

Women's Reservation in Legislatures: A Defence

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Women's reservations in legislative bodies will help break the patriarchal hold on Indian politics, which is why the opposition to this bill is so strong. Its opponents are trying to kill it by pitting one section of the deprived against the other or by asking for impractical measures in the name of bettering it. The present bill is the result of 14 years and two parliamentary committees worth of scrutiny and debate. That male parliamentarians will lose their "nurtured" seats, does not amount to any argument against the legislation as it aims to do precisely that – break the status quo of entrenched male domination.

The passage of the Constitution amendment bill to introduce 33% reservation for women in Parliament and state assemblies in the Rajya Sabha is a progressive and substantive step towards the political empowerment of women in India. The fact that it has taken nearly a decade and a half for this legislation to be passed, just in the upper house of Parliament, stands testimony to the stubborn opposition against it from various quarters.

There is no point singling out the "Yadav troika" or the "social justice lobby" for opposing this legislation. It is well known that a large number of male parliamentarians cutting across party lines – who have never held less than 87% seats in the Parliament since the first general elections – have all along been providing covert, and sometimes overt, support to this bill's opponents. In essence, the opposition is from all those who want to preserve the status quo. Therefore, the real roadblock before the bill is patriarchal ideology and not individual parties or leaders. It is important to underscore this point before we take a closer look at the politics around the bill.

The Ramparts of Patriarchy

Much has been said about the desirability of women's reservation in Indian legislatures. By increasing women's political representation this bill should open up substantial space for gender issues in the political sphere and thus will empower women. Almost six decades of male domination of legislatures has ensured that women have been denied equal rights in land, property, access to education and jobs, while violence against women in myriad forms, from female foeticide and domestic violence, to dowry and honour killings, to sexual harassment, continues to be a part of our daily existence. If we are serious about reversing these retrograde trends,

we have to accept the centrality of women's empowerment in all spheres – social, economic, cultural and political.

Among the myriad discriminations against and denial of equal rights to women, the political one is crucial. Patriarchy never has problems in accepting a woman as a political leader as the history of south Asia shows. But whether in intent or in action, that never really challenged the status quo. In contrast, 33% reservation for women in legislatures has the potential to fundamentally alter the political landscape and challenge existing power relations in unprecedented ways. That is why the patriarchal opposition to a constitutionally mandated floor of 33% representation in legislatures is so steep. But this is also the reason why this opposition has to be comprehensively defeated.

Backward Opposition

The opposition to the women's reservation bill today is couched in three distinct but inter-related threads. Let us consider them by turns. The most vocal and steadfast opponents of the bill have said that it is against the interests of the backward classes (OBCs), dalits and Muslims. They have demanded sub-quotas for these sections within the larger quota for women. These demands, raised together or in parts, amount to pitting one deprived section of society against another in order to jettison women's reservations altogether. While there are perfectly just grounds for OBC reservations in education and jobs due to historical discrimination, there has not been any significant demand for OBC reservation in legislatures. Even the Samajwadi Party or the Rashtriya Janata Dal have not demanded this so far because, given their proportion in the population, OBCs are fairly represented in the political sphere.

There is no reason why OBC women cannot get elected from those constituencies which are presently electing OBC men. In fact, as per a memorandum submitted by the All India Democratic Womens' Association to the parliamentary standing committee in 2008, the proportion of OBC women MPs in total women MPs in the 14th Lok Sabha was slightly higher (30%)

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than the proportion of OBC MPs in total MPs (28%). While their socio-economic backwardness is undeniable, OBCs cannot be considered politically or electorally marginalised in contemporary India.

As far as dalits and adivasis are concerned, the constitutionally mandated reservation in Parliament and state assemblies already exists and 33% reservation for women will only amount to reserving one-third of scheduled caste (SC) and scheduled tribe (ST) reserved seats for women from these communities. This will actually increase, substantially, the number of SC/ST women in legislatures from current levels – for instance to at least 40 SC/ST women in Parliament from the current number of 17. In the case of women's reservation in panchayats and local bodies the same principle of reservations embodied in the bill has been followed. This has led to a quantum jump in the number of dalit and adivasi women representatives and there is no evidence that it has harmed the interests of the dalits and adivasis at large.

The argument made by the Bahujan Samaj Party that this increase in the proportion of SC/ST women be brought about not by reserving one-third of existing SC/ST seats but by increasing the SC/ST quota itself beyond the constitutionally mandated 22.5%, is hardly convincing. If more women have to be adequately accommodated in Parliament and assemblies, then men belonging to all castes and communities, including those belonging to the socially deprived sections, have to make some way for the women of their castes and communities. Gender discrimination and oppression cut across caste, community and class identities. To suggest that the principle of positive discrimination in favour of women is acceptable for everybody else but not for one's own caste or community is neither logically tenable nor ethically sustainable.

Muslim Question

The situation vis-à-vis Muslims does merit a more sympathetic consideration. The number of Muslim parliamentarians in the 15th Lok Sabha is a mere 28 (5%), down from 34 in the 14th Lok Sabha. This is certainly way below the proportion of Muslims in India (13.4%). It is important

to redress this gross under-representation of Muslims in Parliament and several state assemblies. However, reservation for Muslims as a religious group is a still unsettled question within the framework of the Indian Constitution.

The Ranganath Mishra Commission recommendations have surely opened the issue of minority reservations in education and jobs. Given the past interpretations of secularism by the judiciary, the implementation of the Ranganath Mishra Commission itself may require constitutional amendments. The received notions of secularism and social justice merit serious reconsideration given the socio-economic condition of Muslims, as brought out clearly by the Sachar Committee report. Can the secular basis of the state remain secure if the largest religious minority continues to remain a victim of systemic discrimination and socio-economic deprivation? It is imperative that the Congress-led government at the centre initiate a result-oriented debate on this vital issue without further delay. It is inexplicable why the central government took over two years to table the Ranganath Mishra Commission report in Parliament and that too without any action taken report.

Having said so, however, it makes little sense for those genuinely fighting to ensure social justice for the Muslims to oppose the Constitution amendment for women's reservation because it does not reserve seats for Muslim women. That amounts to pitting the legitimate demand for greater Muslim representation against another *equally* legitimate step to enhance women's participation. This will only work towards narrowing the support for greater Muslim representation in legislatures. India's neighbouring countries with Muslim majorities, like Pakistan, Bangladesh and Indonesia, already have reservations for women in their national legislatures and their experiences have inspired those struggling for women's reservation in India.

While women's reservation in the present form may or may not increase the participation of Muslim women in legislatures, it is certainly not going to make matters any worse for the Muslim minorities. Opposing the women's reservation bill in the name of Muslim quota would be

entirely unwarranted, since it amounts to postponing the issue of women's reservation on which there is a political consensus today till a consensus emerges on the issue of Muslim reservation, which will obviously take more time. If anything, a broad-based consensus in favour of the women's reservation bill today can only facilitate a similar agreement on Muslim reservation tomorrow. And when that happens, 33% of those seats will also get reserved for Muslim women.

Best against the Good

Apart from the political opposition to the Constitution amendment, there are several opponents of the bill within the liberal intelligentsia. Some suggest increasing the number of seats in the legislatures so as to protect the existing seats of male legislators and parliamentarians. Some continue to maintain that mandated quotas in the candidate lists of political parties would have been a better, and non-controversial, option. What has particularly miffed some commentators is the provision that the women's quota seats would change every five years so that in 15 years every constituency in the country is covered. This, it has been argued, would imply existing male parliamentarians losing their right to contest in constituencies which they have "nurtured" for years.

In its long and arduous journey through the two parliamentary committees – the first one a joint select committee chaired by the late communist leader Geeta Mukherjee and the second one a parliamentary standing committee on law and justice – the merits and demerits of all these options and suggestions were thoroughly debated. In fact, very few legislations in the history of independent India have been scrutinised so meticulously for 14 long years. All options other than what is contained in the present legislation were found to be inferior.

For instance, reserving candidate lists of political parties would never guarantee a minimum threshold of elected women in the first past the post system; it would merely ensure a minimum number of contestants. And given the patriarchal structure of political parties, women candidates would invariably be given tickets in seats which are not winnable.

International experience clearly shows that the countries which have opted for women's quota in candidate lists under the first past the post system, continue to have much lower representation of women in their legislatures, precisely because it is difficult for women to win against their male counterparts.

Increasing the number of seats to the extent of protecting all the existing seats of male MPs would amount to increasing the number of seats to over 720 just for the Lok Sabha. An increase of such magnitude for Parliament and state assemblies would not only make the elections and the democratic process logistically unwieldy and prohibitively expensive, it would also lead to the construction of new buildings for Parliament and state assemblies in order to accommodate more women! The upshot is that all these proposals which sought to accommodate the concerns of women's representation while keeping the status quo of overwhelming male domination intact, were debated threadbare and found to be either ineffective or infeasible.

Those who are complaining about existing male MPs/candidates losing their "nurtured" constituencies are, of course, missing the whole point about this legislation. The fact that this legislation will break the status quo, if implemented, does not amount to any argument against the legislation. The problem is with the status quo itself, since it has been unfair to women, who comprise half of our population and electorate. Therefore this legislation explicitly seeks to break that status quo; but does so in a fair manner, where all existing male MPs/candidates have to make way for a woman sometime or the other over the next three elections. And any male MP/candidate can return to his "nurtured" constituency after a gap of one election. Thus, on the one hand, it does not take away the right from any male MP/candidate to contest in his preferred constituency in perpetuity. On the other hand, it creates concrete possibilities for the growth of political activism of women across all constituencies of the country. Anyone who sincerely wishes to see greater participation of women in politics and enhanced number of women elected representatives will easily see that the present legislation is the best among all the options available.

The Fear of Feminism

Then, of course, there are the sceptics, who consider greater women's participation or representation in politics to be, at best, symbolic, and perhaps entirely meaningless. Some successful women in the media and the corporate world have become the most articulate proponents of this view. Their arguments amount to saying the following: "Look at us. We have succeeded in the men's world without any quota. So why do women need quota to be successful in politics?" This argument is similar to those who oppose any positive discrimination, particularly reservations. There exists, for instance, a number of successful dalit or OBC professionals, who either out of conviction or compulsion, oppose reservations, confusing their own subjective experience, which may have been marked by certain privileges or sheer good fortune, for the objective social conditions of the large majority of SCs or OBCs. But, in the case of those successful women opposing reservation for women in legislatures, there is a specificity. They seem to believe that a display of cynicism towards the political process and insensitivity towards gender discrimination in particular, reflects virtuosity. Being a professionally successful woman in a world dominated by men is certainly commendable; but that does not automatically make someone gender-sensitive or alive to the problems and concerns of women. In fact, women in politics, almost without exception and cutting across political lines, are supporters of women's reservation because their own experience, however brief, seems to have shown them the enormous difficulty in sustaining activism and competing successfully in a patriarchal setting.

Why are some successful women not sympathetic to the demands of positive discrimination by women in politics? Patriarchy, after all, is an ideology and it operates at complex levels. This, indeed, makes life difficult for women, even for those who have become successful in a world dominated by men. This difficulty is best captured in the Railway Minister Mamata Banerjee's comment made after her party abstained during the vote on the bill in the upper house: "Though I am supporting the bill, I am not a feminist".¹ It can be assumed safely that nobody asked

the minister whether she is a feminist. Yet she asserts that she is not one.

Are all the other parties and individuals supporting the bill feminists? Surely not. The Bharatiya Janata Party (BJP), which provided crucial support to the bill, has neither disowned the *manuvadi* (derived from the Laws of Manu) ideology of the RSS, which considers women as naturally inferior to men, nor repented the glorification of sati under BJP rule in Rajasthan, the rape of innocent Muslim women during the post-Godhra riots in Gujarat or the continued hooliganism of the Sangh parivar outfits on Valentine's Day.

The Congress president has been rightly hailed for her determined role in pushing the legislation within her party and cajoling the central government to take a firm stand. Yet, why she preferred her son to be the heir apparent over her daughter, without any tested basis of political acumen, organisational performance or mass acceptance, is anybody's guess. Even the communists, with an enviable record of fighting for women's rights, took well over six decades of existence to elect the first woman into their central leadership. The biggest contingent of the left, the Communist Party of India (Marxist), took longer. And even today, misogynist critics have not got tired of shamelessly alleging how women are promoted within the left because of influential husbands rather than their own capabilities and contributions.

Conclusions

The long and the short of it is that no political party functioning within the Indian political system or elsewhere, can claim to be totally immune from the vestiges of patriarchy. Their ideological standpoint, however, in terms of whether they are programmatically committed to women's empowerment and emancipation or not, is what counts, along with their political positions and day to day practice. And if a political party, or any individual for that matter, is committed to gender equality and women's empowerment, why prevaricate on supporting the women's reservation bill?

NOTE

¹ See "Eyeing Bengal, TC Abstains as There Is No Muslim Quota", *Economic Times*, 10 March 2010.