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WHY INDIA NEEDS THE WOMEN'S RESERVATION BILL

Nine out of ten parliamentarians in India are men. Such dismal figures reveal the lasting grip of unfavourable social norms. Women's disadvantage on a complex set of social and economic factors effectively keeps them at the margin of political life. Six decades have gone by since Independence brought hopes that democracy would equilibrate gender representation; two decades ago, reservations opened local bodies to women. Major parties have since championed a bill that would extend reservations to the Lok Sabha, and the state legislative assemblies; the proposed law even made it through the Rajya Sabha. But the gender imbalance at higher political levels remains unaddressed. After decades of delays and posturing, it is time to pass the Women's Reservation Bill. Experience at local level and in other countries provides enough evidence to challenge the most frequent criticisms against the bill and address some of the foreseeable roadblocks in its implementation.

Women are just 11 per cent of all members in the two chambers of Parliament,¹ and their representation in state-level assemblies is no different. The imbalance is starker across political parties, where women members are hardly more than 10 per cent,² and nominations as candidates are even fewer. While all parties count influential female figures, they have not constituted a critical mass that is able to influence party lines.

These figures are embedded in unfavourable social norms and power structures. Women continue to face severe constraints on their mobility: in 2005-2006 the National Family Health Survey (NFHS) found that only one in three women were allowed to venture alone to places such as the market³. The current context, marked by widespread emotions around brutal cases of rapes, risks further curtailing their mobility. In education, literacy rates among women are just below 54 per cent according to census data; they are 75 per cent for men. While data uncertainty cloud assessments of women's workforce participation, all estimates point at a significant reduction over the past decades of high economic growth⁴—from 36 per cent in 1993-94, to 29 per cent in 2011-12 according to the International Labour Office's calculation based on government data.⁵ Without corrective measures such disadvantages will continue to keep most women at the margin of political life for many more years. The women's reservation bill is a step to undo this.

The legal reform that will extend reservations for women in Parliament and state assemblies is arguably one of India's major unfulfilled promises. Championed by major parties, repeatedly introduced in Parliament and supported by a majority of citizens, the Women's Reservation Bill is solidly established in public discourses and India's tradition of affirmative action. In 1993, reservations for women

at local level were introduced without insurmountable resistance, though challenges of implementation have since highlighted the grip of power structures that had till then kept women at the margins of power.

At central level, the Women's Reservation Bill has now made its way through revisions, parliamentary debates, and the Rajya Sabha passed it in 2010. It provides for:⁶

- A total 33 per cent reservation of seats for women in the Lok Sabha and state legislative assemblies, to be operationalised by reserving constituencies on a rotational basis;
- The extension of the 33 per cent reservation for women to existing reservation for Scheduled Castes and Tribes;
- A 15-year period of application, followed by a mandatory revision.

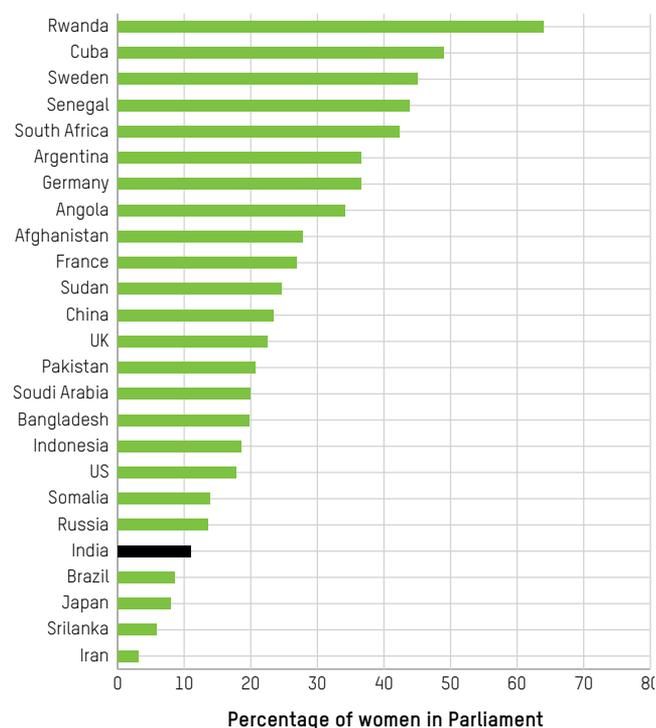
The bill is expected to bring the number of women to a critical level that will allow them to make a real difference in political decisions, according to comparative studies.⁷ While the current text is not free of caveats, women's underrepresentation at state and central level is too acute to take the risk of a new stalemate. In light of this urgency and based on 20 years of reservation experience at the local level, the following recommendations emerge:

Recommendations

1. Pass the Women's Reservation Bill without delays and revisions
2. Recognise that the absence of sub-quotas calls for measures to attract candidates and support representatives from lower caste and class groups
3. Tailor training and support programmes for elected representatives to help women from lower caste and class overcome their disadvantage

Context: Male Politics and the Old Idea of Reservation

Across the world, countries that do not share India's tradition of reservation for deprived groups, have implemented quotas for women.⁸ But in India, the Women's Reservation Bill has stumbled against resistances since it was first introduced in 1996. Delays and lapses in the genesis of the bill have left crude gender imbalances at state and central level unaddressed. International comparisons of women's representation in the lower or single house of Parliament reveal just how bleak India's figures are: the country ranks 108th out of 188 countries, according to the Inter-parliamentary Union (see graph). The 11 per cent of women parliamentarians in India contrast poorly with Afghanistan's 27.7 per cent, Pakistan's 20.7 per cent and even Saudi Arabia's 19.9 per cent.⁹



Paradoxically, the idea of mandatory political reservation for women has deep roots in India's political history. At the time of Independence, it was debated in the Constituent Assembly and rejected on the ground that "the working of democracy [...] would ensure the representation of all sections of Indian society".¹⁰ But the realisation that democracy alone was not enough, dawned among women's groups and political parties in the following decades. In 1993, reservations in local bodies were adopted without much opposition; three years later, the Congress-led government introduced a draft bill that would extend reservations to state and central assemblies; in 1998, the BJP-led government tabled its own version of the bill; the proposition made it into the minimum common programme of the Congress-led United Progressive Alliance in 2004, and has since made it through the Rajya Sabha. The 2014 general elections have generated momentum around the bill's immediate enactment. The agenda has a place of choice in pre-electoral discourses of representatives from the Congress, the Bharatiya Janata Party and left political

parties. Civil society organisations have mobilised for the immediate passing of the Women's Reservation Bill.

The support of political parties and civil society organisations is echoed by the population at large. In 1996, a post-election survey conducted by the Centre for the Study of Developing Societies found that 75 per cent of respondents favoured reservation for women.¹¹ This has since been confirmed by successive surveys.¹² Despite such widespread support, the law has run against staunch resistance: "sessions of Parliament had to be adjourned, as opponents staged noisy protests";¹³ official party lines have been undermined by multiple criticisms from individual parliamentarians.

The expected impact of the reform on a coveted political space and its resonance with deeply rooted gender attitudes have coloured debates. But beyond inevitable turf wars and sexist reluctances, several concerns are worth considering:

1. Mandatory reservations for female candidates will not address deeper imbalances of power: inexperienced candidates will struggle to raise funds for their campaigns, defend the interest of their constituencies, and ultimately stand little chance of being re-elected.
2. Several groups or individuals speaking for lower castes and classes have argued that the general quota would favour upper caste and class women: it would compete with claims of other minority groups such as Muslims, and infringe on existing quotas for Other Backward Classes, Scheduled Castes and Tribes.
3. The rotation of reserved constituencies will rigidly restrict the choice of voters, and risk pitting women against each other before forcing them out after one term.

Twenty years of reservation at local level and examples from other countries provide lessons that can guide considerations about some of the concerns above.

Evidence from Reservation at Local Level

In 1993, the 73rd amendment institutionalised local bodies at village, block and district levels,¹⁴ the panchayats. Women were given access to a minimum of 33 per cent of seats; a number of seats were reserved for women of Scheduled Caste or Tribe. Similar reservations applied to positions of panchayat heads. The reform, voluntarily extended to 50 per cent by certain states, allowed more than a million women access to positions of political power.¹⁵

Detractors of the reform argue that women lack the experience required to lead a political agenda. Established power structures continue to operate, giving way to claims that women were given seats only to become "proxies" of their male relatives. Cases where female representatives are prevented from taking decisions or sharing meeting rooms with their male counterparts are widespread, and violent backlash against women who challenge the interests of traditional power holders have been reported.¹⁶

Despite these challenges, a growing body of evidence shows that women representatives are making a difference.

Findings from a randomised experiment suggest that their presence increases allocations for water and other issues of concern to women.¹⁷ An assessment of people's perception of the availability of basic services in 32 villages finds that female-led panchayats perform better in the long-term on an index of eight services—drinking water, toilets, gutters, schools, ration shops, self-help groups, implementation of welfare schemes and male alcoholism. After three years female-led panchayats perform slightly better than male-led panchayats, and significantly better after five years.¹⁸ Furthermore, the assessment suggests an increase in women's political involvement on an index covering voting patterns, knowledge about rights and the functioning of the panchayat participation in village-level political and social activities.¹⁹

Another study finds that in the medium-term, the introduction of the reservation for women at local level leads to a significant increase in the reporting of crimes. Data across India points at a significant increase in reported crimes against women during the period following the introduction of the reservation.²⁰ Surveys on the interaction between citizens and the law enforcement system suggest that this increase is due to greater responsiveness by the police and the judiciary, which in turn encourages more women to report cases.²¹ The finding adds one dimension to recent discourses about improving women's security: bringing some of them into positions of political power could contribute to the safety of the whole group.

Evidence from local level bodies also nuances concerns that the reservation bill may favour one-term accession to power for inexperienced female candidates. In 1997, a study of the 33 per cent reservation in Mumbai's municipal elections suggested that women were five times more likely to win elections from an open constituency that had been reserved for women in previous elections than from a constituency that was open both times.²² A more recent study of the 2013 state elections in Delhi, Chhattisgarh, Rajasthan, Madhya Pradesh and Mizoram confirms this trend.²³ Women were more likely to contest and win elections from a constituency previously held by a woman. Furthermore, a woman winning an election against a man in the previous elections was associated with an increase in the proportion of female candidates fielded by major parties.²⁴ These figures suggest that a female candidate has chances to break through gender biases of her party, provided she can show her capacity to win. Reservation can help a greater number of them do so.

Recommendations

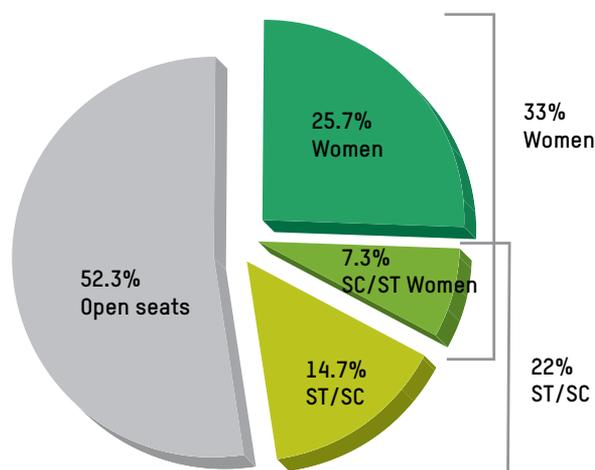
1. Pass the Women's Reservation Bill without delays and revisions

After decades of delays and posturing, it is time to pass the bill. The current text may have caveats, but with just one woman among every 10 male parliamentarians, the gender imbalance at state and central level is too stark to risk further confrontations and stalemates on a revised bill. Furthermore, while details of the current text are worth discussing, the above evidence drives home the fact that 15 years of reservation will help challenge and transform deeply entrenched gender disparities.

2. Recognise that the absence of sub-quotas calls for measures to support candidates from lower caste and class groups

The bill provides for an overall reservation of 33 per cent for women in the Lok Sabha and state assemblies, cutting across the existing 22 per cent reservation for Scheduled Caste and Tribes as well as seats open for competition.

This suggestion has been widely criticised by groups and individuals speaking for the interest of lower caste groups and minorities. They argue that the general quota for women competes with claims of other minority groups such as Muslims and Other Backward Classes, and infringes on existing quotas for Scheduled Castes and Tribes.²⁵



The issue is delicate. On one hand, women need a voice in higher level politics just like other groups. With 11 per cent of women in Parliament, a reservation to correct this imbalance is a non-negotiable. Amending the bill to introduce sub-quotas risks stalling the reform furthermore. The urgency to change the status quo is too high to take this risk. On the other hand, the problem of lower caste and minority representation calls for a credible policy response.

In light of the above constraints, the existing bill should be enacted without further delay, while acknowledging the problem of scheduled caste and class representation. Concrete measures should be taken to balance the representation of these groups, notably by ensuring that programmes to train elected representatives attract and support women from deprived groups.

3. Tailor training and support programmes for elected representatives to help women from lower caste and class overcome their disadvantage

Reservations at local level have shown the importance of setting up adapted programmes: training in political literacy and leadership, computer literacy and access to computers need to be tailored to help women overcome their disadvantage. These systems will be crucial to support the mobility of women who enter local politics, notably those who benefit from sub-quotas

for Scheduled Caste and Scheduled Tribe women at the local level.

Experience so far shows that existing programmes can be tremendously improved to help women overcome their specific disadvantages. Trainings have been criticised for their failure to answer to specific needs of women. There have been instances where hundreds of elected representatives gathered in one room were given computers without providing training to the elected representatives. There was no support for the illiterates or inexperienced. A number of NGOs, such as the Hunger Project or Participatory Research in Asia (PRIA), have stepped in to provide training in political literacy and leadership, or link panchayat members with local women's groups.

Government systems to support female representatives at the local level should be reviewed and integrated into a new system of support. The new programme should structure and support efforts by NGOs and political parties. It should also seek to facilitate upward mobility between local, state and central level political processes.

The more immediate need, however, is to pass and implement the Women's Reservation Bill. Reasons to delay and revise the bill simply do not hold in light of the crude gender imbalance at state and central level. Evidence from the reservation at local level must brush aside remaining resistances.

Endnotes

- 1 The Lok Sabha counts 63 women out of 540 legislators, and the Rajya Sabha 28 out of a total of 241: <http://parliamentofindia.nic.in>
- 2 P. Rai (2011), 'Electoral Participation of Women in India: Key Determinants and Barriers', *Economic & Political Weekly*, 46(3): pp. 47-55.
- 3 International Institute of Population Sciences (2007), 'Key Findings, National Family Health Survey-3, 2005-06', op. cit., pp. 512-513.
- 4 The Planning Commission has argued that this drop is partly explained by issues of measurement. But the analysis of the International Labour Organization and other scholars suggest that such issues only account for a minor part of the reduction. International Labour Organization (2013), 'India: Why is Women's Labour Force Participation Dropping?', available at: www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS_204762/lang--en/index.htm (accessed February 2014); S. Chowdhury (2011), 'Employment in India: What Does the Latest Data Show?' *Economic & Political Weekly*, XLVII(32), pp. 23-26.
- 5 International Labour Organisation, Key Indicators of the Labour Force Participation, available at: http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm (accessed February 2014).
- 6 Government of India (2010), 'The Constitution (One Hundred and Eight

- Amendment] Bill, 2008', section 3 and 4, Delhi: Rajya Sabha, of pp. 1-3, at: <http://164.100.47.4/BillsTexts/RSBillTexts/PassedRajyaSabha/108%20RS%20pass-E.pdf> (accessed February 2014).
- 7 Dahlerup, D., Freidenvall L. (2005). 'Quotas as a "Fast Track" to Equal Representation for Women', *International Feminist Journal of Politics*, Vol. 7(1).
- 8 Countries such as Sweden were first, but over the past two decades, South Africa, Rwanda, Taiwan and numerous countries across Latin America have followed. V. Randall (2006), 'Legislative Gender Quotas and Indian Exceptionalism: The Travails of the Women's Reservation Bill', *Comparative Politics*, Vol. 39(1): 63.
- 9 Inter-parliamentary Union, Women in National Parliament, at: <http://www.ipu.org/wmn-e/classif.htm> (accessed February 2014).
- 10 N. Menon (2000), 'Elusive "Woman": Feminism and Women's Reservation Bill', *Economic & Political Weekly*, Vol 35(43-44): 3835.
- 11 Centre for Study of Developing Societies (1996), 'National Election Study', CSDS: Delhi.
- 12 In 2014, a survey across conducted by CNN, IBN and The Hindu found that only 14 per cent of voters across 18 states opposed reservations for women. CNN, IBN, The Hindu Election Tracker Survey, 2014, at: <http://www.thehindu.com/news/national/article4948689.ece> (accessed January 2013).
- 13 Cited in: V. Randall (2006), op. cit.
- 14 A district is an administrative sub-division of the state with a population ranging from a few thousands in remote areas to millions in highly populated regions they are further sub-divided into blocks; the smallest administrative unit governed by an elected assembly is a village or a cluster of smaller villages of no less than 500 inhabitants.
- 15 Society of Tribal Women for Development (2004), 'Impact of Bottom up Planning Under PRIs and Women Participation Therein', op. cit.
- 16 No systematic study exists on this issue, but the risk of backlash is widely mentioned by NGO workers and in documentation reports. For example: M. Bhattacharjya (2009), 'The Night Before the Elections', in Sarpanch Sahib, Changing the Face of India, Delhi: Harper Collins, the Hunger Project; Participatory Research in Asia (2009), 'Roshni Devi: Overcoming Social and Caste Obstacles', Women's Handout, N. 8; D. Mehrotra, 'Documentation of Models and Strategies For Political Empowerment of Women in Gender Justice Programs, 2013', report supported by Oxfam India (unpublished).
- 17 R. Chattopadhyay, E. Dufflo (2004), 'Women as Policy Makers: Evidence from a Randomized Policy Experiment in India', *Econometrica*, Vol. 72, No. 5, pp. 1409-1443.
- 18 D. Sathe, S. Klasen, J. Priebe, M. Biniwale (2013), 'Can the Female Sarpanch Deliver', *Economic & Political Weekly*, Vol. XLVIII, No 11, pp. 50-57.
- 19 Ibid, p. 57.
- 20 L. Iyer, A. Mani, P. Mishra, P. Topalova (2011), 'The Power of Political Voice: Women's Political Representation and Crime in India', Working Paper (11-092), Harvard Business School, p. 18, available at: www.hbs.edu/faculty/Publication%20Files/11-092.pdf (accessed May 2013).
- 21 Survey data from: Centre for Development Society (2009), 'State of the Nation Wave VII', Delhi; Public Affairs Centre (2002), 'Millennial Survey', Public Affairs Centre, Bangalore, quoted in: ibid, p. 21.
- 22 R. Bhavnani (2009), 'Do electoral Quotas Work after They Are Withdrawn?' *American Political Science Review*, Vol 103(1), at: <http://faculty.polisci.wisc.edu/bhavnani/wp-content/uploads/2013/09/Bhavnani-Do-electoral-quotas-work-after-they-are-withdrawn.pdf> (accessed February 2014)
- 23 S. Bhalotra, I. Clots-Figueras, L. Iyer (2013), 'Path Breaker: How Does Women's Political Participation Respond to Electoral Success?', Working Paper, 13(035), Harvard Business School, at: http://www.hbs.edu/faculty/Publication%20Files/14-035_17a2aec5-97aa-49be-b297-e1b60342dfad.pdf (accessed February 2014).
- 24 Ibid.
- 25 Among other, see Nivedita Menon's discourse analysis across parties showing that isolated calls for sub-quotas among representatives of major parties have been sidelined by their own political. Menon (2000), op. cit.

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