WOMEN’S RESERVATION IN PARLIAMENT AND STATE LEGISLATURE

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Indian society is patriarchal in nature. Therefore it reflects in political life. Even today also women’s participation in the political field is not equal to the man. But in local self Government it has increased after 73rd amendment of the Indian constitution, women has given 33% Reservation in local self Government in the Indian Constitution. State like Karnataka and Maharashtra has provided 50% reservation to the women in local self government. Even the post of Sarpancha and president of local bodies are also reserved to the women. But this reservation policy has not accepted in the Parliament and the state Legislatures of UNION of India.

Women are neglected in the political field. The data of the representation of women in parliament shows as follows:-

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Seats</th>
<th>No. of women</th>
<th>% age</th>
<th>No. of Seats</th>
<th>No. of women</th>
<th>% age</th>
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<tbody>
<tr>
<td>1952-57</td>
<td>499</td>
<td>22</td>
<td>4.4</td>
<td>219</td>
<td>16</td>
<td>7.3</td>
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<td>1957-62</td>
<td>500</td>
<td>27</td>
<td>5.4</td>
<td>237</td>
<td>18</td>
<td>7.6</td>
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<tr>
<td>1962-67</td>
<td>503</td>
<td>34</td>
<td>6.7</td>
<td>238</td>
<td>1</td>
<td>7.6</td>
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<tr>
<td>1967-71</td>
<td>523</td>
<td>31</td>
<td>5.9</td>
<td>240</td>
<td>20</td>
<td>8.3</td>
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<td>1971-76</td>
<td>521</td>
<td>22</td>
<td>4.2</td>
<td>243</td>
<td>17</td>
<td>7.0</td>
</tr>
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<td>1977-80</td>
<td>544</td>
<td>19</td>
<td>3.4</td>
<td>244</td>
<td>25</td>
<td>10.2</td>
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<td>1980-84</td>
<td>544</td>
<td>28</td>
<td>5.1</td>
<td>244</td>
<td>24</td>
<td>9.8</td>
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<tr>
<td>1985-90</td>
<td>544</td>
<td>44</td>
<td>8.1</td>
<td>245</td>
<td>28</td>
<td>11.4</td>
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<tr>
<td>1990-91</td>
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<td>1991-96</td>
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<td>245</td>
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<td>15.5</td>
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<td>1997-98</td>
<td>545</td>
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<td>1998-99</td>
<td>545</td>
<td>44</td>
<td>8.1</td>
<td>245</td>
<td>19</td>
<td>7.8</td>
</tr>
<tr>
<td>1999 to date</td>
<td>545</td>
<td>48</td>
<td>8.8</td>
<td>245</td>
<td>20</td>
<td>8.2</td>
</tr>
</tbody>
</table>

Source: election Commission of India. It is Published in WOMEN’S LINK, VOL.4 October-December 2011.

Currently In rajyasabha 31 women members are there. Their percentage is 12% and in Loksabha 65 women’s are there. Their representation is 11%.

The 81st, 84th and 85th constitutional Amendment Bills providing for reservation for women in Parliament and State Legislatures has not been passed for not having reservations within reservation for women because of caste. Thus one or other reason the bill has not passed by the parliament.

Most of the women who have become the member of the parliament or state legislature are due to the political background of their family. Even then they have also women as well as they are at least representing the Indian women out of them one become First woman prime minister of India Mrs. Indira Gandhi and the first president of India Mrs. Pratibha Patil.

Several minister of union Government as well as state Chief-Ministers and Ministers of the State Government.

In patriarchal society still today 50% male population of India is having almost 90%
Representation in parliament and state legislatures. And 50% women Population is having 10% representation in parliament and state legislature. It is very unequal representation is going on. Women are required to give equal representation in Parliament and state legislature. It is just to give equal representation in state legislature and parliament so their voice will be give safe to frame good laws.

It is not enough to give equal participation in the state legislature and parliament but they should give equal opportunity in the cabinet their percentage should also equal in government. They should give equal participation in the public employment as well as in public posts too.

Section 8 of I.P.C 1860 says he include she. But now the learned women pointing out the mistake of Patriarchal society they says she include he, woman include man, female includes male. It means women are educated they are entered in all field of social field. They are doing equal contribution in all field of social life. Therefore the Indian people should think

Rationally and they should give equal share in the political field not as a charity but as a matter of duty.

The international community also infewar of women's political participation.


The convention was adopted by General Assembly Resolution 640 (VII) of 20 December 1952.

Article I

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

Article II

Women shall be eligible for election to all public elected bodies, established by national law, on equal terms with men, without any discrimination.

Article III

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without discrimination.

2) International Covenant on Civil and Political Rights, 1966

Article 3

The States Parties to the present covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present covenant.


Article 1

For the purposes of the present convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect of purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Thus the world Community also insisting on giving equal opportunity to the women at every level of social, economic and political life.

Favorable provision for women in Indian Constitution.

In the preamble of Indian Constitution the principle of Justice, equality, liberty and fraternity are given.

THE CONSTITUTION OF INDIA

Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
AND PROMOTE AMONG THEM ALL FRATERNITY assuring the dignity of the individual and the [unity and integrity of the Nation];

IN OUR CONSTITUTENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREAFTER, ENACT AND GIVE OURSELVES THIS CONSTITUTION.

Article 14: Equality before law.- The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15: Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth. –(1) The state shall not discriminate against any citizen on the grounds only of the religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to –

(a) Access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.

(3) Nothing in this Article shall prevent the state from making any special provision for women and children.

(4) Nothing in this article or in clause (2) OF ARTICLE 29 SHALL PREVENT THE State from making any special provision for the advancement of any socially and educationally backward classes of the citizens or for the Scheduled Castes and the Scheduled Tribes.

(5) nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the state from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.
Article 16. Equality of Opportunity in matters of public employment.- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state.

(3) Nothing in this article shall prevent Parliament from making any law [under the Government of, or classes of employment or appointment to an office territory, any requirement of, or any local or other authority within, a state or Union territory, any requirement as to residence within that State or Union territory] prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making 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 under the State.

(4A) Nothing in this article shall prevent the State from making any provision for reservation [in matters of promotion, with consequential seniority, to any class] or the Scheduled Tribe which, in the opinion of the State, are not adequately represented in the services under the State.

(4B) Nothing in this article shall prevent the state from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. Reservation on total number of vacancies of that year.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

Article 17. Abolition of Untouchability.- "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of 'untouchability' shall be an offence punishable in accordance with law.

Article 21. Protection of life and personal liberty.- No person shall be deprived of his life or personal liberty except according to procedure established by law.

Thus there are several provisions in the interest of the women but the policy for effective implementation is not functioning in the right direction. Even though there are several provision are made for the interest of the women but those are not help to increase the representation of women in the Parliament ant state Legislatures. The mind set has not changed. Therefore the progressive legislations are required to increase the percentage of women in the proportionate of their population in society.

The Union Government should thing on the line of the PART XVI of the Indian constitution.

SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

Article 330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.

According to this Article the Scheduled caste and Scheduled Tribe shall give representation according to their population in the country in the Parliament.
Article 331 Representation of the Anglo-Indian Community in the house of the People.
In this case President can nominate two members in the House of the people.

Article 332. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.
In state legislature also keep reservation in proportionate to the Schedule Caste and Schedule Tribe population in the state.

Article 333. Representation of the Anglo-Indian community in the Legislative Assemblies of the States
According to this article the Governor can appoint two members in the state legislatures.

Our constitution has taken appropriate steps for the protection of the rights of weaker section of the society and the minority community.

On the above same line the reservation policy should apply in the case of women. for giving them equal opportunity; you may give name as a reservation or representation for women.

There is debatable issue whether there shall be 33% reservation or 50% reservation.

Whatever may be the International standards or arguments for 33% of reservation for women? Those are not appropriate in the Indian situation. Indian society is heterogeneous therefore for giving equal opportunity to the women of every strata of the society 50% reservation is necessary.

Parliament should take immediate stapes for giving equal opportunity to the daughters of India in Indian Parliament and state legislatures, as a matter of the women’s right and as a matter of national duty towards women community. This is the real philosophy of the Indian constitution. This is the demand of make in India. This is demand for development and developmental approach to social justice.

(End notes)

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