

## POLITICAL RESERVATIONS FOR WOMEN IN INDIA

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### ABSTRACT

*This research paper explores how the Rights of Women have been defined in the constitution of India. Women should labour under no legal disability which men suffered towards India achieving independence. I should treat the daughters and sons on a footing of perfect equality”—thus said Mahatma Gandhiji, who believed in independence of women of India. Our Vedic thoughts elevated virtues of women as even greater than those prescribed for men. Women were given equal status which is evident during participation in sacrificial rites etc. They were considered as equal partner of men in upholding ‘Dharma’. With the passage of time due to some evil social pressures, repeated foreign invasions, the security of women was seriously jeopardized and they became victims of invasions. The status of women took a turn upwards with social reforms. The freedom movement marked the beginning of a new era for women. On a staunch call given by Gandhiji, women came forward to join men, to participate in the struggle for freedom.*

**Keywords:** Women rights, India, social reforms

### INTRODUCTION

After the independence, the Constitution makers took a due care in giving recognition and maintaining the status of women, as was given in ‘Vedic’ era, while emphasizing the principles of equality under the Constitution. The Constitution enables the state to make special provisions for women keeping in view to prevent the exploitation, violence and abuse of women. Despite these provisions, the conditions of women remained unsatisfactory because of the traditional male dominated society. However, education, modern technology and social reformations have given much scope to women to come forward and to come out of the orthodox attitude and some evil traditional values of our society. Still the male domination prevails in our society to inflict on women dowry deaths, female infanticide, etc.

### The Constitutional Support

However of late, the changed social conditions’ and the awareness in women have made them to think of preserving the democratic process. Considerable debates have been made from time to time both on moral, social and legal justifications which paved the way for women to enter political field where there was dearth of women representation. The Parliament on its part tried to bring special legislations in order to check the imbalance in the applicability of laws and to afford the women their rightful claim guaranteed under Article-15 or Article-16 with the background of Article-330 to 332 One such step is the reservation of seats for women in Zilla Parishads, Taluk Panchayats and Grama Panchayats in our State. Having found that the reservation is also necessary in law-making bodies, the parliamentarians felt the necessity to give reservations by reserving 1/3 of the Loka Sabha seats for women.

## Marginal Women's Representation

It is really unfortunate to note that, some of the women themselves are not in favour of the above said reservations. They feel and express that the 'Reservation' violates Article-14 and women shall endeavour to take their role along with men in their own individual capacity, and that it is supported by a feminist lobby. I differ from this view. In fact this was a long standing issue. Let us see the representation of women in legislatures for the last 40 years. The recent elections to legislatures have also proved pathetic. Out of 2500 candidates only 95 (3.8%) are women, and only 34 women were supported by popular political parties like Janata Dal, Congress and B.J.P etc. The lack of encouragement from the political parties, by family members, particularly men, and financial stringency, are the reasons for this low percentage. It is essential to note here that socio-economic development of a society depends on the people at the helm of affairs. It is the responsibility of the State to attend to the needs of all sections. Fortunately, the present Government has come up with such an avenue. Women, I feel can give the best support to the same.

It is an admitted fact that ours is a male dominated society, but it is relevant to note that all our families are not male dominated. Almost every progressive family is controlled by the lady of the house. When such being the case, it is not correct to say that it may not be possible for women to control the society. I am sure, if empowered, women would do their best for the betterment of the country. As on today we are seeing only marginal participation of women in elections.

## Towards Responsive & Responsible Participation

The people say that women lack skills, techniques of politics and administration. No doubt 'women' have been considered by men as 'Lobby' makers but, that can't be the criterion to ignore them. There are examples of 'Kitturu Rani Chennamma', 'Jhansi Rani Laxmi Bai', 'Smt. Indira Gandhi', etc., in ruling the country and who were betrayed by the wicked acts of men who stabbed them behind their back. It may be mentioned here, that only certain portfolios are earmarked for the lady legislators by men who are majority, e.g. portfolios concerning women and children, food etc. If the seats are reserved, more women representation would be there and they can as well do their best in all the portfolios. What is not possible on its own through natural process, should be expected to occur through intervention and reforms. Under such circumstances 'Reservation' is a 'boon' for the women and is a must under the prevailing situation.

There may be certain expected disadvantages in the beginning like ignorance and inexperience in socio-political participation, but what I feel is that it is only a passing phenomenon till the elected representatives realize their rights and responsibilities. Even men representatives have undergone this phenomenon at the initial stage. However, we shall strive to contribute the best educated Women with abundant common sense. Further, 'training' has acquired its importance in every field including judiciary. Therefore, we shall discard this apprehension.

## Welcoming Features of the Bill

I welcome the Bill for the following reasons:-

1. The participation of a good number of women representatives could only be expected by way of 'Reservation' as on today. The parliamentarians have also felt the same and moved the Bill. But to our dismay the Bill was not passed, though not opposed by the majority of the recognized political parties, but the same was referred to Joint Select Committee for reconsideration.

2. The Bill is not contravention of the provisions of the Constitution of India.
3. The Bill never defeats the object of democratic elections. The object is to elect an able person to represent the millions in his/her constituency. The elected women cannot be said to represent the citizens belonging to a particular sex, just as the men do not represent only men and did not represent the fair sex. Reservations under Article-15 or under Article-16 cannot be said to mean only an individual upliftment etc. It is shocking to read that if seats are to be reserved for women in Lok Sabha, it would be an unpardonable compromise with quality, efficiency and the like. Does it mean that women occupying various political and academic posts lack quality, efficiency and the like? We must always view things in a better perspective.
4. Reservation never limits or dilutes the choice of the electorate. The duty of electorate is to choose the best amongst the contestants. The electorate has to choose the individual or the party. Let us not think low of women representatives.
5. To upkeep the morality, dignity etc., of women at large, enlightened women representatives are required to participate for the better growth of the country at large.
6. Though women are coming up in all the fields, the statistics show that there is inadequacy of representation in the political field for obvious reasons. Smt. Indira Gandhi, Sucheta Kripalani, etc., achieved equality with men only with the encouragement, environmental conditions that prevailed in their circles. All women are not gifted with such conditions and exposure to come up on their own. Let us not forget that these crutches are for the time being, that would help us to go a long way.
7. Let the women feel that they are not inferior to men. The examples of a few women who marked their undiminished presence is a guide to the coming generation. They lived like sparkling lights here and there, enlightening the rights of women. Now, with the guaranteed 'RESERVATION', let the women walk in mass equally with men.
8. Let the women think that, it is not difficult to hold any responsibility. Let us have moral conviction that women must get their due share and should not be discriminated against men. Whatever legislations are made, the object will not be achieved till the women have that moral conviction.

It will concluded by quoting a saying of Swamy Vivekananda:

“We should cultivate the optimistic temperament, and endeavour to see the good that dwells in everything. If we sit down and lament over the imperfection of our bodies and minds, we profit nothing. It is the heroic endeavour to subdue adverse circumstances that carries our spirit upwards, existence, decay and die,” “Awake: Arise: Stop not till the goal is reached!” same., viz., to protect interests of the Constituency he represents. Does it then mean that with the passing of the amendment, the women citizens will be represented by the women Parliamentarians the male citizens by the male Parliamentarians? Can the interests of men & the women be put in water-tight compartments? Can they be demarcated with mathematical accuracy? It requires little argument to asset that the problems facing the men and the women are closely linked & integrated and has to be resolved in an intelligible manner by exercising proper wisdom discretion.

Further an important point cannot be lost sight of. Though politics has become a game of manipulation, wherein the concept of reservation is a convenient tool, Parliamentary discharge of duties is a serious business. Reservations under Article 15 or under Article 16 are meant for individual upliftment (though in the process, to some extent merit is

compromised & people may have to bear with the less efficient when more efficient are available). But reservations of the nature proposed, have far reaching ill-effects. A Parliamentarian has to contribute in taking policy decisions, making laws that would affect generations after generations & laws that would affect international relationships. Law-making cannot be & should not be reduced to games of manipulation. As it is one serious flaw in our election laws is that, it prescribes for no educational requirement as minimum qualifications. Taking an extreme hypothetical example, our Constitution does not frown at an educational minister being an SSLC fail or say a Law Minister – not knowing the difference between a ‘Law’ and a ‘Bill’. Recently, the very concept of law was ridiculed when a Bill providing for a weekly off to the house wives was introduced! (That it was not taken note of is a different matter). Under such circumstances, if seats are to be reserved for women in the Lok Sabha, it would be an unpardonable compromise with quality, efficiency & the like.

Further, it is pertinent to note that definitely the framers of our Constitution did not contemplate reservation affairs to be a permanent affair. It is ironical that on the eve of the 50<sup>th</sup> anniversary of our Independence, our law-makers are contemplating reservations on fresh lines rather than give effect to the intentions of the framers of our Constitution by diluting reservations.

### **BILL LIMITS THE CHOICE OF THE ELECTORATE**

Reservations of seats for women also hinder the right of the electorate to exercise their franchise effectively. A country which was once rich with eminent personalities, now finds a dearth of sincere & able persons to represent them. With the criminalization of politics, the citizens find themselves in dilemma as to which political party or person to prefer. How else would we account for the inconclusive electoral verdict leading to coalition governments & hung assemblies? In the light of the existing circumstances, reservations of seats for women would further dilute the choice of the voters while keeping an equal number of male candidates out of the fray.

The other disturbing consequence would be that the politicians would just now allow or agree to the women contesting from general constituencies on the ground that they have a constituency reserved for them through in principle women may be free to contest from general constituency also. However the need of the times is that woman must reach a level from where she is able to contest against a man from general constituency and get elected. This is the essence of political gender equality.

### **BILL DIVIDES THE SOCIETY ON NEW LINES**

Given all our achievements, it cannot be denied that today we have a society which is divided on caste lines, religious lines, and provincial lines. Way back in 1948, the Constituent Assembly member Shri Jaspal Roy Kopoor expressed concern over growing provincialism which has been growing even to this day. (CAD Vol.VII No. 16 P. 676). It would be very unfortunate that while stepping into the 21<sup>st</sup> Century, we divide our society on gender lines also-all in the name of gender equality.

### **THE MIND OF THE FRAMERS OF THE CONSTITUTION**

Gender observations made by Pandit Hirday Nath Kunzru while moving an amendment to Draft Article 10(3), are highly relevant & it keeps of the attitude of the framers of our Constitution towards the concept of reservation. He said: “we are all aware that when the Report of the Minorities Committee was considered by the House, the entire House was

anxious that reservations of whatever kind should be done away with as quickly as possible. It was recognized that for the time being they were necessary, but it was insisted that whatever protection might be considered necessary.

### **RESERVATIONS ON ‘POLITICAL RESERVATIONS FOR WOMEN’**

It is a relief that the Constitutional Amendment Bill reserving one third of all the Lok Sabha seats for Women has been referred to the joint Select Committee for reconsideration. It would be suicidal for the very concept of reservation, if, acting under the wrath of the feminist lobby, the Parliament had passed the Bill without discussion.

‘Reservations’ are not a solution to all problems of inequality. Facts have revealed that of late ‘reservations’ have become a tool in the hands of unscrupulous politicians to woo the voters. But the concept of reservations, when evolved by the framers of the Constitution was a laudable, honest and a sincere one.

### **RESERVATIONS UNDER ARTICLES 15 & 16 AND THE PRESENT BILL**

Provisions for reservations are made under Articles 15(3) & (4), 16(4), 330, 331, 332, 333 of the Constitution. Under Article 15, the State is prohibited from discriminating against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them. But under Article 15(3), special provisions can be made in favour of women and children; under Article 15(4), special provision can be made for the advancement of any socially & educationally backward classes of citizens or for Scheduled Castes & Scheduled Tribes.

Under Article 16, the Constitution guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Under Article 16(2), the State is prohibited from discriminating against any citizen only on the grounds of religion, race, caste, and sex, place of birth, descent or residence. But under Article 16(4), the State has the discretion to make any provision for the reservation of appointments or posts in favour of any backward class of citizens, which in the opinion of the State is not adequately represented in the services of the State. The term “special provisions” under Article 15(3) & (4), includes reservations and concessions. It is thus to be seen that on one hand, the Constitution speaks of equality & on the other, it also makes a provision for special provisions in respect of the specified categories of citizens. Special provisions were provided for with an honest urge to protect the interests of those classes who were unable to look after themselves & those who were left behind in the race of life due to historical or other reasons. But all along the framers of the Constitution have cautioned us that reservations should not eat up the rule of equality. The State has exercised its discretionary powers under Article 15(3) & (4) & under Article 16(4) & has made special provisions for the categories mentioned including provisions for the upliftment of the women right from the outset. Thus, we have reservations in schools, colleges, in employment’s, concessions by way of free books, hostel facilities institutional financial assistance etc. Thus by & large, over the last 45 to 50 years, the State has provided all the infrastructure required for the upliftment of a hitherto underprivileged individual so that he or she can compete with the others in the line on equal terms without the special help from the State. In fact, it is now time for gradually diluting reservations & not opening up new vistas of reservations.

### **RESERVATION OF SEATS IN THE LOK SABHA & THE ASSEMBLIES AND THE PRESENT BILL**

Par XVI for the Constitution deals with special provisions relating to certain classes vide Articles 330 to 332. Thus, reservations are permissible to ensure adequate representation to

all classes. Further, Scheduled Caste & Scheduled Tribes women are free to contest from the seats reserved for SC's & ST's.

Article 14 violated.- It is established by a chain of judicial verdicts that Article 14 mandates that "like shall be treated alike & not unlike alike". Unlike the SC's & ST's, women do not form a class by themselves just as men (as distinguished from women)\*. This is because women who form nearly half the population can in turn be grouped on the basis of status, education etc. To club the entire fair sex in one class & reserve 33% of the seats in the Lok Sabha based on one common feature of womanhood violates Article 14. It is as ridiculous as reserving say, 33% seats for men!

### **BILL DEFEATS THE OBJECT OF ELECTION**

Further the classification bears no nexus to object of the elections. The object of the elections is to elect an able person to represent the millions in his constituency. Whether he is elected from a reserved Constituency or from a general Constituency – the purpose is the .....now, should be granted temporarily only, so that the population of the country might become fully integrated & no community or class might be tempted to claim special advantages for itself: (CAD Vol.7 No. 16 P.681)

### **CRUTCHED FOR WOMEN**

On the face of it, reservations for us – 'the women' has a look of being generous. But this generosity is itself degradation, for reservations are crutches offered to those who are handicapped. Women have competed equally along with the men & some have reached high levels-socially, politically & educationally. Women have learnt to walk without be a step in derogation.

What is required for gender equality in the real sense of the term is a change in the attitude of the men. We have laws treating men & women equally; schools, colleges, public institutions, public offices are open to both. Let the men whether in their capacity as fathers, brothers or husbands adopt a broad outlook and bring out the potential in the women. Social movements rather than political fiats will promote the cause of the women. Women have risen 'to the pinnacles of political success through the popular movements concerning the people & not by virtue of their womanhood. Nobody can prevent an Indira Gandhi, Sucheta Kriplani, Ahalya Ranganekar, or Sushma Swaraj in the making.



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