

Muslim Representation in Rajya Sabha

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Are minorities represented in sizeable numbers in Indian Legislature, whether the Lok Sabha, the Rajya Sabha or State Legislative Assemblies? How do the 160 million Muslims of India look at the reality of Indian democracy? Do the Muslims of India feel involved in the democratic process of the country? It is the task of the social scientists to find out through empirical studies the existing social and political reality of democracy-at-work. The paper strives to analyse the Muslim representation in Rajya Sabha.

Keywords : Minorities, representation, democratic process, social scientists, chairman, ex-officio, nominated, bicameralism

The Council of States, the second chamber of the Indian Parliament, exemplifying a grand and challenging vision, was constituted in the year 1952. However, the origin of the idea for a second chamber can be traced to the Montague-Chelmsford Report of 1918. The Second Chamber in colonial era could be called a Government Chamber and, therefore, was not based on the well expounded governing principle of bicameralism. The Council of States has continued to function and thereby firmly giving us a tradition of bicameralism. The Council of States was later reformed and formulated taking into account the challenges of development in the context of independence from foreign power. The Rajya Sabha – the Hindi nomenclature of the Council of State was adopted in 1954.

Rajya Sabha being a federal chamber, States and Union Territories have been allotted seats in this House on the basis of population. As the size and population of different States and Union Territories in India vary considerably, the number of seats allotted to its federating units is not uniform as is the case of other federal chambers¹. For example, Uttar Pradesh being the most populated state has 31 seats, Maharashtra 19, Andhra Pradesh and Tamil Nadu have 18 each, while each of the smaller states such as Manipur, Goa, Meghalaya etc. has been given only one seat.

The representatives of the States are elected by the elected members of State Assembly in accordance with the system of proportional representation by means of the single transferable vote². The representatives of Union Territories in Rajya Sabha are chosen in accordance with the law enacted by Parliament.

Rajya Sabha is a permanent body and is not subject to dissolution. However, one third of its members retire biennially. A member who is elected for a full term retains his/her membership for six years. He/ she is eligible for re-election. A member elected to a seat rendered vacant due to death or resignation etc. serves for the remaining term only. Article 80 of the Constitution lays down the maximum strength of Rajya Sabha as 250, out of which 12 members are nominated by the President and 238 are representatives of the States and Union Territories. The members nominated by the President are persons having special knowledge or practical experience in respect of such matters as literature, science, art and social service. As of April 2016, Rajya Sabha has 237 members.

Muslim Members

According to Rajya Sabha official website and data.gov.in, since 1952 Rajya Sabha has had about 225 Muslim members. Only a few of them represented twice. Najma Heptulla is an exception who entered Rajya Sabha in 1980 with the support of the Congress party and since then she has been in Rajya Sabha.

If we analyse party wise Muslim representation in Rajya Sabha, Congress tops the list. Total 127 (60%) Muslim members have been elected on Congress ticket from different Congress ruled states followed by Communist parties - CPI, CPI (M) - with 13 seats in total, Janata Dal with 10, Jammu Kashmir National Conference and Muslim League - 8 each, Bhartiya Janta Party - 6,

Nationalist Congress Party - 6, Socialist Party - 8 and Bahujan Samajwadi Party - 4. Regional parties like TDP, JKPDP, AITC and DMK have sent 2 Muslim representatives each, AIDMK and RJD have 1 Muslim member each. Seven Muslim members remained from other parties with another seven being independent members.

Out of 237 incumbent Rajya Sabha members (as of April, 2016) there are 25 (11%) Muslim members. It is less in population ratio but more than Lok Sabha Muslim members which has 22 (4%) Muslim members. The Congress Party again represents the highest number of Muslim members - nine (about 35%). Najma Heptulla, Mukhtar Abbas Naqwi and M.J. Akbar are the faces of BJP in Rajya Sabha. If they had not been given a chance, there would have been no BJP's minority representation in the current Parliament.

Table 1 exhibits that the highest number of Muslim members are from Uttar Pradesh - six whereas Jammu & Kashmir has three. Bihar, West Bengal and Maharashtra have two Muslim members each. Remaining ten Muslim members are from ten other states including Rajasthan. Only two Muslim women members are present among the incumbent Rajya Sabha members - Najma Heptulla is from Madhya Pradesh on BJP ticket, and Dr. Tazeen Fatma represents Samajwadi Party from Uttar Pradesh.

Table 1 : Current Muslim Representatives in Rajya Sabha

	NAME	PARTY	STATE
1	Abdul Salam	INC	Manipur
2	Abdul Wahab	IUML	Kerala
3	Ahamed Hassan	AITC	West Bengal
4	Ahmed Patel	INC	Gujarat
5	Ali Anwar Ansari	JD(U)	Bihar
6	Ashk Ali Tak	INC	Rajasthan
7	Chaudhary Munvvar Saleem	SP	Uttar Pradesh

8	Dr. Tazeen Fatma (F)	SP	Uttar Pradesh
9	Ghulam Nabi Azad	INC	Jammu & Kashmir
10	Gulam Rasool Balyawi	JD(U)	Bihar
11	Husain Dalwai	INC	Maharashtra
12	Javed Ali Khan	SP	Uttar Pradesh
13	K.Rahman Khan	INC	Karnataka
14	M.J.Akbar	BJP	Jharkhand
15	Majeed Memon	NCP	Maharashtra
16	Mir Mohammad Fayaz J&K	Jammu & Kashmir PDP	
17	Mohd. Ali Khan	INC	Andhra Pradesh
18	Mohd. Nadimul Haque AITC	West Bengal	
19	Mohsina Kidwai (F)	INC	Chhattisgarh
20	Mukhtar Abbas Naqvi	BJP	Uttar Pradesh
21	Munquad Ali	BSP	Uttar Pradesh
22	Najma Heptulla (F)	BJP	Madhya Pradesh
23	Nazir Ahmed Laway	J&K PDP	Jammu & Kashmir
24	Parvez Hashmi	INC	National Capital Territory of Delhi
25	Salim Ansari	BSP	Uttar Pradesh

Source: <http://rajyasabha.nic.in>

Nominated Muslim Members of Rajya Sabha

The Rajya Sabha is composed of not more than 250 members. Out of them, 238 are to be representatives of the States and Union territories and 12 are to be nominated by the president of India (Article 80). The object of this nomination is to provide distinguished persons a place in the Rajya Sabha without going through the process of election.

Table 2 : Nominated Muslim Members of Rajya Sabha

Name	Recognition	Year
1 Dr. Zakir Hussain	Educationist	1952-56
2 Dr. Zakir Hussain	Educationist	1956-62
3 M. Ajmal Khan	Scholar	1964-66
4 M. Ajmal Khan	Scholar	1966-72
5 Prof. S. Nurul Hasan	Educationist	1968-72

6	Prof. Rasheeduddin Khan	Social Scientist	1970-76
7	Prof. Rasheeduddin Khan	Social Scientist	1976-82
8	Habib Tanvir	Artist	1972-78
9	Fathema Ismail (F)	Social Worker	1978-84
10	Hayatulla Ansari	Author	1982-88
11	Ghulam Rasool Kar	Social Worker	1984-87
12	Salim Ali	Ornithologist	1985-88
13	M.F. Husain	Painter	1986-92
14	Syeda Anwara Taimur (F)	Administrator	1988-90
15	Mohammad Yunus	Administrator	1989-95
16	Maulana Habibur Rahman Nomani	Social Worker	1993-99
17	Shabana Azmi (F)	Artist	1997-03
18	Javed Akhtar	Poet	2010-16

Source: <http://rajyasabha.nic.in>

Since its inception in 1952, total 124 members have been nominated to the Rajya Sabha. They enjoy all the rights and privileges as are available to other members of Parliament except that they cannot participate in the elections organised to elect the President of our country. During the last 64 years, they have made a significant contribution to parliamentary proceedings and played an important role in nurturing democracy in India. For illustration, urbanisation and population explosion are closely related to environmental crisis. Shakuntla Paranjpye remained in the forefront in educating and sensitizing people to control population growth. She raised this issue on the floor of the House through many questions and discussion. She introduced a Bill on November 27, 1964 under the title 'The Sterilisation of the Unfits Bill'. The motion to take the Bill into consideration was moved by her after a gap of more than four years that is on 13 December 1968. The Bill was then referred to a select

committee of Rajya Sabha on November 28, 1969. Eventually, the discussion on the Bill took place on 20th March 1970 and on that very day the House negated it. However this step of Paranjpye received wide publicity in media and a nation - wide debate took place on the issue. One member, Abid Ali, while participating in the discussion 'described' the bill as a laudable step and said that many editorials and special articles were written on the parliamentary initiatives of Paranjpye. At the end of the discussion, when Bill was negated, the then Vice Chairman Akber Ali Khan paid growing tributes to her services to the country and said, "...let me tell you on behalf of the House that... you have brought a very important matter to the notice of the Government and Parliament...we appreciate your social service not only in this House but in the country."⁴

The creation of separate Department of Culture in 1985 underlined the significance of the suggestion of a nominated Member of the House put forth on 6 September 1956. Shri Habib Tanvir, one of the accomplished artists and outstanding theatre personalities of modern India and a nominated Member of Rajya Sabha during the 1970s, with rare farsightedness had talked in 1973 about the impact of satellite TV and the necessity of ensuring its sanitized impact on society when terrestrial networks of Doordarshan had not even been properly established in metropolitan cities of our country. Participating in the discussion on the Cinematograph (Second Amendment) Bill, 1973, Shri Tanvir had said, "The satellite TV and the film medium, before they begin to have their powerful effect on a large scale, it has got to be ensured that they come to the right path."⁵

Prof. Rasheeduddin Khan, an eminent social scientist and a scholar of vast research

experience and profound ideas, was a nominated member of the House for two terms. In 1982, he had thoughtfully said, "...dignity of Parliament is reflective of the national ethos." In fact, by representing the nation as a whole the nominated members reflect the national aspirations and ethos in the House and enhance its dignity. Our country is passing through many problems and there are even challenges to our unity and integrity. But our national ethos and indeed our genius have always been stretching out to address those problems in a democratic manner. Democracy of our country, tolerance of our people and our social harmony constitute the greatest strength behind the success of India. It has the amazing ability to transform a dissenter to the defender of democracy."⁶

Another Special Mention made by a nominated member, Shabana Azmi, during the Winter Session of Rajya Sabha (2002) on the issue of the implementation of Mid Day Meal Scheme for School Children under the National Programme of Nutritional Support for Women Education made a powerful impact on the House and the whole House associated with her Special Mention."⁷

There is an erroneous impression that nominated members just adorned the seat of the Rajya Sabha without significantly contributing to its proceedings. In fact, nominated members, by and large, have played a constructive and critical role and persuaded both the Government and the Opposition to take a larger national view of the issues raised in the House. At the time of his retirement, Prof. Rasheeduddin Khan posed questions to himself on the floor of the House and asked, "Am I justifying my nomination?" Outlining the purpose of providing nomination of members to

the Council of States, he said, "... the founding fathers included this provision ... especially in the Council of States ... which looks after the States - to have the benefit of functional opinion available to the House." Saying that every nominated member "... is the apogee of high achievement in his own profession...", he emphasised that "... the ambition ... of a nominated member should be to play a constructive, critical role in consonance with the profession which he represents, make his view available to the ruling party and to the opposition parties and persuade them to take a larger national view and leave it at that."⁸

Muslim ex-officio Chairmen of Rajya Sabha

Dr. Zakir Hussain was the first Muslim to be nominated to Rajya Sabha in 1952. He retired in 1954 due to one-third members retirement process. But he was renominated in 1956 for full term of six years. Dr. Zakir Hussain became the third Chairman (ex-officio) of Rajya Sabha as the Vice President of India on May 13, 1967. He used to say that "National renaissance cannot come through narrow gates of politics; it needed the flood gates of reformatory education." It is lesser known that Mahatma Gandhi organised a National Education Conference in 1937 to discuss a scheme of education for India centring on crafts. Dr. Zakir Husain attended that Conference and constructively criticised Mahatma Gandhi's approach. Gandhiji was so impressed by his ability and understanding that he nominated Dr. Zakir Husain as the Chairman of the Syllabus Committee of the Wardha Scheme of Education. The report submitted by Dr. Zakir Husain provided the blue print of basic education for our country. Later in 1938, Mahatma Gandhi generously wrote, "Had it not been for Zakir Husain... I would have abandoned the implementation of my idea of education." While functioning in the House as a nominated member,

he offered his views in an independent and impartial manner on issues which he felt were not being adequately dealt with by the Government in its plans and policies. When the House was discussing a resolution regarding second Five Year Plan, he frankly expressed his opinion on its shortcomings and at the end, focused attention on education.⁹ Such an outstanding educationist rose to become the President of India.

Table 3 : Muslim Ex-officio Chairmen

	Name	Tenure	Party
1	Dr. Zakir Hussain	1962-67	INC
2	M Hidayatullah	1979-84	INC
3	Hamid Ansari	2007-till date	INC

Source: <http://rajyasabha.nic.in>

M Hidayatullah was sworn in as the sixth Vice-President of India on August 31, 1979. He was elected by a consensus among different parties and occupied this high office with distinction from 1979 to 1984. During his tenure as Vice President and ex-officio Chairman of Rajya Sabha, he won the respect of all concerned for his impartiality and independence. In his honor, the Hidayatullaha National University was established in 2003 in his town of Raipur in the state of Chattisgarh.

Mohammed Hamid Ansari is the twelfth Vice President of India and ex-officio Chairman of Rajya Sabha. Hamid Ansari is the only person to get re-elected for the post of Vice President in India after Dr. Radhakrishnan. On 20th July 2007, Ansari was named by the UPA-Left ruling coalition as its candidate for the post of Vice President. He secured 455 votes and won election by a margin of 232 votes against his nearest rivals Najma Heptulla (NDA candidate). It was for the first time in the history of Rajya Sabha that both rivals for the post of Vice President belonged to

minority community. Hamid Ansari was re-elected as the Vice President of India on August 7, 2012 defeating NDA's nominee Jaswant Singh by a margin of 252 votes.

Ansari many a time has expressed his anguish about frequent disruption of the House. He has decried the loss of productive time of the Parliament and called it "a sad commentary on the right, and duty, of the members to participate meaningfully in the proceedings...It calls for introspection" (*The Hindu*, Sept 9, 2011). Ansari has developed a reputation as a scholar on the Middle East. He has written particularly on Palestinian issue. He is the author of *Travelling through Conflict: Essays on the Politics of West Asia* (2008) and the editor of *Iran Today: 25 Years after the Islamic Revolution* (2005).

Muslim Vice Chairmen of Rajya Sabha

Najma Heptulla, a prominent Indian politician, has been a member of both the Congress and the BJP. After being a member of the Congress for more than three decades, she joined BJP in 2004. First time she held the post of Deputy Chairperson of the Rajya Sabha from January 25, 1985 to 20th January 1986. She was elected again in 1988 and held the post of the Deputy Chairperson from 1988 to 2004. From 1999 to 2002 she was elected as the President of Inter-Parliamentary Union (IPU). Rising speedily after joining the BJP in 2004, she contested for the post of the Vice-President against UPA's Hamid Ansari. Though she lost the election, her skills and qualities came to be recognised and she was appointed as vice-president of the BJP in 2010 during Nitin Gadkari's presidency. Currently, she is a cabinet minister in Narendra Modi's government.

Apart from being a politician, Heptulla is also a prolific writer. She has published books, research papers and articles in national and international journals. She writes mostly on

issues related to development of women. Over the years acting as Deputy Chairperson of Rajya Sabha, she became a champion of women empowerment. In 1992, she was the Chairperson of the Conference of Women Parliamentarian of the Commonwealth Parliamentary Association in New Delhi. She played a prominent role in the Fourth World Conference on Women in Beijing (1995). She was also the head of Indian delegation to the United Nation Commission on the Status of Women in 1997.

Table 4 : Muslim Vice-Chairmen of Rajya Sabha

	Name	Tenure	Party
1	Dr. Najma Heptulla	1988-04	INC
2	K. Rahman Khan	2004-12	INC

Source: <http://rajyasabha.nic.in>

K Rahman Khan was elected to the Rajya Sabha from Karnataka State in April 1994. He was Union Minister of State for Chemicals and Fertilizers under UPA-1 government. He actively worked as Deputy Chairman and member of different committees. He completed three terms in the Rajya Sabha. From July 2004 to April 2006, he performed so well as Deputy Chairman of the House that in April 2006, he again got a chance to preside over the Rajya Sabha. In April 2012 he also performed the duties of ex-officio Chairman and ex-officio Vice-President of India (as during election time Hamid Ansari had resigned). He was Union Minister of Minority Affairs under UPA-2 regime. He is known for his impartiality in conducting the proceedings of the House.

Akber Ali Khan had been a member of the Rajya Sabha for 18 years (1954-1972). He remained in the panel of Deputy Chairman of Rajya Sabha for 12 years. His main contribution had been his efforts to strengthen Hindu Muslim unity. On

14th November 1972, he was appointed Governor of Uttar Pradesh too. He served till 24th October, 1974¹⁰.

Sikandar Bahakt a BJP leader represented as leader of the opposition in Rajya Sabha from 7th July 1992 to 23rd May 1996. The Congress leader, Gulam Nabi Azad, is an incumbent leader of the opposition in Rajya Sabha from 8th June 2014, and he is effectively controlling the treasury bench in the House.

Conclusion

Muslims have not been getting their due share in both Houses of the Parliament. They are under represented in State Legislative Assemblies and Councils. Their presence is pathetically thin in local bodies like Panchayats and Municipalities. One big reason for this is that political parties did not give tickets to Muslim candidates. In recent biennial election to the Rajya Sabha, not a single Muslim has been nominated by the mainstream national and regional parties, which boast of 'secular' credentials. These include the Congress Party, the Samajwadi Party and the Bahujan Samaj Party and regional parties from Uttar Pradesh and Bihar like Janata Dal (U) and the Rashtriya Janata Dal.

The only party to include Muslims in its list of candidates is the BJP, a Hindu Nationalist Party which renominated Mukhtar Abbass Naqvi from Jharkhand and MJ Akbar from Madhya Pradesh. Nominating Muslims to the Rajya Sabha was somehow a compulsion for the BJP to have a few Muslim faces.

Out of the 55 Rajya Sabha members, who will retire between June to August, 5 are Muslims; Mohsina Kidwai – Congress, Salim Ansari –BSP; Akbar and Naqvi –BJP; and Gulaam Rasool Balyani – JD(U). It is only the BJP that has renominated its Muslim members.

If Muslims want to have what is politically their due, they should first of all establish their viability vis-a-vis mainstream politics. Only then will they be in a position to chalk out any real election programmed and secure benefits which at the moments is seen beyond their reach. They must be led to understand that politics, far from being just another name for reaction or negative voting, is actually a science and art of governance.

Notes and References

1. In the USA, all states have equal representation in the Senate irrespective of their population or size. The US senate has 100 members. One third members retire every two years. In Australia, the Senate has 60 members. Ten from each state. Half of them retire every three years.
2. The Parliament has included in Representation of People Act, 1950 the manner of election. They are to be indirectly elected by members of the Electoral College for that territory in accordance with the system of proportional representation by means of single transferable vote.
3. Persons to be nominated are required to have special knowledge or practical experience in respect of Literature, Science, Art. And Social Service.
4. Private Member's Legislation, Rajya Sabha Secretariat, Sep, 2013.
5. Nominated members of Rajya Sabha(1952-2012), Rajya Sabha Secretariat, 2012.
6. Ibid.
7. Ibid.
8. Ibid.
9. www.thefamouspeople.com. *Encyclopedia Britannica*.
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