

"Constitution Amendment passed by Parliament effectively does away with reservation for Anglo-Indian members in Lok Sabha, Assemblies. A look at these provisions, and MPs nominated under this quota."

On Thursday, Parliament passed the Constitution (126th Amendment) Bill, extending reservation for SC/STs but doing away with the provision for nomination of Anglo Indians to Lok Sabha and some state Assemblies.

Who are Anglo-Indians?

The Anglo-Indian community in India traces its origins to an official policy of the British East India Company to encourage marriages of its officers with local women.

The term Anglo-Indian first appeared in the Government of India Act, 1935. In the present context, Article 366(2) of the Constitution Of India states: "An Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only..."

Contested Count

296: The number of people who identified themselves as belonging to the sect Anglo Indian, according to 2011 Census data cited by the All India Anglo Indian Association. The Association asserts that there are many more Anglo-Indians in the country.

What is the Anglo-Indian population?

The number of people who identified themselves as Anglo-Indian was 296, according to the 2011 Census. The All India Anglo-Indian Association, on the other hand, has objected to Law Minister Ravi Shankar Prasad's claim that the community has just 296 members. Its president-in-chief, Barry O'Brien, has written to both the Prime Minister and Prasad.

"We accessed the government data which is from 2011 census. It shows nine Anglo-Indians in West Bengal. There are probably more than that in my own family. Also it shows zero in Uttar Pradesh and Uttarakhand yet those Assemblies right now have sitting members from the community. Did the state government then nominate non Anglo-Indians? How can they? Also a petition we started already has 750 signatures of Anglo-Indians. The truth is nobody knows how many Anglo-Indians there are in the country. All we know is it's not just a few thousand, neither or it in crores. It's probably somewhere in the lakhs," O'Brien said.

Barry O'Brien had briefly joined the BJP some years ago. He is the brother of Trinamool MP Derek O'Brien, and son of Neil O'Brien, a former nominated Lok Sabha MP. During the debate over the Citizenship (Amendment) Bill in

Rajya Sabha on Wednesday, Derek O'Brien traced the roots of his Irish grandfather to talk about how it was because of the Constitution of India that the O'Briens of India stayed in the country, while those of Pakistan moved out to Canada, England or Australia.

What numbers did the association cite?

In his letter to Prasad, he wrote: "The number of Anglo-Indians in India today is far greater than that (296) and we have documentary evidence to prove it. I am privileged to head the All India Anglo-Indian Association, the oldest and largest registered body of Anglo-Indians in India... our association currently has 62 branches across 20 states/UTs in the country... we have as many as 6 branches in Chennai alone and each of them has between 300 and 1000 members. Similarly, in branches like Bangalore and Kolkata we have more than 700 members in each of them. We have branches with about 300-400 members in cities like Madurai, Cochin, Tiruchirapalli, Hyderabad-Secunderabad and Vishakhapatnam. In Maharashtra alone, Anglo-Indians belonging to Mumbai, Pune, Nagpur, Bhusawal, Devlali, Nashik and Igatpuri are members of our association while in Uttar Pradesh we have four branches namely Lucknow, Agra, Allahabad and Jhansi."

The letter also claims that membership is increasing by "leaps and bounds" in Delhi, Gurgaon, Faridabad, Noida and Ghaziabad. There are also active branches in erstwhile railway colonies like Asansol, Kharagpur and Adra in West Bengal, Khurdah Road in Odisha, Jabalpur and Bilaspur in Madhya Pradesh and Vijayawada in Andhra Pradesh.

Under what provisions was reservation in legislature granted?

Provision for nomination of two Anglo-Indians to Lok Sabha was made under Article 331 of the Constitution. It says: "Notwithstanding anything in Article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the people, nominate not more than two members of that community to the House of the People."

The idea of such nominations is traced to Frank Anthony, who headed the All India Anglo-Indian Association. Article 331 was added in the Constitution following his suggestion to Jawaharlal Nehru.

Article 333 deals with representation of the Anglo-Indian community in Legislative Assemblies. It says: "Notwithstanding anything in Article 170, the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, [nominate one member of that community to the Assembly]."

Currently 14 Assemblies have one Anglo-Indian member each: Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu, Telangana, Uttar Pradesh, Uttarakhand and West Bengal. The 126th Amendment does away with this as well.

According to the 10th Schedule of the Constitution, Anglo-Indian members of Lok Sabha and state Assemblies can take the membership of any party within six months of their nomination. But, once they do so, they are bound by their party whip. The Anglo-Indian members enjoy the same powers as others, but they can not vote in the Presidential election because they are nominated by the President.

Who are the Anglo-Indians nominated to Lok Sabha over the years?

Henry Gidney made it to the Central Legislative Assembly under the Special Interests/Anglo-Indian category in the 1920, 1923, 1926, 1930, and 1934 elections.

Frank Anthony got nominated to Lok Sabha in 1952, 1957, 1962, 1967, 1971, 1980, 1984 and 1991. A E T Barrow came close to him with seven tenures — in 1951-1952, 1957, 1962, 1967, 1977, 1980, 1984. Marjorie Godfrey was nominated in 1971. In 1977, Rudolph Rodrigues replaced Anthony.

Joss Fernandez and Paul Mantosh were nominated by the Janata Dal government headed by V P Singh in 1989. The Congress government led by P V Narasimha Rao nominated Robert E Williams in 1991. Sheila F Irani had a brief stint from 1995 to 1996. Neil O'Brien and Hedwig Rego also had brief tenures of two years, from 1996 to 1998. Beatrix D'Souza and Neville Foley, both of the Samata Party, led by George Fernandes, were nominated in 1998. D'Souza continued in 1999 too, but Foley was dropped to make way for Denzil B Atkinson of the BJP.

When the Congress-led UPA came to power, Ingrid McLeod got the nomination twice, in 2004 and 2009. Francis Fanthome came in to the Lok Sabha in 2004 and Charles Dias, a civil servant, in 2009. The BJP-led government of Narendra Modi brought in George Baker, an actor, and Richard Hay, a teacher from Kerala, in 2014.

In 2014 the NDA government nominated George Baker, an actor, and Richard Hay, a teacher from Kerala. In the current Lok Sabha the two seats still empty.

Expected Questions (Prelims Exams)

1. Consider the following statements and choose the incorrect statements using the code given below.

1. Under the 10th schedule any nominated Anglo-Indian member can subscribe to any party within 6 months
2. Anglo-Indian members can also vote in the election of the President.
3. According to the 126th Constitutional Amendment Bill, it has been made mandatory to nominate Anglo Indians in the Lok Sabha and state legislative assembly.

Code:

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) 1, 2 and 3

Note: Answer of Prelims Expected Question given on 12 Dec., is 1 (d)

Expected Questions (Mains Exams)

Q. Mention the constitutional provisions regarding nomination of Anglo-Indian members in the Lok Sabha and State Legislatures. How does the 126th Constitutional Amendment Bill recently passed by Parliament disrupt their rights? Discuss. (250 words)

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC main examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.