

WOMEN RESERVATION BILL- A SAFE GUARD OF MINORITIES

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Women were socially subordinate to man in one way or other. Even many years after independence, it was realized that she was considered inferior to man. They are putting up a relentless battle against their oppression, accentuated by the general injustice prevalent. The modern reform movements, constitutions and other legal provisions laid much stress on the pitiable condition of women and tried to improve the condition of women. Adoption of our Constitution has heralded a new era of equality for women of India.¹ The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women, by way of legislation and policies.² In the last decades of the twentieth century, the issue of political empowerment of women gained momentum throughout the world³. In India. The question of women's reservations came in the committee on Status of Women in India in 1974. The committee recorded that the continuing under-representation of women prevents them from participating in the decision making process of the country⁴. A little history on the women's Reservation is necessary to disentangle the various discursive strands that have, willy-nilly, to be taken into account to arrive at an understanding of the basis and tenor of diverse positions on the current demand for one-third reservations for women in the State Assemblies and in the Union Parliament.⁵

The story of Women Reservation Bill began on September 12, 1996 when Ramakant D Khalap the then Law Minister during the Deve Gowda government introduced the Women's Reservation Bill (81st Constitutional Amendment Bill) that sought 33 per cent reservation for women in the Lok Sabha and State Assemblies.⁶ However, the very next day on September 13, 1996 only 230 Lok Sabha MPs showed up in the Parliament that was short of the magical number 273 required to approve a constitutional amendment. On December 9, 1996 a joint Parliamentary Committee chaired by Geeta Mukherjee, presented its report on the Women's Reservation Bill to the Lok Sabha.⁷

The matter of women Reservation remained quiet for almost one and half years and was re-introduced in 1998 during Atal Bihari Vajpayee led NDA government through the 84th Constitutional Amendment Bill. In the year 1999 the NDA government re-introduced the Women Reservation Bill in the 13th Lok Sabha, and again in 2002 and 2003. An all-party meeting was called by the NDA in March 2003 and BJP spokesperson Vijay Malhotra told that his party wants the Bill passed in this session itself, with or without consensus. But the Bill could not be passed during NDA government and it became the part of Congress led

UPA government Common Minimum Programme (CMP) in 2004. Meanwhile, in 2005 BharatiyaJanata Party (BJP) announced its full support for the Women Reservation Bill.

The UPA government tabled the Bill in the Rajya Sabha in 2008 with the intention to continue the legislation without any lapse.⁸ In December 2009, the Parliamentary Standing Committee on Law and Justice, and Personnel recommended the passage of the Bill.⁹ The Union Cabinet cleared the Women Reservation Bill on February 25, 2010 that was tabled in the RajyaSabha on March 8, 2010, especially on the occasion of International Women Day. However, the poor floor management of the Congress led UPA government and its lack of communication with the opposition parties led the MPs of RJD and SP MPs disrupt tabling the Bill in the RajyaSabha.¹⁰ In fact, the MPs crossed all the limits and put the Parliament and democracy to shame when they tore the Women Reservation Bill and attacked Hamid Ansari, the Vice President and Chairman of the RajyaSabha. On March 9, 2010 government tabled the Bill again in the RajyaSabha that was put into vote by the chairman. March 9, 2010 is seen as a red letter in the history of democratic India as the long waited Women Reservation Bill (WRB) was passed in the RajyaSabha by a majority of 186 to 1.¹¹

Since its introduction in 1996, Women Reservation Bill has been a debated topic and it had got mixed responses both in the forms of appreciation and criticism from various sects. Of course, the Bill has been passed with the aim to empower the women of the country who did actively participate in the active politics or fail to win elections because of male dominancy. But on a broad spectrum the features of Women Reservation Bill has totally neglected the minorities especially Muslims, OBCs and Dalits of the country.¹²

As per the Bill, the women will get 181 of the 543 seats in the LokSabha and 1,370 out of a total of 4,109 seats in the 28 State Assemblies. Quite interestingly as well as surprisingly the Bill seeks 41 seats reserved for Schedule Castes(SCs) and Schedule Tribes (STs) around 22 per cent of the total LokSabha seats.¹³ Fact is that, the Bill clearly shows the negligence approach of the two major parties – namely the Congress Party and BJP towards Muslims the second biggest population of the country. At one side these parties always make tall claims that they wish the involvement of all religious sects of the country in all fields including politics, but when talked about the reservation of Muslims a step-motherly attitude is shown. Not only the political parties, the Apex Court as well as high courts had struck down the demand or provision for Muslim reservation many times in the past including recently in Andhra Pradesh where the state government has provided some reservation to Muslims.

Despite having a population of around 16 per cent, Muslims have only 5.52% representation in the Parliament. Currently there are 29 Muslim MPs in the country that include a maximum of 11 MPs from Congress Party. In the 15th LokSabha among 59 women LokSabha members only three are Muslim MPs (approx 5 per cent only), namely Mausam

Noor (from MaldaLokSabha seat in West Bengal on Congress ticket), Tabassum Begum (from KairanaLokSabha seat in Uttar Pradesh on BahujanSamaj Party ticket) and KaiserJahan (from SitapurLokSabha seat on BahujanSamaj Party ticket). As per the report of Sachhar Committee Muslims of the country need essential support from the government for upliftment. But the government did think twice or discussed the need of making amendment in the Women Reservation Bill keeping in mind the dismal status of Muslims in the country.

Muslims in India are backward from social as well as economic aspects. Due to lack of education and proper support from the government the Muslims are lagging behind from other sects of the country. Women Reservation Bill was a big hope for Muslim women whose presence is almost negligible in the Indian political system. Need of the hour is that Muslims should now come forward and sincerely discuss the issue of their presence in the Indian politics. Today Muslims have lost their reserved percentage in the Women Reservation Bill and in the coming time there are fair chances that the number of Muslims may go down if the accommodating nature of the top Muslim political leaders continues.

If Muslims would not have representation in the Indian political setup, then who will address the issues related to the second biggest populace of the country. Some see the bill as a rising sun for the women of country, while some say women got their right in the political set up. From here on the Women Reservation Bill will be presented in the LokSabha for approval. Most probably the Bill will be passed in LokSabha and further tabled in 14 state assemblies. Finally the President of India will put stamps on Women Reservation Bill as the new law of the political setup of the country. ¹⁴The RajyaSabha last week passed the historic Bill giving one-third representation to women in the LokSabha and State legislatures. North India's regional politicians like Samajwadi party leader Mulayam Singh Yadav and RashtriyaJanata Dal leader Lalu Prasad Yadav are vigorously opposing the Women's Reservation Bill claiming that the minorities will not have any say in the legislatures, the Muslim community itself seems divided on the issue. While one section of the minority community is against the Bill, there is a counter view that it was good for Muslim women.

The state government of Tamilnadu has declared 10% reservation for destitute women for the recruitment to certain posts in the state Police and Fire Departments for the destitute women for the posts of Grade II constable, Grade II Prison Warden and Fire and Rescue Service.¹⁵ Although there has been reservation for destitute women in the other government departments in the Rs 2,400-grade pay, but there has been no such provision in these departments, which led to the announcement of such kind of reservation. Reports suggest that Ms Jayalalithaa former Chief Minister of Tamilnadu had given 30% reservation for the women in police recruitment in 1996.¹⁶ However, the Bill that aims to increase the participation of women in politics by reserving 33 percent of seats in parliament and state assemblies, was approved by all the members of the Congress-led United Progressive

Alliance, the main opposition BharatiyaJanata Party, four leftist parties and several regional parties.^{17&18}

The 73 and 74 Amendments to the Constitution of India introduced 33 per cent quota for women in local self – government institutions.¹⁹ Every five years, a considerable number of women are being elected to the panchayats in our country and this is believed to be the largest mobilisation of women in public life in the world. ²⁰Those who favour the Bill, say that it is a prerequisite for active political participation of women, which will ultimately lead to their empowerment. The future of India will probably deendultimatel more upon the women than the men.²¹

Politicians are debating over it for reasons other than what is apparent. The Women Reservation Bill has evoked mixed reactions across the political spectrum, both inside the House as well outside.²² The aim of the quota systems is to increase considerably the political representation of women. The protagonists of the Women Reservation Bill highlight the traditionally sanctioned exclusion of women from the public sphere as crucial. Policy makers and planers have long understood the need to engineer the planning process and serious efforts are now being made in this direction.

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