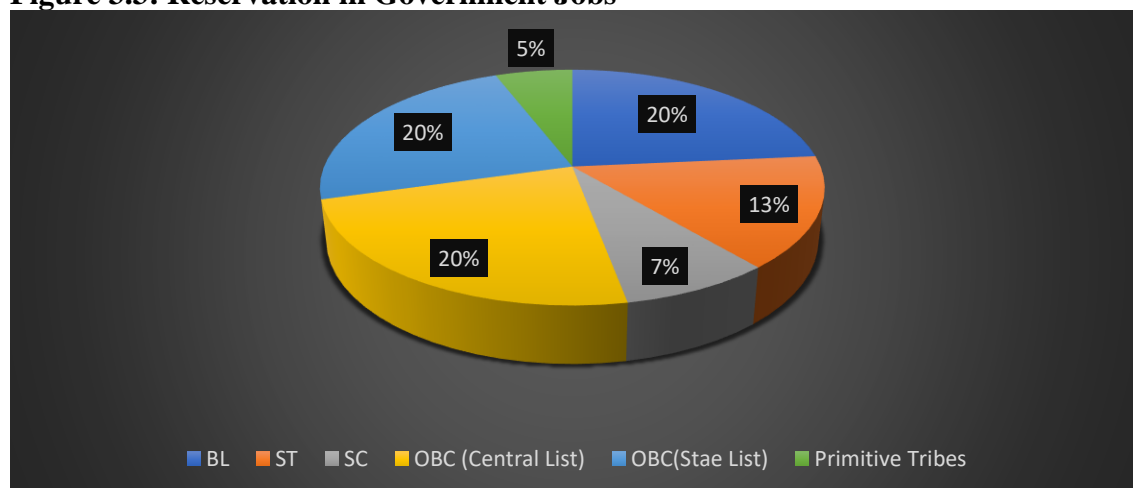
<sup>21</sup>For further details, visit [www.sikkim.govt.in](http://www.sikkim.govt.in)

### 3.6.2 Reservation in Employment

The Constitution of India also has certain provisions for Government Job reservation. As per Article 16, Clause (4) of the Indian Constitution, which provides equal opportunities to all the public in terms of Government services. The main motives behind this reservation are to bring socially and economically backward sections at par with the other advanced sections of the society. In India, Scheduled Castes and Scheduled Tribes were considered as backward in terms of education and economy, that's why the government has taken different measures and solutions to uplift them to the next level (Senapati:2016:6).

Article 335 of the Constitution gives reservation for SCs and STs in the field of Public Services both in State and Central Government. Therefore, in order to provide equal opportunity, the different departments have been effectively implementing the reservation rules under the supervision of the State Government of Sikkim. The latest percentages of reservation in jobs in the Government Services from different communities of the State are as follows:

**Figure 3.3: Reservation in Government Jobs**



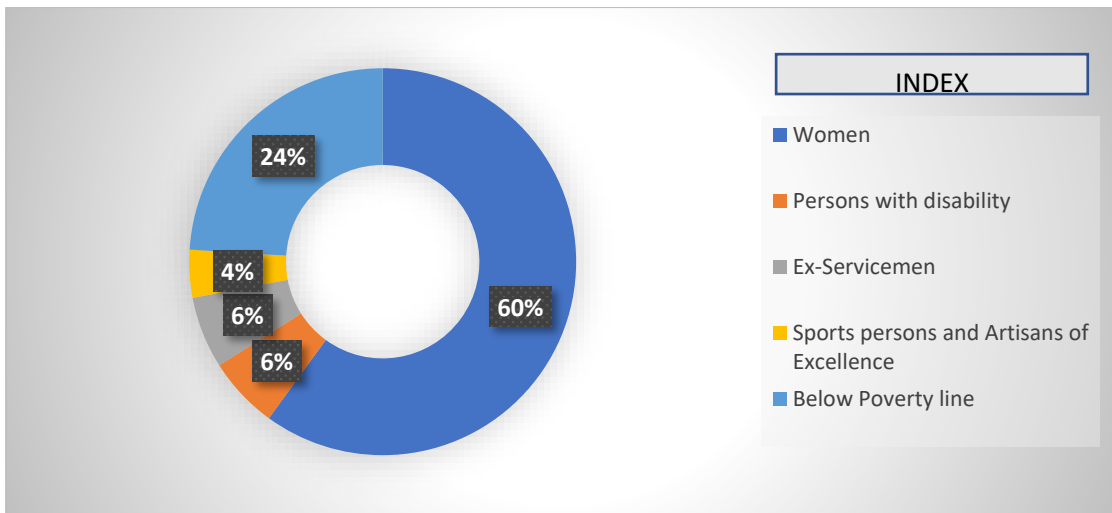
Source: Department of Personnel, GoS 2019

The above figure no.3.3 shows that all communities of Sikkim are given equal opportunity in the field of employment under the State Government irrespective of caste & creed. At present all together 85% of the Govt. Services fall under reserved categories covering all the ethnic communities of Sikkim. Though the State Government claims that the reservation is provided equally for all the communities in Sikkim. However, in the comparison of all the ethnic communities, the Bhutia and Lepcha communities have more advantage in the field of job reservation in Sikkim. The BL communities can contest from three reserved communities such as the BL reservation, at the same time they can also contest from the Scheduled Tribes. Similarly, the Lepcha communities can contest from the Primitive Tribes reservation.

Reservation Rules also provide for horizontal reservation for Women in terms of women empowerment or gender equality, Persons with Disability, Ex-Servicemen, Sports and Artisans of Excellence and people who belongs to Below Poverty Line as shown below:

#### **Figure 3.4: Horizontal Reservation for Government Jobs**





Source: Department of Personal, GoS<sup>22</sup>2019

Through the horizontal reservation given in the above Chart No.3.4, in Sikkim women's have 24% of job reservation and person with disability or differently physically able people have 6% reservation in Government of Sikkim. In the true sense the meaning of reservation is to distributed equality in terms of jobs or in the field of education. Likewise, by providing the job reservation to person with disability, the State Government had given them a new ray of hopes and uplifts their live better life. Apart from that the Government of Sikkim also provided 4% and 6% jobs reservation for the Sportsmen and for excellence artisans which encourage people to create in the sports and art and craft fields.

### **3.7 Communities-wise Representation in Job, Service and Education**

The Sikkim consist main three ethnic communities namely Bhutia, Lepcha and Nepali and each community have their seat reservation in the State Legislative Assembly of Sikkim.

However, as per the Parity System which was introduced by the Chogyal of Sikkim during the formation of State Council of Sikkim. As per the B.S Das (2002), who have mentioned in his work 'The Sikkim Saga' that "To maintain the supremacy

<sup>22</sup><http://www.sikkimdop.gov.in>

of Bhutia and Lepcha community, who were more loyal to the ruler, an intricate system of parity between them and the majority was evolved. It was extended even to the appointment in the Government and award scholarships to students. Elections to the Sikkim State Council, the legislative wings, were conducted on a parity formula". Therefore, based on same parity formula the Sikkim Legislative Assembly's seats was distributed on base of ethnic community without seeing their proportion. Hence, this parity formula was also applicable in terms of the Government Jobs and Higher studies as mention by B.S Das (Das:2002:68).

Initially, the parity system was introduced to protect the interest of minority. But during the course of time the communities belongs to non-minority have to faced lots of crises in terms of Government Jobs, higher studies and even in the State Legislative Assembly of Sikkim for example due to over representation of minority communities the Limboo and Tamang are unable to get their seat reservation since, 2003. Alike, two sides of the same coin, the parity system is very beneficial for the BL communities, whereas it has deep impact in the field of political and economic for non-BL communities. In order to show the impact of the Parity System the following table are given below:

**Table 3.1 Community-wise Employment Status in 38 Department, 1998**

Sl. No	Communities	Selection IAS/IPS/IFS	Gazetted Grade I	Gazetted Grade II	Non-Gazetted Grade	Class IV	Total No.
1	Scheduled Tribes	23	95	120	888	1115	2241
2	Scheduled Castes	2	7	15	143	450	617
3	Bahun/Sharma	2	25	42	372	739	1180
4	Chettri	6	11	35	318	752	1122
5	Pradhan/Newar	7	17	44	245	301	614
6	Gurung	-	8	17	180	524	729
7	Manger	1	1	16	74	208	300
8	Tamang	1	5	12	158	555	731
9	Limboo	2	3	14	151	586	756
10	Rai	1	12	28	81	789	911

Source: Report of the OBC Commission, 1998. Cited in Gurung, S, K. (2011). Sikkim Ethnic and Political Dynamics.p.133

By analyzing the report of the OBC Commission, 1998 given in the table no. 3.1 which shows the BL community have better representation in comparison to the LT communities. As per the table no.3.1 the Scheduled Tribes (BL) have 2,241 numbers of employees whereas the Limboo and Tamang communities whose was not recognized as the Scheduled Tribes during 90s, they have 1,487 while comparing the representation in Sikkim. Therefore, in comparison to the BL, the LT communities were backward in terms of representation (Gurung:2011:133).

Aside from this table, the State Socio-Economic Census (SSEC) which was conducted in 2006 by the Department of Economic, Statistics, Monitoring and Evaluation Government of Sikkim (DESME-Government of Sikkim) has shown

gravely deplorable economic condition of Limboo and Tamang Communities of Sikkim. As per the SSEC data, Limboo and Tamang communities who got Tribal Status in 2003, whose population possess more than 15% of the total population of the State. However, in terms of job reservation they have only 13% reservation instead of 15% (Limboo:2019:4).

Secondly, out of 10,672 households of Limboo, only 3981 households have their own land for construction of dwelling house. Among 3981 household, only 1562 Limboo have Pacca house which is 4.79%, however, 6,691 households indicate that approximately 20,000 of Limboos do not have land for construction of their house. Similarly, out of 7,718 households of Tamangs, 2,111 Tamangs have Pacca house and only 1859 have availability of land for construction of dwelling house which is 6.47%. However, 5,607 households, an approximately 16,700 hundred Tamangs do not have land to construct their house. Likewise, in terms of land, 25,607 Limboos and Tamang were landless, which shows they were not only economically weaker but they were becoming landless in Sikkim (ibid:2019:4).

Similarly, in comparison of different Scheduled Tribes of Sikkim whose income level is more than Rs 25,001, per month are mention here: the Bhutia is 10.92%, the Lepcha is -3.79%, the Tamang is -3.79 % and the Limboo is 2.00%. Therefore, except the Bhutia tribes, the three others tribe have lesser income level in Sikkim. Henceforth, on the base of economic and education backwardness the Limboo and Tamang communities got ST Status in a year 2003. However, the fact is that they were deprived from getting their seat reservation in the State Legislative Assembly of Sikkim (ibid:2019:4).

### **3.8 Problems, Challenges, and the Demand of Limboo and Tamang Communities**

The Limboo and Tamang communities are continuously demanding their seat reservation in State Legislative Assembly of Sikkim. However, their demand is yet to be fulfilled. So, it is very important to know what are the problems and challenges in fulfilling the demand of Limboo and Tamang of Sikkim.

Firstly, along with the Limboo and Tamang, the Bhutia and Lepcha are also recognized as Scheduled Tribes in Sikkim. In State Legislative Assembly, twelve seats including one Sangha seats were reserved for the Bhutias, Lepchas, and Buddhist Monk of Sikkim (These seats were not reserved because they are Scheduled Tribes however, per the sequel of political agreement of 8<sup>th</sup> May 1973). Likewise, from the nineteen remaining seats, two seats were allotted to Scheduled Castes of Sikkim. Similarly, if five seats were given to Limboo and Tamang under the ST reservation than only twelve seats will be remain for General communities of Sikkim. Therefore, disproportionate distribution of seats sharing had created a disagreement and it may lead to ethnic conflict in Sikkim. Thus, this is one of the reasons why Limboo and Tamang communities are not getting their seat reservation in Sikkim.

Secondly, the eleven left out communities are also demanding the ST status in Sikkim. The eleven left-out communities are the Rai, Gurung, Manger, Bhujel, Sunuwar, Jogi, Thami, Yakha, Bahun, Chettri, and Newar. Though among all the political parties and political leaders are assuring to provide the ST status but no fruitful outcomes are seen till date. Such as, the previous Chief Minister Pawan Kumar Chamling also seeks tribal status of eleven left out communities by quoting the report by a committee headed by Prof. A.C Sinha of the North-East Hill University (NEHU). Sinha has highlighted the ethnographic and historical facts for

grant of tribal status to these eleven left out communities of Sikkim (Gurung:2011:298)

On the base of Sinha Committee, Pawan Kumar Chamling stated during a summit for Tribal Status organized by the Eleven Indigenous Ethnic Communities of Sikkim (EIECOS) that *“the State government has been doing everything possible to secure Constitutional recognition of the eleven left-out communities as Scheduled Tribes in view of their historical background”* (Gupta:2018:45).

Indra Hang Limboo, Member of Parliament from Sikkim had raised the demand of Tribal Status for 11 left out communities in the Parliament. He quotes that *“For the greater justice and equality, the eleven left-out should be included in the list of Scheduled Tribes under Article 340 of the Indian Constitution at the earliest”*. He also states that in comparison of other STs of Sikkim, eleven left-out communities are also socio-educationally and economically backward. The historical Tripartite agreement of 8<sup>th</sup> May 1973 itself defines they belongs to Sikkimese Nepali origin and are protected by the Article 371F. Further, he also states that *“Non-inclusion of the eleven left out communities at par with the other tribes of Sikkim in the list of Scheduled Tribes as a historical mistake”* (Upadhyaya:2020:12).

As per the 2011 census, the eleven left-out communities consist 60 percent of the population of Sikkim. So, in further the demand of eleven left out communities for ST Status arise a big question. In further, if they were included in the ST list, than what is the seat formula for the political reservation for them? Because, the Limboo and Tamang got ST recognition in 2003 however, till date they were deprived form their political rights, which provides an example of future challenges after getting ST status in Sikkim.

However, to resolve the seats sharing problems in 2001 SDF led government Chief Minister Pawan Kumar Chamling, sought the legal advice from the constitutional experts Shri K.K Venugopal, Shri Soli Sorabji, and Shri S.S Nariman (Gurung:2011:296). Under the three benches of constitutional experts' states the following suggestion as: -

Firstly, as per the committee, the Limboo and Tamang communities cannot claim any seats from the twelve BL seats because their seats were reserved not because of being ST but due to political sequence of 8<sup>th</sup> May Agreement 1973. Secondly, the total percentage of the reservation to the Legislative Assembly could exceed fifty percent without affecting the provision of Article 14 of the Indian Constitution. Article 332 clause (1) will help in providing the reservation of seats for the Limboo and Tamang. Based on available population data about 16 percent of the 32 seats, that is at least 5 seats, could be reserved for the Limboo and Tamang. The State Government would retain the right to make a demand for readjustment of seats before 2006 provided that the Union Parliament deems it necessary to decide the matter (ibid: 2011:296).

The former Chief Minister P.K. Chamling sent a letter on 23<sup>th</sup> June 2003 to the Prime Minister, Mr. Atal Bihari Bajpai on the basis of outcomes given by the Constitutional experts. He expressed his intension to increase the number of Assembly seats, from existing 32 to 40 to enable a provision of reservation of seats for the two newly included tribal communities. Also demanded to conduct a special census of the Limboo and Tamang communities, to fulfil the constitutional obligation given by the Article 332 clause (1) and clause (2) of the Indian Constitution (Rai:2018:158).

In December 2004, in the response of Sikkim Government's letter to the Prime Minister, the State Government got a response by the Central Government (Yasin:2012). The Indian Government has shortlisted three options for the State Government, which are as follows:

Firstly, reservations for the Limboo and Tamang can be carved out of from the 17 unreserved Assembly seats arrangements in Sikkim based on the proportion of their population, without increasing the size of State Legislative Assembly.

Furthermore, the strength of the State Legislature can be increased to 40 and reservations for the Limboo and Tamang can be provide from 25 seats. So, in further if any communities got the ST status for example eleven left out communities, their seats can be allocated from twenty-five seats, which is 17 +8 additional seats. So, in further state government does not need to ask for increment in the size of the Legislature (Gurung:2011:301).

On the other side Central Government also suggested to increase the size of the Legislative Assembly which can be increased to 60 to bring at par with the other States of India. In conforming with article 171(1) and reservation from Limboo and Tamang be a consideration in the proportion to their population out of the 45 seats (17 + 28). In further if any left-out communities were included in the Scheduled Tribes list than it will become easy to provide seats for them (Yasin: 2012:67).

Likewise, Central Government has shown a positive response regarding Limboo and Tamang demand for seat reservations. On 2005 a high-level delegation of the State Government, including other senior bureaucrats, and citizens, were called upon the Prime Minister and Home Minister. Though they have many talks on Limboo and Tamang seat, and discussion on other communities like Gurung, Rai,



Manger, Thami and Bhujel for tribal status but no any action has taken after that onwards (Yasin: 2019:69).

Therefore, to follow up the Limboo and Tamang demands for seat reservation Shri H.R Pradhan who was a president of the State Unit of the Bhartiya Janata Party lodged a petition in the Supreme Court. That is why seats for the Limboo and Tamang were not reserved in the State Legislative Assembly. The Supreme Court issued shows cause notice to both the Central and State Government, asking why the prayer of the H.R Pradhan was no granted. The former Union Minister, Arun Jaitely, assisted by Advocate Ranajit Kumar, represented the case.

The Ministry of Home Affairs asked the clarification regarding the request of the State Government to increase the Legislative seats from 32 to 40 on two fronts: -

Firstly, why assembly seats have to increase from 32 to 40. Second question is whether the seats reserved for the Bhutia and Lepcha should increase, if the Assembly seats were increased to 40. Likewise, second explanation was sought in view of the memorandum submitted by the Sikkim Bhutia Lepcha Apex Committee clearly states that if the Limboo and Tamang seats were reserved from outside the seventeenth seats, then the general community will have upper hand upon the making and unmaking of the government. Therefore, the Central Government states that the State government should sought the solution for the political seat distribution in SLA of Sikkim. Furthermost, no action has been taken regarding this matter (Yasin:2012:45).

However, despite of all the facts, the seat reservation of Limboo and Tamang communities was delayed because as per the Delimitation Act, 2002, the numbers of

the seats in an Assembly of any states can only be readjusted on the basis of the first census conducted after 2026 (Gurung:2011:41).

### **Summary**

People of Sikkim had political seat reservation in the State Council during the Chogyal reign. Based on the Parity Formula the seats of the State Council in order to provide equal political power. Later on, when Sikkim was merged with India, a significant change took place and monarchy was replaced with the Representative form of Government. However, by being the part of democratic nation the seats will be distributed based on their proportion as per the Article 332 clause (3). But in the case of Sikkim, the BL communities have their more seat reservation than their proportion.

Pre-merger Sikkim witnessed that people only had their reservation in the field of politics but after the merger people enjoy reservation in different sector such as education, employment and politics. The reservation system plays a vital role in uplifting the social and economic status of the communities. In order to bring socially and educationally backward communities at par with the privileged people.

Sikkim have a unique pattern of reservation such as the BL communities have 24% seat reservation in the Government Jobs, whereas at the same time they also contest from 13% reserved seats of STs. Likewise, BL were getting double benefits in terms of employment, from BL as well as the St category but time Limboo Tamang communities were not allowed to avail BL seats in Government jobs. So, as per the reservation pattern which clearly shows the LT communities are neglected and backward educationally and socially.

The Limboo and Tamang communities are demanding their seat reservation in the State Legislative Assembly of Sikkim but till date they are deprived of their Constitutional Rights. Accordingly, the two communities are struggling for their political power on the other side the eleven left out Nepalese communities are demanding the tribal status in Sikkim.

## **Chapter - IV**

### **Status of Political Representation for Limboo and Tamang in Sikkim**

#### **4.1 Introduction**

Limboo and Tamang are the two tribal communities of Sikkim, having distinctive identities, culture as well as unique tradition. Along with the distinctive identities they fall under the socially and economically backward categories so, they were included as the ST status in 2003. The two communities have witnessed a lot of struggle and hurdle regarding their demand for ST status in Sikkim. More than twenty-eight years of hard struggle, the two communities have been able to acquire status of Scheduled Tribes in the Central list. Nonetheless, their struggle did not stop here, because along with the Scheduled Tribe status they are also demanding the constitutional provision for the seat reservation in State Legislative Assembly (SLA) since, 2003.

Under the provisions of the Scheduled Caste and Scheduled Tribe Order Amendment Act of 2002, Limboo and Tamang received ST status in 2003. According to the Constitution of India, the various rights granted to the two communities. However, deprived in the state are "Seats shall be reserved in the Legislative Assembly of each state for the Scheduled Castes and Scheduled Tribes," as specified in Article 332 clause (1). Accordingly, on the basis of the same article, since 2003, the two communities have been demanding for their constitutional and legal rights to reserve their seats in the State Legislative Assembly (Senapati:2016:7).

Therefore, this chapter highlights the issues and problems which is based on field study and also it attempts to take insight and response from the different stakeholders and from public. This chapter also tries to understand the hindrances of LT seat reservation in SLA of Sikkim with the help of literature and the people's

perspectives collected through field survey. Apart from this, chapter also explored the current status of the LT demand, the awareness level of the LT communities as well as non-LT communities regarding the ongoing demand. One hundred samples size have been surveyed through semi-structured interviews. The various respondents were selected such as-students, scholars, politicians, and social activists in order to understand and assess the ground reality.

## **4.2 Composition of the Sample Population**

Composition of sample population are 100 and sample are taken from south and east districts of Sikkim. The content of sample size consisted of 25 from the Limboo community, 25 from Tamang, and 50 non-LT communities. The Key informants towards this filed work comprised the members of the Sikkim Limboo Tamang Joint Action Committee (SLTJAC), the Sikkim Limboo Tamang Apex Committee (SLTAC) and Limboo Tamang Voluntary Committee (LTVC). In the charts below, the profile is based on gender, age group, educational background and community.

### **4.2.1 Profile of the Respondents**

The total number of participants chosen for the field survey was 100. There are 50 males and 50 females from various age groups, belonging from LT and non-LT Communities from the South and East districts of Sikkim. Emphasis on gender is given in order to grasp the gender perspective and their depth of understanding of the demands of the communities of Limboo and Tamang. But throughout field assessment towards political activities, females were inactive a compared to male respondents. Nearly all male respondents expressed their insight and discussed LT issues

**Table 4.1: Gender wise distribution of Respondents**

Gender	Number
Male	50
Female	50
Others	Nil
<b>Total</b>	<b>100</b>

**Source: Field Work<sup>23</sup>**

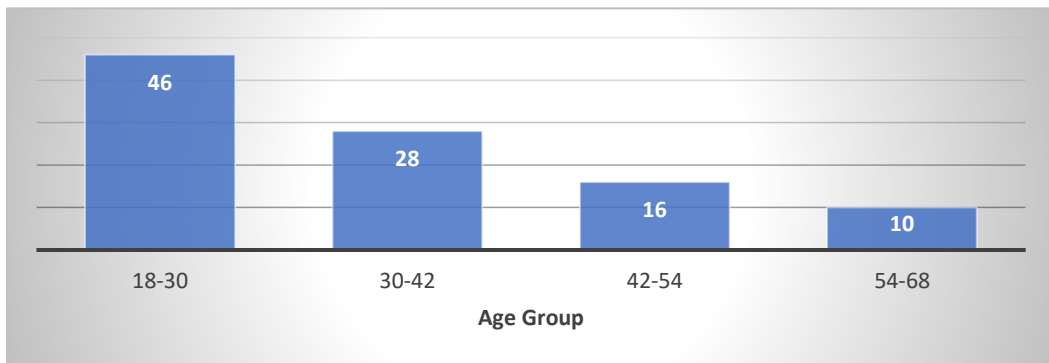
#### **4.2.2 Age-Group Composition of the Respondents**

In the field survey, the chosen participants belonged to various age groups ranging from 18 to 68 years. The age variables are the most important factor because different age groups have different levels of intelligence, so, respondents aged 18 years are lower limit and 68 are upper. Of those, 46 were between 18-30 years of age, and 28 were 30-42. As per the field survey, 18-42 individuals were more conscious of the ongoing demand. Although the age group belonging to 42-55 were aware of the demand, but they were reluctant in attending the meeting conducted by the LT association because due to their age factor they are less interested in attending meetings. The respondents come from various occupations, of which students from school level to university research scholars, and retired bureaucrats.

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<sup>23</sup> This field work of the study is conducted during 21<sup>st</sup> March, 2019 to 13<sup>th</sup> May, 2019. Here after this will be referred as Field Work.

**Figure No.4.1: Age Group of the Respondent**

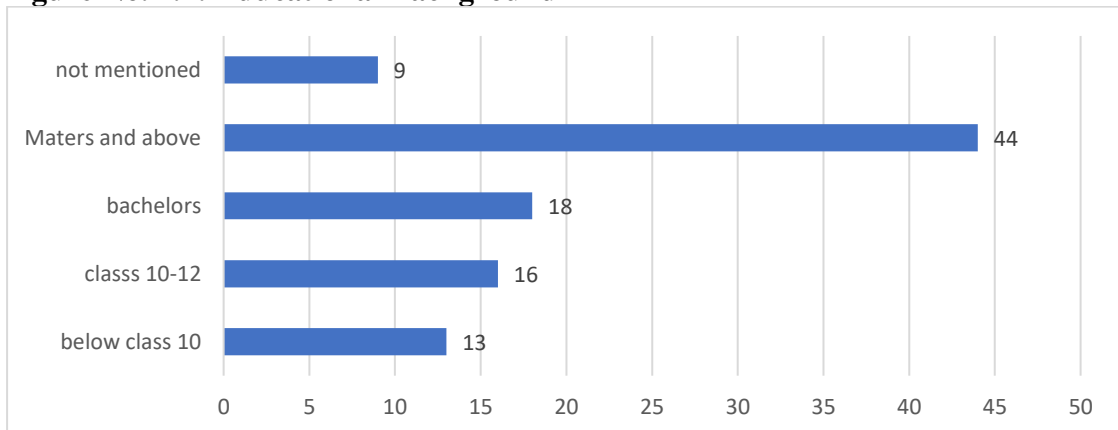


Source: Field Work

#### **4.2.3 Educational Qualification of the Respondents**

Education level also played a major role in the understanding level of the respondents regarding the issue. Most of the respondent's awareness level was driven by their level of education that they have acquired. Out of the 100 respondents, 9 respondents did not have formal education. 13 respondents were having education within the class 10th level. 10-12 respondents were within the education level between class 10 and 12. 18 respondents have done their graduation and most of them are pursuing graduation. 44 of total respondents had level of postgraduation and above.

**Figure No. 4.2: Educational Background**

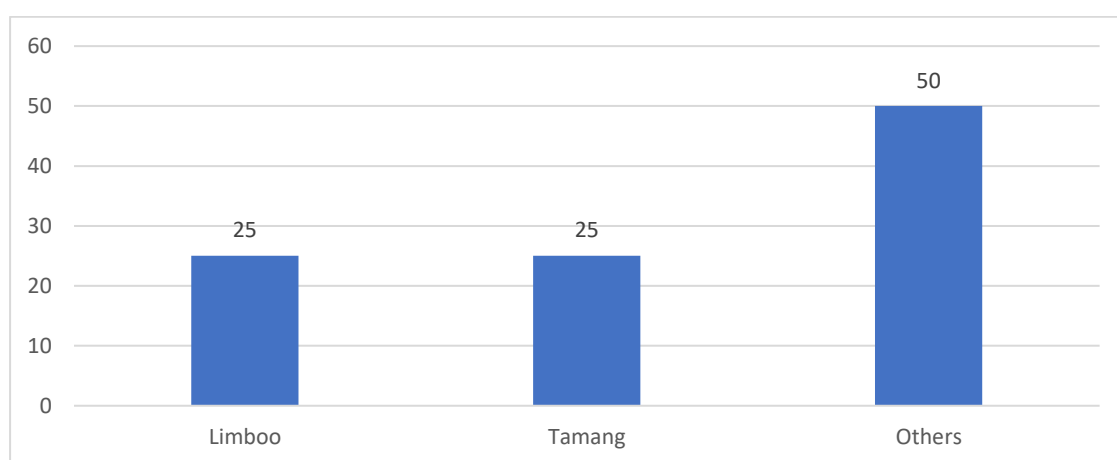


Source: Field Work

#### 4.2.4 Respondents Community

To closely understand the ongoing status of the demand as well as people's unbiased perception on the reservation, 50 % of the respondents were selected from communities other than Limboo and Tamang. However, 50 % out of total respondents were selected from the LT community and as expected the two communities were in support of the demand.

**Figure 4. 3: Distribution of Different Communities**



Source: Field Work

Moreover 12% people from non-demanding communities were also in favor of the demand making it 62% of the total respondents who support the demand. 29% of the total respondents from non-demanding communities showed their disagreement regarding the demand and 9% respondents gave no response to it.

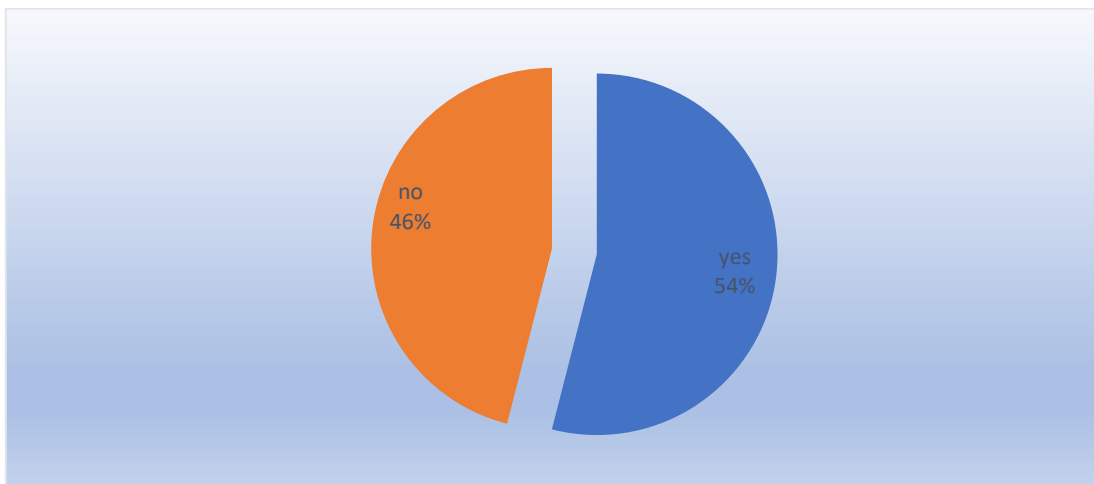
#### 4.3 Constitutional Rights: Peoples' Perception

One of the failures of every action or measures lies at the hands how much people are aware of their situation and atmosphere. People's knowledge and awareness are one of the most important factors that guides the welfare of society and States. Therefore, to understand the awareness level of the people 100 sample size was collected. Sample size 54% of the people were aware of their Constitutional Rights whose



educational background belongs to graduation and above. In terms of age factor, people who comes under 18 to 42 they were more conscious regarding their rights and education background played a vital role in making aware of their Constitutional rights as per the survey.

**Figure 4.4: Awareness About Constitutional Rights in Sikkimese**



Source: Field Work

The Indian Constitution has recognized that Scheduled Castes and Scheduled Tribes as socially and educationally weaker sections. The SC's and ST's are the historically disadvantage people who was discriminated in the past due to practice of Untouchability also due to geographically and socially isolation. Similarly, in order to bring these communities into uniform sphere at par the India Constitutional Rights it has provided with many provisions to safeguard the minorities in the field of politics, higher studies and in the Government jobs etc.

In terms of communities most of the Limboo and Tamang communities were aware of their rights, the associations of the LT played a significant role in creating consciousness among them. Similarly, the 46 % of the respondent are unaware of their rights, there are many factors such as, educational background, geographical

factors, and interest of the people which also played an important role in their awareness level. The respondent belongs to LT as well as non-LT respondent from rural areas was less aware of their constitutional rights. In terms of gender, the female was less interested and less aware of their Constitutional rights in comparison of male respondents.

#### **4.3.1 LT Organization and Awareness About Constitutional Rights**

The Limboo and Tamang's organization has played an important role in making people aware of their Constitutional rights and about their ongoing demands. There are different Limboo and Tamang organizations in Sikkim, among them three are most important organizations which are working for ongoing demands they are the Sikkim Limboo Tamang Tribal Joint Action Committee (SILTJAC), Limboo Tamang Voluntary Committee (LTVC) and Sikkim Limboo and Tamang Apex Committee (SILTAC).

These three organizations have conducted several meetings and discussion at the rural and urban areas of Sikkim, as Limboo and Tamang communities are very densely populated. Apart from that, there are different Colleges community' student associations that are affiliated to the above-mentioned Committees. The student bodies equally participate on their ongoing demand along with the other supporters in meetings and seminars regarding their cause.

**Table No. 4.2: Awareness About the Constitutional Rights in Sikkim**

<b>People's Participation</b>		<b>100</b>	<b>100%</b>
<b>Sl. No. 1</b>	Attended	52	52%
	Unattended	48	48%
<b>Total</b>		100	100%

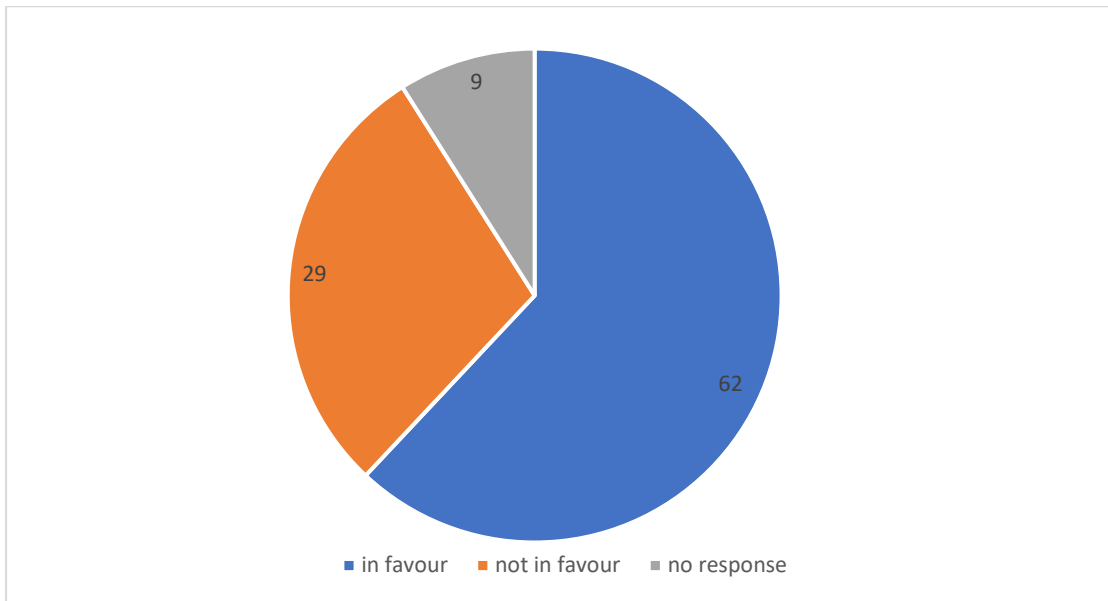
Source: Field Survey

The above Table No. 4.2, highlights that around 52% of the people has attended the meeting organized by the LT organizations. Consequently, 48 % of people has not attended the meeting. Most of the participation belongs to age group 18 to 42 of the Limboo and Tamang Communities. The participants were school students as well as college students, social activists and some retired bureaucrats belonging from LT communities. Likewise, very less people belong to age group between 48 to 68 and from non-LT communities including some LT communities has not participated in these meetings. Specially, in the rural level or at the village level people were not aware of ongoing demand nor they got an opportunity to took participate in meetings conducted by the LT organizations.

#### **4.4 People's Support for the LT Demand**

People have different interests and ideologies which helps them to shape their opinion. Similarly, people have given the three different responses concerning the Limboo and Tamang's demand for seat reservation in SLA. The chart which is given below helps to understand the agreement and disagreement and neutral opinion of people.

**Figure No 4.5: Peoples Support for Demand**



Source: Field Work

As per the above figure 4.5, out of 100 sample 62% of the sample population are in support of Limboo and Tamang's demand. Almost majority of the demanding community's i.e., Limboo and Tamang people are in favor of LT seat reservation. Likewise, 29% of non-LT communities are not supporting the demand, most of them have not shown any kin interest in ongoing demand of LT communities. Similarly, out of 100, 9% belongs to non-LT communities who having educational background between graduation and above, they are supporting the demand of Limboo and Tamang communities. They are of the opinion that their demand is constitutionally valid therefore, the LT communities should get their seat reservation in the State Legislative Assembly.

As per the key informant of LT associations such as, Mr. S.P Limboo and Mr. Yehang Tshong states that injustice prevails in terms of adjournment towards granting seats for Limboo and Tamang community they further quote "Justice delayed is justice denied".

As per the figure no. 4.5, around 9% of the peoples have neutral response. Nor they were in favor of ongoing demand of LT neither they are against of it. But question will arise in terms of seats distribution in SLA of Sikkim. There are the thirty-two seats in the State Assembly of Sikkim, twelve seats are reserved for the Bhutia and Lepcha, one seat for Sangha, and two seats for Scheduled Castes.

**Table No.4.3: Seat Reservation in the State Legislative Assembly of Sikkim**

<b>Community</b>	<b>No. of seats reserved</b>
<b>Bhutia-Lepcha</b>	12
<b>Sangha</b>	1
<b>Sc</b>	2
<b>General</b>	17
<b>Total</b>	<b>32</b>

Source: Gazetteer of Sikkim,2016.

From remaining thirty-two seats the seventeen seats are there for the General Communities. Therefore, it can be clearly seen that Limboo and Tamang Community has no reservation in the SLA as provided by the Constitution. As per the proportion of the two communities they are eligible to get at least five seats in the State Assembly. So, may be majority of the non-demanding communities are supporting LT seats demands as per the survey. Therefore, in order to sort out this problem peacefully, the State and Central Government have to gratify all the communities with proper seat distribution.

#### **4.5 Social Consequences of the Demand**

Primarily, the demand has united two different tribes under one banner i.e., Limboo and Tamang. They have been receiving all kinds of facilities such as reservation in jobs and in higher education. In fact, such reservation system has boosted the living standard of the two communities. Socially, the two communities became more conscious of their culture and traditions than before. The Limboo and Tamang communities used to come under the umbrella term Nepali, but strongly deny after they entitled as Scheduled Tribes Status after 2003.

Limboo and Tamang they have their distinct identity, language, and culture within the Nepali community. People claim that two communities do not come under Nepalese community because they have their distinctive culture and tradition. Likewise, other section of people strongly claims that the Limboo and Tamang communities falls under the definition of Nepali community. They don't want to lose or divide two communities from Nepali identity. Therefore, the former Chief Minister Nar Bahadur Bhandari had officially notified on 22,1987 on the report presented by the Secretary, SC/ST and Welfare Department, stated 'we cannot separate the demands. We do not want divide and rule policy. All Sikkimese are one". Therefore, they have both positive and negative consequences of the demand. Some people are influence of it as well as some are against the demand (Gurung: 2011:292).

#### **4.6 Political Consequences of the Demand**

Since, 2003, the Limboo and Tamang are being excluded from the constitutional right of political seat reservation in the SLA. In fact, the political representation signifies the power and decision-making ability of the communities. If they get political seat reservation, they can have more power in decision-making process in Sikkim

Legislative Assembly. Also, they can shape future policies for the betterment of their communities.

Nevertheless, the demand has both positive as well as negative consequences as per the people's opinion. Alike social consequences, the state have witnessed a political consequence during general election. Limboo and Tamang issue for the seat reservation in the SLA becomes a prime factor. According to one of the respondents, Mr. Passang Tamang said that "The recent general election of 2019 witnessed LT issue that determined SDF party fall and rise of SKM party in Sikkim". In fact, it is believed that political discourse of Limboo and Tamang seat reservation brought a new political party SKM to form government in Sikkim.

The two communities were recognized as Scheduled Tribes during the SDF led government. But government failed to provide seat reservation in State Legislative Assembly of Sikkim since 2003. Apart from that, the ongoing demand of LT communities had brought more consciousness and awareness regarding their political rights. As outcome of it, many political leaders are emerging in Sikkim, for an example, Indra Hang Limboo, PHD scholar of Sikkim University, became a young M.P of Sikkim. Therefore, Limboo and Tamang issue have been going through the appreciation and critique; it has both negative and positive aspects in Sikkim.

#### **4.7 People's Perception on the Seat Reservation of the Limboo and Tamang in SLA**

Regarding the seat reservation of the Limboo and Tamang communities, different people have different opinions and perceptions, which are as follows: -

According to the people perception, there are various reasons due to which the Limboo and Tamang demand for seat reservation is delayed. Some section of the

people states that the demand has not yet been fulfilled due to lack of political will power of the SDF (Sikkim Democratic Front) led former Government. Therefore, the political leaders of the SLA should pass the resolution in the State Assembly for the LT seat reservation. The Government of India and Sikkim Government should take initiative in this matter seriously said by Yehang Tshong the President of LTVC.

Another factor may be due to ideological conflicts between the three LT organization such as SILTJAC, LTVC and SILTAC. As per the Yehang Tshong the president of LTVC states that “There are three different LT organizations and they have their different opinion regarding ongoing demand”. The members of the Sikkim Limboo Tamang Tribal Joint Action Committee states that the reservation of the Limboo and Tamang should be given from existing thirty-two seats. However, not clearly mentioned that from where the Limboo and Tamang seats should be carved out.

The Limboo Tamang Joint Action committee have a clear stand regarding the LT seat reservation. According to the President of LTVC Yehang Tshong, the Limboo and Tamang seats should be given from an existing 17 seats of the SLA. He also placed his opinion on Burman Commission and the idea of increasing the size of the SLA. According to him 32 seats is more than enough for the State Legislative Assembly because as per the census of 2011, the Sikkim has not more than seven lakhs. If again seat will increase into 40 than there will be not more than eighteen thousand population in each constituency.

Further, he states that people may be not agreed to carved five seats from the existing seventeen seats with a fear that tribal will have upper hand in politics of Sikkim. However, he clarifies that during the previous SDF led Government, the LT



has given five seats from the existing seventeen general seats which has not created any problem among the people. Similarly, after the coming of SKM Government in 2019, the Chief Minister PS Golay and M.P Indra Hang Limboo themselves belongs to the tribal communities. But no any problems had been emerged till date. So, he appealed to non-LT communities for the allotment of five seats from the existing seats of State Legislative Assembly of Sikkim.

Non-Tribal people of Sikkim have different perspectives which is contradictory to the LTVC ideology of carving out 5 seats from the 17 non-tribal seats in the SLA. In the critique of seat reservation formula of LTVC, the General. On the other side, Sikkim Limboo and Tamang Apex Committee have different view point on the LT seat reservation. According to SILTAC, as per the LT population at least five seats should be allotted in the State Legislative Assembly. But they cannot carve out from existing 12 BL seats nor form the 17 general seats. If they asked their seats from the existing seventeen General seats than it will become injustice for General communities. Therefore, they are supporting the Burman Commission and the idea of the increasing size of the SLA from existing 32 to 40.

The President of SILTTJAC S.P Limboo argued that the SDF led previous Government has made Burman Commission as political vote bank. Accordingly, the previous State Government had proposed to increase the existing seats from 32 to 40 for the Sikkim Legislative Assembly on the plea of providing Scheduled Tribes seats to Limboo and Tamang Communities of Sikkim. In fact, the State Government and Member of Parliament did not make any effort to apprise to the concerned authorities of the Government of India regarding the imbalanced representatives in the State Legislative Assembly during the Parliament session of the Constitution (Eighty

Fourth Amendment) Act, 2001 enforced from 21st of February 2002. However, seat increment is declared to be frozen till 2026 under Article-170.

### **Summary**

The Limboo and Tamang has been striving to get political seat reservation in the Sikkim State Legislative Assembly, since, 2003. There have been major factors behind the delay in grant of their demand such as, ideological differences within the community and implementation of Delimitation Act in the long run. Limboo and Tamang demand has also been used to manipulated people by the political parties. They use people from the community as vote bank on fake assurances. However, from election to election was raised by the political parties during the election time. However, after post-election, the demand is like castle built in the air. Thus, negotiations among the political parties are the need of an hour to solve the conflictual situation in the state arising from communal differences as well as demands as the Limboo and Tamang issue. The major role can also be played by the unification of community organization to support the demand and have a fruitful outcome.

The state has witnessed that the demand of ST/LT status played a significant role in changing the government. In fact, over the years, the LT demand for seat reservation has become a prime factor of heated state political discourse.

The constitution of India has provision of seat reservation for ST under the article 332 sub clause (1). Although, being a Scheduled Tribe of Sikkim, Limboo and Tamang communities are denied from getting their constitutional right of proper seat reservation in SLA. Consequently, the various associations of LT have been raising their voices for unfulfilled demand for seat reservation. Association of Limboo and Tamang such as SILTTJAC (Sikkim Limboo and Tamang Tribal Joint Action

Committee), LTVC (Limboo Tamang Voluntary Committee), SILTAC Sikkim Limboo Tamang Apex Committee) have therefore been continuously demanding their constitutional right since 2003.

## **Chapter - V**

### **Conclusion**

After the merger of Sikkim in India on 6<sup>th</sup> May 1975, Central Government try to identify the ethnic groups which fall under the Scheduled Castes and Scheduled Tribes criteria. Thus, those ethnic groups belonging to Nepali communities were included in the Scheduled Castes as well as Scheduled Tribes in Sikkim during the inclusion and exclusion process. In 1978, during the inclusion process, the two ethnic communities of Bhutia and Lepcha were included in the list of Scheduled Tribes in Sikkim, where the two communities of Limboo and Tamang were side-looked.

As a result, for twenty-five years, two groups had to fight to get ST recognition and they were eventually recognized as Sikkim's Scheduled Tribes in 2003. While, after prolonged struggle, they succeeded in getting ST status and obtained all the Constitutional benefits except political representation. However, by not having any political seat reservations in the Sikkim Legislative Assembly, they were denied their rights of representation.

In order to explain the importance of the demand from Limboo and Tamang, the second chapter of this study aimed to illustrate the role of political participation in national context. There are distinct opinions on political participation and it has become a matter of debate and discussion till date. Political representation is a means of having (the represented) present again or a political entity through the idea of Hanna Pitkin, where voters have the right to select their representative by voting. But the delegate has little to do with elections or polling in the initial process.

In the India's scenario people started demanding the representation and establishment of legislature before India's independence. During the British reign the

Constitutional development took place with the introduction of different acts and reforms made in different times such as 1909, 1919, and 1935.

It was after independence under the chairperson of Dr B.R Ambedkar, the framing of Indian Constitution took place which was completed after long debate and discussion on various topics. Most importantly debate was heated regarding the safeguard of minorities and affirmative action for the historically disadvantaged section such as, Scheduled Castes and Scheduled Tribes. Likewise, the Scheduled Castes and Scheduled Tribes have their seat reservation in different fields such as, Education and Government jobs and most importantly their political seats were reserved in the State Legislative Assembly and the Parliament.

Similarly, the women of India also raised voice demanding of 33% political seats reservation in the Lok Sabha of India Parliament. The Women's Reservation Bill, 2008, brought in by the Congress led United Progressive Alliance government, sought to reserve 33% seats for women in the Lok Sabha and in the state Assemblies. While it was passed in the Rajya Sabha, it did not find sufficient support in the Lok Sabha. The bill was lapsed after the dissolution of the House. The current debate was taking place in India regarding the political seat reservation and gender justice in terms of Indian Politics.

The third chapter focused on the reservation system in Sikkim. As mentioned earlier when India got an independence from British rule, Sikkim was under the monarchical reign of Chogyal dynasty. It was 30 years later after India's independence; Sikkim became part of India in 1975. During the merger special provision like article 371F was given by the Government of India to Sikkim. So, after the merger ethnic communities eligible to avail of the Scheduled Castes and

Scheduled Tribes status in Sikkim. But, in the process of inclusion, many other ethnic communities in Sikkim showed dissatisfaction as they were excluded from the Scheduled Tribes list especially Limboo and Tamang as Limboo and Tamang Communities had demanded ST Status in Sikkim since, 1989 and in 2003, their demand was fulfilled but there arise other problems like, the eleven other communities were left out and who are at present too are demanding for tribal status in Sikkim. This exclusion towards these eleven communities possesses become big challenges for the State Government because LT Communities itself are deprived from receiving their Constitutional right that is been provided them by the Article 371F sub clause (f) and Article 332 of the Indian Constitution. So, if the eleven communities get ST status in Sikkim, then the question arises how the seats are going to be distributed in SLA? As the State Government are still unable to provide the seat reservation for the LT communities till date.

As far as welfares towards ST communities are concern all communities are competing to get the ST status not only in Sikkim. Similarly, during the merger, the Bhutia and Lepcha are included in the list of Scheduled Tribes in Sikkim. Apart from that, in Sikkim the Scheduled Tribes and Scheduled Castes such as, Bhutia, Lepcha, Limboo, Tamang and Kami as well as Damai are getting every privilege for being under Scheduled Castes and Scheduled Tribes.

Sikkim have a unique pattern of reservation such as the BL communities have 24% seat reservation in the Government Jobs, whereas at the same time they also contest from 15% reserved seats of STs. Likewise, BL were getting double benefits in terms of employment, from BL as well as the ST category. But at the same time Limboo and Tamang communities were not allowed to avail BL seats in Government

jobs. This shows the LT communities have been ignored in the Sikkim as per the reservation allocation

Sikkim which was merged in India with a new hope to lessen the disparity which was faced during the monarchical rule. However, becoming the part of democratic nation, still the feudal essence is still alive within the democratic concealment. In terms of political seat reservation, the Limboo and Tamang being Scheduled Tribes of Sikkim, their seats are not secured though the Article 332 of the Indian constitution provides towards the right to seat reservation for them.

So, in order to highlight the disparity along the political representation in Sikkim among the Limboo and Tamang community the fourth chapter deals with the objectives to understand the conflict dynamics of the demand for Political representation in State Legislative Assembly in Sikkim. The Limboo and Tamang has been always determined to get political seat reservation in the Sikkim State Legislative Assembly since 2003. There have been major factors behind the suspension or interruption towards their demand such as ideological differences within the community itself, implementation of delimitation Act in the long run. The issues of Limboo and Tamang has always been used to deploy off people's voices by the political parties. From, L.D Kazi to Pawan Chamling's political tenure the LT issues was always a prime factor for political instability and changeability that had rendered political conflicts.

On the other side, the politicians have been making promissory agendas whenever election encounters. In true sense people becomes one of the factors towards gaining votes where these issues of LT seats are most prominent agendas. The issues of LT and their demand remains still unattended though any governments

resume power. Therefore, negotiations among the political parties are the need of an hour to settle and solve the conflictual situation in the state of Sikkim arising from communal disparities towards LT seats.

### **Findings and Recommendation**

The demand of Limboo and Tamang communities are going through both appreciation and critics. There are many reasons due to which they are unable to meet their demand which are follows: -

Firstly, there are three separate organizations in the communities of Limboo and Tamang, such as SILTJAC, SILTAC and LTVC. To get STs seat reservation in the State Legislative Assembly, each organization has its own distinct formulas. From the point of view of SILTAC, their seats should be reserved from the current thirty-two seats, but they have not specified where their seats should be divided from. In comparison, the LTVC has a strong view that LT seats should be given from the seventeenth general seats since the candidates of Limboo and Tamang are contesting from the five separate constituencies in Sikkim in prior elections. Hence, getting their seats reserved from seventeen general seats as tough.

According to the general people's opinion, the non-LT communities are silent in the prior election, whilst the LT candidate contests from the five independent constituencies whether their seats have not been permanently distributed or reserved. But if they demand their permanent seats from the 17 general seats, then there would be tensions between the ethnic groups.

From the perspective of SILTAC, the legislative size of the Sikkim should be increased from thirty to forty. Therefore, the communities of Limboo and Tamang should have a permanent seat allocation in the SLA. Here, again, the SIBLAC is



unsatisfied, saying that if the size of the Assembly is increased to forty, then BL seats will be increased or not!

Secondly, the former government has its seat distribution formula, which is also recognized as the Burman Commission formula, identical to SILTAC. The size of the assembly should be increased from 32 to 40, according to this formula. According to the 2002 Delimitation Act, the number of seats in the Assembly of any State can only be changed on the basis of the first census to be held after 2026.

Thirdly, the Limboo and Tamang Communities are unable to get their Political Seat Reservation till date, due to unequal allocation of the Seat Reservation in the SLA of Sikkim.

These two points are the findings of the present work. Through undertaking research on the Limboo and Tamang's demand for seat reservation, this study will conclude with few suggestions. First of all, the LT organization must overcome its internal disagreement and answer its demands in one voice. Secondly, all representatives of the group, elected leaders and demanding leaders of Limboo and Tamang communities, including the State Government, should hold a workshop on the LT criteria and the seat allocation formula.

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## Appendix - I

### **Questionnaires (semi structured)**

My name is Suraj Rai and I am M.Phil Scholar from Department of Peace and Conflict Studies and Management, Sikkim University. I am conducting this research as a part of my M.Phil. research work on the status of political representation of Limboo and Tamang in Sikkim State Legislative Assembly. The answers you provide will solely use for my research work and I assure you that it would not be misused. I also assure that your identity will not be disclosed to anyone.

Thank you very much for giving your valuable time.

### **General Information of Respondent**

Name of the Respondent (Optional):	
Village/Ward:	District:
Gender: Male/Female/Transgender	Age:
Community:	
Occupation:	Education:
Political Affiliation:	

## Section A

1. Are you aware of the constitutional right for ST?  
Yes  No
2. Do you support reservation for Limboo and Tamang?  
Yes  No
3. Do you know about the ongoing demand of Limboo and Tamang seat reservation in SLA?  
Yes  No
4. Do you know any organization working for the demand for LT seats reservation in SLA?
5. Have you ever participated in meeting regarding Limboo and Tamang's seat reservation you support seat reservation for Limboo and Tamang in SLA?  
 No
6. Have LT benefited from the ST status?  
Yes  No
7. Do you support the demand for ST status for other communities?  
Yes  No
8. Do you think that previous government was in favor of LT demand?  
Yes  No
9. Do you think increasing of seat formula given by the Burman Commission would solve the problem?  
Yes  No
10. Do you think present government will take up this issue?  
Yes  No

11. Do you think other political parties support the demand of seat reservation of Limboo and Tamang communities?

Yes  No

**Section B**

12. What are the constitutional and legal obstacle in the fulfillment of the LT demand?

13. What are the political consequence of the demand?

14. What are the social consequences of the demand?

15. Do you think political representation is important for the development of community?

16. Why other communities are demanding ST status?

17. What has been the response from the other communities regarding the demand?

18. Do you think LT should get seat reservation in SLA?

19. What are the reason behind the demand for seats reservation?

20. Why Limboo and Tamang communities started their demand for seat reservation?

21. In your opinion, what could be the reason of delay and how can be prolonged demand be achieved?

## **Appendix - II**



With ShriYehang Tshong, President of Limboo and Tamang Voluntary Committee (LTVC) Photo taken on 13<sup>th</sup> February 2020 (field work)