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WOMEN RESERVATION IN INDIA

Law Subject

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Reservation for women in legislature has a long history. Legislative reservation for women was discussed in India first in the context of the constitutional reforms in the 1930s. The Government of India Acts of 1919 and 1935 had granted separate electorates for Muslims, Sikhs and Christians and had an idea of reservation for women. This was opposed by the demand of absolute equality of women and men. The women's organizations like All India Women's Congress considered women's presence in the legislature secondary to the goal of freedom. They demanded the right to be elected to the legislature but with equality and no privileges. The key issue then was absolute equality versus preferential treatment not only of women but also of other groups. The opposition of these groups the colonial government had gone ahead and reserved 41 seats in the Provincial legislature as well as limited reservation in the central legislature, by the Government of India Act of 1935. Though the AIWC had opposed the reservation earlier, it took the advantage of the reservations. In 1937 election 56 women became legislators, 41 in the reserved seats only 10 in the unreserved and 5 in nominated seats. The reserved seats laid the ground for the women's participation in politics and provided them a foothold in legislatures. The participation of women in politics has the background in the social reform movement in the 19th and 20th centuries which focused on the women's issues like age of marriage education and equal rights with men. In 1920s and 30s Mahatma Gandhi's politics opened the gates of political participation for women at different levels. Gandhi welcomed women's participation in satyagraha which brought a large number of women in politics. However, as was discussed earlier, reservation for women was opposed by the women's wing of Congress. The constitution of India adopted the principle Franchise, thus giving women voting right on par with men. The percentage of women in Parliament has been very low right from the beginning. This is not a very encouraging picture. Therefore there is this demand for women's reservation in parliament. Prejudices and cultural perceptions about the role of society are among the greatest obstacles to women's entry into politics.

The government of India Act 1935 attempted to deepen this divide by extending separate electorates to women. This gave impetus to the entire framework of society as it would pit women against men. For the democratic country our belief in democracy seems awfully half-hearted. The



idea that we should reserve one third of all seats in parliament for women suggests that the democratic process is not good enough it needs an accelerator in the form of guaranteeing representation of a creation group through the act of reservations. Women are free to vote for women and yet only one in 10 elected members of the lok- sabha are women. Providing reservations to particular section of community in government job and other institution is generally the highlight of any political party's agenda these days. Some times one feels that basically the reservation issue is nothing but a populist policy of a government. Reservation for women both in government jobs and democratic institution would amount to a positive discrimination. But it might foster a sense of inferiority complex among the women that they have been as if were, provided with crutches to walk on, to struggle in the demanding world. Also reservation for women as we have seen in the cases of the SC; ST; and OBC, would become a populist tool at the hands of powers that be. Instead of providing any solution to this deep-rooted problem reservation for women may give rise to social political as well as psychological tensions. Besides it is debatable if more women will attend school, college and office merely because of reservation. There are many complex reasons behind the low representation of women in the socio-political and economic profile of the country which a reservation policy can not hope to tackle, real leave overcome providing reservation to women as a means of providing opportunities to them in a male dominated society is equally strong. In spite of the fact that the country is supposed to be developing in different walks of life the proportion of women to that of men in various fields of national activities remains highly disappointing. Decision making and policy implementation the representation of women is as low as ever.

The constitution 108 Amendment Bill,2008 seeks to reserve one third of all seats for women in the lok sabha and the state legislative assemblies. The allocation of reserved seats shall be determined by such authority as prescribed by parliament. The women Reservation Bill of The Constitution (108 Amendment) Bill 9 March 2010 is a pending Bill in the Parliament of India which proposes to amend the constitutions of India to reserve 1/3 of all seats in the lower House of parliament of India. The lok Sabha and in all state were proposed to be reserved in rotation and would have been determined by draw of lots in such away that a seat would be reserved only once in three consecutive general election.

Important of the reservation of seats for women in parliament

The Bill giving 33% reservation to women will empower not only women but change the socialstructure of Indian in many ways. This Bill is unprecedented and is softly a revolution in the making. We must welcome this as an Act. Despite long years of democratic politics, women remain largely outside the national public space. Their presence here is largely token and happens despite the natural barriers that facilitate men while debarring women. This is because consciously and subconsciously women's roles continue to be assigned to the private sphere as men are given public roles. Thus despite being increasingly part of the workforce, women are still seen as extensions of the



household in charge of childcare, nurturing and caring. The argument that women are apolitical and nor suited to the devious game of politics, stand refuted by women's leadership in the Panchayati Raj Institution in India where women's reservation has been practiced for over two decades. Here women have changed the name of the game. Both men and women in society. This is the only way to challenge entrenched patriarchal social stryctures.

Journey of Women's Reservation Bill

The 14 years journey of the women's reservation bill was marked by high drama and roadblocks in each of its outings in parliament before the historic measure cleared the first legislative hurdle on Tuesday . The Battle for greater representation to women in lok sabha and State Assemblies was routinely punctuated by frayed tempers and war of words which sometimes got physical, as different governments since 1996 tried to get the women reservation bill passed in parliament without success. The bill also lapsed each time the house was dissolved and was reintroduced by the government of the day. The path-breaking bill green lighted by theRajay Sabha after some hiccups to create legislative history was first introduced in the Lok Sabha by the Deve Gowda government on Sept 12,1996. Snatching of papers from presiding officers and ministers and scuffles became a familiar scene each time the bill made its way to parliament before it was aborted. Once, Union minister Renuk Chowdhury pushed a Samajwadi member away when a Samajwadi member tried to snatch a copy of bill from her ministerial colleague H R. Bhardwaj in the UPA government first term when it was being introduce. Mr. Bharadwaj also took this seat between two women ministers and guarded by some women MPs to ward off any attack on him by some opposition members. And the opposition to the constitution amendment bill to reserve one third of seats in the legislature hit a nadir on Monday when some opposition member tried to attack vice president and Rajya Sabha chairman Hamid Ansari and disrupted tabling of the bill. The opposition to the Bill had its own share of lows when JD{U} veteran Sharad Yadav, a critic of the legislation, asked In June 1997, do you think these women with short hair can speak for women, for our women. In the Bill pervious foray May 6,2008 a resolute government introduce the legislation in the Rajya Sabha yet another time amid high drama and scuffles between members. With Congress Parliamentarians providing protective cover, law Minster H. R. Bhardwaj introduced the bill in the midst of samajwadi party members trying to snatch its copies from the hands of the minister. Samaj wadi members stormed the well soon after the house resumed at noon in an apparent attempt to stall introduction of the bill, which they have been opposing along with JD{U}.

However the disruption could not dissuade the government from going ahead and introducing the bill. As agitated SP member Abu Asim Azmi and his party colleagues tried to snatch the Bill copy from Mr. Bhardwaj, Congress member intervned and Renuka Chaudhary, then the women and Child Development minster, repulsed the attempts by pushing Mr. Azmi away.Expecting trouble, Mr. Bharadwaj was seated in the middle row of the treasury benches flanked by two women ministers-



Kumari selja and Ambika Soni. On top of it, congress women parliamentarians jayanti Natarajan and alka balram Kshatriya guarded Mr. Bharadwaj from SP member who had taken the position for the go. Top leaders including Prime Minister Manmohan Singh and Leader of Opposition Jaswant Singh, were witness to the high drama. Several Lok Sabha lawmakers were also seated in the gallery. Take back the women's reservation bill was among the slogans raised by the SP member from the well of the rajya sabha. After the Bill introduced by the Deve Gowda government on September 12, 1996 failed to get approval in lok sabha, it was referred to a Joint Parliamentary committee chaired by Geeta Mukherjee, which presented its report to the Lok Sabha on December 1996. Aral Bihari Vajpayees NDA government re-introduce the bill in the 12 Lok Sabha in 1998. When Law minister. Thambidurai rose to introduce the bill on July 13, 1998 RJD MP Surendra Prasad Yadav goes to the well of the House snatches it from speaker G. M. C. Balayogi and tear it to bits. The NDA government reintroduced the bill in the 13th lok sabha in 1999. It moved the bill again amid pandemonium in 2002 and left parties and the Congress gave assurance to support the bill if it is taken up. The Bill was introduced twice in parliament in 2003 and after an all party meeting. BJP spokesperson Vijay Malhotra said, we want the bill passed in this session itself, with or without consensus. In May that year, at an all-party meeting, Speaker Manohar Joshi announced deferring of the bill protesting MPs rush to the well of the House during Question Hour, saying they would never allow the Bill to be passed in the present form. Just before the Lok Sabha election in 2004 Vajpayee blamed congress for stalling the bill and said BJP and its allies would pass the legislation after getting a decisive mandate in 2004 election. In 2004 the UPA government includes it in the common minimum program me, which said the UPA government will take the lead to introduce legislation for one third reservation for women in vidhan sabhas and in the lok sabha. In 2005 BJP announced complete support for the bill. Subsequently it yields to the objections of Uma Bharati and several others within the party, who stress on quota within quota for women on caste basis. In 2008 the government tabled the bill in the Rajya Sabha so that the legislation does not lapse. The Parliamentary standing committee on law and justice and personal recommended passage of the bill in des 2009. The bill was cleared by the union cabinet on February 25, 2010. Till date the lokh sabha has not voted on the bill. If the bill were to be approved by the lok sabha. It would then have to be passed by half of India's state legislatures and signed by the President.

Gender justice is an important commitment of the government . the issue involved need careful consideration on the basis of the consensus among all political parties before a bill for amendment in the constitution is brought before parliament. Reservation are a political necessity in India for giving due representation to all section. Although reservation schemes do undermine the quality of education but still affirmative action has helped many if not every one from under privileged and or under represented communities to grow and occupy top position in the world leading industries. Reservation is a system of affirmative action in India that provides historically disadvantaged groups



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representation in education employment and politics. Based on provisions in the India government to set reserved quotes or seats. Which lower the qualifications needed in exams job opening etc. for socially and educationally backward citizens.

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