



THE WOMEN'S RESERVATION BILL

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ABSTRACT :

Women constitute 50 percent of the world population, but when it comes to basic political rights, Adamn the world over have pushed the even into the background. Except for the few Nordic Countries most of the developed and developing countries have yet to provide women their legitimate position in decision making in politicians are never fixed of crying hoarse over the implementations of human rights, but they strike a low profile when they have to decide about giving women when they have to decide about giving women their legitimate political deces. Now here is this hiatus between sermon and practice so wide as in the poor representation of women in elected legislative bodies.



KEYWORDS : basic political rights , politics Democracy Still , legitimate political deces.

INTRODUCTION:

The world over women occupy only 11.7 percent of parliamentary seats. A publication brought out by IPV, entitled "Men and Women in politics Democracy Still in the making", brought to light the glaring facts regarding the disproportionate representation of women in politics.

Despite the international Women's year (1975) followed by the women's Decade (1976 - 1985) and four international women's conferences under the UN aegis, the latest being the Beijing meet in september 1995, the percentage of women in parliament has been for having down it was 14.8 per cent in 1988 it dropped to 11.6 in 1996.

Infact the number of parliaments has gone up from 20 in 1946 to 186 in 1996. but women are totally under represented in all these. Parliaments in as many as the countries - djibouti, kiribati, kuwait, micronesia, palau, papua new guinea, saint Lucia, tonga and UAE do not have a single women representative. In the arab countries the proportion of women is a mere two percent while it remains under to percent in most of Asia, africa and the pacific countries. The irony is that even in america and in the member countries of the Organisation of Economic Co operation and Development (OECD), the percentage is below 20 per cent. Only the Nordic countries can about of a laudable 40 percent for women.

The women franchise Movement was started in 1917. the montford reforms in 1919 gave Indian women and equal status in right to vote. It marked the beginning of their participation in public life. Through sati system was abolished in 1829 during the British period, it still continues in our National especially in rajasthan. The Divorce act of 1954 gave legal rights to both husband and wife to seek divorce. Though it gave freedom to them to dissolve marriage, the society still look down the persons who get Divorce.

A marriage without the rights of divorce causes great hardship to both parties. According to the 1971 census, the number of divorced (or) separated women in the country was estimated at 8,70,000 of which 7,43,000 were in the rural areas and 1,27,500 in the Urban areas. Even though our Nation has developed well in all fields, women categorically said they did not want to send their girls for schooling outside the village due to insecure environment in coeducation schools as well as on the way to them.

Women could not move more freely and individually in the society due to the problem of rape. This system is generally affected the people who are economically and socially weak. The women are not aware about their powers and authority. In India the working class women have been working mostly in agriculture. Over 80% of women workers are either cultivators (or) agricultural labourers. Women are treated as a source of cheap and secondary labour. In fact women constitute 2/3 of the total unemployed person.

The problem which women are facing in the discrimination in the wages of women labourers are uneducated ignorant, unorganised and helpers due to unemployment problem get discriminatory wages. Minimum wages act is not applicable to all the industries. The recommendations of the wage board are not implemented seriously women are employed in the so called aminine in jobs and are paid lower wages. By considering these all problems the Govt. tried to introduce equal rights to women in the field of politics. Because the political power will ensure them courage, boldness, strength to move freely in all aspects without depending upon men.

In India, a developing country, women are not given their due share in political decision, making, throughs their population is in no way less than men and their educational aspiration are higher than men. Their participation in political action, educational awakening and National building is never second to men, but that prevents them from doing their role is their limited opportunities and options. In fact, all successive governments promise to consider the demands of women in getting their due representation in decision making bodies. But they could not make a breakthrough in granting them 33 percent reservation.

OPINIONS ON THE RESERVATION BILL:

The reservation issue for women in parliaments and state legislative bodies has evoked a sharp division of opinion in the workshop held as part of the IPU (Inter-Parliaments Union) conference. Delegates from the Russian and East European Countries, Germany, Australia and South Africa joined the Vice-president of the European parliament, Mr. George Anastasopoulos, in expressing their reservations about the quota system. They felt that the quota system left the field open for unqualified or incompetent candidates not fit for leadership. But the African Continent contented that the quota system did increase the number of women in parliaments.

The deputy chairperson of India's Rajya Sabha, Mrs. Najma Heptulla, set ideas in the right perspective when she said that 33 percent quota was essential in the interest of real democracy. Quota system was essential to ensure what was called "gender democracy". The inevitable question popped up as to how the Nordic Countries, particularly Sweden has been able to set an example to the rest of the world by giving women comprise 44 percent of the strength of parliament and percent of the cabinet.

The Swedish miracle was unravelled by none other than the speaker of the Swedish parliament, Mr. Birgitta Dahl who claimed that her country reached the summit of gender democracy through a silent revolution in its economy, the birth of popular movements, church and a good education system that contributed to the change in the prevailing mindset of male dominance. One swallow does not make a summer. The world has seen enough of Indira Gandhi, Sirimavo Bandaranaike, Goldameira, Margaret Thatcher, Chandrika Kumaratunga, Benazir Bhutto and several others who have held or are still holding the highest political office in their countries, but a few women reaching the top have made little difference to the overall social, economic and political status of the bulk of women in most of these countries.

A few 'queens' in politics serve only as alibis to bar the way of the bulk of women from entering the political arena, a view point endorsed by the speaker of the Swedish parliament. It is noteworthy that the

move to reserve one-third of seats for women has the formal endorsement of virtually every major political party in the country.

The BJP, the Congress, the Janata Dal and the CPI (M) have each promised 33 percent reservation for women in their election manifestos for 1996. During the last Maharashtra assembly election, Bal Thackeray, the Shiv Sena Chief, made some disparaging comments about women. This produced such a wide spread negative reaction that many attribute Shiv Sena's subsequent poor showing at the polls to this big indiscretion. Therefore, no politician likes to be seen opposing measures that claim to work for women's "empowerment" no matter how opposed he personally may be to a particular measure.

OPPOSITION AND PROBLEMS:

The bill called the constitution (84th Amendment) Bill 1998, was first introduced in the Lok Sabha in September 1996 and sent to a joint committee and the two houses following a strong demand for separate reservation for women belonging to the backward classes and the minorities. During the parliamentary debate, very few male politicians opposed the principle and reservations for women and the few who did so were put down by their own male colleagues for their indiscretion. A few MPs pointed to technical flaws and limitations of the bill. Not all of these objections were frivolous, and the bill passed the same day without any debate. Since this was the last day of the session, the proposed reservation bill has some serious flaws.

The Reservations proposed are along the following lines:

- a) 1/3 of seats will be reserved for women in Lok Sabha and state legislatures.
- b) These reservations are for an indefinite period unlike reservations for SCs and STs which lapse unless extended after every 10 years.
- c) The reserved constituencies are to be determined through a draw of lots. For SCs and STs constituencies are reserved on the basis of population proportion.
- d) There is also a provision for parallel reservations for SCs and STs, which is to mean women belonging to SCs and STs will be getting one-third of seats reserved for people of that category. i.e. reservations within reservations.

There are several problems inherent in this particular scheme. The reservation quota for all the groups for all other such as the scheduled castes and tribes has been determined on the basis of their numerical strength in the overall population not so for women. In India the proportion of women as compared to men is a little less than 50 percent. So why not 49 percent reservation for women? Even in Sweden, a country considered the most advanced democracy with the highest percentage of women in positions of political power anywhere in the world, women occupied 40 percent of elected parliamentary seats in 1994. This after nearly a century of effort and struggle.

The reservation of seats in state legislatures and parliament will produce a similar situation. Even though there will be no bar on women standing from general constituencies, it is highly unlikely that women will be given tickets from outside the reserved constituencies.

The present scheme of reservation will ensure that women will enter the electoral battle only against other women and never get an opportunity to contest against men, a sure way to perpetually ghettoise women's. The draw of lots system of gender-based reservation will mean that every time a new set of constituencies will be declared; as reserved for women. There would be no way to predict whose turn will come next.

In any functioning of democracy, politicians are expected to develop and nurture a constituency. However, an unpredictable and rotating reservation policy has resulted in killing women's incentive to building their own constituencies even at the zilla parishad levels because they have no way of knowing which one will be declared as reserved constituencies.

This will lead to less responsible politics in general as also among women. For instance, a man may have worked hard in his constituency after being elected. But he will not be sure of being able to stand from the same if the draw of lots system is to decide that constituency after being elected of lots system is to decide that constituency is to be earmarked for women. This will inevitably produce a backlash from men and damage the legitimacy of women's from men and damage the legitimacy of women's participation in politics as it is beginning to happen at the Zilla parish level.

The arguments of the anti-bill lobby would be interesting. This lobby consists of politicians, overwhelmingly male, belonging to the Janata Dal the Bahujan Samajparty, the samajwadi party, one faction of the Bharatiya Janata party led by Uma Bharathi, the shetkari Sanghatana Women's front, the shetkari Mahila Aghadi, and independent intellectuals like Madhu Kishwar of the women's magazine, manushi, put in a nutshell, the case for blocking the bill is made.

- a) Because there is no reservation for OBCs within the 30 percent;
- b) The OBC bases needed to be consolidated through a show of solidarity.
- c) The biggest fear however is that the reservation policy once implemented will signal the march of the 'biwi brigade' to use Kishwar's words.

The struggle for reservation for the OBCs in general is yet to make significant headway. Unlike SC/ST reservations which are already guaranteed by the constitution and hence become operative within the women's quota as well.

Right now, the urgency is to articulate a demand for OBC reservation in parliaments, which will then automatically become operative in the women's quota. The test will be when, if OBC quota is granted, how easily it will include 33 percent reservation for women within that quota. And that really is the key quotation that nobody against the 81st amendment is even thinking about.

Sharad Yadav asked the speaker not to ignore the sentiments of various sections of the house which were against the bill being adopted in its present form. Yadav cautioned the house to be careful in its approach while deciding about reservation of 180 seats for women in Lok Sabha as the fate of crores of people was involved.

Nitish Kumar, Samat Party, and GM Banatwala, Muslim League, said they had serious reservations on the way the bill was being sought to be rushed through MAA Fatmi and Ram Kripal Yadav (both JD) and their party colleagues prevented the Prime Minister from having his say. They objected to the non-inclusion of their demand for reservation for women belonging to backward classes and minorities in the bill.

Sharad Yadav gave a new twist to the women's reservation bill by emphasizing the division of seats reserved for women into four categories for upper castes, backward castes, debits and the minorities. "seats should be apportioned among them in proportion to their respective population" he asserted. Yadav saw in it (without a quota for the OBCs) a perils attempt to change the complexion of the house, which had 280 MPs from the middle bases.

Divisions surfaced in the BJP over the women's Reservation bill, with party MP Uma Bharathi demanding a quota for dalit women. So far, the BJP's stand, including that of Party President L.K. Advani, has been against Caste-based reservations. Difference within the united front over the women's reservation bill sharpened further from May 21 with the DMK also voicing the demand for providing quotas to women of backward classes and minorities within the proposed 33 percent reservation and the CPI rejecting demands for a conscience vote on the measures.

PARTICIPATION OF WOMEN

Women who have lobbied for the last few years for a constitutional amendment reserving a 33 percent quota for women in the Lok Sabha and State Assemblies, responded angrily when the bill didn't pass on the same day when it was presented in parliament and the matter was referred to a select committee of the same day. They interpreted the demand for a more thorough discussion on the proposal as an attempt to sabotage it, as proof that our men are still caste social reform movements go channelled

into and merged with the congress party during the Independence struggle, especially after mahatma Gandhi assumed leadership. Therefore, it is from among upper castes that most of our outstanding women politicians and public figures have emerged. Sarojini Naidu, Hansamehra, Sarladevi Chaudhrani, Sucheta Kriplani, Kamaladevi Chattopadhyaya were the best instances of high caste women in Indian politics. Kasturba Gandhi, Sarojini Naidu, Swarub Rani Nehru, Kamala Nehru, Kamala devi, Chalobdalyaya, Aruna Asaf Ali, Mrs. Vasanthi devi, Urmila devi, CR Sunithi Devi, Subbuladshmi Redd. Vijayalakshmi Pandit and Tarkeshwari sinha all came to exercise a great deal of influence in public life and symbolised the spirit of breaking through only customs. However, no such comparable internal social reform focussing on the status of women in these communities has been undertaken among backward and dalit castes which has developed a tradition of excluding women from the decision - making processes within the community.

Hence the absence of women from these groups in our social and political life. It is not due to any inherent lack in these communities but largely because their leaders have by and large tended to concentrate their efforts on the economic and political dimension of upward mobility for these caste groups seeking social justice vis-a-vis upper castes but neglecting the gender dimensions of social equity. Parties which are sincerely interested in seeing women take an active part in politics ought to begin by activating their women's fronts at all levels and by recruiting more women at the decision - making levels in their respective parties. So far they have shown no inclination or preparation to do so.

Similarly, women's organisations which have been the prime lobby for more seats for women in parliament, legislative assemblies, etc. Have to work to ensure that women join various political parties in large numbers and develop their own constituencies by building alliance with other sections of society rather than waiting for reservations to give them automatic entry.

The Shetkari Mahila Aghadi in a statement released to the press said that quota for women is being pushed by "women in the creamy layer consisting of professional politicians and activists in funded non-governmental organisations". Further the statement went on to say. "The actual experience with most states has confirmed the apprehension that reservation of seats for women has resulted in the womenfolk of the established leaders parading themselves as representatives of women with no improvement in performance and no reduction in corruption.

Will the women's bill increase the participation of women? Or will it increase the participation of the bad among them so that the good among them, like the good among men are out of politics? There is no answer to it in the bill - between men and women. The truth is that some are seeing votes in promoting the bill and some see in it loss of seats. The status of women in society cannot rise with the number of seats they occupy in Parliament and Assemblies any more than the status of men, has risen by the participation of Mulayams and Lalos in Sonia's government, have not helped to raise the status of women in society despite the high political status accorded to them. The nation could withstand the decline of men because the women of India refused to degenerate. Their role models have been outside politics. The reservation bill of women is an invitation for women to follow men in politics - and deteriorate like men and perhaps given the low level of competition in politics, they may decline even faster than men.

CONCLUSION

An occasion to debate women's representation in legislatures and parliament was provided by the specialised conference of the Interparliamentary Union, a body of 135 National Parliaments, which met in New Delhi from February 14 to 18, 1997. Women's participation in the political process is critical both to the strengthening of democratic traditions and reservations for OBCs in general is yet to make significant headway, unlike SC/ST reservation which are already guaranteed by the constitution and hence become operative within the women's quota as well. An attempt was taken in the last year by the erstwhile Gujarat Government to move the bill. As returned by the committee.

The move to reserve seats for women was sound in principle. But there is a need to reconsider certain aspects of the constitution amendment bill that had been introduced in the Lok Sabha. There was no doubt that women as a social group were socially disadvantaged. Though women are depending upon men

for their livelihood in all walks of life, they are equally efficient with men. In early days women were not given their opportunity to play to role as electrical representative in the parliament nowadays, the situation has changed; 33 percent participation is permitted but men felt they will dominate them in every field. Thus merely providing reservation for women does not enable them to effectively participate in decision, making proccers in the parliament. In and out, they are facing a number of problems which ought to be solved. Reservation is not the only panacca for the disabilities of Indian women. They have to be liberated from educational, economic and social and even labour problems. They should have freehand in deciding their ways of life.

But reservation is a step in the realization of a free women in a free. The views of opposition give reservation to BCs, SCs and STs women have to be considered. The opposition should not be bushed aside a meaningless what the saroj said mostly time. Reservation extends it changes to the elite women in society the Greamy layer and influentail. The position of BC, SC and ST women is still precarions. They have not been given full freedom to join the decision - making process. The activist women, the feminist women and the radical women of Indian society, initating foreign culture have to tink of ther counterparts in their homes, they have to be rehabilitated thier views echoed, remedies sought out measures introduced soccour to their problems found out. They have also to have to share in political process. For this reservation 33% is not only remady. It is just one way in the long process. It will be a way for other women to come out of their homes and join the nation activates.

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