

Enhancing Women's Representation in Legislatures

An Alternative to the Government Bill for Women's Reservation

Forum for Democratic Reforms

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THE ugly scenes and stalemate over tabling the Women's Reservation Bill in parliament have had a very beneficial effect. They have finally brought the grim truth into sharper focus that politics has proven to be very inhospitable for women in independent India. What we are witnessing today is a worrisome phenomenon of further decline in the participation of women, not only in our legislatures, but in many other of our political and public spaces.

Most countries in the world have failed to give due space and representation to women in their political life. Women are moving in the direction of near equal participation in only a handful of countries, such as Germany, Sweden, Norway, Denmark and Finland. In these societies women have begun to seriously alter the very nature of politics, making enduring, and substantial gains in every field. However, in all other countries, including the supposedly advanced democracies of western Europe and North America, where women exercise certain freedoms and have acquired the wherewithal for economic independence, female presence in legislatures remains small and relatively insignificant.

In India the problem for women is more serious for several reasons:

⇒ While in many other countries women are inching forward bit by bit, in India the participation of women in politics has actually declined since the days of freedom movement, both in quantity and quality.

⇒ Government and politics are more important factors in the economic, social, and power structures in India than in most other countries with stronger civil societies, and so, the effect of women's marginalisation in politics is even more detrimental here.

⇒ The increasing violence, sexual harassment and victimisation of women at the ground level in many of our political parties has made their participation extremely hazardous now.

There were many more outstanding women leaders and workers in the Congress Party at all levels during the freedom

movement than are at present in all parties put together. In states like Maharashtra and Gujarat, virtually every neighbourhood and most villages could boast of at least one effective woman leader, even into the 1950s. But as politics became more centralised as well as criminalised, thus undermining all other institutions of civil society, women were pushed out of leadership positions to function on the margins, at best relegated to the domain of social work at the local level. Even that tradition eroded from the 1970s onward.

The set back to women's participation is even more severe at the state level than in Lok Sabha (See *Tables 1 and 2*). This is clearly evident in Bihar, which had 14 women elected to the Vidhan Sabha in 1952, 31 women in 1957, and 26 women in 1962. But in the 1967 elections, women won only 11 seats. Their number declined to 4 in 1969. Thereafter, it reached a plateau, levelling at a mere 13 during the last state assembly elections.

The representation of women in the Lok Sabha has basically remained stagnant. It reached a "high" of 8 percent in 1984. This figure has not been crossed since then.

Year	Lok Sabha			Rajya Sabha*		
	Seats	Women MPs	% of Women MPs	Seats	Women MPs	% of Women MPs
1952	499	22	4.41	219	16	07.31
1957	500	27	5.40	237	18	07.59
1962	503	34	6.76	238	18	07.56
1967	523	31	5.93	240	20	08.33
1971	521	22	4.22	243	17	07.00
1977	544	19	3.49	244	25	10.25
1980	544	28	5.15	244	24	09.84
1984	544	44	8.09	244	28	11.48
1989	517	27	5.22	245	24	09.80
1991	544	39	7.17	245	38	15.51
1996	543	39	7.18	223	19	08.52
1998	543	43	7.92	245	15	06.12
Average	527	31	5.91	239	22	09.11

Source: CSDS, Data Unit

TABLE - 2

Declining Representation of Women in State Legislatures 1952-1997 (% of women MLAs)

State	1952	1957	1960-65	1967-69	1970-75	1977-78	1979-83	1984-88	1989-92	1993-97	1998-99	State Avg.
Andhra Pradesh	2.9	3.7	3.3	3.8	9.1	3.4	4.1	3.4	3.7	2.7	9.5	4.6
Arunachal Pradesh	****	****	****	****	****	0.0	3.3	6.7	3.3	3.3	1.7	3.0
Assam	0.5	4.6	3.8	4.0	7.0	0.8	0.8	4.0	4.0	4.8	****	3.2
Bihar	3.6	9.4	7.9	2.2	3.8	4.0	3.7	4.6	2.8	3.4	****	4.3
Goa	****	****	****	6.7	3.3	3.3	0.0	0.0	5.0	10.0	5.0	4.4
Gujarat	****	****	8.4	4.8	3.2	****	2.7	8.8	2.2	1.1	2.2	4.0
Haryana	****	****	****	7.4*	6.2	4.4	7.8	5.6	6.7	4.4	****	6.2
Himachal Pradesh	0.0	****	****	0.0	5.9	1.5	4.4	4.4	5.9	4.4	8.8	4.2
Jammu & Kashmir	****	****	0.0	0.0	5.3	1.3	0.0	1.3	****	2.3	****	1.5
Karnataka	2.0	8.7	8.7	3.2	5.1	4.0	0.9	3.6	4.5	3.1	2.3	4.3
Kerala	0.0	4.8	3.9	0.8	1.5	0.7	3.2	5.7	5.7	9.3	****	3.6
Madhya Pradesh	2.1	10.8	4.9	3.4	5.4	3.1	5.6	9.7	3.4	3.8	8.1	5.4
Maharashtra	1.9	6.3	4.9	3.3	9.3	2.8	6.6	5.6	2.1	3.8	4.2	4.6
Manipur	****	****	****	****	0.0*	****	0.0	0.0	1.7	0.0	****	0.3
Meghalaya	****	****	****	****	1.7	1.7	0.0	3.3	****	1.7	5.0	2.2
Mizoram	****	****	****	****	0.0	3.3	3.3	2.5	0.0	0.0	0.0	1.2
Nagaland	****	****	****	0.0	****	****	0.0	1.7	****	0.0	****	0.5
Orissa	9.6	3.6	1.4	3.6	1.4*	4.8	3.4	6.1	4.8	5.4	****	4.0
Punjab	2.2	5.8	5.2	1.0*	5.8	2.6	5.1	3.4	5.1	6.0	****	4.0
Rajasthan	0.0	5.1	4.5	3.3	7.1	4.0	5.0	8.0	5.5	4.5	7.0	5.0
Sikkim	****	****	****	****	****	****	0.0	0.0	6.3	3.1	3.1	2.5
Tamil Nadu	0.3	5.9	3.9	1.7	2.1	0.9	2.1	3.4	9.0	3.8	****	3.6
Tripura	****	****	****	0.0	3.3	1.7	6.7	3.3	****	1.7	****	3.0
Uttar Pradesh	1.2	5.8	4.4	2.8*	5.9	2.6	5.6	7.3	3.3*	4.0*	****	4.1
West Bengal	0.8	3.6	4.8	2.9*	1.6*	1.4	2.4	4.4	7.1	6.8	****	3.4
Delhi	4.2	****	****	****	7.1	7.1	7.1	****	****	4.3	12.9	7.3
Pondicherry	****	****	6.7	3.3	0.0	0.0	3.3	3.3	1.7	3.3	****	2.6
Period Average	1.8	6.3	4.9	2.9	4.4	2.8	3.8	5.3	4.5	4.0	6.0	4.1

Notes: Table entry stands for % of women MLAs elected to state legislature in the relevant elections

(****) States did not exist/no elections held in that year/period; (*) Two elections held during this period. The figures given here is an average of the two. The figure given here are based on name recognition and hence liable to under-reporting of women representatives.

Source: CSDS Data Unit

Thereafter, it has showed some decline rather than register an increase. This despite the fact that every major national party in recent years has declared through their manifestos that they would implement a 33 percent reservation for women in all legislatures.

One of the most puzzling features of this depressed level of women's political representation in our legislative bodies is that it seems to have no direct correlation with literacy and other seemingly related indicators. A comparison between the states of Kerala and Rajasthan, whose literacy rates are at opposite ends of the spectrum, demonstrates this clearly. In Kerala, the overall literacy rate is reportedly 90 percent, with 86 percent female literacy. By contrast, in Rajasthan, female literacy is a mere 20 percent and only 12 percent of females are literate in rural areas. Kerala has a matrilineal tradition in which women have a much larger measure of autonomy and freedom of movement. Kerala's women also tend to marry at a much later age compared to women in

other states. Most women in Rajasthan live far more restricted lives in aggressively patriarchal communities that still practise *pardah* and perform child marriages. But the cultural and educational advantage that women in Kerala have, does not translate into higher political participation as compared to Rajasthan. The percentage of women in the legislative assemblies of both states is low. In Kerala it rose from less than one percent in 1967 to six percent in 1991. However, in Rajasthan, the representation of women was four percent in 1967 and reached eight percent in 1985-90, slightly more than in Kerala, but not significantly greater. Since then it has been going down.

Similarly, the state of Manipur, which has a tradition of women playing a dominant role in both the family and the community (again due to a matrilineal heritage), never produced a single woman legislator till 1990—when it elected its first. Nagaland and other North-eastern states which have less repressive cultures for women have similarly low levels

of women's representation. By contrast, take the proportion of women in politics in UP, Bihar, and Madhya Pradesh. Though these states are known for their low education levels and repressive cultural norms for women, they have not only sent a relatively larger proportion of women to the Lok Sabha than those from the North-east, but have also elected relatively more female MLAs.

In independent India, pervasive gender discrimination has resulted in sidelining even veteran women politicians. It is difficult for women to establish a foothold without patronage from powerful men in the party - that too through close personal relations, as wives, daughters and sisters. This is indeed a matter for serious concern because the level of political participation among women in any society acts as a reliable barometer of the health of its democracy.

It is significant that stagnation and/or decline in women's political participation rates run contrary to trends in many other fields.

Women in India have made major inroads in various male-dominated professions, including the governmental bureaucracy. In the fields of business, medicine, engineering, law, art, and culture, women who were given opportunities to acquire the necessary skills and education have proven themselves capable of holding their own, without availing of any special measures to facilitate their entry. But they have failed to gain ground in the field of politics. Moreover, the agenda of women's empowerment seems to have lost the kind of moral and political legitimacy it enjoyed during the freedom

movement, as was evident from the ugly scenes in the aftermath of tabling the Women's Reservation Bill in parliament. Such a response would have been inconceivable in the India of the 1920s to the 1940s.

All these trends indicate that women's representation in politics requires special consideration, and cannot be left to the forces that presently dominate our parties and government. Today, even the best of our female parliamentarians feel sidelined and powerless within their respective parties. The few women in leadership positions have not been able to encourage the entry of greater numbers of women in electoral and party politics, and are an ineffective minority within their own respective political groupings.

The very same male party leaders who compete with each other in announcing their support of special reservations for women have shown little willingness to include women in party decision-making, or even to help create a conducive atmosphere for women's participation in their own organisations. In fact, women's marginalisation is even more pronounced in the day-to-day functioning of almost all political parties than in the Lok Sabha. Therefore, it is urgently required that we take special measures to enhance women's political participation in ways that help them influence decision-making at all levels of our society and polity. Our democracy will remain seriously flawed if it fails to yield adequate space to women.

Given this worrisome scenario, the national debate and efforts to provide constitutional and legal mechanisms to enhance women's participation in legislatures are welcome and long-overdue.

Problems with the Present Bill

THE 85th constitutional Amendment Bill, introduced in Lok Sabha in December 1999, includes the following key provisions:

⇒ One-third of all seats in Lok Sabha and Vidhan Sabhas shall be reserved for women.

Such reservation shall also apply in case of seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs).

⇒ There shall be rotation of seats so reserved for women.

⇒ Such rotation shall be determined by draw of lots, in such a manner that a seat shall be reserved only once in a block of three general elections.

This Bill is seriously flawed, insofar as it mechanically provides for entry of women members to fill one-third of vacancies in Lok Sabha and Vidhan Sabhas. Such mechanical reservation and rotation suffers from serious defects:

1 One-third seats are reserved, and such reserved seats are rotated in every general election. This rotation will automatically result in two-thirds of incumbent members being forcibly unseated in every general election; the remaining one-third will be left in limbo until the last moment, not knowing whether or not their constituency will form part of the one-third randomly reserved seats and thus require them to scramble at short notice to find another seat to contest.

2 There is already resentment about reserved seats for SCs and STs being frozen in the same constituencies over a long period of time. Inevitably, there will be vociferous and justified demands for rotation of seats reserved for scheduled castes, and in some cases scheduled tribes, where their population may not be very large. This will trigger off further instability in our polity.

3 The population of scheduled castes and scheduled tribes is now estimated to be around 16 percent and 8 percent respectively, on an all India basis. In certain states, their combined population is much higher, reaching 35 percent or more. In the event of rotation of all reserved seats (women plus SCs, STs) with one-third seats reserved for women, every single seat will be rotated in every general election. This means that practically every member of a legislature will be unseated in every single general election (*See Table 3 and Pie Chart*).

4 Such compulsory unseating violates the very basic principles of democratic representation. It jeopardizes the possibility of sensible planning to contest and nurture a political constituency for both male and female candidates.

5 As legislators do not have the incentive to seek re-election from the same constituency, plunder will increase, and politics will be even more predatory and unaccountable. This will contribute to a more unstable political process, and make it difficult for women to build their long term credibility as effective representatives, since they will not be able to contest twice from the same constituency.

6 If seats are reserved exclusively for women in every election through territorial constituencies, voters in such reserved constituencies would have no choice but to elect women only, violating the basic principles of democratic representation.

7 In such a situation, there is likely to be greater resentment against women, undermining the very objective of the Bill. Those men who get pushed out of their constituencies or who see their allies sidelined will either sabotage female contenders in revenge, or spend much of their political capital helping their own female relatives in cornering these reserved seats. Such proxies would be expected to keep the seat "safe" for the men until the next election, when they would again try to reclaim their seats. Such women would lack legitimacy in the eyes of the voters.

8 Women elected in reserved constituencies will be contesting against other women only, and will lack the legitimacy and opportunity needed to prove their ability and acceptability. Leadership acquired in such a manner will be seen as unnatural, artificial and foisted.

9 Women legislators, when elected, will not be able to nurse their constituencies on a long-term basis, and thus will be deprived of a strong political base and will forever be regarded as lightweight politicians. This in effect will make their presence in legislatures ornamental, and will not lead to a more effective participation in politics.

10 This Bill does not address the more fundamental issue of inadequate participation of women in politics and their much greater marginalisation within the political parties.

11 The experience of fixed quotas in a few countries where it has been tried, such as Nepal, the Philippines, and the erstwhile Soviet Union, has not produced very successful results for women's political participation.

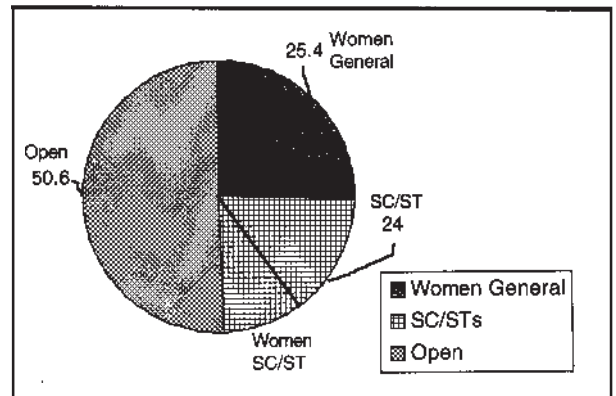
12 While this Bill provides for election of SC and ST women as legislators, it does not adequately address the issue of participation of backward castes (BCs) and minorities. As parties have no choice about the seats reserved for women, they will be unable to nominate women candidates from these under represented sections in constituencies where they stand a reasonable chance of success.

13 Even though there will be no legal bar on women standing from general constituencies, it is highly unlikely that any women will obtain party tickets to run for office outside the reserved constituencies. This same pattern is evident with SCs and STs who have been permanently ghettoised to fixed reserved constituencies.

14 This Bill is completely silent about women's representation in Rajya Sabha and Legislative Councils. Given these serious infirmities, it is necessary to design better models for enhancing women's representation in legislatures. Therefore, we present an alternate model which will address many of the flaws listed above.

TABLE - 3
Rotation of Seats

	Now (%)	From 2001 (%)
Reservation for SCs	15.0	16.0
Reservation for STs	07.5	08.0
Balance Seats	22.5	24.0
Reservation for Women 33.30%	77.5	76.0
Open for Men	26.0	25.4
	51.5	50.6



The Proposed Alternative Women's Reservation Bill

The important provisions of the proposed Alternative Bills are as follows. The text of the Bills are on page 13.

1 A law should be enacted amending The Representation of the People Act, 1951, to make it mandatory for every recognised political party to nominate women candidates for election in one-third of the constituencies.

2 Each party can choose where it wishes to nominate women candidates, duly taking local political and social factors into account.

3 Among seats reserved for SCs and STs also, one-third of the candidates nominated by recognised parties shall be women.

4 To prevent a party from nominating women candidates only in states or constituencies where the party's chances of winning election are weak, and to ensure an even spread of women candidates, the unit for consideration (the unit in which at least one out of three party candidates shall be a woman) for the Lok Sabha shall be a state or union territory; for the State Legislative Assembly, the unit shall be a cluster of three contiguous Lok Sabha constituencies.

5 In the event of any recognised party failing to nominate one-third women candidates, for the shortfall of every single woman candidate, two male candidates of the party shall lose the party symbol and affiliation and all the recognition-related advantages.

6 A law amending Articles 80 and 171 of the Constitution should be enacted providing for women's reservation of one-third of the seats, elected or nominated, to Rajya Sabha or Legislative Councils. Corresponding amendments need to be made in the Fourth Schedule of the Constitution and, the Representation of the People Act, 1950.

Advantages of this Model

1 Parties will be free to choose their female candidates and constituencies depending on local political and social factors. Parties will nurture women candidates where they can offer a good fight rather than in pre-fixed lottery based constituencies, where they may or may not have viable women candidates. Thus there is flexibility and promotion of natural leadership.

2 Though seats are not reserved, there will be a large

pool of credible and serious women candidates in the fray. This is so because the real contest in elections is only among candidates nominated by recognised parties. **Table 4** clearly shows that the role of Independents in our elections is marginal and declining. In Lok Sabha elections, as many as 99.7 percent of Independents are in fact losing their caution deposits.

3 A woman candidate will be contesting both against female and/or male candidates of rival parties. Therefore, the democratic choice of voters is not restricted to compulsorily electing only women candidates.

4 As women members are elected in competition with other candidates - without reserving seats - they will be seen as legitimate representatives in the eyes of the public and not just beneficiaries of charitable measures.

5 A winning woman candidate will have been elected on her own strength, backed by party support. She will not be a mere proxy or political lightweight.

6 There will be no need for rotation of reservation. Therefore the elected women and men can nurture their constituencies and emerge as major political figures in their own right, with an independent power base.

7 At the same time, in the absence of reserved seats, there will be healthy competition for nomination for

TABLE - 4			
Independents Elected to Lok Sabha in Successive General Elections			
Year	No. of Seats Filled	No. of Independents Elected	Percentage of Independents Who Lost Deposit
1952	489	38	66.6
1957	494	42	60.1
1962	494	20	79.0
1967	520	35	86.2
1971	518	14	94.0
1977	542	09	97.2
1980	529	09	98.9
1984	542	05	99.7
1989	529	12	98.9
1991	534	01	99.5
1996	542	09	99.7
1998	542	06	-