



## India signals more justice for women

*India has taken a decisive as well as historic step to enhance women with more power. This remarkable legislative action will serve as a light-tower in many countries of the world. In India's Parliament (Lok Sabha), the number of women members at present is only 11% of the total strength. This figure is lower than the parliamentary representation of women in the neighboring countries. In Nepal the percentage works out to 33, in Afghanistan 27%, in Pakistan 22% and in Bangladesh 19%. The "Women's Reservation Bill" which had been hanging fire for the last 14 years and which when translated into law will ensure 33% seats for women in the Lok Sabha<sup>1</sup> (Lower House) and the state assemblies was passed by the Rajya Sabha<sup>2</sup> (Upper House) on March 9, 2010. But not before the house witnessed cruel scenes of protest against the Bill.*

### ***The ruling Congress was clearly unprepared ...***

for the stormy assault launched by the 'Blockade Brigade' on Monday, March 8, 2010. Twelve Rajya Sabha members belonging to the **Samajwadi Party (SP)**, **Rashtriya Janata Dal (RJD)**, **Lok Janashakti Party (SJP)**, **Bahujan Samaj Party (BSP)** fully exploited this unpreparedness and saw to it that the Women's Reservation Bill was not passed. They raised slogans demanding sub-quota within the 33 percent quota for the **Other Backward Classes (OBC)** and Muslims, came down to the well of the House and disrupted the proceedings violently. They ripped apart copies of the Bill and scattered the shreds. One protester climbed on the secretary general's table, wrenched off the microphone and the pen stand and threw the papers away. The ruling party was

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- 1 Members of the Lok Sabha are elected by the people directly. It is more powerful than the Rajya Sabha and can even pass a legislation which has been rejected by the Rajya Sabha.
  - 2 Members of Rajya Sabha are elected by members of the State Legislative Assemblies. It has nominated members as well. It is not as powerful as the Lok Sabha.

caught totally off-guard by the violent agitation. The marshals were not prepared to throw the violent members out of the House.

The picture changed dramatically on Tuesday, March 9, with the government and the ruling party prepared to face the agitators. When the latter began their trouble again, marshals were directed to evict them from the House. Thereafter the controversial Bill was tabled and passed with 186 members endorsing the Bill and only one voting against it. However this forcible expulsion of the agitating Rajya Sabha members has provoked a lot of criticism from several political parties who have labeled the act as undemocratic. The Congress is also aware of the fact that it would be more difficult to repeat this line of action.

### ***Why did the two Jadav leaders, Mulayam Singh Yadav and Laloo Prasad Jadav put up such fierce opposition to the Bill?***

Their position is the following, *“We are not against Women’s Reservation as such but we are stoutly against the Bill in its present form. We demand a sub-quota, within the 33 percent reservation, for the OBC and the Muslim women. Otherwise this Reservation will only cater to the interests of the articulate and educated section of the women in the country”*.

Obviously, this sharp political stand of both Mulayam and Laloo is closely connected with their vote bank politics.<sup>3</sup> Both have lost a good deal of support in their respective political regions, Uttar Pradesh and Bihar, and hence they are whipping up the OBC and the Muslim cause to win back the ground that they have lost. The ruling Congress, on its part, has said that the demands of the two will be considered later. The two did not respond to Congress’s appeal.<sup>4</sup> Moreover, there is no constitutional provision for faith-based reservation, in this case Muslim. The Congress is in no mood to alter or dilute the Reservation Bill. It would like it to be passed as it is, with suggestions for change to be considered later.

The Muslim factor is so sensitive that even Congress’s allies, who govern Muslim dominated states,<sup>5</sup> boycotted the voting session.

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3 A “vote bank” is a bloc of voters from a community, who consistently back a certain candidate or political formation in democratic elections. Such behaviour is often the result of an expectation of real or imagined benefits, often at the cost of other communities.

4 It should be mentioned in this context that an OBC sub-quota within the women’s quota of 33 percent would be unconstitutional at present.

5 Mamata Banerjee, leader of Trinamul Congress in West-Bengal.

### ***What is the position of the ruling Congress at present?***

Will the RJD and SP join the Opposition formally and even try to bring a no-confidence motion against the ruling party and the government? Tabling a no-confidence motion was high on the agenda on March 9, 2010. But since then it has waned and weakened. Even then, the Congress has taken quite some risks by forcing the Women's Reservation Bill and it has to be constantly on its toes to ensure and secure the majority needed in the Lok Sabha. It cannot count on the support of its two erstwhile secular allies Laloo and Mulayam; and this means it will have to depend more on its allies, independent MPs and a troublesome as well as mercurial politician like Mayawati and her Bahujan Samaj Party (BSP). Sonia Gandhi is quite aware of the risk she took and this has been made evident in her remark,

*“Yes, we are conscious of the risk we took. But politics is never without risk. Moreover one has to attend to the bigger picture at times and in this case the bigger picture was provided by the Women's Reservation Bill”.*

There is no doubt that the determination of Sonia Gandhi was behind the tabling of the Women's Reservation Bill when many in the Congress, on the contrary, were talking in terms of going slow and evolving a broader consensus. Her position was: *“We have waited 14 years for the Bill to be passed. Interminable discussions have taken place on it. Now or never, now is the time to act”.* She is convinced that creating a larger constituency of women is the best way to break primordial loyalties of caste and religion, and in the process, reduce the influence of personality-based smaller parties. Her point of view is that when a woman would contest an election, her gender identity would come to the forefront and not her links with religion and caste. In this way a new social force would be created.

The Congress does not seem to be in a tearing hurry to place the Bill in the Lok Sabha. For this, it would like to utilize an opportune moment in the future. Its present strategy is to get the Finance Bill passed in the current Budget session of the Parliament and meet the challenge of the Opposition on price rise and inflation. It has already described the victory attained in the Rajya Sabha as a milestone and it would like to rest on its oars for the time being.

***The following steps need to be taken  
before the Bill can be implemented in real praxis:***

1. It has to be passed with two thirds majority in the Lok Sabha
2. The President of the country will have to give his/her categorical assent.
3. At least half the number of states in the Union have to pass the Bill in their assemblies
4. Another bill has to be passed to fix and finalize the reserved seats
5. The Election Commission will have to issue a notification confirming the reserved seats.

**And what are the core elements in the Bill.**

1. 33% reservation for women in the Lok Sabha and the state assemblies
2. The seats will be reserved on a rotation basis
3. No reservation in the Rajya Sabha
4. Time limit is 15 years. The Parliament can extend it afterwards.

***The million dollar question is ...***

will Women's Reservation make any real difference in a fierce patriarchal country like India. Moreover, for all the tokenism around International Women's Day, numbers tell a different story. On most indicators of gender equality such as health, adult literacy and economic participation, South Asia ranks close to or even lower than sub-Saharan Africa, that is, it is placed at the bottom of the heap. In fact, South Asia's lack of gender equality is a cause of great concern, as the region accounts for almost a quarter of the world's population and within the region India accounts for 73% of the population. In South Asia the adult female literacy rate is just 52% whereas the world average is 79%; the maternal mortality ratio (per 100.000 live births) is 500 compared to the world average of 400; women labour force participation rate is barely 36% whereas the world average is 53%. What is even more disturbing is that China and India together account for a nearly 100 million missing women estimated to have died from discriminatory treat-

ment in health care, nutrition access or neglect or because they were never born as girl foetuses are aborted.

The Indian government's per capita allocation for women-centric schemes is less than Rs 1200 per woman per annum with majority of the allocations restricted to health and education. Thus important areas like economic and political participation are left neglected. While sectoral allocation for political participation – including awareness programmes – is a minimal 0.07 percent, economic participation in the form of skill development or creation of resources for women is 0.49 percent.

Activists believe that women's empowerment is never regarded as a holistic issue of development. In fact, it is relegated to the ministry of women and child welfare and to its specialized schemes. Measures to restrict food price increases, access to social security, healthcare and education can improve the condition of women and girls. Skill generation and access to opportunities are proactive measures that need to be considered.

There is another possible obstacle that has to be encountered in connection with the Women's Reservation Bill. As many males will now lose the opportunity to be nominated again as candidates, some of them may try at remote control by attempting to put up their wives or other female relatives as candidates.

Indeed, unless and until the basic patriarchal structure is broken there will not be much change in the lives and aspirations of women. The Women's Reservation Bill is undoubtedly a very important step in the right direction but in order to make it really effective gender equality and women's empowerment will have to be introduced at all possible levels.

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