



Gender Watch

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COVER STORY



Source: mdailyhunt/news

Exigency of Women's Reservation Bill

Introduction

Women's participation in a democracy should not be confined to just casting votes and electing their leaders but also extend to represent the electorate and participate in policy and decision making. Not only India but developed nations also have witnessed inadequate representation of women in active politics. Considering that women consist of nearly half of the population in India, with 48.5 % (as per the 2011 census data) the number of women in the Indian Parliament is very low. Currently out of 543 Members of Parliament only 66 are women (highest till now), which is only 12% against the global average of 22.4%. Similarly in Rajya Sabha out of 245, only 28 are women, which is 11%. The presence of women in the State Assemblies is lesser in some cases and the average is a tiny 9%. Rajasthan, Bihar and Haryana have representation of around 145 whereas the Nagaland and Pondicherry have zero women representation in the assembly. Women constituted 4.4% in the first Lok Sabha of 1951 general election which has reached only a little more than it's double after half a century. The neighboring countries Nepal, Bangladesh, Pakistan and Afghanistan have higher women representation than India.

Table 1: Number of women elected to Lok Sabha

General Election	No of Women	Percentage Elected
First (1951)	22	4.4
Second (1957)	27	5.4
Third (1962)	34	6.7
Fourth (1967)	32	5.9
Fifth (1971)	22	4.2
Sixth (1977)	19	3.4
Seventh (1980)	28	5.1
Eight (1984)	44	8.1
Ninth (1989)	28	5.29
Tenth (1991)	39	7.02
Eleventh (1996)	40	7.36
Twelfth (1998)	44	8.07
Thirteen (1999)	49	9.02
Fourteen (2004)	51	9.51
Fifteen (2009)	59	10.9
Sixteenth (2014)	66	12

Source: Occasional paper series 1/2008, Rajya Sabha Secretariat

One of the ways, the situation could be improved is through reservation of seats in the Parliament and State Assemblies. To this purpose, former UPA chairperson, Mrs. Sonia Gandhi, recently appealed to the current government to pass the Women's Reservation Bill using the ruling party's majority in the house. The Bill was first introduced in 1996, has been profusely debated, taken many forms since then, yet not been passed to be a law. The Women Reservation Bill, introduced in 2008 by the UPA in its current form:-

- Seeks to reserve 33% of all seats for women in the Lok Sabha and State Assemblies. The allocation is to be determined by authority prescribed by Parliament
- Reserves nearly one third of seats reserved for Scheduled Castes and Scheduled Tribes for women of those groups in the Lok Sabha and the legislative

- End reservation of seats for women after 15 years of its commencement

The constituencies to reserve seats for women will be determined rotationally on a lottery basis. If any territory or a State has a single seat in the parliament, the seat will be reserved for women once in a term of three elections. For the two seats reserved for the Anglo Indian community, both will be reserved for women once in the term of three elections.

However, this Bill has faced resistance from most political parties and opposition to the Bill had taken a dramatic form following a few members of Rajya Sabha getting suspended. The debates about the bill are brought by the multiple concerns from feminists and also from a caste and class perspective. The opposition to the Bill can be seen as a simple and obvious directory of a patriarchal society. However there are other reasons for the opposition that need to be unraveled in order to understand the impacts of the Bill. There were a few alternatives suggested as developed versions of the bill, but the alternatives also have been identified with problems. A consensus on how to ensure a minimum representation of women is the need of the hour, for which current Women Reservation Bill needs a detailed study.

Historical Background

The issue of reservation of women had been taken up by the Constituent Assembly during the years of forming the Constitution. In the initial period, it appeared to the women members that the participation of women would automatically increase and get channelized in the normal course of democracy (Menon, 2000). Hence the reservation of women in the parliament was not deemed necessary. Later a committee on 'Status of Women' was formed in 1974 which in its report highlighted the social, political and economic position of women in the society. It submitted that women have been underrepresented in all the fields, rural women's problems have been ignored and their role and experience have been undervalued. This led to the looking for ways to correct the disparity, one of the suggestions included the reservation for women in the Parliament. The National Perspective Plan(NPP) 1988-2000 recommended 30% reservation of seats in Panchayats and Zilla Parishad. States like Karnataka and Gujarat were among the first to implement it. Soon after, the 73rd and 74th Constitutional amendment of 1993 brought a one-third reservation in the local level government bodies, which was followed by the 81st amendment Bill asking for reservation for women in the parliament as well. The demand for the reservation of women in parliament took shape as the women's movement picked up steam and women were being recognised as a significant group influencing political outcomes. The campaign for the reservation has been led by groups like Left Leaning Network of Women's Organization formed in the early 1980s and the Joint Action Front for Women established in 1984. Apart from this there was a lot of change in the caste composition of Parliament with the growing presence of backward castes through successive election

(Menon, 2000). This Bill was openly supported by the major political parties. However the bill was not passed and was referred to a Joint Parliamentary Committee headed by (Late) Shrimati Geeta Mukherjee.

In 1998, the Bill was again introduced as the 84th Amendment bill. It was not passed, only to be brought up once again in 1999 December as 86th Bill. The Bill was able to make a little progress only when it was introduced as 108th amendment bill in 2008. This Bill was referred to another Parliamentary Standing Committee chaired by Smt Jayanthi Natrajan. However, this time the Bill was passed by the Rajya Sabha, but it again lapsed when the Lok Sabha dissolved without passing the Bill. Each time any amendment was suggested to the Bill, it was to make the Bill milder in order to soften the impact of the change, and none of it could scale up and guarantee adequate representation (Heredia, 2012).

Issues in the Bill:

The Bill has been criticized for the flaws which are discussed below:

1. **Ghettoization of Women Representatives:** The bill has been called as an ill conceived one by many groups and thinkers. From the feminist perspective, it appears that the bill leads to ghettoization of women representatives making them compete against women only. It attempts to narrow down the women's area of contest underestimating their worthiness (Randall, 2006). A single term of five years is not enough to bring much change in the constituency. The candidates will not be able to get deep into the problems and will not have much time for engagement at the ground level which takes a lot of time and effort.
2. **The Rotation of Constituencies:** The rotational system of deciding the constituencies is a major flaw, as it does not provide any scope of a longer political career of the candidates. The investment and mobilization acquired to create a political ground in a constituency by the candidate turns futile. The rotation will also decrease the accountability of the candidate and the policies are likely to be more discretionary. As stated by a Senior Advocate of Supreme Court and a member of the Parliamentary Committee Abhishek Singhvi, the change of constituencies every five years will change the fundamental link between the elector and electorate and the purpose of women representation would be empty and devoid (Dhanda, 2000). A run to merely position a female candidate in a particular constituency for one term might fail to bring out women leaders when it comes to the national political scenery.
3. **No Reference of Rajya Sabha:** Rajya Sabha and Legislative Councils have specific roles and privileges in law making and are a good ground to bring new issues and debates. The Bill ignores the reservation of women in the Upper house and the Legislative Councils which was recommended by the

Joint Parliamentary Committee formed to examine the 81st Amendment Bill. The reservation of women in the Upper House is as necessary as in the lower house. Even in the Rajya Sabha with a total strength of 245, women representatives are only of 11%. Reservation of Women in Upper House will allow women working for the movements and ground issues to be a part of decision making without going through the expensive process of election.

The Basis of the Opposition

The opposition to the Bill has been simply termed as a reaction of a patriarchal society where the role of women has been traditionally confined to the areas other than politics. Recently violent protests were seen in Nagaland against the reservation of women in the local bodies as it is against the customary law of the State. Reservation of women is seen to be a big threat to the current status of men as occupying a seat in the Parliament by women will lead to their further access to power (political and social). The reservation of women in the Panchayats was not opposed and the quota was even enhanced, as the Panchayat positions give lesser access to power than Parliament seats (Dhanda, 2000). In many cases of Panchayats, women have only functioned as a proxy, as the decision making was mostly done by men.

The supporters of the Bill are mostly those engaging in the battle for gender justice and equality but the opposition to the reservation has not been just from men, but also women and feminist groups. Apart from the patriarchal, there are also caste based oppositions of the Bill.

(a) Pro-women opposition:

The Pro- women opposition to the bill can be divided into two groups.

- The first group is the one which opposes reservation in general. This group believes that reservation is not a real enhancing tool and remains a token rather than bringing up real issues and change in the society. Reservation for a particular group also incites the other groups to demand reservation.
- The second group which opposes the bill from a feminist perspective feels that the reservation for women alone is not enough. It should be extended to other less empowered sections at lower levels of the social and political horizon. The representatives very often are not the real face and they have nothing to do with the common women. In most cases, the representatives have been very rarely involved in any kind of movement or social cause. According to a report, from 1991-96 nearly all the women in parliament were middle class and were not directly associated to any movement (Kumar, 2006).

Shetkari Mahila Aghadi (largest organization of rural women in India) refers to the beneficiary of the Bill as “biwi-beti brigade” who would represent the man of the house rather than other women. The group also sent letters to MPs stating that this Bill attends to the women of the creamy layer. Taking part in the elections and building a political career is easy for women with privileged background, who by no means can understand the problems of unprivileged women.

(b) Caste based opposition:

A fierce opposition to the Bill came from the political parties in the Parliament and they declared the Bill to be an upper caste Bill. The fear of the parties has been that the reservation of women will change the caste composition of the parliament. This fear comes from a belief that only the women from upper caste who are western educated and privileged will reach the Parliament, hence the Bill will favour the upper caste in large. The political parties whose major vote banks are the lower caste communities e.g Mulayam Singh Yadav(Samajwadi party) have strongly opposed the Bill. This pattern of reaction is in the similar degree of Gail Omvedt’s argument that the bill sets upper caste feminist (female) against the lower caste or OBC leaders (mainly male) (Menon, 2000).

Ms. Mayawati (Bahujan Samaj Party) and Ms Uma Bharti(Bhartiya Janta Party) asked for 50% reservation for women from backward classes and minorities whereas upper caste leaders like Sushma Swaraj support the bill in its current form. Uma Bharti however does not agree that any reservation should be given to Muslim women separately, as religion based politics should not be promoted and the backward groups of Muslim will figure in the assigned quota for backward groups. The underlying reason for that as sighted by Vasanthi Raman is that OBC and Muslim groups have positioning better than the SC/ST which could pose a threat to upper caste hegemony (Raman, 1999).

The caste concerns are true as women belonging to the upper caste have more accessibility to education and political culturing. This gives them more opportunities to gain and use power. In states like Gujarat and Karnataka where the reservation for women had been applied before it became a law , the position of the dominant castes has become more powerful (Randall, 2006). Hence the Women’s Reservation Bill is seen as a medium to impact the caste dynamics rather than the empowering women as a gender group.

Suggested Amendments to the Bill

As the flaws of the Bill have come into light, many alternatives and better versions were presented.

- One of them was brought up by activist Madhu Kishwar through a Private Members Bill advocated by the Forum of Democratic Reforms. It argued that the Representation of the People Act 1951 should be amended so that every recognized political party would have to nominate women candidates for election in one third of the constituencies. **The nomination of women should be made mandatory so that any shortfall would lead to two male candidates losing the party symbol.** However this would not guarantee the presence of the women candidates in the parliament. The chances of a women candidate winning against a man cannot be determined.
- The other alternative as advocated by Women rights activist, Rami Chhabra is to **convert 50% of the constituency as a dual member constituencies, one member reserved to be a woman.** This would allow the retaining of the same number of male politicians, also addressing the major fear of the already sitting MP (male/female) of losing their seat. This also gives an opportunity to the increasing population to have more representatives and cover more issues. The idea of dual constituencies had previously been discussed in 2003, by the then speaker of Lok Sabha Manohar Joshi. It is difficult to implement this as the turning of the constituencies into dual member is an expensive affair. It asks for an increasing expenditure at every level, from campaigning period to building of new infrastructure for the members.
- Another alternative comes from the Shetkari Mahila Aghadi of Shetkari Sangathan(Farmers Union Women's Platform). **It suggested to pool three constituencies with three contesting candidates, of which one would be women.** The voters will be given three votes, one of which will be casted to the women. In this arrangement the problem is that the candidates will need to do an extensive campaigning and ground work. The issues will only be partially looked as the areas will increase. It will also hinder the implementation of the Government programmes in the extended constituency.

Reservation of Women across Countries

In 1990, United Nation's Economic and Social Council had endorsed a target of 30% women in the decision making process around the world by 1995. However, the target has still not been reached and only 16% of the parliamentarians in the world are women (Secreteriat, 2008). The UN World Conference on Women: Action for Equality, Development and Peace in Beijing stated the inequality between man and women in sharing power and decision making is critical area where advancement is urgently required.

More than forty countries have introduced electoral quotas through different legislations and in around fifty countries quotas have been introduced for political parties. The participation of women in countries like Argentina, Costa Rica, Mozambique, Rwanda and South Africa have increased to a significant mark and have almost reached par with the Nordic countries. There have been two ways to increase the women participation

(Matland, 1998). The Nordic and the western countries used an incremental track by trying to gradually increase women's participation at every level. These countries mostly reserved party quotas. The Latin American countries doubted that just increasing women's access to political resources might not increase women's representation, hence legal quotas were used. Most of the remaining countries are seen to apply reserved seat quotas instead of candidate quota. The international community has put a lot of emphasis on increasing women representatives and in many post conflict Afghanistan and Iraq societies, gender quotas of 25-35% have been introduced (Secretariat, 2008).

The Role of Political Parties

The role of the political parties is crucial in a democracy. The report submitted by the Jayanthi Natrajan committee on the Women Reservation Bill considers the reservation for women candidates by the political parties, using the Gill formula as submitted by the Election Commission. The doubts stated in the report are that the political parties might nominate women mostly in the areas of expected defeat, which will totally dilute the intention of the reservation.

A study done by Richard Matland shows that reservation of seats by political parties can lead to significant change in the scenery. The Gender quota within parties was seen first in Norway in the 1970s. By 1995, 84 parties in 36 countries had reserved seats for women. The adoption of Gender quota by parties like British Labour Party and Norwegian Labour party led to significant increase in the number of women Parliamentarians in the respective country. Once a party moves to gender quota for ideological reasons, the other parties generally follow due to *laissez faire* (Matland, 1998).

In India, the report of the Natrajan Committee mentions that most of the major national political parties have given consent to reserve party tickets for women candidates. The women who are backed by political parties have also been seen to perform better than the independent candidates and have higher chances of winning.

Table 2: Elected Women candidates from Political Parties

General Election	Total no. of Women contestants	Women Candidates from political parties	No of Women elected	Elected women from political parties
Sixth (1977)	70	41	19	17
Seventh(1980)	143	77	28	27
Eight (1984)	162	63	42	39
Ninth (1989)	198	87	29	26
Tenth (1991)	314	N.A	44	N.A
Eleventh (1996)	599	125	40	36
Twelfth (1998)	274	107	43	31
Thirteenth (1999)	284	104	49	35
Fourteenth (2004)	355	110	50	30

Source: Occasional paper series 1/2008, Rajya Sabha Secretariat

Even though the major political parties in India have always clearly stated their support for reservation of women in parliament, there have been very few active women seen within the parties. In the last General Elections of 2014, number of women of candidates from the political parties was very insignificant.

Tab 3. Political Parties and the number of women candidates in General Elections 2014

Political parties	Number of Women Candidates
Independent	133
Aam Aadmi Party	39
Indian National Congress	33
Bhartiya Janta Party	20
Bahujan Samaj Party	16
Samajwadi Party	16
Trinamool Congress	12

Source: Data from Association from Democratic Reforms

The political parties have not taken any effective step to prove their concern related to the matter. The parties need to issue more tickets to women candidates and promote the women members in the party. A declaration of a minimum quota by a party will increase its volunteers at the ground level and more number of younger women will take interest in politics to build up their careers. .

Way forward

The Convention on the Elimination of all forms of discrimination Against Women (CEDAW) was adopted by United Nations General Assembly in 1979 and has been in force since 1981. India is a signatory member of the convention. This urges India to bring a law to address the inequality of man and women in parliament. A silver lining of the Bill in its current form is that each constituency has to be alert that it could be the next one to have reserved seats for women hence this might push women candidates to start participating and raising women issues. The increase in the number of women in the Parliament will help women MPs function as a lobby. The presence of women will give a direction to the debates and bring new perspectives.

The striking down of the Bill has shown the problems that arise in heterogeneous society with multiple layers of deprivation. It also shows the casualty with which this subject has been dealt with. The Bill has not been passed even after two parliamentary committees have approved it. A separate Committee should be formed to recommend on how to deal with the flaws of the Bill. The Socio-Economic Caste Census data(2011) and Gender Atlas can be used to determine the constituencies with the immediate need of women representatives in the Parliament. As there has been no consensus built up even after one decade, political contemplation does not seem to be enough, and this asks for an intervention of the Judiciary and civil society.

The Bill cannot be considered to be the ultimate tool to reach a point of adequate women representative in all bodies. The previous experiences from the reservation of women in Panchayat says that though women's presences gets ensured, no effort for the promotion and sustenance of their leadership is shown by the parties (Buch, 2009). The Bill will be in its best form if it phrases equality between man and women and also women and women. As different women have been deprived in different ways and have different issues, each one's representation should be ensured within the gender quota. The thought of a mirror representative being the best at solving all issues is true. However we cannot deny the role of women(belonging to any caste) in the parliament as the critical mass unit, which would lead to further chain reactions.

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EQUALITY

Dowries are a major contributor to India's imbalance.

Rebecca Ratcliffe

A study analysed birth cohort data over a 35 year period alongside monthly variation in the global price of gold (key element of dowry). It found that in months when the gold price increased, fewer girls survived the first month of life. A sample of more than 100,000 births, founds inflated gold prices correlated with improved survival chance for boys relative to girls. The reason dowry prohibition is not working because it is hard to monitor, stated Dr. Sonia Bhalotra who conducted the study.

Read More: <https://www.theguardian.com/global-development/2018/sep/28/dowries-india-gender-imbalance-inflated-gold-price-survival-rates-baby-girls>

Facebook ad accused of Gender Discrimination.

Dave Lee

The American Civil Liberties Union submitted a complaint to the US Equal Employment Opportunity Commission (EOCC) alleging that Facebook's advertising system allows targeting job advertisements based on the gender of the applicant. Particularly, the complaint refers to three women in Ohio, Pennsylvania and Illinois who were not shown advertisement for what have traditionally been considered male-dominated professionals. Pro republica has also conducted an investigation which showed similar pattern.

Read More: <http://www.bbc.com/news/technology-45569227>

New York citizens to get the option of choosing a third gender

Erin Dunkirk

New Yorkers will now get the option of choosing the third gender on their birth certificates with the option X. The legislation passed on 12th September will also let the transgender citizens to change the gender on their birth certificates. California and Washington states have similar provisions. The "X" designation will also be used for babies who are determined at birth to be intersex.

Read More: <https://www.theguardian.com/us-news/2018/sep/12/new-yorkers-to-get-third-gender-option-on-birth-certificates>

DEMOCRATIC PARTICIPATION

Brazil: Thousands of women rally against far-right Bolsonaro **David Child and Joao Pedro Soares**

In Rio de Janeiro, men and women gathered to protest against frontrunner presidential candidate Jair Bolsonaro . The demonstrations are a manifestation of the #Nothim movement. Bolsonaro has made several misogynistic comments in the past, as well as controversial statements on issues relating to race, sexuality ad Brazil's military government, which was in power between 1964 and 1985. He was also convicted (in Dec 2015), convicted by a lower court of committing moral damage and fined about \$, 2500.His rejection rate among women is 50 percent,, according to the latest polling by the Brazilian Institute of Public Opinion and Statistics(IBOPE) and 33 percent among men.

Read More: <https://www.aljazeera.com/news/2018/09/brazil-thousands-women-rally-bolsonaro-180929231001428.html>

Indian Women voter turnout still lower than that of Men **Ritika Kumar**

Indian Women voter percentage although increased from 51% in 1980 to 66% in 2014, it remains low compared to the adult sex ratio. Madhya Pradesh has the lowest number of women voters as compared to men in 2014 elections, while Arunanchal Pradesh has the more women voters as compared to men in the same elections.

Read More: <http://gendercheck.indiaspend.com/indias-female-voters-not-turning-out-to-vote-as-they-should-95710/>

Only 17.4% of total Mobile Subscribers in India are women: DoT **Kiran Rathee**

Women constitute only 17.4% of the total mobile subscribers in India, according to the data from the Department of Telecommunications (DoT). North eastern states have the highest percentage of women subscribers in the name of the women. The lowest rate is that of Haryana (10.99%), followed by Mumbai (11.85%). The national capital has 15.29% women mobile subscriptions in total.

Read more: <https://thewire.in/tech/women-mobile-subscriptions-india-department-of-telecom>

ACCESS TO HEALTH AND SANITATION

Gender reassignment surgery increases in Northern Ireland **Niall McCracken**

Gender reassignment surgery has increased five times compared to five years ago. In 2012/13, there were 10 requests for funding from people based in Northern Ireland to have the surgery. This number has risen to 47 in 2017/18. A 13-week consultation to adopt a formal commissioning position on the provision of gender reassignment surgery in Northern Ireland was due to commence in June this year. Due to no functioning government since January 2017 has impacted the consultation on gender reassignment surgery.

Read More: <https://www.bbc.com/news/uk-northern-ireland-45477910>

Four out of ten women who commit suicide are from India: Study **Anuradha Mascarenhas**

According to a study published in Lancet Public health titled “Gender differentials and state variations in suicide deaths in India: the Global Burden of Disease Study 1990-2016”, India recorded total of 36.6% of the total women suicide in the world in year 2016. India at the time of the study, accounted for 17.8% of the total world population.

Read More: <https://indianexpress.com/article/india/four-of-10-women-who-commit-suicide-in-world-are-from-india-most-are-under-40-5353503/> Retrieved on 1st October, 2018.

VIOLENCE AND SAFETY

Describing the impact of Sexual Assault creates Barriers in Reporting it Heather Murphy

In the trail going on against US Supreme Court nominee Judge Brett M. Kavanaugh, Senator Dianne Feinstein asked Christin Blasey during Thursday's hearing, "Can you tell us what impact the events had on you? This was first of several questions aimed at getting Dr. Blasey to outline the toll on her life of a sexual assault involving Judge Brett M. Kavanaugh. The familiar answers are "anxiety, phobia and PTSD-like symptoms. But what Dr. Blasey (a research psychologist) drew attention to was that "I think the sequelae of sexual assault varies per person". Research indicates that people believe the victim's story only if they find the reaction to be optimum according to their own opinion and belief.

[ReadMore-https://www.nytimes.com/2018/09/27/health/dr-ford-sexualassault.html?ref=collection%2Fsectioncollection%2Fhealth](https://www.nytimes.com/2018/09/27/health/dr-ford-sexualassault.html?ref=collection%2Fsectioncollection%2Fhealth)

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