

# **Citizenship, Reservations and the Regional Alternative in the All-India Services, c. 1928–1950**

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## **Abstract**

*This paper unearths an alternative paradigm through which to consider the discussions and debates between members of the Indian public, government bureaucrats, and Congress Party politicians, about the rights and interests of Indian citizens both before and immediately after India's independence in 1947. It argues that much of the recent historical work on citizenship during this period has thus far been preoccupied with issues of nationality and religious community, as a result of the fallout from Partition. However, the demands and deliberations over the introduction of provincial forms of affirmative action in the all-India services at this time are indicative of a different narrative. First, many provincial representations of 'minority' rights often took into account differences of caste and language instead. Second, and perhaps more importantly, the term minority was employed not only to describe*

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*demographic minority status but also to define underrepresented groups in the all-India services. In doing so, these different provincial policies prioritised particular local rights to representation, in which citizenship was expressed through a regional idiom.*

**Keywords:**

belonging; bureaucracy; citizenship; independence; partition; provincialism; regionalism; reservations; rights; services.

**Introduction**

This article explores the debates over the introduction of affirmative action for underrepresented provinces in the Indian Civil Service (ICS), in the build-up to, and immediate aftermath of, decolonisation in South Asia in 1947. It suggests that the arguments of both the proponents and the critics of these forms of bureaucratic reservation were intrinsically linked to emerging ideas about citizenship, as members of Indian society increasingly pondered the nature of their impending freedom. Independence and partition engendered hopes that the postcolonial Indian government ‘would bring about significant changes in both the composition and functioning of the services’.<sup>1</sup> Supporters of provincial forms of reservation envisaged their implementation as indicative of the shift towards local rights to representation, which were to complement the achievement of *swaraj* (self-rule). Meanwhile, their detractors suggested that these reservations would potentially hinder attempts to foster a wider sense of ‘Indian-ness’, inhibit the efficient running of the services, and tamper with existing practices that were delineated on the basis of religious community.

By focusing on debates over provincial forms of affirmative action, this article looks to address the overarching tendency within much of the historiographical literature on

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<sup>1</sup> William Gould, Taylor C. Sherman, and Sarah Ansari, ‘The Flux of the Matter: Loyalty, Corruption and the Everyday State in the Post-Partition Government Services of India and Pakistan’, in *Past and Present*, Vol. 219, no. 1 (2013), pp. 240–241.

reservations to privilege issues of religious community. Before the last decade or so, Indian historiography on the late colonial period was primarily interested in delineating the history of the causes and origins of independence and partition. In some of these approaches, the reservation of government jobs and other forms of representation for Muslims by the colonial state were seen to have helped generate or escalate Hindu–Muslim antagonisms, which in turn provoked Muslim separatism and, eventually, led to the creation of Pakistan.<sup>2</sup> Ayesha Jalal’s now well-known account did much to rectify this rather teleological narrative by questioning whether Muhammad Ali Jinnah, the venerated *Qaid-i Azam* (‘Great Leader’) of the Muslim League, ever really wanted a separate Muslim state. For Jinnah, the Pakistan demand served as a ‘bargaining chip’ through which to overcome and reorient Muslim political allegiances away from an assortment of provincial parties and towards homogenised religious identity politics and the League instead.<sup>3</sup> Of particular importance for this article, as will be demonstrated momentarily, Jalal’s work thus began to reveal the ‘myriad particularistic and fragmentary identities and interests that shaped the lives and experiences of India’s Muslims [or, for that matter, India’s citizens]’.<sup>4</sup> Yet like the other previous histories of partition she critiqued, Jalal’s focus remained on why partition happened, rather than on its implications and events.

In the last two decades, a growing corpus of historical scholarship has looked to shift the theoretical terrain towards the ‘everyday’ experiences of partition for the different members of the South Asian public.<sup>5</sup> Writing in 2001, Gyanendra Pandey suggested that

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<sup>2</sup> It is perhaps implicit, for example, in the title of Francis Robinson’s ‘Municipal Government and Muslim Separatism in the United Provinces, 1883–1916’, in *Modern Asian Studies*, Vol. 7, no. 3 (1973), pp. 389–441.

<sup>3</sup> Ayesha Jalal, *The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan* (Cambridge: Cambridge University Press, 1985).

<sup>4</sup> David Gilmartin, ‘Partition, Pakistan, and South Asian History: In Search of a Narrative’, in *Journal of Asian Studies*, Vol. 57, no. 4 (1998), p. 1071.

<sup>5</sup> Ritu Menon and Kamla Bhasin, *Borders and Boundaries: Women in India’s Partition* (New Brunswick, New Jersey: Rutgers University Press, 1998); Urvashi Butalia, *The Other Side of Silence:*

rather than focusing on origins to explain partition, historians needed to ‘explore the meaning of Partition in terms of the new social arrangements, new consciousnesses and new subjectivities to which it gave rise’.<sup>6</sup> Since Pandey’s clarion call, a particular subset of this new work has explored how both the postcolonial Indian government and members of South Asian society conceptualised the rights and status of Indian citizens, all within a prevailing atmosphere of insecurity and flux.<sup>7</sup> Attempts to resettle and rehabilitate huge numbers of Hindu and Sikh refugees in India were also accompanied by suspicions over the loyalties of Muslims who had either chosen, or been forced by circumstances, to remain behind. With state representatives casting doubt on their patriotic devotion, and considered ‘fifth-columnists’ in the employ of an aggressive and menacing Pakistan, Muslims quickly came to be seen as ‘the most excluded members in the whole body of Indian citizenry’.<sup>8</sup> In fact, bureaucratic forms of affirmative action and separate electorates for Muslims were abolished after independence, in what Rochana Bajpai has described as ‘a moment of containment’ for ‘minority’ rights.<sup>9</sup> In this context, debates on citizenship during this period have come to be principally constructed along the lines of religion, perpetuating the tendency to privilege

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*Voices from the Partition of India* (Delhi: Viking, 1998); *South Asia*, Vol. 18, Special Issue on ‘North India: Partition and Independence’ (1995).

<sup>6</sup> Gyanendra Pandey, *Remembering Partition: Violence, Nationalism and History in India* (Cambridge: Cambridge University Press, 2001), p. 50.

<sup>7</sup> Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories* (New York, New York: Columbia University Press, 2007); Joya Chatterji, *The Spoils of Partition: Bengal and India, 1947–1967* (Cambridge: Cambridge University Press, 2007); Taylor C. Sherman, William Gould, and Sarah Ansari (eds), *From Subjects to Citizens: Society and the Everyday State in India and Pakistan, 1947–1970* (Cambridge: Cambridge University Press, 2014).

<sup>8</sup> Ornit Shani, ‘Conceptions of Citizenship in India and the “Muslim Question”’, in *Modern Asian Studies*, Vol. 44, no. 1 (2010), p. 145 (Abstract); see also, Gyanendra Pandey, ‘Can a Muslim be an Indian?’, in *Comparative Studies in Society and History*, Vol. 41, no. 4 (1999), pp. 608–629; Taylor C. Sherman, ‘Migration, Citizenship and Belonging in Hyderabad (Deccan), 1946–1956’, in *Modern Asian Studies*, Vol. 45, no. 1 (2011), pp. 81–107; Joya Chatterji, ‘South Asian Histories of Citizenship, 1946–1970’, in *The Historical Journal*, Vol. 55, no. 4 (2012), pp. 1049–1071.

<sup>9</sup> Rochana Bajpai, *Debating Difference: Group Rights and Liberal Democracy in India* (New Delhi: Oxford University Press, 2011), p. 31.

communal identities and interests in the historiographical literature on reservations at this time.

This article draws upon the methodological insights and fresh perspectives of this most recent scholarship on citizenship in South Asia. But it suggests that there are many benefits to exploring other conceptions of citizenship beyond a communal frame within a country as large and diverse as India. It thus combines this current focus on citizenship within Indian historiography with a fuller awareness of the contrasting expectations of democracy, self-government and *swaraj* that characterised the anticipation of independence amongst Indian citizens. In fact, Pakistan was only one realised manifestation of a variety of ‘vocabularies of freedom’ in circulation at the time.<sup>10</sup> Sana Aiyar, for example, has suggested that the predominant focus upon ‘two possible alternatives—secular nationalism or religious communalism’ has ignored the possibility of a ‘third alternative’ in Bengal at independence, which was related to regional sentiments and solidarities.<sup>11</sup> Although ultimately cut across and overrun by the decision to partition the subcontinent, these expressions of regionalism form an important sub-plot when placed in a larger and longer historical context that includes the creation of Bangladesh in 1971.

If we look beyond Bengal and Punjab, the areas that were directly partitioned in 1947, we can also trace other, similar manifestations of regional sentiment which demonstrate the broader, more comprehensive impact of freedom and independence. Semi-autonomous princely rulers in areas like Hyderabad, Kashmir and Travancore began to plan for their own separate nationhood.<sup>12</sup> Meanwhile, across the south and west of the subcontinent, new

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<sup>10</sup> Yasmin Khan, *The Great Partition: The Making of India and Pakistan* (London: Yale University Press, 2007), p. 5.

<sup>11</sup> Sana Aiyar, ‘Fazlul Huq, Region and Religion in Bengal: The Forgotten Alternative of 1940–43’, in *Modern Asian Studies*, Vol. 42, no. 6 (2008), p. 1215.

<sup>12</sup> Ian Copland, *The Princes of India in the Endgame of Empire 1917–1947* (Cambridge: Cambridge University Press, 1997), pp. 229–260.

movements that demanded the reconstruction of provincial administrative boundaries on cultural and linguistic lines emerged. Whilst largely non-secessionist in intent, Tamil, Telugu, Malayalam, Kannada, and Marathi speakers envisaged the creation of semi-autonomous sub-national units within a federally-structured Indian Union. The Pakistan demand might thus be considered as simply one expression of a sub-continental demand for forms of regional autonomy within a federal system. In this context, demands for and debates over reservations were not only constructed and considered on the basis of the interests of religious groups, but also around other regional notions of belonging and rights.

By tracing the discussions and petitions over whether to introduce provincial representation in the all-India services during this uncertain and transformative period, this article provides an alternative narrative for the history of affirmative action in India. It suggests that, by taking into account the expressions of belonging and rights that go beyond a rather simplistic national/communal binary, we can develop a greater, more all-encompassing perspective on the nature of Indian citizenship at this time. It does so by problematising the conceptualisation of ‘minority’ rights and interests purely in terms of a demographic religious minority, highlighting how this term was also applied to other demographic minority groups in the provinces who might be defined on the basis of language and caste. Yet it reveals how the term minority, conversely, could simultaneously be employed to describe groups who actually constituted the majority of the local population, but who were underrepresented (and thus constituted a minority) in the all-India bureaucracy. Demands for the introduction of provincial reservation policies at the all-India level demonstrate how citizenship could be constructed around the prioritising of local rights to representation in these provinces.

### **Affirmative Action at the All-India Level**

At the start of the twentieth century, only around five percent of the entrants into the ICS—the elite, ‘heaven-born’ and highly educated cadre of all-India officers—were Indian.<sup>13</sup> During the interwar period, however, the composition of the all-India services was to change dramatically. By early 1929, 29 percent of the ICS was constituted by Indians; and on 1 January 1940, just over fifty percent of elite servicemen were indigenous.<sup>14</sup> There were a number of reasons behind the growing ‘Indianisation’ of the ICS, linked in part to the increased difficulties of finding adequate British recruits, both in terms of numbers and capabilities.<sup>15</sup> It also owed something to the general political climate in the aftermath of the Great War. In response to increasingly vociferous calls from Indian politicians for a greater share in the representative institutions and administrative structures of the Raj, the preamble to the 1919 Government of India Act proposed that 33 percent of ICS posts should now be recruited for in India, with the percentage due to rise annually.

Before 1914, the colonial state had recruited for the ICS solely on the basis of competitive examination. In contrast, this test had been abolished at the provincial level of the services in 1904, on the basis that it was necessary to balance out the competing claims and interests of India’s distinct caste, religious and ethnic ‘communities’.<sup>16</sup> However, as the ICS gradually became (relatively) more representative of the indigenous population during the 1920s and 1930s, ‘Indianisation’ was accompanied by the creation of new, albeit limited and somewhat specific affirmative action provisions at the all-India level. The colonial state

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<sup>13</sup> Judith Brown, *Modern India: The Origins of an Asian Democracy* (Oxford: Oxford University Press, 1994), pp. 128, 147–148.

<sup>14</sup> *Ibid.*, p. 247.

<sup>15</sup> D.C. Potter, ‘Manpower Shortage and the End of Colonialism: The Case of the Indian Civil Service’, in *Modern Asian Studies*, Vol. 7, no. 1 (1973), pp. 47–73.

<sup>16</sup> These notions of distinct communities had been shaped themselves, at least in part, by colonial processes of enumeration and classification. See, Nicholas Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, New Jersey: Princeton University Press, 2001), Chapter Ten.

now projected itself as the guarantor and defender of the rights and interests of particular ‘weaker sections’ of indigenous society, defined on the basis of their social and educational ‘backwardness’ and demographic ‘minority’ status. Despite this highly moralistic rhetoric on the part of the British, the creation of ‘safeguards’ for particular group-based interests was also related to the imperatives of colonial rule – the desire to diminish and draw support away from the emerging anti-colonial nationalist organisation, the Indian National Congress. Yet this paternalistic discourse also had some purchase amongst those specific groups to whom it applied, especially as the Congress High Command generally sought during this period to subordinate all other concerns and interests to the resolution of the nationalist question.<sup>17</sup>

Within the all-India services, one third of all vacancies came to be reserved ‘for redress of communal inequalities’ as a result of a debate within the Council of State in 1925.<sup>18</sup> Approximately 25 percent of these posts were earmarked for Muslims, with the remaining 8.3 percent to be filled by other minority religious communities. By the late 1930s, Scheduled Castes (‘Untouchables’) were also being provided with a reservation of 12.5 percent of vacancies in the ICS filled by direct recruitment.<sup>19</sup> The late colonial state’s decision to provide special representation for some Indian subjects was thus primarily demarcated on the basis of religious community interests. However, the decision to delineate reservations along these lines concealed other striking inequalities within the all-India services.

In February 1947, the Home Office of the Government of India compiled a number of statistical tables on the provincial representation of staff within the central bureaucracy – the

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<sup>17</sup> Rajnarayan Chandavarkar, *Imperial Power and Popular Politics: Class, Resistance and the State in India, c.1850-1950* (Cambridge: Cambridge University Press, 1998), Chapter Eight.

<sup>18</sup> ‘Home Dept. Note’, 23 Aug. 1933, National Archives of India, New Delhi (hereafter NAI), Home Dept., (hereafter Home), f. 14/9/33-Ests.

<sup>19</sup> ‘Ministry of Home Affairs Resolution’, 21 Aug. 1947, NAI, Home, f. 1/8/49-Admn.

context for which will be dealt with later in this article.<sup>20</sup> Across all service levels of the Secretariat Department and attached offices, Punjabis numbered 1,660 permanent employees and 10,140 temporary employees, or nearly 42 percent of the total administrative staff. When compared with the provincial percentages of India's population at the 1931 and 1951 censuses, these figures demonstrate the skewed nature of provincial representation in the all-India services.<sup>21</sup> In fact, Punjabis made up only 8.1 percent of the subcontinent's population in 1931, and even less after partition (4.7 percent). Meanwhile, employees from the United Provinces (post-independence Uttar Pradesh, or UP) came to 921 permanent and 7,523 temporary staff, or nearly thirty percent of the total. These figures were slightly less distorted when compared with provincial population proportions, but UP's residents still only represented 17.5 percent of Indian society in 1951 and 14.1 percent in 1931. Between them, servicemen from Punjab and UP made up nearly three quarters of the total all-India administrative staff.

The representation of other provinces was similarly skewed, albeit not in their favour. Bombay's share of all-India jobs was lower than 0.9 percent, even though they made up 7.5 percent of the Indian population in 1931 and ten percent in 1951. The lowest percentage came from Orissa, with only five permanent and thirteen temporary staff, a paltry 0.06 percent of the all-India services. Yet Oriya-speaking groups constituted 1.2 percent of the population in 1931, whilst the residents of the state of Orissa (formed in 1936) made up 4.1 percent of the

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<sup>20</sup> See the section entitled 'Independence, Partition and the Postcolonial Provincial Reservation Debate' below.

<sup>21</sup> This article utilises the 1931 and 1951 censuses to give a perspective on provincial population percentages both before and after partition. See, J.B. Hutton and B.S. Guha, *Census of India, 1931: Volume I: India: Part II: Imperial Tables* (Delhi: Government of India Press, 1933); R.A. Cofalaswami, *Census of India, 1951: Volume I: India: Part II-A: Demographic Tables* (New Delhi: Government Central Press, 1955). The 1941 Census was incomplete due to the Second World War and its statistics have been otherwise discredited for a number of reasons.

population by 1951.<sup>22</sup> Undeniably, provincial representation was at least partially so skewed because of Delhi's proximity to both Punjab and UP. Yet these statistics highlighted the implications of central government policy on representation amongst the different provinces of India.

### **Provincial Reservation Policies and Procedures**

The differences in representation in the all-India services between the provinces was not only manifested in terms of numbers – it could also emerge in the demands for the application of the different provincial policies regarding recruitment to locally constituted elements of the central bureaucracy. These policies diverged in the context of the local conditions in which they were enacted. Because some provincial governments introduced procedures that differed more substantially from central government policy, they also help explain why the demands for provincial forms of representation at the all-India level were more prominent amongst residents and policymakers from particular provinces than others. In Punjab and UP, reservations within the services were primarily delineated along religious lines and provided at least some form of special representation for Muslims, thus overlapping with similar elements of Government of India policy. Considering these debates over the introduction of provincial reservations at the all-India level provides a wider perspective on the driving force behind many of the provincial reservation policies and their understanding of citizenship during the interwar period.

In 1928, in the context of the Simon Commission's tour regarding Indian constitutional reform, the Government of India decided now was an opportune time to reflect

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<sup>22</sup> 'Provincial Representation in Secretariat Depts. and Attached Offices: Permanent' (undated), NAI, Home, f. 31/28/47-Ests (S); and, 'Provincial Representation in Secretariat Depts. and Attached Offices: Temporary' (undated), *Ibid.*

on their current procedures regarding communities recognised for purposes of recruitment to the all-India services. As we have already seen, these reservations were primarily constructed on the basis of religious minority interests. However, J.D.V. Hodge, a particularly perceptive Home Office official, recognised that

The recruitment with which we are concerned is made in several provinces, and ... the term “minority community” must bear a different significance in different parts of India. To us the term practically means “Non-Hindu”. This classification is appropriate enough for Northern India and Bengal, but it loses its value considerably in Madras, where the local Government have adopted a different classification to suit local conditions.<sup>23</sup>

The provinces of Madras and Bombay had constructed their provincial reservations around a broad caste-based binary, drawing upon a long history of Brahman-non-Brahman tensions dating back to the pre-colonial period and representing what were perceived to be the primary social cleavages within peninsular Indian society.<sup>24</sup> In Bombay, forms of affirmative action in the Subordinate and Inferior Services (the middle and lower strata of the provincial bureaucracy) were provided for individuals classified as belonging to either ‘Intermediate’ or ‘Backward’ classes from 1925 onwards.<sup>25</sup> Despite their nomenclature, it was an individual’s caste or religious community status that determined to which ‘class’ they belonged. Because a variety of groups were allotted Intermediate or Backward status, and because Muslims

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<sup>23</sup> ‘Note of J.D.V. Hodge’, 9 Nov. 1928, NAI, Home, f. 29/5/1/28-Ests.

<sup>24</sup> Eugene Irschick, *Politics and Social Conflict in South India: The Non-Brahman Movement and Tamil Separatism, 1916-1929* (Berkeley, California: University of California Press, 1969); Gail Omvedt, *Cultural Revolt in a Colonial Society: The Non-Brahman Movement in Western India, 1873 to 1930* (Bombay: Scientific Socialist Education Trust, 1976); Rosalind O’Hanlon, *Caste, Conflict and Ideology: Mahatma Jotirao Phule and Low Caste Protest in Nineteenth-Century Western India* (Cambridge: Cambridge University Press, 1985).

<sup>25</sup> A closer analysis of the particular policies followed by the Government of Bombay during this period will be discussed in the larger work on which this article is based. See, Oliver Godsmark, *Citizenship, Community and Region in Western India: From Bombay to Maharashtra, c.1930-1960* (forthcoming).

constituted as little as eight percent of the combined population of the Marathi- and Kannada-speaking districts of Bombay Province, Muslims formed a comparably small fraction of the total Intermediate class. In January 1941, this led one Muslim resident of Bombay, Mohamedally Allabux, to complain to the provincial government ‘that the question of Muslim recruitment in public services has not received the attention of the authorities to the extent to which it is required’.<sup>26</sup> Allabux demanded redress in Bombay City, where Muslims made up around eighteen to twenty percent of the population, but were represented in only five or six percent of local government posts.<sup>27</sup> He also compared the situation in Bombay unfavourably with the reservations provided for the Muslim community by the Government of India.

Meanwhile non-Brahman groups, such as the large and somewhat amorphous Maratha-Kunbi caste cluster in the Marathi-speaking districts of the province, predominated in the Intermediate category and were ideally placed to take advantage of this system of recruitment.<sup>28</sup> Within the Subordinate Services in Bombay, a variable percentage was fixed for the Intermediate classes in the different districts of the provinces, which corresponded with local demographic figures. In the Southern Division, for example, which encompassed both Marathi- and Kannada-speaking districts with sizeable non-Brahman populations, these reservations were as high as sixty percent of all vacancies (i.e. a majority of all the jobs

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<sup>26</sup> ‘Letter from Mohamedally Allabux, Bombay City, to J.H. Irwin, Secretary to the Governor of Bombay’, 6 Jan. 1941, Maharashtra State Archives, Mumbai (hereafter MSA), Political and Services Department (hereafter P&S), f. 1673/34 IX.

<sup>27</sup> *Ibid.*; see also the slightly different population figures for Muslims in Bombay City in, ‘Imperial Table XVII: Caste, Tribe, Race or Nationality’, in A.H. Dracup and H.T. Sorley, *Census of India, 1931: Volume VIII, Part II: Bombay Presidency, Statistical Tables* (Bombay: Government Central Press, 1933), pp. 412-443.

<sup>28</sup> According to the 1931 Census, the ‘Mahratta and Kunbi’ caste cluster constituted just under 50 percent of the ‘Intermediate’ classes in the Marathi- and Kannada-speaking districts of the province. In just the Marathi-speaking districts of the Central Division, this figure was as high as 61 percent. See, *Ibid.*

within the Subordinate Services in this region).<sup>29</sup> Non-Brahman demands for reservations in Bombay engaged with this particular provincial policy – in September 1939, the Working Committee of the Ratnagiri District Maratha Association passed a resolution, which proposed that ‘candidates from the Maratha community should be selected always in proportion to the strength of the population of the Maratha community of this district’.<sup>30</sup> In this context a particular perception of the state emerged, as a site through which to prioritise the rights and interests of local groups of citizens, rather than as a detached entity capable of impartially adjudicating social conflict.

Non-Brahman demands for reservations that took into account provincial demographic ratios were also extended to locally recruited jobs in the all-India services, drawing upon the distinct recruitment policy that had been implemented in Bombay. In March 1932, the prominent Non-Brahman Party politician, Bhaskarrao Jadhav, petitioned the Government of India as to whether they intended to apply ‘the rules made by the Government of Bombay for the recruitment of the Non-Brahmin backward communities from the Marathi and Canarese speaking districts ... when recruiting servants in the departments directly under the Government of India’.<sup>31</sup> Likewise in August 1936, the General Secretary of the Maratha Educational Conference, V.L. Thube, demanded further Maratha representation at the all-India level, again drawing upon the Bombay provincial model. Thube argued that although the Marathas were ‘a little [more] advanced than the depressed [i.e. the Scheduled Castes and Tribes]’, they continued to otherwise ‘stand far behind Muslims and others that are classed as

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<sup>29</sup> ‘Reply to Mysore State Muslim League, requesting information on fixing of percentages of recruitment in government services’, n.d., MSA, P&S, f. 1673/34 X; ‘P&S Note’, 20 June 1939, MSA, P&S, f. 1673/34 VI.

<sup>30</sup> ‘Copy of Resolution No. 5 passed by the Working Committee of the Ratnagiri District Maratha Association’, 17 Sep. 1939, MSA, P&S, f. 1673/34 IX.

<sup>31</sup> ‘Question down for meeting on 14 March 1932’, NAI, Home, f. 22/25/32-Ests.

“Minority Communities”<sup>32</sup> Thube thus dismissed current central policy that provided reservations to groups that could be classified as demographic religious minorities at the all-India level. Instead, he envisaged provincial reservation policies being extended to take into account the rights of prominent yet underrepresented local groups in the particular regions in which the all-India services were recruiting.

Similar sentiments were raised in the prior debates amongst top bureaucrats in the ICS, from which the comment of J.D.V. Hodge referred to earlier in this article was taken. During this discussion over recruitment policy the Auditor General drew attention to its multiple failings, but picked out the representation of individuals from the provinces of Bihar and Orissa in the all-India services as worthy of particular comment. He suggested that ‘[t]he poor representation of the natives of Bihar, Orissa and Chota Nagpur in the composition of the office is such a conspicuous feature that such men may reasonably be reckoned as a minority community.’<sup>33</sup> This paucity of representation amongst natives of Bihar and Orissa in the central bureaucracy owed much to the administrative history of northeast India, in which parts of these territories had been grouped within the Bengal Presidency since as early as 1765. It was only in 1912 that the separate province of Bihar and Orissa was created, which was then further subdivided into two distinct provinces in 1936. As a result, both provinces looked to implement reservation policies that would now provide for the interests of ‘native’ Oriyas and Biharis.<sup>34</sup> In May 1940, the Government of Orissa proposed a change to Rule 9.1 of the ICS Probationary Service Rules, which was concerned with the language competencies

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<sup>32</sup> ‘Letter from Rao Bahadur Vithalrao L. Thube, to the Secretary to the Government of India, Home Department’, 28 Aug. 1936, NAI, Home, f. 34/4/36-Ests.

<sup>33</sup> Quoted in ‘Note of K.P. Anantan’, 7 Nov. 1928, NAI, Home, f. 29/5/1/28-Ests.

<sup>34</sup> For instance, Annadaprosad Chatterjee of the Sonthal Perganas in Bihar, claimed that ‘the policy of the Government of Behar is “Behar for Beharees”’. Chatterjee revealed that Bengali speakers were required to submit a domicile certificate if applying ‘for any Government post’ – this required a police enquiry, which ‘are not often so speedy or impartial as one would wish’. ‘Written Statement Submitted by Annadaprosad Chatterjee (Jamtara, Sonthal Pergannas) to the Indian Statutory Commission’, India Office Records, British Library, London, Q/13/1/4.

of new civil servants. According to the rulebook, ICS probationers allotted to the joint Bihar and Orissa cadre whose mother tongue was Hindi (spoken in Bihar) were required to learn Bengali as an alternative administrative language. In a note to the Government of India, the Government of Orissa suggested that this should be changed to Oriya, because ‘all officers have to serve in Orissa at one time or other and Oriya being the main spoken language of Orissa, it will be very helpful if probationers learnt it during their probation’.<sup>35</sup> Again, this particular policy looked to favour the rights of local citizens to representation within locally recruited elements of the all-India services, albeit this time defined on the basis of their linguistic affinities.

In the context of these provincial policies, the notes of Hodge and the Auditor General considered how the term ‘minority’ could potentially apply to a vast range of different groups, not only those defined on the basis of religion. In this alternate meaning, the term ‘minority’ was not to be used solely to delineate groups who made up less than half of the population within the entire subcontinent, which the Auditor General stated ‘fails to show the representation of the real minorities’.<sup>36</sup> Rather the term was to be applied in the context of underrepresentation (i.e. those groups that constituted ‘minorities’) *within the all-India services*. In this sense, it could apply to the non-Brahmans of Madras and Bombay and the ‘natives’ of Bihar and Orissa, despite the fact that these groups constituted the numerically preponderate communities in these territories. In his note Hodge therefore recommended that the various provincial governments should be consulted to consider what particular practices they had introduced for recruitment. Applying these different procedures to locally recruited elements of the all-India service would ensure that they ‘observe[d] the local classification’.<sup>37</sup>

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<sup>35</sup> ‘Serial Nos. 1-2’, 18 May 1940, NAI, Home, f. 35/10/40-Ests.

<sup>36</sup> *Ibid.*

<sup>37</sup> ‘Note of J.D.V. Hodge’, *Ibid.*; This proposal also received the support of W.H. Emerson, another Home Office civil servant. See, ‘Note of W.H. Emerson’, 20 Aug. 1928, *Ibid.*

This particular use of the term ‘minority’ could also be applied to the underrepresented Muslims in the services of Bengal, Punjab and Sindh. Whilst the Government of India provided reservations for Muslims on the basis of their all-India demographic minority status, Muslims comprised the majority of the population in these provinces. The Government of Sindh, for example, was reserving up to seventy percent of the vacancies within its provincial services for Muslims by May 1947.<sup>38</sup> In the Muslim majority provinces, representation was therefore prescribed ‘in proportion to [the] numerical *strength*’ of the Muslim community, rather than demographic weakness.<sup>39</sup> In doing so, these provincial policies chimed with the comparable reservations provided for non-Brahmans in Bombay and Madras, and Hindi- and Oriya-speakers in Bihar and Orissa. If we focus on these provincial policies regarding Muslim representation instead of the programme of reservations prescribed at the all-India level, we can illustrate connections with the reservation schemes introduced for other preponderate groups elsewhere.

Rather than privileging the issue of religious community when considering bureaucratic reservations, as much of the existing historiographical literature has tended to do, we might see the provisions for Muslims in Bengal, Punjab and Sindh as part of a broader and analogous commitment that was also being performed in other parts of the subcontinent – to provide for the interests of predominate groups (whether defined on the basis of caste, language or religion) in the various provinces of British India. By taking a more all-encompassing perspective, one that provides space for careful reflection on a variety of provincial policies, it is evident that reservations in many of the provinces at this time were primarily based around the interests of prominent groups in the region, rather than being

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<sup>38</sup> ‘Letter from the Government of Sindh, to the Chief Secretary to the Government of Bombay’, 23 May 1947, MSA, P&S, f. 490/46 I.

<sup>39</sup> ‘Note of S.N. Roy’, *Ibid.*

delineated principally on the basis of religion.<sup>40</sup> This also has important implications when thinking about the anticipation of *swaraj* and the characterisation of the Pakistan demand, which might be considered as part of a broader trend towards demands for regional autonomy within a federal system – equally support for provincial reservations serves as one particular manifestation of this larger expression of regionalism ahead of independence.

### **Independence, Partition and the Postcolonial Provincial Reservation Debate**

Despite the support for provincial forms of affirmative action at the all-India level amongst a significant proportion of British administrators, such as J.D.V. Hodge and the Auditor General, other civil servants at the centre remained unconvinced of its efficacy. W.H. Lloyd, a prominent bureaucrat within the Finance Department, rejected the idea of following provincial policy as ‘entirely divergent’ from the procedure hitherto followed at the centre, and therefore ‘logistically impossible to defend’.<sup>41</sup> For Lloyd, the enactment of provincial policies in the all-India services would also ‘ensure the taking of a number of men wholly inferior to the requirements of offices’, thereby ‘reducing the minimum standard of efficiency [within the services] ... below a reasonable limit’.<sup>42</sup> With no consensus reached in this debate the matter was shelved. In 1944, a demand for reservations for the Lingayat community of Bombay Province in the all-India services was rejected because ‘[t]he minority communities for whom a definite percentage of vacancies in the central services is reserved are not territorial or tribal sub-sections of India, but the communities who form a distinct unit by

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<sup>40</sup> This article focuses primarily on provincial policymaking on reservations in Bombay and, briefly, Orissa. It is beyond the scope of this article to consider each and every one of the different policies on reservations implemented by the provincial governments within the provincial services during the interwar years. However, the author believes that a consideration of these policies provides much fertile ground for future historiographical debate and analysis on this topic.

<sup>41</sup> ‘Note of W.H. Lloyd’, 2 Oct. 1929, *Ibid.*

<sup>42</sup> *Ibid.*

virtue of their professing a religion distinct from Hinduism'.<sup>43</sup> It was not until independence became a palpable reality that provincial forms of affirmative action were discussed again in any detail in central government circles.

Immediately after the achievement of independence in September 1947, the new Minister for Agriculture and Food, Rajendra Prasad, received a number of representations from a group of Supervisors of Central Excise employed by the Government of India in Bihar. There were plans afoot to discharge these supervisors as part of a policy of civil service retrenchment. Prasad – a Bihari himself – complained to the Finance Minister, R.K. Shanmukham Chetty, that if these supervisors were dismissed, the representation of Biharis in the central secretariat would be even further diminished.<sup>44</sup> In fact, Prasad had already made an impassioned plea eight months earlier to the new Home Minister of the Interim Government, Vallabhbhai Patel, to revise the current discrepancy in recruitment between the provinces. In his letter, Prasad argued that it was extremely 'difficult for persons belonging to a province unrepresented in the Secretariat to get any job there because in the first place they do not know anyone there and second place those already in the service have the advantage and can help their own men in securing appointments'.<sup>45</sup> It was at this juncture that Prasad had requested the compilation of statistics on the provincial background of staff employed within the central bureaucracy, which was to reveal the overwhelming preponderance of individuals from Punjab and UP.<sup>46</sup>

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<sup>43</sup> 'Letter from S.T. Patel and G.K. Desai, Bijapur, to Viscount Wavell, Viceroy and Governor General of India', 26 Jan. 1944, NAI, Home, f. 31/9/44-Ests (S); 'Home Department Note', 18 March 1944, *Ibid.*

<sup>44</sup> 'Copy of Letter from Hon'ble Minister for Food and Agriculture to Hon'ble Minister for Finance', 26 Aug. 1947, NAI, Home, f. 31/102/47-Ests (S).

<sup>45</sup> 'Letter from Rajendra Prasad, Agriculture and Food Minister, to Vallabhbhai Patel, Home Minister', 28 Jan. 1947, NAI, Home, f. 31/28/47-Ests.

<sup>46</sup> See the statistics under the section entitled 'Affirmative Action at the All-India Level'.

When Chetty forwarded his correspondence with Prasad on to the Home Minister in September, he also urged Patel to tackle the question 'at the earliest date if the grievances of under-represented provinces are not to be allowed to assume serious proportions and thereby threaten the harmony in the services of the Union Government'.<sup>47</sup> Chetty feared that if these injustices were allowed to fester, provincial rivalries would infiltrate the services, and create problems that would diminish the effective running of the administration. He therefore supported Prasad's demand for some form of provincial reservations in the central secretariat. The fact that the demand for provincial representation in the all-India services had the backing of two prominent cabinet ministers at the time of decolonisation is indicative of the extent to which these proposals were contemplated as a possible substitute for reservations based around religious affinities. With affirmative action for religious groups discredited as a result of partition, these key policymakers began to discuss the impracticality of colonial affirmative action policies and considered potential alternatives, drawing upon provincial precedents. Such discussions also influenced larger debates on the nature of citizenship that were emerging in the context of independence. The support offered by Prasad and Chetty for provincial reservations chimed with the perception of the state as a sight through which to protect local interests and rights to representation in the different federating units of the Indian Union, evident also in the growing demands for the linguistic reorganisation of provincial administrative boundaries at this time.<sup>48</sup>

Patel responded to Prasad's first letter on 31 January 1947. Echoing the misgivings expressed by W.H. Lloyd almost twenty years earlier, he suggested that reservations on the basis of provincial representation were likely 'to reduce the calibre of candidates recruited

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<sup>47</sup> 'Letter from R.K. Shanmukham Chetty, Finance Minister, to Vallabhbhai Patel, Home Minister', 13 Sep. 1947, NAI, Home, f. 31/102/47-Ests (S).

<sup>48</sup> For a discussion of linguistic reorganisation in this context, see, Godsmark, *Citizenship, Community and Region in Western India*.

and thereby prejudicially affect the standard of administrative efficiency'.<sup>49</sup> Affirmative action along these lines, Patel argued, would also contradict and complicate the reservation rules already introduced in the all-India services for 'communal representation'.<sup>50</sup> These concerns were amplified and added to in the context of the events of 1947. Patel, other ministers and civil servants now had to contend with the fallout from partition – warfare with Pakistan; food scarcity; the recovery and rehabilitation of refugees; and the integration of the princely states – whilst simultaneously establishing the territorial integrity and international legitimacy of the new postcolonial government and defining the rights of its citizenry.

Patel's concerns about administrative efficiency were repeated in the note penned by his chief departmental secretary, P.V.R. Rao in September. Rao suggested that, 'Recruitment on the sole criterion of merit (i.e. the best man for the job irrespective of other considerations) is the best method of ensuring an efficient public service'.<sup>51</sup> Yet Rao's perspective was also shaped afresh by the events of the intervening months. So, whereas Patel had rejected provincial reservations on the basis that they would tamper with existing recruitment procedures based on religious lines, Rao now rejected outright almost any kind of group-based reservation (including provincial forms) in favour of a meritocratic system. After the announcement of the 3 June Plan and the chaos and violence of partition, the problems supposedly caused by communal reservations and the division of the country served as the new exemplar against which to determine the efficacy of provincial reservations and rights. It was in this context that Rao argued 'that a system of reservation in favour of backward

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<sup>49</sup> 'Letter from Vallabhbhai Patel, Home Minister, to Rajendra Prasad, Agriculture and Food Minister', 31 Jan. 1947, NAI, Home, f. 31/28/47-Ests (S).

<sup>50</sup> *Ibid.*

<sup>51</sup> 'Note of P.V.R. Rao, Joint Sec., Home Dept.', 30 Sep. 1947, NAI, Home, f. 31/102/47-Ests (S).

Provinces will bring in its train all the evil consequences that followed communal reservation'.<sup>52</sup>

Rao's comments on the efficacy of provincial reservations also touched upon new issues regarding national loyalty and belonging, as well as concerns about the territorial integrity of the Indian Union. In this context, those that demanded provincial representation at the all-India level could be demeaned as being governed by parochial interests that would potentially damage the future unity of the country. This was of utmost importance in the context of partition, as it conflated the possible repercussions of provincialism in Bihar, Bombay, Madras, Orissa and elsewhere with the creation of Pakistan in the northeast and northwest of the subcontinent. Just as the notion of religious loyalty could be seen as conducive to the growth of 'fissiparous' and 'separatist' tendencies in places such as Punjab, Bengal and Sindh, other markers of regional citizenship, such as language and caste, also became interlinked with fears regarding the disintegration of the Union amongst politicians and civil servants within the central government. Rao argued that persons who were recruited to the all-India services through provincial reservations were likely to acquire 'loyalties...primarily to their Provincial leaders to whom they will be looking forward for help in their advancement and not to the Government, as it should be'.<sup>53</sup> They would also be conscious 'that their prospects in service are more likely to improve with an intensification of provincial jealousies and rivalries than otherwise'.<sup>54</sup> In the interests of the nation, Rao suggested, it was therefore necessary to prevent any move towards provincial representation.

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<sup>52</sup> 'Note of Rao', NAI, Home, f. 31/102/47-Ests (S).

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

### **Minorities: Regional or Religious?**

In his note on provincial reservations in September 1947, Rao not only imagined the ‘intensification’ of inter-provincial jealousies if they were introduced, but also expected that intra-provincial antagonisms would increase if this particular form of recruitment was approved at the all-India level. He cited a few examples to illustrate his point: ‘Assam will derive little comfort if Bengalis domiciled in Assam monopolise reservations in favour of Assam and Andhras when they find all posts reserved for Madras taken away by Tamilians’.<sup>55</sup> In doing so, Rao broached the issue of those groups who constituted demographic minorities within these provinces (such as Bengali speakers in Assam) and the extent of their access to the proposed provincial reservations provided in the all-India services. In much of the existing literature that focuses on citizenship rights and interests in the late colonial and early postcolonial period, the term ‘minority’ has been oft equated with religious minority. Yet this term might also be broadened out to reflect on how, in areas where provincial reservations were provided for predominate linguistic groups, individuals might make claims to minority status which were defined on rather different lines. What these different embodiments of minority status had in common was the concern over protecting minority interests within provinces geared towards providing for the rights of predominate groups of ‘locals’.

Rao’s note implied that the minority Bengali-speaking population of Assam might be best positioned to benefit if provincial forms of reservation were introduced at the all-India level, to the detriment of the majority of Assamese speakers within the province. This owed much to their existing dominance of the provincial services of Assam. Equally, Bengali speakers were well represented in the provincial services in the provinces of Bihar and Orissa

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<sup>55</sup> *Ibid.*

during the interwar period. However, the introduction of reservation practices in locally recruited elements of the all-India services that favoured ‘native’ Oriya-speakers in Orissa had threatened the ability of Bengali-speaking minority interests to acquire jobs in the provincial services.<sup>56</sup> If these policies were extended more across all jobs at the all-India level, they would also jeopardise minority access more generally to employment under the Government of India. Yet this, interestingly enough, was precisely the plan Rao speculatively recommended if provincial reservations were given the go ahead. Although Rao had dismissed the efficacy of provincial representation at the all-India level, he was forced to concede that the matter was ultimately one for the Interim Government of India to decide. If these measures were to be introduced, he suggested that emphasis in provincial recruitment should be given primarily ‘to knowledge of local language and background’.<sup>57</sup> By endorsing reservations akin to those introduced by the Government of Orissa, Rao thus potentially undermined the ability of those residents of Orissa and other provinces who did not speak the local language within these regions to access all-India bureaucratic posts.

The problems that provincial representation within the all-India services presented for minorities within these provinces was part of a broader malaise amongst these groups regarding the impact of independence. With the province now considered as a site to protect the ‘majority’ interests of local groups in a democratic system, they raised new concerns about the position of minorities within an imagined Indian Union. In Orissa, the All Orissa Minority Communities Conference expressed anxiety over the future status of Bengali and Telugu speakers domiciled within Orissa after independence. They petitioned the President of the All India Congress Committee, R.A. Kripalani, on the eve of the opening meeting of the Constituent Assembly, which had been tasked with framing India’s first postcolonial

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<sup>56</sup> See the section entitled ‘Provincial Reservation Policies and Procedures’.

<sup>57</sup> ‘Note of Rao’, NAI, Home, f. 31/102/47-Ests (S).

constitution. One resolution contained within the letter demanded that ‘no loop-hole should be left in the constitution’ for the protection of minority groups – including provisions for affirmative action in government service.<sup>58</sup> For the Conference, ‘[t]he fundamental rights declared by the Congress should also include the case of the linguistic minorities of the provinces’.<sup>59</sup> Whilst ‘[t]he language of the existing linguistic areas and of units would be protected by creation of [linguistic] provinces ... the communities really needing substantial protection are the linguistic minority communities ... who have no particular area of their own’.<sup>60</sup> In recommending these provisions, the Conference looked to claim minority status on the basis of language.

Appended to the letter from the All Orissa Minority Communities Conference was B.K. Pal’s *The Problem for the Orissan Minorities*, a pamphlet published in 1945. It suggested that the creation of Orissa in 1936, coupled with the effects of increased provincial autonomy under the Government of India Act of 1935, had resulted in the ‘attempted annihilation of the cultural and social existence of the minority communities’ in the new province.<sup>61</sup> The problem emanated from the fact that, ‘The word minority refers only to religious minorities in India’, whilst ‘Under provincial autonomy in Provinces constituted mainly on a linguistic basis, it is linguistic minorities who are most helpless’.<sup>62</sup> The particular concerns of Bengali- and Telugu-speakers in Orissa were thus being overlooked – the definition of the term minority needed to encompass groups defined on the basis of language, as well as on the basis of religion. According to Pal and the All Orissa Minority Communities Conference, the Government of India was required to take into account the manifestly

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<sup>58</sup> “‘Humble Memorial’ from the All Orissa Minority Communities Conference, to R.A. Kripalani, President, Indian National Congress’, 4 March 1947, Nehru Memorial Museum and Library, New Delhi, All India Congress Committee Papers, Part I, f. G-17 (1946-1949).

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> B.K. Pal, *The Problem for the Orissan Minorities* (Cuttack: The Orient Press, 1945), pp. 9–10.

<sup>62</sup> *Ibid.*, pp. 12–13, 14–15.

different provincial circumstances and conditions which shaped the construction of majority and minority groups outside of the northeast and northwest, rather than basing their understanding of the term on a purely religious definition. It was only then that the particular rights of these other minority groups, as citizens within an independent Indian nation-state, would be fully protected.

### **Conclusion**

In the definition suggested by Pal and the All Orissa Minority Communities Conference, the term ‘minority’ was to encompass not only those groups delineated on the basis of religious community, but also those defined on the basis of language and other markers of group-based affinity, too. This sense of the term would observe the regional distinctions with regards to its meaning across the different provinces of India. However, this definition also departed significantly from the definition proposed in the note of J.D.V. Hodge and the Auditor General in 1928. For Hodge and the Auditor General, minority referred to the underrepresentation of any group within the services, regardless of whether or not they constituted a demographic minority of the population in the particular provinces from which they were drawn. This interpretation suggested that representation at the all-India level should be governed by the particular provincial practices in which the central secretariat was recruiting. However, these provincial forms of affirmative action were often provided on the basis of local notions of rights and belonging, which were measured on the basis of common caste, linguistic and religious affinities – to qualify for reservations in the all-India services recruited in Orissa, for example, each candidate was required to have been primarily educated in the Oriya language. As a result, these reservations could demean particular groups as ‘outsiders’, and inhibit their access to central government jobs. It was precisely in these

circumstances that Pal and the All Orissa Minority Communities Conferences sought reassurance through their classification as a minority group.

Ultimately, the architects of the postcolonial 1950 Constitution of India prohibited any form of discrimination in access to public employment – on the grounds of religion, race, caste, gender, or place of birth.<sup>63</sup> However, the simultaneous decision to scrap affirmative action in the bureaucracy (except for those provisions granted to Scheduled Castes and Scheduled Tribes) fitted into a wider policy of containment of group-based rights after independence. The desire to moderate the provisions provided within the constitution as a result of partition impacted more widely and detrimentally upon the debates over other forms of reservation besides those provided on the basis of religious community. With the inauguration of the constitution, evidence of support for provincial reservations in the all-India services thus disappears somewhat from the official record. However, although it is outside the scope of this article, moving beyond this date provides evidence of the continuing efficacy of different provincial notions of citizenship articulated through affirmative action demands. As the political scientists Myron Weiner and Mary Katzenstein demonstrated during the 1970s, under pressure from disaffected ‘locals’, the governments of Assam, Andhra Pradesh and Maharashtra implemented policies and informal practices that provided preference on the basis of local residence.<sup>64</sup> Many of these provincial procedures have led to what Paul Brass has described as ‘the development of dual citizenship in India, in which the full rights of national citizenship are not automatically transferable from one part of the

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<sup>63</sup> ‘Article 16’, *The Constitution of India*, p. 7 [<http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm>, accessed 10 September 2014].

<sup>64</sup> Myron Weiner, *Sons of the Soil: Migration and Ethnic Conflict in India* (Princeton, New Jersey: Princeton University Press, 1978); Mary F. Katzenstein, *Ethnicity and Equality: The Shiv Sena Party and Preferential Policies in Bombay* (Ithaca, New York: Cornell University Press, 1979).

country to another'.<sup>65</sup> By highlighting the expression of citizenship through a regional idiom, we have been able to trace some of the colonial antecedents of these developments.

The different conceptualisations of minority status in the context of provincial reservation policies that are considered within this article reveal the multiple and often competing ideas of citizenship evident during the gradual transition to independence in South Asia. These were not just whimsical ideas that were floated by abstract ideologues – the fact that they were debated in high circles, the practicalities of their implementation were considered, and they received the support of some of the most senior political figures and civil servants at the time, demonstrates the seriousness with which these provincial reservation policies were contemplated. In these circumstances this article has provided one example of the need for a much wider, more all-encompassing perspective on citizenship in early postcolonial South Asia, which moves beyond the current preoccupation with issues of religious community.

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<sup>65</sup> Paul R. Brass, *The Politics of India since Independence* (New Delhi: Cambridge University Press, 1992), p. 225.