
THE FUSS AROUND THE 26 YEAR OLD JOURNEY OF THE WOMEN'S RESERVATION BILL

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ABSTRACT

India is the largest democracy in the world and now has 1,020 women for every 1,000 men. India has ranked 148th in a list of 193 countries, in terms of the percentage of women representatives within national parliaments across the world and there is a decline in the number of women ministers, from 23.1% in 2019 to 9.1% in 2021 and the percentage of women who finally make it to the Lok Sabha or the Rajya Sabha is very less. The Women's Reservation Bill was a step towards ensuring more representation of women in the Indian Parliament but it was never passed by the Lok Sabha. The Bill Proposed to amend the Indian Constitution to reserve 1/3rd of all seats for women in the Lok Sabha and in all state legislative assemblies. The Bill has faced a lot of opposition from several political parties but at the same time, if we need to address the gender imbalances in Indian politics and ensure that we protect the diversity, talent and insight from a heterogenous perspective, then enactment of this Bill becomes extremely crucial. As aptly said by Jawaharlal Nehru, our real and basic growth will only come when women have a full chance to play their part in public life.

INTRODUCTION

Women constitute a significant proportion of the Indian population but still women's representation and their political freedom in key decision-making positions in government remains dismal. As per the latest round of National Family Health Survey (NFHS 2019-21), India has 1,020 females per 1,000 males. Recognition has been given to women to some extent as far as their representation at the grassroots level, i.e. Panchayats and Municipalities is concerned, but deficiencies persist in women's representation in the upper tiers of the State in India. As per the data of January 2022, there are 29 women members out of total 237 members in Rajya Sabha, which is around 12.2% of the total strength and the 17th Lok Sabha consists of 81 women MPs out of 542 members as on 31 Dec 2021, thus making approximately 14.9%.

In 2019, as per the data compiled by the Inter Parliamentary Union, India ranked 148th in a list of 193 countries, in terms of the percentage of women representatives within national parliaments across the world¹. Since India is the largest democracy in the world, there is an urgent need for reform in this regard. Reservation for women would help address gender imbalances concerning women's political representation and ensure participation in the key decision-making positions. It would also improve India's position on a global scale, placing it at par with other robust democracies of the world. Women's experiences as mothers has provided them with some insights which are seen as valuable in the public sphere of the administrative state. Women are naturally equipped with soft skills such as responsibility, empathy, flexibility and cooperation, which in turn equip them with an innate capacity to effectively lead and manage groups so as to attain collective goals. Women differ in terms of their caste, class, religion, traditions, and customs. Holding a wider representation of this heterogeneous group would help represent the several diversities that co-exist in India. The Women's Reservation Bill was a step towards ensuring more representation of women in the Indian Parliament.

HISTORICAL BACKGROUND

The Women's Reservation Bill was introduced for the first time in the Indian Parliament in 1996². It is a lapsed bill in the Parliament of India which proposed to amend the Indian Constitution to reserve 1/3rd of all seats for women in the Lok Sabha and in all state legislative

¹ The time has come for Women's Reservation Bill to be passed by Parliament, *available at* : <https://www.theleaflet.in/the-time-has-come-for-the-womens-reservation-bill-to-be-passed-by-parliament/>

² Women's Reservation Bill, *available at* : https://en.wikipedia.org/wiki/Women%27s_Reservation_Bill

assemblies. It is also known as The Constitution (108th Amendment) Bill. The seats were proposed to be reserved in rotation and would have been determined by draw of lots in a way such that a seat would be reserved only once in three consecutive general elections. On 9 March 2010, the Rajya Sabha had passed the bill. But the Lok Sabha never voted on the bill. It has been opposed on many grounds, from perpetuating a “proxy culture” or giving rise to the concept of “sarpanch pati” to stressing the lack of merit of women. Those backing the Bill, depict it as a means to empower women who continue to remain marginalised in the political discourse³.

Different governments since 1996 tried to get the Women's Reservation Bill passed in Parliament, but they were unsuccessful. The Bill lapsed each time the Lok Sabha was dissolved and was reintroduced by the Government of the day. The 25 year journey of the Women's Reservation Bill was marked by high drama, snatching of papers from presiding officers and Ministers, war of words which sometimes got physical and it hit roadblocks in each of its outings in Parliament before it was passed by the Rajya Sabha in 2010.

OPPOSITION OF THE BILL

Salma Ansari, wife of the ex-Vice President, Hamid Ansari's said that she had a "problem" with the Women's Reservation Bill and felt that it would not be of much help until much awareness is created among women at the grassroot level. The bill also generated much controversy and opposition from parties like SP and RJD which said that the bill is unacceptable in its present form and wanted amendments in the form of a 'quota within quota' for the OBCs, SC/STs and Muslims⁴. Samajwadi Party leader, Mulayam Singh Yadav also kicked up a row with his remark that rural women will not benefit from the Women Reservation Bill because they are not as attractive as those from the affluent class⁵. He made the remark while claiming that if the Bill is passed, women belonging to the affluent class will march ahead while those from poor background will be further suppressed. He said his party could consider supporting the Bill if Dalits, Muslims and backward classes were also taken care of under its ambit. He also added that "I have opposed the Bill earlier. It has been amended and if Dalits, Muslims

³ Editorial, “25 years on, bill seeking 33% women in Parliament awaits nod” *The Hindustan Times*, Sep. 12, 2021

⁴ Editorial, “Vice President Ansari's wife has a 'problem' with women's bill” *The Times of India*, 30 March, 2010

⁵ Rural women not that attractive, will not gain from Women's Reservation Bill: Mulayam Singh Yadav, available at : <https://www.ndtv.com/india-news/rural-women-not-that-attractive-will-not-gain-from-womens-reservation-bill-mulayam-singh-yadav-504147> (Last Modified November 09, 2012)

and backward class are taken care of in it, we can consider supporting it". His argument is that if inadequacy of representation is the issue, then why not reservation for Muslim women⁶.

Other opponents say that if 33.3% reservation for women is added to the already existing 22.5% for scheduled castes and tribes, more than 55% of seats in Parliament would be reserved and this would not be fair to other sections of the population⁷. Opponents of the reservation argue that reservation would only help the women of elite groups to gain political power, thus aggravating the plight of the poor and deprived sections. Another cause of opposition is that they fear many of their male leaders would not get a chance to fight elections if 33.3 percent seats are reserved for women. They also say that it would perpetuate the unequal status of women since they would not be perceived to be competing on merit.

Experts point out that reservation in a deeply patriarchal society like India only translates into rule by men by proxy. It is also contended that this bill, if enacted, would divert attention from the larger issues of electoral reform such as criminalisation of politics and inner party democracy⁸.

WHY SHOULD THERE BE RESERVATION

Even though women enjoy equal political rights, very few of them are actually contesting in the elections. Out of the number of women who actually contest the elections, the percentage of women who finally make it to the Lok Sabha or the Rajya Sabha is very less. There is a huge unwillingness to share power in the male politicians and there is a fear of losing bastions of electoral support. As per the Global Gender Gap Report 2021, India has declined on the political empowerment index by 13.5 percentage points and there has been a decline in the number of women ministers, from 23.1% in 2019 to 9.1% in 2021. Among the political obstacles that women face, the prevalence of the "masculine model" of political life and of elected governmental bodies, is the most prevalent. The political environment is alien to women, both to their nature and to their experiences. The existence of this male-dominated model results in either women rejecting politics altogether or rejecting male-style politics. Therefore, when women do participate in politics, they do so in small numbers. The lack of

⁶ "Women's Bill: What's the fuss about?", available at : <https://www.rediff.com/news/2005/aug/24spec2.htm>

⁷ RESERVATION OF SEATS FOR WOMEN IN LEGISLATIVE BODIES: PERSPECTIVES, available at : https://rajyasabha.nic.in/rsnew/publication_electronic/reserv_women_pers2008.pdf

⁸ Women's Reservation Bill, available at : https://www.drishtias.com/daily-updates/daily-news-analysis/women-s-reservation-bill-1/print_manually

party support, such as limited financial support for women candidates and limited access to political networks, also play a major role in less involvement of women in the Indian Parliament. Lack of confidence in themselves is one of the main reasons for women's under representation in formal political institutions, including parliaments, governments and political parties. With confidence and determination, women can reach the highest levels in the political arena.

An analysis by the PRS Legislative Research, a non-profit legislative watchdog, depicts that female representatives make up less than 15 percent in Lok Sabha and the legislative assemblies, based on the results of the previous state elections. Studies show that lack of political participation by women has an impact on policy framing and diversity in decision making. The global average for women in “lower chamber or unicameral” is 25.8% whereas, India stands at 14.4% with 78 out of 543 Lok Sabha representatives elected in 2019 being women, the highest number to date⁹. India’s parliament is bicameral and female members make up a meagre of 11.6% of the Rajya Sabha or the upper house. Over the years, several Indian political parties have in principle, supported the bill but resistance from within continues. With around 50% percent of the population, Indian women deserve to be represented in elected bodies. Over the past decade, the debate over the Women’s Reservation Bill did not feature prominently in the national political discourse, barring token discussions on several occasions like the International Women’s Day and comments by some political leaders.

ALTERNATE PROPOSALS

Some alternate proposals have been suggested in order to address the concerns of women’s reservations without having 33% reservation for women in Lok Sabha and State Legislative Assemblies. These are enumerated as under:

1. to make it mandatory for every recognized political party to nominate women candidates for election in at least one-third of the constituencies¹⁰.
2. to increase the strength of the Legislatures to the extent of one-third of the total number of existing seats and then provide those one-third seats to women (*i.e.* to increase seats by 33% and reserve them for women).

⁹ “India: 25 years on, Women’s Reservation Bill still not a reality”, *available at* : <https://www.aljazeera.com/news/2021/9/8/25-years-india-women-reservation-bill-elected-bodies-gender>

¹⁰ The Proposed Alternative Women’s Reservation Bill, *Manushi*, Issue No. 116.

3. to implement the proposal of the Election Commission of India (known as the Gill formula) to make it mandatory for the recognised political parties to ensure putting of minimum agreed percentage for women in State Assembly and Parliamentary elections so as to allow them to retain the recognition with the Election Commission as political parties¹¹.
4. to provide for enabling measures in order to improve the conditions of the women socially, educationally and economically so that women are able to stand up on their own with their intrinsic strength.

POLICY IMPLICATIONS

A study conducted by Harvard Kennedy School, under the Women and Public Policy Program, showed that female representation in village councils increased female participation and responsiveness to concerns such as drinking water, infrastructure, sanitation and roads, without crowding out other disadvantaged groups¹².

Lekha Chakraborty, Professor at New Delhi-based National Institute of Public Finance and Policy said that “There is enough empirical evidence to suggest that feminisation of political governance leads to changes in public policy decisions and expenditure patterns. Studies have also found that such representation favours women’s preferences in fiscal policymaking”.

Vandana Chavan, a Rajya Sabha member from the Nationalist Congress Party, said that in her experience, a majority of governance-related issues have had a gendered perspective and thus more women representation is needed. Issues related to women, such as safety of women, nutrition among others, etc, have taken centre stage and if society has to change, it has to change with women coming to the forefront. Women need to be more adequately represented because until and unless women become a “critical mass”, no major change will take place. Gender justice must be an important commitment of the government and Women’s reservation, combined with gender budgeting can be very crucial to India’s future progress towards gender equality. Thirty-three percent reservation of women in Indian Parliament has become crucial for protecting the diversity, talent and insight from a heterogenous perspective. In India, a

¹¹ Reforming politics: A Symposium on rethinking democratic institutions and practices, *Seminar*, No. 506, October 2001.

¹² Political Reservation and substantive representation: evidence from Indian village councils, *available at*: <https://gap.hks.harvard.edu/political-reservation-and-substantive-representation-evidence-indian-village-councils>

majority of women are deprived. Increased political participation of women will help them fight the discrimination, abuse and inequality they suffer from. Affirmative action needs to be taken in order to improve the condition of women. If such an Act is implemented, then it would lead to gender equality in Parliament, resulting in the empowerment of women as a whole.

It would also create new aspirations among women at large and would help accomplish the Women's right to a full development of their potential. Women also have a right to self-representation and self-determination and passing of such an Act would facilitate the women in active political participation at top decision making posts. Women leaders need to come out in more numbers, impact position decisions and inspire teenage girls to contribute to nation-building. The Indian paradigm has seen reservations as an invaluable tools for social leverage. They are seen as redistributive tools meant to ameliorate centuries of continued oppression. It is the need of the hour to bring about institutional, social and behavioural change among India's populace. Gender equality is a part of Sustainable Development Goals as well¹³.

CURRENT STATUS OF THE BILL¹⁴

The Women's Reservation Bill is a lapsed bill in the Parliament of India. In 2005, the law ministry had prepared two drafts of the Women's Reservation Bill. The first envisages reservation of 33.3% seats for women within the existing strength of the two Houses of Parliament. The second calls for increasing the strength of the two Houses by 33.3 percent and reserving the increasing seats for women in the Parliament. The existing 545 seats in the Lok Sabha will increase to 900 if this draft of the Bill is enacted.

CONCLUSION

There is no dearth of women workers in India's major political parties, but they are regularly side lined and denied a party ticket to contest elections. This failing definitely goes beyond politics to community attitudes. A patriarchal mindset is still evident in India. A report published by Amnesty International last year showed the shocking scale of abuse that female politicians in India face on Twitter. The spate of misogynistic remarks against women leaders over the past month indicates that politics remains an inequitable battleground for women. A major reason for the absence of women participation in political leadership stems

¹³ Women's Reservation Bill, available at : <https://www.drishtias.com/daily-updates/daily-news-analysis/women-s-reservation-bill-1>

¹⁴ Women's Bill: What's the fuss about?, available at : <https://www.rediff.com/news/2005/aug/24spec2.htm>

from gender gaps in overall political participation. There are several diverse societal expectations of male versus female political leaders. Researches have depicted that people tend to be less satisfied with female leaders even though they are shown to produce equal or greater results. Women who get elected have expressed difficulties with working in the male-dominated environments. Added to that, housework demands also add to their inability to focus entirely on political agendas.

Reservation is not a matter of showing favour to anyone. It is not even injustice, but rather, doing something, which is not conducive to the future growth of our country. Our real and basic growth will only come when women have a full chance to play their part in public life.