

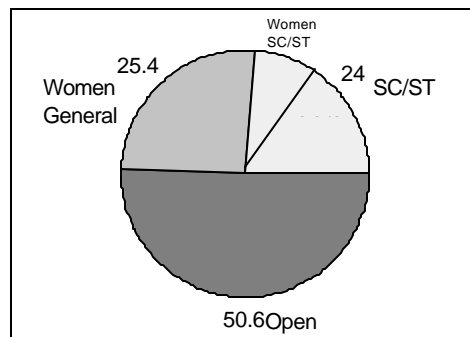
Women's Reservation Bill

A Remedy Worse Than the Disease

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There is now a broad consensus about the need for enhancing women's representation in legislatures. However, the 85th Constitutional Amendment Bill, introduced in Lok Sabha in December 1999 has severe flaws and is likely to do more harm than good. The Bill provides for reservation of one-third of all seats in the Lok Sabha and the Vidhan Sabhas for women. This reservation shall also apply for seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs). As the reservation is large, permanent reservation of certain seats is neither feasible nor politically permissible, and therefore the Bill provides for rotation of reservation in every election. This rotation will automatically result in two-thirds of incumbent members being forcibly unseated in every general election (the 1/3 reserved seats will become open seats, and the same number will be reserved for women from open seats). The remaining one-third will be left in limbo until the last moment, not knowing if their constituency will form part of the one-third randomly reserved seats. There is already resentment about reserved seats for SCs and STs being frozen in the same constituencies over a period of time. Inevitably, there will be vociferous and justified demands for rotation of seats reserved for SCs and in some cases STs, once women's seats are rotated. The population of SCs and STs is now estimated to be 16% and 8% respectively on an all-India basis. In certain states, their combined population is much higher, reaching 35% or more. In the event of rotation of all reserved seats (women plus SCs plus STs) with one-third seats reserved for women, practically every single seat will be rotated in every general election.

Rotation of Seats		
	Now (%)	From 2001 (%)
Reservation for SCs	15	16
Reservation for STs	7.5	8
	22.5	24
Balance Seats	77.5	76
Reservation for Women 33.3%	26	25.4
Open for Men	51.5	50.6



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Such compulsory rotation violates the very basic principles of democratic representation and leadership development. In most cases the male politicians will be tempted to 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. In such a situation, elected women members will lack legitimacy and the cause of women's empowerment will not be served, even as the stigma of reservations will be attached to women. Such leadership will be unnatural, artificial and foisted. Nor can elected women legislators nurse their constituencies on a long-term basis, and thus will be deprived of 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. This Bill does not address the more fundamental issue of inadequate participation of women in politics and their much greater marginalization within political parties.

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 participation.

Given these infirmities, it is necessary to design better models for enhancing women's representation in legislatures. The Forum for Democratic Reforms, a loose alliance formed by Lok Satta, Lokayan, CSDS and Manushi presented a practical and effective alternative, which addresses many of the flaws in the present Bill.

This alternative is based on two key insights into our electoral politics. Firstly, the role of independents in our elections at national and state levels is both marginal and declining. For instance, the average number of independents elected to Lok Sabha from 1952 to 1971 was 29.8(5.9%), whereas the average declined to 7.12(1.3%) in the last seven general elections. In other words, the real electoral battle is clearly among candidates of recognized political parties. Secondly, and more surprisingly, the success rate of women in elections is consistently and significantly higher than that of men. In all general elections until 1998, 17.16% of all women candidates were elected to Lok Sabha, as opposed to only 10.32% of all male candidates. Even among candidates of recognized parties, 32.53% of women candidates were elected, as opposed to 26.5% of male candidates. This clearly proves that women candidates are not suffering any discrimination at the hands of voters. If anything, there is positive discrimination in favour of women. The real problem is that the male dominated parties are not putting up sufficient number of women candidates, nor are they giving women enough political space.

The answer therefore lies in ensuring that parties nominate a large number of women candidates. Therefore the Alternative Bill proposes to amend the Representation of the People Act, 1951, to make it mandatory for every recognised political party to nominate women candidates in one-third of the constituencies. There will be a similar provision in respect of seats reserved for SCs and STs. Each party can choose where it wishes to nominate women candidates, duly taking local political and social factors into account. To prevent a party from nominating women candidates only in states or constituencies where the party is 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; and for the

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Assembly, a cluster of three contiguous Lok Sabha constituencies. In the event of any recognized party failing to nominate one-third women candidates, for the short fall of every single woman candidate, two male candidates of the party shall lose the party symbol and affiliation and all the recognition-related advantages.

In this model parties will be free to choose female candidates and constituencies. Parties will also be able to nominate women from BCs and minorities wherever there is electoral advantage to them. This flexibility promotes natural leadership. Though seats are not reserved, there will be a large pool of credible and serious women candidates in the fray. There will be no need for rotation of reservation. Elected women members can nurture the constituencies and emerge as major political figures in their own right, with an independent power base. At the same time, in the absence of reserved seats, there will be healthy competition for nomination for a particular seat between men and women politicians. 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 proxies or beneficiaries of charitable measures.

The Bill now before Lok Sabha is a remedy worse than the disease. The alternative offered is a practical, effective, political feasible and fair mechanism to enhance women's representation in legislatures and political parties. Given the higher success rate of women in elections so far, it is almost certain that one-third or more legislators will be women. Women's political participation has increased dramatically only in countries like Sweden, Denmark, Finland, Germany and the Netherlands which have implemented party-based quotas of the kind proposed here. The Election Commission(EC) has recognised these merits in this proposal, and endorsed it to parties. This will be a major issue in the all-party meeting proposed by the EC on 29th April.

This model addresses the question of women's representation in legislatures. The fundamental problem which remains is that given the nature of electoral politics today, the system itself creates insurmountable obstacles for women as well as honest and decent men. Proposals for party-based quotas for women must therefore be a part of a larger package of general reforms in electoral politics.

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