CHAPTER I
EVOLUTION AND GROWTH OF FRANCHISE IN INDIA

The term 'election' is derived from the Latin word 'Eligere' which means to choose and is part of the machinery of democratic government. It clarifies the position and the opinion of the public towards the government. It also imparts continuity to the public views, and it ensures peaceful, orderly replacement of the government. 'Free elections though not a supreme end are yet a device of the highest value, because no one has invented a better political contrivance for securing large societies. Two conditions are necessary for the maintenance of Government in any society. First, election can create a sentiment of popular consent and participation in public affairs even when government is so complex as to be beyond the direct understanding of the ordinary citizens. Second, election can provide for orderly succession in government, by the peaceful transfer of authority to new rulers when the time comes for the old rulers to go, because of morality or because of failure'.

During the 20th century most of the nations of the world have established democratic governments and given importance to elections. The demand is increasing that every citizen of a nation should have his or her say in

the making of the government. People have faith only in the government which is created by them.

**ELECTION IN INDIA UNDER BRITISH RULE**

India had had long experience of elections but a new shape had been provided to it in the beginning of the present Century. During the British rule franchise suffered so many set backs and it was restricted to a chosen few. Provision was made for it under the Act of 1909, 1919 and 1935 but the modifications and changes which were made in it were not so important till adult franchise was provided by the New Constitution of free India in 1950. In order to study the growth of franchise in India it would be essential that analysis should be made as to how Indian leaders fought for it and what were the provisions made from time to time in the Government of India Acts.

The beginning of elections in India dates back to the year 1892, when the British India Council Act was enacted by the British Parliament. This was the first occasion when the element of election was introduced in India on the demand of

The Indian leaders. On account of the birth of the Indian National Congress the political climate was rapidly changing and the citizens of India were impressing upon the Government that they should be allowed to exercise their vote in the making of the Government. This intention was expressed by the citizens of the British India.¹

In 1892, the Parliament of Great Britain refused to legally provide for the principle of election but none the less expressed its will that the executive in India should take some steps to conciliate the feelings of those who demanded elections. It was solely the authority and responsibility of the Governor-General in Council to decide the quantum of elective principle to be introduced in India.

**PROVISION OF FRANCHISE IN THE COUNCILS ACT 1892**

Under the Act of 1892 the provision was made to enlarge the Councils and consequently it could legislate and make regulations thereon.² For the Council of Governor-General, the maximum number of "additional members was raised to 16 (minimum 10) and for the provincial councils of Madras and Bombay

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¹ Quoted from the Montagu-Chelmsford Report on Constitutional Reforms 1918-1919, Para 69.
and Bengal, the maximum was fixed 20(Twenty). With regard to the North Western Provinces the maximum number of the members of the Council was fixed at 15.2

It was Lord Dufferin, the Viceroy who was prepared at that time to concede at least the measure of election. He proposed that while some of the non-official members should still be nominated others should be elected. But Lord Cross, the Secretary of State, Lord Salisbury's second Government, refused to sanction a fundamental change of this description without much more positive evidence in its favour than was forthcoming. The upshot was a compromise. A few of the non-official seats were still to be filled by simple nomination, but for a majority of them "recommendations" were to be made by local bodies or corporations, religious communities, municipalities, universities, chambers of commerce and the like. In the event, this half hearted evasion of the elective principle came to nothing. Since, 'the recommended' candidates were in practice accepted as a matter of course, the process became virtually election.3

1. Art.1 Sub Cl.11 of the Act. Also the Proclamation No.354 Dt.16 March, Gazette of India No.11 Dt.18 March 1893.

2. Proclamation, No. 355 Ibid.

INTO MORLEY REFORMS 1909 AND APPROVAL OF ELECTION:

The principle of election was thinly veiled in it since direct approval was given for election under the Act of 1909. Under this Act the provision was also made for the return of representatives to the Councils from recognised corporate bodies associations, interests and classes - the method of election continued as before, indirect except in the cases of newly created land-holders', Muslims, and (in the Punjab) Sikhs' constituencies. The aforesaid scheme, could in no way produce a new landmark on the pattern of Indian elections because it was not possible in the country to establish a democratic form of government.

DEVELOPMENT AND MAIN PROVISIONS OF THE ACT:

The number of the additional members was considerably raised in the Imperial as well as the provincial councils. For the Imperial Legislative Councils, the maximum number of additional members was raised from 16 to 60. The number of such members for the Bengal, Madras and Bombay Councils was raised from 20 to 50, for the U.P. from 15-20, and for the minor provinces the maximum number was fixed as 30. The actual number of members was slightly different, as laid down by the Regulations made under the Act.

2. Shri Ram Maheshwari -, The General Elections in India, Allahabad, Kitab Mahal, 1963, P.9
According to the Act 1909 each Legislative Council was comprised of three classes of members elected, the officials and the nominated non-officials.

Under the Act of 1909 the provisions for the Indian Councils was provided by the first schedule to the Act which prescribed the maximum number of the members of different councils as stated below:

1. Imperial Legislative Council .. 60
2. Legislative Council of Bombay .. 50
3. Legislative Council of Madras .. 50
4. Legislative Council of Bengal .. 50
5. Legislative Council of U.P. .. 50
6. Legislative Council of East Bengal & Assam 50
7. Legislative Council of Punjab .. 30
8. Legislative Council of Burma .. 30

**IMPORTANT REFORMS UNDER THE ACT**

The members of the Councils, after the Reforms, were divisible into four categories, firstly, there were the ex-officio members, who held office by virtue of their holding certain government jobs, e.g. in the Imperial Legislative Council, the Governor-General and the ordinary members of his Executive Council were ex-officio members. Secondly, there were the nominated officials i.e. those persons, who were holding jobs

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2. Clause II of Art. I of the Act and First Schedule, p.611 Ibid.
under the government and were nominated as members of
the Legislative Councils. The third category of the
members was of nominated non-officials. They were
persons from the public and were nominated by the
government as members. The fourth category of members
was elected by "Classes", "interests" and "Communities!"

In this way the imperial Legislative Council
consisted of 27 elected members. Out of these five
were elected from amongst Muslims, 6 from amongst land-
lords and one was elected by Mohammedan Landlords.
Chambers of Commerce of Bengal and Bombay were each
represented by one member. Rest of the 13 members were
elected by the non-official members and 9 were of the
Provincial Councils.

FORMATION OF CONSTITUENCIES

The constituencies were divided into provincial
councils, Muslims, Landlords, Muslim Landlords, Chamber
of Commerce, Universities, Corporations, Municipalities,
District Board etc., The basis of 'General Electorate'
was not suitable for India. This was 'territorial' and
communal representation having no basis of classes and
interests. The official opinion was thus clearly
against the introduction of the principle of class and
communal representation. ¹ The Census Report reveals

¹. Paper Relating to Constitutional Reforms Published
under the Authority of C. E. I., Vol. I P. 16 P
as to how much justified electoral system was introduced in India.

It is evident from the following Table that so far as percentage of Hindu population is concerned it is on the top (68%) followed by Muslims (23%) and Buddhist (4%). The position of other communities was negligible (See Fig.1:1)

<table>
<thead>
<tr>
<th>Section</th>
<th>Population</th>
<th>Percentage of Total Population</th>
<th>Interest Per Population</th>
<th>Agriculture</th>
<th>Commerce</th>
<th>Professions</th>
<th>Adult Males Literacy</th>
<th>English</th>
<th>Vernacular</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hindus</td>
<td>15,86,01,000</td>
<td>68.00%</td>
<td>67.00%</td>
<td>15,56,78,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muslims</td>
<td>5,38,04,000</td>
<td>23.00%</td>
<td>16.50%</td>
<td>3,83,02,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buddhists</td>
<td>94,11,000</td>
<td>4.00%</td>
<td>1.6%</td>
<td>38,71,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christians</td>
<td>19,04,000</td>
<td>0.81%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sikhs</td>
<td>15,74,000</td>
<td>0.67%</td>
<td>1.00%</td>
<td>6,52,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jains</td>
<td>4,79,000</td>
<td>0.20%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mr. Morley disregarded his own proposal of joint electorate and said "some may be shocked at the idea of a religious register at all, a register framed on the principles of religious belief. We may wish, -- we do

1. Census Report of British India 1901
Population Representation in British India, 1901

Hindus: 68%
Muslims: 23%
Others: 1.66%
Buddhists: 1%
Christians: 0.81%
Sikhs: 0.67%
Jains: 0.20%
Total: 100%
wish -- that it were otherwise. We hope that time, with careful and impartial statementhip, will make things otherwise.¹

Lord Ronaldshay expressed the opinion that the elective principle did not suit the condition of India. Later on a remark was made by Mr. Rutherford, "If Turkey with her Polygict communities and conflicting religions can find salvation in representative institutions, it is high time that we took another step in that direction in India". With this enactment, consequently one Indian was appointed a member in the Council of Governor-General in 1909. It was a welcome change, because it provided an opportunity for some Indians to be associated with the executive side of administration and thus to acquire experience of executive work.

While the Act of 1909 was taking shape and the second reading of the bill was going on in the House of Lords Mr. Moreley declared that this plan of electoral college had been given up due to protests from Muslims that the Hindus would elect a pro-Hindu and therefore the real representative of the Muslims would not be returned.²

¹. Dr. P. L. Joshi, Evolution of Franchise and Electoral System in India upto 1947 Vol. I; Saugar, University of Saugar, P. 92.
². Parliamentary Debates Vol I, 1909, Eu. 7 Co. 500
CRITICISM

There were discussions between Morley and Gokhale in regards to new reforms. In 1908 the Congress which was then entirely under the control of the Moderates had expressed, "its deep and General satisfaction at the Reform proposals formulated in Lord Morley's dispatch". In 1909, after one year, the Moderates were enlightened with the correct position of the reforms and the Congress "placed on record its strong sense of disapproval at the creation of separate electorates, etc." In 1908, Shri Gokhale had second thoughts and said that the Reforms were "modifying the bureaucratic character of the Government".

BIRTH OF COMMUNAL REPRESENTATION & PATTERN OF VOTING BEHAVIOUR

It was the first mile stone on the road to communal representation and voting behaviour. Lord Morley took an important step by appointing two Indians, Hindu civilian and a Muslim-Syed Ahmad Bilgrami, 'a shrewd, competent, loyal" politician. Besides this, it was a false concept of the Central Government of India that territorial representation was unsuitable for her. The caste system in India had not altogether escaped territorial influences. Inspite of this, Muslims

1 G.N. Singh: Landmarks on the Constitutional and National Development (1800-1919) P.216
also had been divided territorially, divided into distinct bodies, like Muslims of Punjab, Muslims of Bengal, and the Muslims of Maharashtra etc. This communal representation was a big stroke on the unity of the nation. Making an important remark on communal representation for India Mr. Krishna Nair favoured the territorial representation. He said, "Territorial representation seems to be best suited to the circumstances of the country." As a matter of fact representative institution, if they were to function at all should be constituted on the principle of territorial representation or at the most occupational representation and should never be based on the class, caste or interest.

**INDIRECT ELECTION**

Through the Act of 1909 indirect system of election was also introduced in India. At places it was doubly indirect. Under such a system of election any fruitful contact between the voters and the representatives was impossible. The elections held under the Reforms failed to create interest among the voters and provided little scope for political training and education. Since the representatives came from divergent interests, classes and communities it was

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1 Papers to the Constitutional Reforms in India (1909) Vol. I, p.81
difficult for them to work as a team and to forge a common front against the Government in the Council.

PREFERENCE TO MUSLIM COMMUNITY:

In fact, general election was created in the interest of the Muslims. Representation was given to classes and interest, which resulted in splitting the country into many divisions and segments. The Govt. singled out sixty millions people out of thirty hundred millions for preferential treatment on the basis of religion. In doing this the Government threw the Queen's proclamation completely over board and opened the gates of communal wrangling in India. In respect of this Sir Bhashyam Iyanger rightly said that "any system of election based upon the representation of caste and creed will have very injurious effect and will be calculated to accentuate racial and caste feelings even where these do not exist". In short, it may be mentioned that in this communal treatment of election pattern, great preference was given to Muslim Community.

SAFEGUARD OF MINORITIES:

Such was the partial treatment of the Govt. for India, that minority communities were not given separate electorate. But this argument was not borne out by facts.

1 Ibid - 58.
Able men amongst the minority communities did always get equal chances to be elected to the legislatures.\(^1\)

**NEGLIGENCE OF MAJOR CLASS OF CULTIVATORS AND PEASANTS**

The landlord community was provided a separate representation. In real sense, by its very nature, the land holders constituency was very small. There was no need of giving this privilege to this community by sending more member. Virtually, there was no conflict of interests between the ryots and Zamindars of India. The landholders had a stake in the country, and poor major class of peasants and cultivators were badly neglected and they were left upon the mercy of Zamindars. In this way, it was observed that the most important class was ignored and no protection was given to it.

It is important institution that Govt. tried to introduce parliamentary institution in India, but Parliamentary ideal was not the stated goal. In other words, parliamentary usage was adopted without parliamentary Government, and the result was friction. The members were empowered to record and adverse vote, but this involved no liability on the Government to resign. Elected members indulged in destructive criticism, knowing full well that they were not liable to be called upon to shoulder the responsibility.

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1 Dr. P. L. Joshi, *Evolution and Franchise and Electorate System in India (Upto 1947)*, Saugar University, Saugar P. 218.
EVALUATION OF REFORMS

It was admitted by Coupland also that India would some day attain a position similar to that of dominions which had become independent states.¹ We should not conclude that the Morley-Minto reforms were totally fruitless. They had given Indians the much valuable training without which they would not have been able to make the best use of legislatures, as subsequently explained under the Act of 1919. From a broad evolutionary point of view, the Reforms were necessary and useful stage in India's advance towards self-government".² Lord Morley was fully aware that the direct franchise would be restricted largely and the primary voters would be removed more than one stage from the ultimate choice. On account of this Reform and certain draw back in the system it could bring the classes concerned within the popular electorate and thus strengthen the unity, coherence and solidarity of India meeting at the same time the claims of certain classes and communities.

1. Coupland, India, A Restatement, P.111
2. Pradhan, India Struggle for Swaraj, PP. 110-111
Any way it cannot be denied that it provided incentive to local bodies to take more interest in the provincial legislatures. The Muslims also raised their voice that in such a system their real representative would not be returned. The most pertinent point about the Morley Minto Reforms is that parliamentary institutions were brought to a point, from where parliamentary responsibility could not be denied. They virtually provided "a decided step toward a road leading at no distant period to a stage at which the question of responsible Government was bound to present itself".

It was clear from the speeches of Mr. Morley in the Parliament that they had no intention to change the administrative policy in India. However, the right of voting on some items in the budget and the right of moving resolutions on the whole range of the administration was definite gain. All the same, the Reforms implied a change of degree and not of kind. In nut-shell the change from 1892 to 1919 was a radical one, if not revolutionary. The change from 1909 to 1919 was natural and inevitable.

The Indian leaders were not satisfied with the Morley Minto Reforms. Mr. Ramsay Macdonald a representative of the empire", it is a profound mistake, and distrust

1. Montford Report, P.40
shown towards the Hindus compared with favour extended to the Mohammendans will widen instead of lessening the gulf between the two communities. The result, I fear, will be very regrettable for agitation conducted on religious and sectarian lines must always be more troublesome to a Govt. than one having a crude political foundation.

**Imperial Council (1912)**

Consequently new amendments were introduced during 1910-11 in regards to Imperial Council. On February 1909 the Indian Decentralisation Commission, presided over by Mr. Hobhouse (afterwards Sir Charles) presented its comprehensive report. The Report dealt with the relationships between the Govt. of India and the Provincial Governments and the local authorities and each ring of the official hierarchy and made a series of recommendations with a view to the relaxation of control by higher authorities and the simplification of administrative methods.  

The Commission expressed its faith in the constitution of Provincial Government and that all provinces should be enlarged. They should be such as exist in Madras and Bombay, with a Governor usually, but

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1 Report on Indian Constitutional Reforms, 1918, P.3
not invariably, appointed from Home. It was also considered that all council Governments should consist of not less than four members besides the Governor. The enlargement would permit of the appointment of specially qualified natives of India. ²

**DISTRIBUTION OF SEATS**

There were now 27 elected members added to the Council of the Governor-General. The non-official members of the Councils of Madras, Bombay, Bengal and U.P., returned two members and the non-officials of the councils of the Punjab, Burma, and the District Councils and the Muslim Committees of C.P. returned one member each as before.

No amendment was made for seats of Landlords and Muslims. They were retained as before, Indeed, one seat was given to the new state of Bihar and Orissa in place of one each from Bengal and Assam in both the classes of electorates.

Ultimately, there was no change in the pattern of franchise of Madras, Bombay, U.P., Burma, and C.P. The franchise for the newly created provinces East Bengal, Behar, Assam and Orissa was accepted in a most restricted way.

1. Report of Indian Constitutional Reforms, 1918, p. 3
DECLARATION OF 1917

Mr. Montague then took an important step in 1917. The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of increasing association of Indians in every branch of administration and the gradual development of self-governing institutions with a view to the progressive realisation of Government in India as an integral part of the British Empire. It was clarified that substantial steps in this direction should be taken as soon as possible. In the following year came the Montague-Chelmsford Report. The joint authors there stated that the above declaration was, "The most momentous utterance ever made in Indias chequered history". It was illustrated that responsible Government should be conferred on India by progressive stages that the first stage should be confined to the major provinces and that there a revised system of local Government should be introduced. However, the system suggested later on was a dual form of Government known as "Dyarchy".

However, the pattern of franchise was granted for British India for the various provinces in 1917 is shown below.

1. FRANCHISE FOR IMPERIAL COUNCIL 1917.

<table>
<thead>
<tr>
<th>Province</th>
<th>Non-offi-</th>
<th>Board</th>
<th>Mus-</th>
<th>Hold-</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>cial &amp; Mem.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>of local _</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>councils</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Madras</td>
<td>26</td>
<td>Nil</td>
<td>544</td>
<td>126</td>
<td>Nil</td>
</tr>
<tr>
<td>Bombay</td>
<td>35</td>
<td>Nil</td>
<td>8</td>
<td>1219</td>
<td>119</td>
</tr>
<tr>
<td>Bengal</td>
<td>34</td>
<td>Nil</td>
<td>393</td>
<td>366</td>
<td>190</td>
</tr>
<tr>
<td>Bihar and</td>
<td>25</td>
<td>Nil</td>
<td>306</td>
<td>109</td>
<td>Nil</td>
</tr>
<tr>
<td>Orissa</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assam</td>
<td>15</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>U.P.</td>
<td>29</td>
<td>Nil</td>
<td>650</td>
<td>546</td>
<td>Nil</td>
</tr>
<tr>
<td>Punjab</td>
<td>15</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>C.P. &amp; Berar</td>
<td>14</td>
<td>Nil</td>
<td>40</td>
<td>Nil</td>
<td>94</td>
</tr>
<tr>
<td>Burma</td>
<td>9</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>TOTAL</td>
<td>202</td>
<td>Nil</td>
<td>1,901</td>
<td>2,406</td>
<td>309</td>
</tr>
</tbody>
</table>

In this way minor amendments were made during the year 1915 also by creating new provinces as stated earlier but as a matter of fact no importance would be given to them.

AMENDMENT IN FRANCHISE UNDER MONTAGUE-CHELMSFORD REFORMS 1919:

The policy underlying the Morley Minto Reforms proved a decimal zero. Moderates were also disillusioned by the reforms. The policy of the Government of India also failed to repress the extremists. Meanwhile Mrs. Annie Besant also entered political life in 1913 and the most dynamic person Lokmanya Tilak was released in 1914. The conservative element, on which the British Government had relied, proved a weak ally against the...
vigour of the conservative forces in the country. Lord Hardinge had a progressive outlook in comparison with his predecessor. His attitude was of compromise which is clear from the despatch of the Government of India of 1911 to the Home Government. He proposed that the partition of Bengal should be annulled.¹

Unfortunately, the First World War broke out in 1914. It is on account of the sympathetic attitude of Lord Hardinge that India threw herself into the burning fire of war and extended her best co-operation towards England. The Allied had declared that they were fighting the war not for a selfish motive and Imperialistic ends but to make the world safe for democracy. On this occasion the British Govt. also declared that they wished to protect freedom. During this crisis Mahatma Gandhi was the first to co-operate with the British. The impression in India was that after the war India would be allowed to form its own responsible Government but this did not happen.

The Government of India Act, 1915, was purely a consolidating Act and contained no amending clauses. It placed a few omissions, the unrepealed provision of 47 Acts beginning with an Act of 1770 and consolidated them in a Single Act of 135 Sections with 5 Schedules.²

¹ R.N. Agrewal etc., National Movement and Constitutional Development of India - Revd. by D.N. Bhandari Delhi Metropolitan Book Co. Private Ltd. 1956, P. 69
² Ilbert - Government of India. A Historical Survey, PP 121-22
landmark in the history of the Indian Legislature. The new shape given to the legislature at the Centre is shown below.

**TABLE SHOWING COMPOSITION OF CENTRE LEGISLATURE UNDER THE INDIA ACT 1919**

<table>
<thead>
<tr>
<th>Legislature</th>
<th>Total Membership</th>
<th>Officials</th>
<th>Non-Officials</th>
<th>Total Elected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council of States</td>
<td>60</td>
<td>20</td>
<td>40</td>
<td>-</td>
</tr>
<tr>
<td>Legislative Assembly</td>
<td>140</td>
<td>26</td>
<td>114</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>14</td>
</tr>
</tbody>
</table>

Under the Reforms' 1919 provision was also made that the princes will remain associated with the administration of the country specially in matters affecting the Indian States and for introducing the dyarchical form of Government.

On August 20, 1917, the Montford Report had laid emphasis on the following points in respect of form of Government: "There should be, as far as possible complete popular control on local bodies and largest possible independence for them of our side control."

Further, the Report enunciated two main principles: the devolution of authority to Provincial Governments and the introduction of partial responsibility in the provinces.

* It was left over at the discretion of the Governor General of India to decide the proportion of elected and nominated members. Paragraph 277 of the Montague Chalmersford had recommended official and nominated non-officials in the majority to the elected members.

by dividing the provincial governments into two parts, one responsible to the Secretary of States and the other to the voters in the provinces. This clearly illustrated that the demand of the advance nationalists was rejected for 'Self determination.\(^1\)

Under the provision of the Act 1919 the entire subjects were divided into two parts i.e. 'Reserved' and 'Transferred' by the British India Government. But the voters found it difficult to grasp the distinction between the above mentioned subjects "what is the difference between transferred and reserved subjects"? Was the query address to members of Council when they addressed villagers meeting? This point has some significance in arriving at a proper estimate of dyarchy. In the right sense, under a system of responsible government the ministers look beyond the legislature to the electorate. But when the attention is diverted towards the importance of the vital subjects like law and order, finance, land revenue, and irrigation these were under the control of the "Reserved Half" as in dyarchy, there was little opportunity to learn the meaning of responsible government.\(^2\)

As a matter of fact there was no change in the pattern of Government in India, specially at the centre.

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1 - Preamble of India Act (1919)
THE POSITION AND STATUS OF VOTER

By introducing the system of dyarchy in India voters could gather no experience because their representative was not in a position to raise his voice in the interest of the public. The village voter considered that the Government was one and indivisible. This was the reason that he lost interest in Councils and representatives if he was told that only in some matters could his representatives be helpful, while in others they could do nothing. There is in fact an automatic check, real if imperfect, on the exercise of political power and the voter is soon made to realise that his welfare depends upon the character of the man whom he elected to represent him. The security which the voter enjoyed under dyarchy, irrespective of whether he takes interest in public affairs or not, and the powerlessness of his representative to do anything in matters which vitally touch him, breed irresponsibility in him.

REPRESENTATION IN THE CENTRAL LEGISLATURE

The Mont-Ford Report considered the need to make a necessary change in the form of Central Legislatures to represent properly in the interest of the public. But if such an Assembly was to be composed

as to maintain officially majority, the purpose would be fulfilled because there ought to be some limit as regards the member of officials available for the work. Thus the idea of keeping majority was not practicable. It required that out of the total strength two-thirds should be returned by election and rest one-third again should be non-officials to represent minority or special interests. To maintain this interest it required some special representation for European and Indian Commerce and also for the big land-lords. Likewise, the Act of 1909 Commercial representation was also maintained. The Muslims as well as the Sikhs were given this chance for commercial representation. This time for all seats the provision was made of direct election.

It was the proposal of the Franchise Committee that total number of seats should reach 121(One Hundred Twenty one). The Provinces of Madras, U.P., and Bombay were to get 12 members. Bengal was allotted one more seats i.e. 13 members were to secure sufficient representation of general and communal interest. The Punjab and Bihar including Orissa got 9 (Nine) Members each, C.P. 5 (Five) Assam 3 and Delhi 1 (One).

REPRESENTATION IN THE COUNCIL OF STATE:

It was mentioned in the Mont-Ford Report that "Since" matters are more important, the government's responsibility to the Parliament is closer, and the
affirmative power must be used," a second chamber which
was to be the final legislative authority, should be
so constituted as to enable the Government to command
the majority. There was a proposal that the council
should consist of 50 members; out of that 25 were to be
officials. Besides, 4 were to be nominated non-officials
and 21 elected. Out of the total members of the same
15 were to be returned by non-official members of the
provincial councils and (six) were to supplement the
representation which the Mohammedans and the Landlord
classes would otherwise secure and also to provide for
the representation of Chamber of Commerce. The proposal
was so made that each of these three latter interests
should return two members.

The Franchise Committee could not chalk out a
plan to keep the interest of the different classes
while preserving the proportion of seats among the
provinces. Therefore, it was proposal to increase
3(three) seats and by increasing other seats correspond-
ing the total strength was fixed at 56(Fifty Six).

The Legislative Assembly and the Council of
State at the Centre as proposed by the Franchise
Committee were on the following pattern:

1 - F. C. Ford, Report 1918) - Report on Indian Constitu-
tional Reforms - Calcutta Superintendent, Govt.
Printing India 1918, Para 277, P. 178.
### TABLE No. 1

**TABLE SHOWING THE STRENGTH OF ELECTED MEMBERS RECOMMENDED BY THE FRANCHISE COMMITTEE OF 1918 FOR THE PROPOSED CENTRAL LEGISLATURES**

**LEGISLATIVE ASSEMBLY**

<table>
<thead>
<tr>
<th>Province</th>
<th>Non-Muslim Mohammexport</th>
<th>Mohammexport</th>
<th>Non-Muslim</th>
<th>Land Holding</th>
<th>Non-Muslim Mohammexport</th>
<th>Land Holding</th>
<th>Euro-Indian</th>
<th>Communal</th>
<th>Sikh</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
<td>5.</td>
<td>6.</td>
<td>7.</td>
<td>8.</td>
<td>9.</td>
<td>10.</td>
<td></td>
</tr>
<tr>
<td>Madras</td>
<td>7</td>
<td>2</td>
<td>x</td>
<td>1</td>
<td>x</td>
<td>x</td>
<td>1</td>
<td>1</td>
<td>12.</td>
<td></td>
</tr>
<tr>
<td>Bombay</td>
<td>4</td>
<td>3</td>
<td>x</td>
<td>1</td>
<td>x</td>
<td>x</td>
<td>1</td>
<td>2</td>
<td>12.</td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>5</td>
<td>3</td>
<td>x</td>
<td>1</td>
<td>1</td>
<td>x</td>
<td>2</td>
<td>1</td>
<td>13.</td>
<td></td>
</tr>
<tr>
<td>U.P.</td>
<td>6</td>
<td>3</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>x</td>
<td>1</td>
<td>x</td>
<td>12.</td>
<td></td>
</tr>
<tr>
<td>Punjab</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>x</td>
<td>1</td>
<td>x</td>
<td>1</td>
<td>x</td>
<td>x</td>
<td>9</td>
</tr>
<tr>
<td>Behar &amp; Orissa</td>
<td>6</td>
<td>2</td>
<td>x</td>
<td>1</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>9</td>
</tr>
<tr>
<td>C.P.</td>
<td>4</td>
<td>1</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>5</td>
</tr>
<tr>
<td>Assam</td>
<td>1</td>
<td>1</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>1</td>
<td>x</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Delhi</td>
<td>1</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

---

***P.L. Joshi, P. 144***
### TABLE No. 2

--- COUNCIL OF STATE ---

<table>
<thead>
<tr>
<th>Province</th>
<th>General Seats</th>
<th>Mohammedan seats</th>
<th>Sikhers</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madras</td>
<td>2</td>
<td>1</td>
<td>x</td>
<td>3</td>
</tr>
<tr>
<td>Bombay</td>
<td>2</td>
<td>1</td>
<td>x</td>
<td>3</td>
</tr>
<tr>
<td>Bengal</td>
<td>2</td>
<td>1</td>
<td>x 1/2</td>
<td>3 1/2</td>
</tr>
<tr>
<td>U.P.</td>
<td>1</td>
<td>1</td>
<td>x 1/2</td>
<td>3</td>
</tr>
<tr>
<td>Punjab</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Behar and Orissa</td>
<td>1</td>
<td>1</td>
<td>x 1/2</td>
<td>2 1/2</td>
</tr>
<tr>
<td>C.P.</td>
<td>1</td>
<td>1/2</td>
<td>x</td>
<td>1 1/2</td>
</tr>
<tr>
<td>Assam</td>
<td>1</td>
<td>1/2</td>
<td>x</td>
<td>1 1/2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11</strong></td>
<td><strong>7</strong></td>
<td><strong>1</strong></td>
<td><strong>24</strong></td>
</tr>
</tbody>
</table>

Representative of European Commerce .. 2

Reserved for Burma .. .. .. .. 1

**TOTAL** 24
METHOD OF ELECTION

The composition of the Indian Legislative Assembly was entrusted in the first instance to Lord Southborough's franchise Committee. The opinion was expressed with regard to it that direct election would be held though doubts had been raised as to its practicability. On this, it was expressed that direct election is not impossible. If it proves so, and a system of indirect election is unavoidable, then there should be a material difference of method between the elections to the Assembly and the Council of State.

As regards the Official Members, the attention was also drawn towards the same by the Government. In both the houses Legislative Assembly as well as in the Council of State the official members were also included. It was also suggested in the Report that in case there is no room in the Assembly for the secretaries to the Government of India, it may be expedient to allow a secretary and vote on behalf of the number in his department when occasion demands. Regarding the position of the President of Assembly the Government authorities were agreed that he should be nominated by the Governor-General and that for the present he should be selected from the

1. Indian Constitutional Reforms Govt. of India's Despatch of March 5th, 1919 and connected Papers, Suptd., Govt. Printing India(1919) Calcutta P.68
Official members. An influential section of Indian opinion is in favour of an elected President, but the Government authorities were not ready to accept it.†

Besides, this the Governor General was empowered to address the Assembly when he had intention for the same.

EXTENSION OF COMMUNAL FRANCHISE:

The venom of Communal electorates was injected into the body politic of India under the Morley Minto Reforms of 1909. Although the Montford Report declared the communal electorates as anti-national, dangerous and disruptive, the system was not only retained for Muslims, but also extended to the Sikhs. In the Rules that were made to implement the Act, the vicious principle was further extended in the case of Europeans, Anglo Indians and Christians in Provinces where the influence of those communities could be weighty.

JOINT COMMITTEE OF PARLIAMENT AND ITS RECOMMENDATION:

In respect of proper representation to the public in election, the committee suggested 70% of the members of the Provincial Legislatures to be elected and 20% as officials. It was also suggested by the Committee that larger share of percentage should be given to the rural population as well as to the urban wage earners.2 For non-Brahmans of Bombay and Madras the

1. Ibid, p.69
2. Joint Committee on the Government of India Bill P.9FF.
the provision was made for reservation of seats. 1

Since the qualifications and the percentage which were fixed for caste votes for Legislative Assembly and council of State were not satisfactory, the Congress had no representation. The three provinces of Burma, C.P. and Assam were totally unrepresented, none of the landlords could get the privilege. Indian Commerce was totally neglected and the Muslim representation was also inadequate.

Mr. Kheperde, therefore, moved a resolution in the Legislative Assembly that whatever rules were framed by G.O.I. should be put before the whole House for discussion. 2 Mr. Marris said that the Committee appointed by the G.O.I. was small. 3 It was concluded later on that the complaint of Kheperde could not be considered. 4

1. Ibid p. 10
2. To question from Mr. V.G. Patel on 25th February 1920 Sir Marris informed the names of Committee members Gazette of India Pt. VI 13th March 1920, P. 372.
4. Gazette of India Pt. VI, April 3, 1920 p. 774 in reply to the question from Mr. V.G. Patel as to why the provinces of Assam, C.P. and Burma and the interest like India Commercial Community and the Land Holders etc., were not represented on the Rules, Sir Marris said the New Constitution of Burma has yet to be determined, and at present, therefore, interest in most of the matters dealt with by the committee is small...

The Committee includes 12 members and is therefore already as large as is consistent with the expeditious disposal of business -- in determining its composition the Govt. have been to guided by consideration of the value weight of the advice likely to be forth coming for this reason it is not proposed to add representatives had enjoyed a long experience of the working provincial legislatures Gazette of India Pt. April 3, 1920, P. 774
WOMAN SUFFRAGE

During British administration in India a poor percentage of voters was allowed to vote but before 1927 there was sex bar for female voters and they were not generally allowed to exercise their franchise. However, by 1927, sex bar was removed in every province. The number of the female voters in Madras was 1,16,000, Bombay 39,000, in Bengal 37,000, in U.P. 51,000; and in Punjab 21,000. It was less than one percent of the adult female population.

Under the provisions the Act 1909 a separate arrangement was made for the land lords, Zamindars and businessmen in respect of allotment to their constituency for election seats. For the purpose of extension in the Legislative Assembly and Council of State Members were nominated from the depressed classes, Anglo India, Indian Christians and labour class. The qualification was decided on the basis of property for the post of Assembly seats. There were differences in the various provinces regarding the qualifications of the Assembly seats, considering economic condition of the citizens. In a nutshell the income tax payers, or those paying fixed a revenue decided by the Government, or Municipal tax payers were qualified to vote in Assembly Elections. This has been studied in details in the next chapters.
EVALUATION OF THE ACT 1919

In the Dyarchy system of government more emphasis was laid on Commercial representation. Undoubtedly this was liable to weighty objections. Lord Morley unwillingly consented to give the Mohammedan Community separate representation; a precedent now found to be extremely inconvenient. The Mohammedans were not ready to surrender this privilege; so that Mr. Vyas Rao advised that it should be either withdrawn or 'wiped out'.

As regards the Sikh Community separate representation was granted to it. In fact, the Secretary of State and the Viceroy proposed to extend the privilege to this community of being a much less easily defined community. It was extremely difficult to define a Sikh for electoral purpose because Sikhs were merged in all parts of India as Hindus. Mr. Vyas Rao opposed this system forcibly. On the other hand, the claim to such representation was pressed most insistently by many classes and communities, who feared the domination of Brahmins, Marathas and allied castes. Depressed classes, workers of the industries, separate electorate for Indian Christians, Anglo - Indians, European and University representatives were recognised. On this Lord Sinha stated that if in the opinion of the Government of

1. A Vincent Smith; Indian Constitutional Reform(1919) London Oxford University Press, p.75
India there were communities which required separate representations by electorates or by reservation of seats or otherwise, neither the Bill nor the Joint Select Committee Report precluded them from giving it. However, the franchise was considerably extended and the number in the Legislative Assembly was increased on the basis of election. Later on female voters (1923) were also permitted to caste their votes though their percentage was very poor. The official majority in comparison to the Act of 1909, was also decreased and members of the non-official majority were increased. This obviously explains that the Act was a humble beginning of democratic government to be established in India. But there were many limitations with the result that the system miserably failed to satisfy the public opinion; because on the provincial level; in a narrow sense; freedom was given but there was no substantial change at the Centre. There was no satisfaction to the Indian community.

In short this Reform did not satisfy the people of India His Majesty's Government there upon convened a Round Table Conference in London to ponder over the problem at which most sections of Indian opinion were represented; it held three sessions in 1930-32. A Commission was also appointed after 10 years i.e. in 1927 to examine the working system of government. the

1. 37, House of Lord Debate, S S. P. 1041
growth of education; and the development of representative institutions in British India and connected matters. However, the truth can not be ignored entirely that under this system Indians could pick up certain important techniques on the basis of which democratic government could be run successfully in future, and hence it is worth while to note that it was a period for training of democracy in India.

**INDIA ACT 1935 AND PROVISION OF ELECTION PATTERN**

There was a new landmark in the history of India with regard to elections. In the Act of 1935 efforts were made to enlarge the franchise. After the declaration of this act several bodies were attracted towards it. The Indian Statutory Commission called as Simon Commission recommended in favour of enfranchising at least 10% (Ten Percent) of the total population or 20% of the adult population and generally increasing the ratio of women voters. The commission visited India and was favoured that at provincial level after every ten years the legislature should be empowered to extend the franchise, and thus enfranchising twenty percent of the total population would not take much time. In 1931, the British Government appointed a

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2. Ibid, P.92.
Franchise Committee under the Chairmanship of Lord Lothain. The problem of adult suffrage in India was considered by him.

CONSTITUTION OF THE FEDERAL LEGISLATURE

The provision of two houses was made under the Act of 1935. They were known as (1) Council of State and (2) The House of Assembly or the Federal Assembly. The Council of State consisted of 156 members of British India and not more than 104 representatives of the Indian States.¹ These were 250 representatives and they were included in the Federal Assembly of British India and not more than 125 representatives of the Indian States.

The Council of State was a permanent body not subject to dissolution; but as near as may be one-third, of the members thereof would retire in every third year in accordance with the provisions made in the first Schedule of the Act.

The duration of time for Federal Assembly was normally decided for five years; unless sooner dissolved. Its period was counted from the date for the first meeting and no longer and the expiration of the said period of five years would operate as a dissolution of the Assembly.²

¹ N.C.N. Acharya; Indian Elections and Franchise; Madras, The Alliance Co. 1937, P.1
² Sec. 19. The Govt. of India Act 1935.
ADULT SUFFRAGE

About voters Lord Lothain said that adult suffrage was the only method through which absolute equality of political rights could be secured to every adult citizen. If franchise was restricted necessarily it would infringe the principle of equality among individuals to some degree. Adult suffrage is the best means of securing that the legislatures represent the people as a whole. Further, it also solves (so far as the electoral roll is concerned) the difficult problem of securing fair representation of all the elements of population—communal and racial, rich and poor, town and country, men and women, depressed classes and labour. How far the adult franchise results in fair representation in the legislature depends on the system of representation adopted, as the endless controversies, in the West no less than in India, about proportional representation, the second ballot, reservation of seats, and special separate electorates, abundantly prove. There is another reason in favour of adult franchise: its adoption avoids the necessity for devising special franchises; for example of women, or the depressed classes, and discourages the formation of groups based on sectional, communal or similar interests and facilities the development of parties based on political ideas and ends are the true foundation of sound political life.

1. Report of the Indian Franchise Committee, 1932 p.10
The committee made its own observations regarding franchise in India. It specifically mentioned:

"Having regard to the prodigious task of educating a mainly illiterate electorate; the fact that party organisation is still in its infancy and the burden both for the official machinery and for the candidates of dealing with 133 million voters. It seems to us to the course of wisdom and statesmanship, not to attempt to launch the new constitution on the basis of adult franchise; but to seek more manageable basis at the same time providing that the system of franchise will give reasonable representation to the main categories of the population. It will then be for the legislatures themselves; after a definite period has passed; to determine at what place the electorate should be expanded; and the date when they may wish to introduce adult suffrage.

PROVISION OF ELECTION OF FEDERAL LEGISLATURE UNDER THE ACT 1935:

As regards the election of the First House it may be illustrated that it consisted 155 members and out of the total seats there were 150 seats allocated to Governor's Provisions, Chief Commissioner's Provinces and Communities. Six seats were to be filled up by persons chosen by the Governor General on his discretion.

1 - Ibid p.20
In Federal Assembly there were general seats of which certain seats were reserved for members of the Scheduled classes. Apart from this arrangement was also made that certain seats were allotted to represent, Sikhs, Mohammedans, Anglo Indians, Europeans, the Indian Christians, Commerce and Industry and Landlords, labour and women.¹

Secondly, besides above, there were four seats and they were not allotted to any province. Out of them three seats were to be filled up by representatives of Commerce and Industry and one seat was to be filled up by the representative of labour class.²

**PROVISION OF ELECTION ON CASTE BASIS FOR FEDERAL ASSEMBLY MEMBERS:**

The General seats, the Sikh Seats and the Mohammedan seats of the Federal Assembly allotted to Governor's Provinces were to be filled up by electorates consisting of such of the members of the Legislative Assembly of the province as held therein general seats, Sikh Seats, and Mohammedan seats respectively voting in the case of general election in accordance with the principle of proportional representation by means of transferable vote.³

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¹. Para 18(2) Ist Schedule, Government of India Act, 1935
². Ibid, p.56
³. Para 19, Ist Schedule, Govt. of India Act 1935.
In the North West Frontier Province the provision was made for the allotment of seats to the Sikh Community and in any province in which seats were reserved for representatives of backward areas or backward tribes the holders of those seats were for the purpose of the above provision thought to be holding general seats. In the General Election Schedule, castes were given reserved seats out of the general seats on following principles.

There was a primary electorate consisting of all successful candidates at the primary elections held during the last general election for the legislative Assembly for the purpose of selecting candidates for seats reserved for the members of the Scheduled Castes. In the primary election only those members were included in the list and were entitled for primary election held for the purpose of electing four candidates for each seat so reserved and no person who was not so elected in such a way as a candidate would be qualified to be chosen to fill such a seat.

The election of the Federal Assembly was to be held on the basis of communal feelings in the same way as the provision was made under the Act of 1919. There were 19 representatives to be elected from the depressed class and Mohammedans were given 82 seats. The Sikh, Indian Christians, Europeans, Anglo-Indians; Commerce and Industries, Landlords and labour classes were given 6(six); 8, 6, 4, 11, 7 and 10 seats respectively in the
Assembly at the Centre. This time 9 seats were kept for women candidates in the Assembly. In short it was observed that in the Act of 1919 elections were held on the communal basis and the New Act of 1935 was a step further towards creating a climate of communal representation in India.

**ELECTORATE FOR WOMEN'S**

In the Federal Assembly women were also given a chance to be elected. In the British India for the representation of women seats of electoral college was made. It was consisted of women members of the Legislative Assembly of any Governor's Province and the persons to fill a woman's seat allotted to any particular province would be chosen by the members of the college.

**ELECTORAL SYSTEM:**

The method of election to the Council of State for the provinces was most direct. The representatives of the Indian States were to be nominated by the Rulers. The representative of the provinces were elected by the voters under this Act. These voters were to have the qualifications of property. The electorate was further based on communal lines. It was estimated that the Council of State was held about 40,000 voters; as against about 17000 for the whole of British India in the Council of State under the Act of 1919. The seats in the council were distributed unequally among the various
Units of the Federation. It was rather astonishing that the House of Assembly was indirectly elected on provincial-cum-communal basis. The election of the House of Assembly was to be held indirectly and representatives were to be elected by the members of the Legislative Assemblies of the provinces by the system of provincial representation on a single transferable vote basis.

INDIRECT ELECTION FOR THE HOUSE OF ASSEMBLY

Under the Minto Morley Reforms at the Centre Imperial Legislative Assembly (which in a new way may be described as the predecessor of the house of Assembly) was established. Slogans were raised by the national leaders for direct elections. The Mont-Ford Report justified the pattern of election of Imperial Legislative Assembly. Consequently, direct system was accepted for the purpose of election under the Act of 1919; not only for the Legislative Assembly of India but even for the Council of State. The Mont-Ford Report laid emphasis on the direct system of election on the ground that it would provide ample opportunity to the citizens of India for political awakening and education. This direct system continued in India for 14 years. But during this long period no voice was raised whether it was advantageous and if not it should be changed. The result was that the elected

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representatives brought nothing but credit for the system.

When the new Act of 1935 was in the making, need was felt for the right pattern of election. Direct system was very strongly advocated by Indians and also by the British India Delegation, in their Joint Memorandum. The white paper also recommended direct system. But the Joint Parliamentary Committee on Indian Constitutional Reforms, however, recommended indirect election for the Federal Assembly and the Council of State. The British Parliament ultimately, introduced direct system for the Council of State but accepted indirect election for the Federal Assembly. In its recommendations of the Joint Committee arguments were put forth regarding election pattern that indirect system would prove fanciful. But the Committee also expressed its opinion that the size of constituencies in India was large and unmanageable; hence it was difficult to introduce direct election. There were practical difficulties in personal contact between the representative and the people in a big constituency. Consequently, the Committee realised that it would be easier to change in future from indirect to direct system should that be found necessary, while the introduction of direct system meant the coming of adult suffrage to India before it was practicable and that would be a big fault on their part.
OPPOSITION OF THE SYSTEM

There was great opposition for the system of indirect election of the popular House. It was worked out that constituencies under the House of Assembly of 1935 would be roughly about one half in size of the constituencies for the Legislative Assembly of 1919. Moreover, means of communication were increasing rapidly and so; there would be no problems of contact among persons even in the interior of the country. The Act of 1935 had recommended indirect election to the Popular House through the Provincial Assemblies. In fact, the aim of the British India Government was that the Central Government should be controlled through the Provincial Assemblies. Also, that through the communal majorities and minorities the provincial government should be influenced. In this way Central Legislature should be brought under control. Thus Federal Assembly would be weakened and the Government would gain through adopting indirect elections. This system was introduced to create confusion at the provincial level of Government and about the Federal issues.

Sincere efforts were made to cause corruption through indirect system of election in British India, because there were on average, seven to eight provincial electors for each number of the House of Assembly. This pattern of election was also helped in creating feelings of provincialism at the cost of nationalism which was of
great importance. It was also understood by the British rulers that the proportional representation by means of single transferable vote would increase groups and parties, formed specially on provincial and communal pattern, in the provincial legislatures. Earnest efforts were made by the British rulers in India that in the Central Legislature there should not be sound majority of any party or groups.

In most of the countries like U.S.A., France and U.S.S.R. to begin with indirect system was adopted for elections but later on it was changed into direct election. Through direct system close contact between voters and representatives was to be established for political education in a backward country like India; but its need was not over emphasized in view of its educative value. However, the Joint Parliament Committee and the British Parliament turned deaf ear to all these arguments; and introduced indirect system of election for Central Legislature. This proves that the electoral behaviour that was granted to the Indian citizens was based on communalism, regionalism, castism and economic disparity which is against of the Principle of federalism in any country.

The following tables show the allocation of seats in British India in the Council of State and the House of Assembly under the Act of 1935:
<table>
<thead>
<tr>
<th>Province or Community</th>
<th>Total</th>
<th>General</th>
<th>Caste</th>
<th>Sikhs</th>
<th>Muslims</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Madras</td>
<td>20</td>
<td>14</td>
<td>1</td>
<td>-</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Bombay</td>
<td>16</td>
<td>10</td>
<td>1</td>
<td>-</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Bengal</td>
<td>20</td>
<td>8</td>
<td>1</td>
<td>-</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>United Provinces</td>
<td>20</td>
<td>11</td>
<td>1</td>
<td>-</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Punjab</td>
<td>16</td>
<td>3</td>
<td>-</td>
<td>4</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Bihar</td>
<td>16</td>
<td>10</td>
<td>1</td>
<td>-</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Central Provinces &amp; Berar</td>
<td>8</td>
<td>6</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Assam</td>
<td>5</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>North Western Frontier Province</td>
<td>5</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>-</td>
</tr>
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</tbody>
</table>

1. Polande; Indian Administration (9th Ed., 1943, P. 210)
The schedule makes it clear that it was a most typical organisation of the House of Assembly. The Europeans and Indian Christians were allotted 8 seats each, more than the ratio of their population in India; while the representation given to Hindus was less than the ratio of their population in the country. The vested interests of the British India Government made it introduce the scheme of indirect election. It is important to note that in every province the number of representatives for the House of Assembly at the Centre, was not equal according to the population. There were big differences of population the population of Bengal, Madras, and United Provinces was 50,100,000, 44,200,000 and 48,400,000 respectively but each province was allotted 37 seats. The population of Bombay was 18,200,000 and this city was allotted 30 seats. C.P. had the population of 15,500,000 but only 15 seats were allotted to it.

PROBLEMS REGARDING FRANCHISE OF THE HOUSE OF ASSEMBLY

As it has already been mentioned the indirect system of election for Federal Legislature at the Centre was not suitable, because the administration was in the hands of British Rulers. The Joint Select Committee proposed extension of franchise. The Committee was not very considerate. The draftsmen of the Act had the difficulty of applying the representative system on the basis of direct representation to an electorate of great magnitude. Under the prevailing conditions the constituencies were of major size while they should be of
a reasonable size. There was a single constituency more than twice the area of Wales. Obstacles could easily be anticipated. There was the great problem of language; widespread illiteracy; means of communications etc., candidates could not explain their views to the electorate.

It was impossible for a representative to perform his duty sincerely in such a wide area and at the centre where there were difficulties. In view of this Mr. Burke remarked:

It aught Wrote Burke, "to be the happiness and glory of a representative to live in the strictest union, the closest correspondence; and the most unreserved communication with his constituents; their wishes aught to have great weight with him; their opinion high respect, and their business his unremitted attention" 1

In short the conditions mentioned by Mr. Burke are essential for the success of any representative system of government.

COMPARATIVE STUDY OF FRANCHISE

The provision for casting of votes by men and women of India was very limited. Rules made under the joint operation of the Government of India Act 1915; and

1 Burke: A Letter to the Electors of Bristol
the Govt. of India Act 1919 provided for an electorate of approximately 7,300,000 men and women; or in other words the franchise was given to only 3% of the total population of the British India. This franchise was very limited and was based on property qualifications, only few Hindu women owned property and they were entitled to the right to vote. The Joint Select Committee Reported that their number did not exceed 3,15,000. Later on the basis of the recommendation of the statutory Commission franchise was expanded to 10% of the total population.

APPOINTMENT OF THE FRANCHISE COMMITTEE

During the Third Round Table Conference in 1932 discussions were held about the appointment of a franchise committee and its finalization by His Majesty. The committee examined the whole matter and recommended that the franchise should be expanded to at least 10% of the total population. At the first session of the Round Table Conference, the Statutory Commission also suggested that the electorate should not be increased more than 25% percent. Consequently, the report of the Committee was substantially approved and adopted both in the White Paper and in the Joint Select Committee and was also embodied in the Act.

Mr. Marqueses stated about the position of Council of State that a high property qualification was the basis of franchise but the electorate would be four or five times larger than that of the old council of state. Depressed class of persons were also permitted to cast their votes. The act also provided for the enfranchisement of retired, pensioned, and discharged officers, non-commissioned officers and men of His Majesty's Regular Forces, and the creation of special electorates for the seats reserved for special interests.

The voting behaviour under the Act of 1935 was decided specially on the basis of caste, creed, religion, economic conditions etc. The regions and constituencies were divided on this basis as explained earlier. Under the Act of 1935 only those persons who had possessed the following qualifications were authorised to in the election for the Parliament.

(a) For every territorial constituency there was only one electoral roll and generally every person whose name was included in the electoral roll was entitled to vote.2

(b) The electoral rolls would be revised from time to time in every territorial constituency by reference to a prescribed date as per direction of the Governor.3

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2. Para 1, Schedule VI, The Govt. of India Act 1935.
3. Para 2, Ibid.
ELECTORAL ROLL FOR GENERAL CONSTITUENCY:

In order to qualify a person to be enlisted in the general constituency a person should possess the following qualifications:

(1) A person must be of the age of 21 years and
(2) A British subject; or
(3) be the ruler or a subject of a Federal State; or
(4) the ruler or subject of any other state if so prescribed and subject to any prescribed conditions. ¹

Moreover, if a person was not keeping sound mind and the decision had been declared by the court about his incompetence; his name would not be included.

It was also mentioned in the constitution that one who was not a Sikh, a Mohammedan, Anglo Indian, European or an Indian Christian would not be entitled for inclusion in the constituencies for these communities. In the same way it was stated that no person belonging to these communities would be entitled for inclusion the electoral rolls of a General constituency of a province. ²

Separate provision was also made for women, Assam and Orissa were reserved for women seats. A person's name would be enrolled in one territorial constituency in a

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¹ Para 3, Ibid
² Para 4, Schedule VI, the Govt. of India Act, 1935.
province. A person was allowed to exercise his vote only in one constituency of a province, at a general election. The only exception was recognised in a province where territorial constituencies had been specially formed for the purpose of allocating women members. A person under such circumstances could be included in the electoral roll and vote at a general election in one territorial constituency so formed and also one territorial constituency not so formed. Besides, the provision was also made to exclude persons who were guilty and involved in corrupt practices; offences in connection with the election work. Such persons were declared unqualified for the central as well as the provincial electoral lists and territorial constituencies.

FEMALE FRANCHISE:

A woman was allowed to make use of her vote on the basis of qualifications of her husband she would continuously be allowed to cast her vote in a territorial constituency notwithstanding the death of her husband. But if she remarried or became qualified in any other manner mentioned above than she could not continue to be included in the electoral roll.

The Rules were so framed that no more than one woman was entitled to appear in the electoral rolls for the territorial constituencies in a province. If a woman on the basis of her previous qualification had to change her territorial constituency and had to shift somewhere else.

1. Para 7, Schedule VI, Ibid.
2. Para 10 (VI) the Govt of India Act 1935
3. Ibid.
She would be permitted to include her name in another constituency and appropriately her name was to be included in the other electoral roll as she desired.\(^1\)

**FIDUCIARY OWNERSHIP OF PROPERTY EXCLUDED AS REGARDS RIGHTS OF FRANCHISE:**

Any property owned, held or occupied or payment made or assessment made on a person; as a trustee; guardian;Administrator or Receiver or in any fiduciary capacity will be left out of account for the purpose of determining the qualifications of a person for being included in the electoral roll of a territorial constituency.\(^2\)

In this way no special provision was made under the Act of 1935 for developing Indian Franchise. The electoral behaviour was found as in the Act of 1919. Elections were held on the basis of communalism and regionalism as already illustrated in this chapter. Herculean efforts were made by Indian leaders for changing the election pattern in India and full success could be achieved only after independence.

**INDEPENDENCE OF INDIA:**

The communal gulf was created and widened by the English in British India. On March 15, 1946 it was declared that the British Government would send a Cabinet Mission to India to resolve the Indian Political deadlock. On March 23, 1946, three Cabinet Members—Pathic Lawrence, Secretary

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1. Para 11, Schedule V \(\text{Ibid}\)
2. *Vide* Para 9, *the Govt. of India Provincial Legislative Assemblies, Order 1936* which makes the same rule applicable to enrolment as regards special constituencies formed the purpose of elections to Provincial Legislative Assemblies.
of State for India under the Labour Government, Sir Stafford Cripps and Mr. A.V. Alexander arrived in India. There was a long chain of meetings and negotiations, 472 Indian Leaders were interviewed in 182 sittings and every shade of opinion was taken into consideration. The main Indian political parties were the Congress and Muslim League and the British authorities discussed the matter. However, it was prolonged in New Delhi and a Tri-Party conference was held at Simla between the Govt. the Congress and the Muslim League. Ultimately, the Muslim League and Congress could not reach at any decision.

The Cabinet Mission Plan recommended that the Union shall have an Executive and Legislature constituted from the British India and "States" representatives. Any question raising a major communal issue in the Legislature shall require for its decision; a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

FORMATION OF THE NATIONAL GOVERNMENT:

The Cabinet Mission authorised the Governor General of India to form an interim government with the representatives of the main political parties functioning in India at his earliest. The Congress Party rejected this offer made by Lord Wavell. The Mission had the intention to form an Interim Government on the party basis between the Hindus, including the Scheduled Castes and the Muslim League. Comparatively, this was a worst plan than the one proposed by Mr. Wavell. A care taker-Government was formed of 7(Seven) members
on June 29, 1946. Later on 22nd July 1946, Lord Wavell intimated the Congress and Muslim League a new proposal for the formation of the National Government consisting of 14 members; out of which six were to be from the Congress, and 5 from the Muslim League.¹ These were Nationalist Muslims in the quota of the Congress and their names were sent to Mr. Wavell. In the case of Muslim League, the proposal was objected to by them. The League also objected for congress League Party and denied the inclusion of the names of Nationalist Muslims. On August 24, 1946, Mr. Jawahar Lal Nehru was invited to form the Interim-Government but the League rejected both the long term and the short term plan. Contrary to this the Congress accepted both. As a result National Government was formed on Sept 2nd, 1946.²

Any way the Muslim League could not be satisfied by the Cabinet Mission Plan. The League was much furious and hence, did not participate in the Interim-Government.

² 'A' There were following persons included in the Interim Govt. (1) Pt. Jawahar Lal Nehru, Sardar Vallabhbhai Patel, Dr. Rajendra Prasad, Mr. Asef Ali, Mr. C. Rajgopala Chari, Mr. Sarat Chandra Bose, Dr. John Mathai, Sardar Baldeo Singh, Sr. Sheffaat Ahmed, Mr. Jagjivan Ram, Ram Syed Ali, Zaeer and Mr. C.H. Bhabe
'B' B. Pattabhi Siteramayya, History of Indian National Congress, Vol 2(1969), New Delhi, S. Chand & Co. p. CCXXXIV.
On June 29, 1946 the Muslim League started Direct Action against the Hindus and there was considerable loss of property and life in Punjab. However, the efforts of Lord Wavell continued to include Muslim League in the Interim-Government and he eventually succeeded in doing so. On Octr. 25, 1946 five members of the National Government resigned to accommodate Muslim League Members.

The Muslim League Members worked separately as an independent block in the Interim-Government. They also disagreed to work for a long period with the Congress and in the Interim Government. The League could function in the Government till August 14, 1947 and thereafter it formed its Government in Pakistan, a separate state.

In short, the partition of Pakistan was also the result of communal representation in India. On the basis of communal representation, provincialism, and regionalism the nation was divided into parts. Separate franchise was granted to the Indian community with the intention that national feelings and coherence might not be established among them. This kind of franchise was accepted by the Britishers in India owing to the fact that it helped them a lot implementing the policy of 'divide and rule' in a nation with multi-caste system.

END OF THE COMMUNAL REPRESENTATION.

Since the independence of India, there has been a great change in the pattern of election. The Congress Party came to power in India and as soon as the British Rulers left
separate communal elections ended. It was given to the Muslim League in 1909 and later on the provision was made for the other communities. In this way in a diplomatic way poison was spread on the basis of communal representation in India.¹ The Government had tried to make its position stronger to administer in India with the support of the said representation and they had been successful enough to create conflicting conditions between the castes.

In free India Election Commission was created with the responsibility of election work. It immediately declared the end of the communal representation. For the period of ten years, however, provision was made for reserved seats for the depressed classes. In such a way the scheme was implemented of general elections in India and the Representation of the People Act 1951 was passed.

**FORMATION OF INDIAN CONSTITUTION AND PROVISION OF ELECTORATE:**

With the implementation of the Indian constitution on Jan. 26, 1950 the House of the People is constituted by direct election on the basis of Universal Suffrage; while under the British regime the right of franchise was granted to a very small part of population. Universal suffrage is granted by the new Constitution of India to every citizen the minimum age of 21 years is the qualification whether a person literate, illiterate, rich or poor.² provided he "is not otherwise disqualified." The Congress Party tried its best

2. The Representation of the People Act, 1951
for common national elite but simultaneously the seats for
the Scheduled Castes and Scheduled Tribes were reserved.
In the Constitution the provision has been made that if the
President of India feels that the Anglo Indian Community has
not been adequately represented, he may nominate not more
than two members of the community to the House of the People.
This was a temporary provision for a period of ten years only
and after that this provision was to be ended after the
commencement of the Constitution of India.

POST INDEPENDENCE PERIOD & VOTING BEHAVIOUR:

The main reason for the partition of the country
into India and Pakistan was communal representation. Even
after this there were certain politicians of India who had
been clinging to this ideology. The Hindu Maha Sabha and
R.S.S. had been trying earnestly through election in this
direction. Master Tara Singh in Punjab had tried his level
best to create a separate nation for the Sikh Community and
in the same way Muslim League Leaders had been trying on the
old pattern to give birth again to the Muslim League Party
in India. Thus communal feelings could not be cast out from
the mind of the people of certain political parties and
certain leaders. Yet India has remained a secular state and
by an amendment in the Constitution in 1976 more practical
shape has been given to it.

The membership of the House of People is distributed
among the various constituent states on the basis of popula-
tion. The whole country is divided into a number of

1 "Dinman": 14th November 1976.
constituencies and every constituency is represented by one representative. It means that the representatives will not be sent to the House of People on caste basis or wishes of the state as practised in the British India in 1919 and 1935. In all such constituencies there is a general seat and the other seat in reserved for Scheduled Castes or Scheduled Tribes. In democratic India the constituencies are so framed that there shall be not less than one member for every 7,50,000 of the population and not more than one member for every 5,00,000 of the population. But the upper limit was removed by the constitution.

The ratio between the number of members allotted to each constituency and the population of that constituency should be as far as, practicable, the same throughout the country. After every ten years Census report is prepared by the Government of India and readjustment of the constituencies is made according to the growth of population. This kind of assignment is given to the Election Commission of India and it is performed by the commission. For this purpose a commission was constituted by the Delimitation Commission Act of 1952, Section 4.

The following table shows the allocation of seats in the House of the People in the 1st General Election.

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1. Ibid, p.19
<table>
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<tr>
<th>Name of the State</th>
<th>Total Seats</th>
<th>Seats Reserved for Scheduled Castes</th>
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Before the reorganisation of States in 1956, provision was made in the House of the People that ten seats were filled up by the nomination done by the President. Six members representing Jammu & Kashmir, two Members of the Anglo Indian Community, one representing the Tribal areas in the Part B States and one representing the Pard D Territories of Andaman and Nicobar.

For the purpose of election electoral roll is prepared by the Election Commission and there shall be no discrimination on grounds of religion, race, castes or sex. But for inclusion of a voter in electoral roll it has been made necessary that one should have resided in the constituency for not less than 180 days before March 1st of the year. It is thus proved that franchise in free India was accepted in a wide way and equal freedom was given to every citizen of free India to exercise his franchise.

Thus we may conclude that gradually there has been development in the form of franchise and electoral institution and along with the same electoral behaviour has taken a shape in India. We had been marching towards democracy for long. During the period of British administration franchise was given in a very limited way. It was observed that the main basis of electoral behaviour was communalism; regionalism; provincialism; castaism etc., and later on it proved very harmful for the country. India was divided into parts because of the British policy. However, election provided political and democratic training to the voters and kept them seized with the burning problems confronting the nation.
Inspite of communal franchise and its many disadvantages and vices in electoral behaviour the elected members of the assemblies and House of the people became familiar with the functions of the government before independence and between the period of 15th August 1947 to Jan., 26, 1950. The system of communal representation created a perpetual problem in the nation. Sri B.N. Rau has commented, "This prevented the various communities from developing a sense of political unity rising above race or religion. In other words, it tended to perpetuate the problem of minorities". Moreover, in respect of election pattern the Government of India has already declared it self a 'Secular' state and everybody who is qualified entitled to cast his vote without any consideration of caste, creed, religion or state. In view of electoral behaviour in India when the nation was under the British rule under the Act of 1909 a separate arrangement was made for different classes of persons such as Zamindars, businessmen, landlords etc., and separate seats were allotted to them. There is no doubt that in the Indian franchise in 1919 the opportunity was given to women for getting elected in the House of Assembly but their seats were quite limited as already explained. Moreover, there was no change in the electoral behaviour till 1935. Communal representation continued till India became free, on 26th January 1950, the Indian Constitution was implemented in the democratic country and all kinds of professional, regional, communal, provincial territorial, and sex bar came to an end in 1952 when for the first time, in real sense, General Elections were held common representation was granted for all on the basis of basic qualifications.