

06-05-2005 - PRIVATE MEMBERS' RESOLUTIONS - Reservation of one third of seats for women in all the State Legislatures and Parliament

Sir, I beg to move:

"In view of the demand for ensuring adequate representation to women in the State legislatures and Parliament gaining ground, this House resolves that the Central Government should bring forward a suitable legislation to reserve at least one third of the seats for women in all the State legislatures and both Houses of Parliament."

Sir, while moving this Resolution, I would like to bring before the House certain facts about this problem. I am very sure that this Resolution reflects the aspirations of an overwhelming majority of democratic public opinion in our country. It is not merely a problem of women that women should be empowered to get more seats in the Legislatures and in the Parliament. It is to strengthen democracy, it is to empower more women to take more active part in the decision-making process in our country, and that idea has been supported by an overwhelming majority of our people in India. That is how I said at the beginning that this Resolution reflects the aspiration of the majority of people in our country. But then this was an idea always upheld by the freedom movement. It was an idea that inspired the freedom movement which encouraged our women should play more vibrant role in the freedom struggle and in our democratic process.

I remember that it was great Mahatma Gandhi who always thought that women should play a more active part in public life and who also inspired women to play a greater role in the freedom movement. He was an advocate of women playing a meaningful role. It is he who said, if I remember correctly, that he would like a *harijan* woman to be in the seat of power and to control the nation going forward. Then, we have had enough of experiences even in the days when we were fighting the first war of Independence. One of its prominent leaders was Rani Laxmi Bai of Jhansi. She was defeated in that battle. She was actually defeated and killed. But the man who defeated her, the British General, told later in his writings that he had seen a woman of exemplary courage and determination and skill in leading a battle against the British. He praised her though he defeated her and killed her. She inspired generations of our people in our freedom struggle. Our freedom struggle was not just a man's affair. Along with the Mahatma Gandhi and the Pandit Jawaharlal Nehru, there was no less a personality, the Nightingale of the India's freedom struggle, Sarojini Naidu. She was also in that galaxy of leaders in the freedom struggle. When Mahatma Gandhi led the 1942 "Quit-India" "Do or Die" movement, that slogan was given practical shape in the form of a militant struggle in Bombay by Shrimati Aruna Asaf Ali, who was described as 'the flaming torch of the Indian freedom struggle'. So, it was not merely a man's struggle. It was the struggle for Independence in which, along with eminent men, eminent women also played a big role. It is not again the role played by some leaders. In the ranks of the freedom struggle, we saw millions of women taking part. In the non-co-operation movement, in many other movements, in many other struggles, that were part of the freedom movement, women took greater part.

That is why, India always thought that the women should be given a rightful place in Parliament, in all democratic processes of decision-making and everything. But it was not easy and it is not easy. Even to scuttle this Resolution and try to see that this Resolution is not moved, just a few hours ago, we have seen how tricky measures were adopted by certain people here. It was that scuttling effort that scuttled the Eighty-first Constitutional Amendment Bill which was meant for providing one-third of seats to women in Parliament. That was in 1998. In 1998, a Joint Parliamentary Committee had given its Report that one-third of seats should be reserved for women. But it could not be adopted by this House because of the same technique adopted by those who opposed it. It was always an opposition, not directly

but indirectly opposing it. They never said that they were opposed to it, but they saw to it that the amendment was not adopted by the Parliament. The same trick may continue to be applied.

Now, here when I am moving this Resolution, I am fully confident that the National Common Minimum Programme, which was adopted by the UPA Government - and we are all supporting that - once again reiterated the will of the overwhelming majority of Indian people and said that this UPA Government would bring forward this legislation to ensure one-third seats are reserved in the State Assemblies and Parliament for women. So, that is the assurance on which this Government is now going forward with its programme.

Not only that, Sir, it has another story. In the seventies, during our Fifth Five Year Plan period, when the United Nations decided to observe international Women's Decade, in consonance with that, the Government of India decided to observe International Women's Year in India. During the period of observing that year - which was again continued and a decade was observed as such - we had come forward with the empowerment of women. The Status of Women's Committee Report was presented before the country. Equal wage for equal work and the idea of more representation to women in all the decision-making processes were part of that Report. Based on that, later when the late Rajiv Gandhi was in power, the constitutional amendments were brought forward to ensure that women were given one-third representation in all the Panchayati Raj Institutions, which stipulated that all the local self-Government bodies would be so constituted that women will be assured of one-third representation. That was done. That was accepted by this House, which became a constitutional provision.

Now, we have the experience. At that time when the debate was going on, there were many people doubting whether we would get so many women to undertake this responsibility and even if we get some women, whether they will be capable of discharging the duties entrusted to them. Now, what is our experience?

Our experience says that enough number of capable women is there. If we go by the experience of the last 10 years or 15 years, then we find that more educated; more capable, and younger women are coming forward to take up the responsibility in the local self-government. They discharge their duties and responsibilities exemplarily. They proved that they are capable of doing it. This is the experience that we have on this issue. So, when this Constitutional Amendment was passed, it was an experiment that we were doing to see whether it would be successful at the Panchayati Raj level. It was proved that it was successful. Naturally, it is expected that it should follow in the Assemblies and the Parliament also. It is a natural corollary to all that was adopted by the Parliament or practised by us for the last 10 or 15 years.

At the time this Bill was presented in the form of the Eighty-first Amendment to the Constitution, it was proposed to amend articles 330 and 332. A Joint Parliamentary Committee was entrusted with the responsibility of discussing it in order to allow all cross-sections of the people in the country to express their views on this issue. It allowed various shades of opinion to be expressed, before the Parliament finalised it. It was a very democratic decision. The Joint Parliamentary Committee was headed by one of the eminent Members of Parliament, Shrimati Geeta Mukherjee. The Committee took evidence and presented its Report to the Parliament in 1998. I have gone through its Report. All the seven leading women organisations, namely, the National Federation of Indian Women; the All India Democratic Women's Association; the All India Women's Conference; the Centre for Women's Development and Studies; Joint Women Programme; Mahila Raksha Samiti; and YWCA jointly submitted a memorandum. In the memorandum it was told to the Committee that the Committee should recommend one-third representation for women, and the Committee should also see that this Bill is passed by the Parliament as early as possible. The Joint Parliamentary Committee recommended that one-third seats in the Legislatures -- including in the Parliament -- be reserved for women. It also recommended that both the

Houses of Parliament pass the recommendations without any delay. It was in the year 1998, and we are in 2005. Next year will be the 8th anniversary of those recommendations, but we are still not able to adopt it. We could not adopt the Constitutional Amendment even though 8 years' have passed.

I remember that three attempts were made in the Parliament after it, but it was scuttled, and very successfully scuttled. The Congress Party supports it; the NDA, which was in power at that time -- when the last attempt was made -- also said that they support it, but with a proviso. But the tragedy is that they said they would support it provided there is a consensus on this issue. This proviso became an axe to cut and bring down the Bill. It may not be possible to evolve a consensus on every issue. If we recollect the way we passed several vital amendments to the Constitution in this Parliament, then I do not think that ever there was consensus on any of those amendments.

One of the first Amendments the Parliament passed was on Land Reforms. There was no consensus; there could be no consensus on that issue. There were people who thought that owning land was a part of the fundamental right, and if that fundamental right should be touched, then compensation should be paid to landlords. It was Jawaharlal Nehru who told that he would not allow the Supreme Court to sit as a third Chamber of this Parliament and decide what the Parliament should or should not pass. Yes, that kind of determination was there. Then, they tried to move the Amendment to Constitution. I remember, when the Court again struck down that Bill, it was Indira Gandhi who brought the Forty-second Amendment. There was again no consensus.

Probably, all those forces who are opposing it, all those who are opposing women's representation in Parliament, were all opposed to this Land Reforms Amendment also. They were opposing that. In the teeth of their opposition, the Parliament adopted it with two-thirds majority, which is the required majority. Can we not have it? I think we can. We can have that majority, provided everybody stands by their word. The Congress Party, the Left Parties, the BJP, and there are many other parties which are saying that they will support it. Even those who are trying to scuttle this will not say that they will oppose it. They will say that they will support it, provided reservation within reservation is assured, that is, reservation for OBCs. I do not think, anybody is against reservation for OBCs, but according to our Constitution, reservation is there only for SCs and STs. That reservation is respected. In the Amendment in relation to Panchayati Raj where women's representation is assured, that reservation will be ensured when Parliament adopts this legislation.

Then, the Joint Parliamentary Committee, probably to arrive at a consensus, said, "Let us adopt a legislation first and then the Government might think whether any more reservation to any more sections should be allowed." That is for the Government to decide. But the main question is one-third reservation to women in Parliament and State Legislatures. Now, the question is whether they deserve only one-third. Everybody knows that it is a first step. They deserve really 50 per cent of the seats; it is not a *gratis*. If you take the population statistics, it speaks that they represent 50 per cent of the population. It was the great Lenin who said, like Mahatma Gandhi, "Without women liberating themselves from the clutches of inequality, man cannot boast of his liberation. If man has to liberate himself, his better half also should be liberated." It is not happening. It was Mao Zedong who said, "Half the sky belongs to women; half the world also belongs to women." It was Dr. Nelson Mandela, the great Gandhian, the great freedom fighter of our time, the great Black leader who liberated South Africa, who said, "Women should represent 50 per cent.

He not only spoke about it, he gave 50 per cent seats to women in the South African Parliament. A disciple of Mahatma Gandhi, one of the historic figures who fought one of the legendary freedom struggles of our time, he has given 50 per cent of seats in the legislature of that country to women. We are, even today, thinking about it.

Now when I move this Resolution, I wish that we will succeed in overcoming all obstacles. Obstacles that come straight to fight, obstacles that come in a surreptitious way to fight, every obstacle, should be overcome because this is a social justice, this is a political justice that we will have to do. Women should find their rightful place in the political life of our country.

What is the situation today when we speak about all these things? Let us take the case of Parliament.

(Interruptions)

MR. CHAIRMAN: Please let him continue.

In the first Parliament, we had 4.4 per cent women as Members. ...

(Interruptions)

We had 41 women representing half the population of the country in Parliament. Now, after 57 years of our Constitution coming into being, the situation is not very different. The highest representation of women that we have ever had in the Lok Sabha was in the 13th Lok Sabha. We had nine per cent women's representation then. That was the highest ever representation of women in the Lok Sabha. In the 14th Lok Sabha, it again declined to 8.3 per cent. So, at this rate, if it is left to spontaneity, probably from 4 to 6 to 9 to 3, we will continue like that.

That is why there should be a decision. There should be a Constitutional guarantee that they will get their rightful place in Parliament. In the Rajya Sabha also the situation - it is nomination there - is not much better. The year 1980 was the high time for women in Rajya Sabha when there were 29 women Members. Today, it is only 28 Members. So, it is coming down. Now we are in the Tenth Plan. What we said in the Tenth Plan approach was that women should be given their rightful place during this period in the social, economic and political life. Whether we will succeed in that is what we are to look at.

The experience in the local administration, as I have told you, is excellent. When this two-thirds representation was provided to women in the local administration, the experience has shown in certain States - especially in Karnataka, Kerala and West Bengal - that more than 40 per cent women were elected and not just 33 per cent. More women got elected from general seats. There were capable women and so they could get elected.

If we ensure, as a first step, 33 per cent reservation of seats for women, naturally that will be a good beginning. From there, they will be able to fight for their rightful place in the decision-making bodies in future.

When Parliament could not come to a consensus, the NDA Government abandoned this effort. Then there came various other suggestions. The Election Commission came forward with a suggestion that let it be left to the political parties. Political parties may decide to reserve 20 per cent of the seats to women. We are against it. I think, all political parties opposed it. It is not a business for political parties to decide. Then, came another suggestion which was not only more interesting but also more chauvinistic, that is, if one-third reservation would mean 180 seats, let us have 180 double-Member constituencies. From there, additional Members - apart from 543, 180 more Members - are elected. So everybody can merrily come here. So also women. That was not a very healthy suggestion and that was also rejected.

The only possible way is to take a direct approach to this. The direct approach is, accept the reality that women represent half the population and, as a first step, let us give them 33 per cent seats as a beginning to go forward. Let us abandon the traditional `manu' attitude. Even those who speak about *manuvaad* so much - I do not know whether they support `manu' or more modern views. Surreptitiously, many political parties here are trying to take the position that *sthree* or women should not come in the mainstream of decision-making process. Let them get exposed during this discussion. This discussion will give an opportunity for everybody to express his views. Let us know where everybody stands. Let us come to a decision after the discussion is over on this Resolution. A view should be taken by a majority. Consensus will never be there. Let us take a majority view and let us take a view that this Resolution will be adopted, based on which a legislation will be brought forward by the Government fulfilling the commitment it had made to the people in the Common Minimum Programme.

Sir, it is with that perspective in mind that I am moving this Resolution and commend this Resolution for the consideration of the House.

MR. CHAIRMAN: Motion moved: "In view of the demand for ensuring adequate representation to women in the State legislatures and Parliament gaining ground, this House resolves that the Central Government should bring forward a suitable legislation to reserve at least one-third of the seats for women in all the State legislatures and both Houses of Parliament."