

# WOMEN'S REPRESENTATION IN LEGISLATURES

*An alternative to the Government Bill for Women's Reservation*



*Forum for Democratic Reforms*

# Enhancing Women's Representation in Legislatures

## An Alternative to the Government Bill for Women's Reservation

### Forum for Democratic Reforms

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THE ugly scenes and stalemate over tabling the Women's Reservation Bill in parliament have had a very beneficial effect. They have finally brought the grim truth into sharper focus that politics has proven to be very inhospitable for women in independent India. What we are witnessing today is a worrisome phenomenon of further decline in the participation of women, not only in our legislatures, but in many other of our political and public spaces.

Most countries in the world have failed to give due space and representation to women in their political life. Women are moving in the direction of near equal participation in only a handful of countries, such as Germany, Sweden, Norway, Denmark and Finland. In these societies women have begun to seriously alter the very nature of politics, making enduring, and substantial gains in every field. However, in all other countries, including the supposedly advanced democracies of western Europe and North America, where women exercise certain freedoms and have acquired the wherewithal for economic independence, female presence in legislatures remains small and relatively insignificant.

In India the problem for women is more serious for several reasons:

- While in many other countries women are inching forward, in India the participation of women in politics has actually declined since the days of freedom movement, both in quantity and quality.
- Government and politics are more important factors in the economic, social, and power structures in India than in most other countries with stronger civil societies, and so, the effect of women's marginalisation in politics is even more detrimental here
- The increasing violence, sexual harassment and victimization of women at the ground level in many of our political parties has made their participation extremely hazardous now.

There were many more outstanding women leaders and workers in the Congress Party at all levels during the freedom movement than there are at present in all parties put together. In states like Maharashtra and Gujarat, virtually every neighbourhood and most villages could boast of at least one effective woman leader, even into the 1950s. But as politics became more centralised as well as criminalised, thus undermining all other institutions of civil society, women were pushed out of leadership positions to function on the margins, at best relegated to the domain of social work at the local level. Even that tradition eroded from the 1970s onward.

The set back to women's participation is even more severe at the state level than in the Lok Sabha (See **Tables 1 and 2**). This is clearly evident in Bihar, which had 14 women elected to the Vidhan Sabha in 1952, 31 women in 1957, and 26 women in 1962. But in the 1967 elections, women won only 11 seats. Their number declined to 4 in 1969. Thereafter, it reached a plateau, leveling at a mere 13 during the last state assembly elections.

Year	Lok Sabha			Rajya Sabha		
	Seats	Women MPs	% of Women MPs	Seats	Women MPs	% of Women MPs
1952	499	22	4.41	219	16	07.31
1957	500	27	5.40	237	18	07.59
1962	503	34	6.76	238	18	07.56
1967	523	31	5.93	240	20	08.33
1971	521	22	4.22	243	17	07.00
1977	544	19	3.49	244	25	10.25
1980	544	28	5.15	244	24	09.84
1984	544	44	8.09	244	28	11.48
1989	517	27	5.22	245	24	09.80
1991	544	39	7.17	245	38	15.51
1996	543	39	7.18	223	19	08.52
1998	543	43	7.92	245	15	06.12
1999	543	49	9.02	245	19	07.76
2004	543	45	8.28	245	DNA	DNA
2009	543	58	10.68	245	22	8.98
<b>Average</b>	<b>530</b>	<b>35</b>	<b>6.59</b>	<b>240</b>	<b>21.00</b>	<b>9.00</b>

Source: CSDS Data Unit

The representation of women in the Lok Sabha has basically remained stagnant. It reached a “high” of 8 percent in 1984. This figure has not been crossed since then. Thereafter, it has showed some decline rather than register an increase. This despite the fact that all major national parties in recent years have declared through their manifestos that they would implement a 33 percent reservation for women in all legislatures.

One of the most puzzling features of this depressed level of women’s political representation in our legislative bodies is that it seems to have no direct correlation with literacy and other apparently related indicators. A comparison between the states of Kerala and Rajasthan, whose literacy rates are at opposite ends of the spectrum, demonstrates this clearly. In Kerala, the overall literacy rate is reportedly 90 percent, with 86 percent female

literacy. By contrast, in Rajasthan, female literacy is a mere 20 percent and only 12 percent of females are literate in rural areas. Kerala has a matrilineal tradition in which women have a much larger measure of autonomy and freedom of movement. Kerala’s women also tend to marry at a much later age compared to women in other states. Most women in Rajasthan live far more restricted lives in aggressively patriarchal communities that still practice purdah and perform child marriages. But the cultural and educational advantage that women in Kerala have, does not translate into higher political participation as compared to Rajasthan. The percentage of women in the legislative assemblies of both states is low. In Kerala it rose from less than one percent in 1967 to six percent in 1991. However, in Rajasthan, the representation of women was four percent in 1967 and reached eight percent in 1985-90, slightly more than in Kerala, but not significantly greater. Since then it has been going down.

**Table - 2**

**Declining Representation of Woman in State Legislatures 1952 - 1999 (% of Women MLAs)**

State	1952	1957	1960 -65	1967 -69	1970 -75	1977 -78	1979 -83	1984 -88	1989 -92	1993 -97	1998 -99	2000 2004	2005 2009	State Avg
Andhra Pradesh	2.9	3.7	3.3	3.89.1	3.4	4.1	3.4	3.7	2.7	9.5	4.6	8.84	11.66	5.38
Arunachal Pradesh	****	****	****	****	****	0	3.3	6.7	3.3	3.3	1.7	0	****	2.61
Assam	0.5	4.6	3.8	4	7	0.8	0.8	4	4	4.8	****	7.31	10.3	4.37
Bihar	3.6	9.4	7.9	2.2	3.8	4	3.7	4.6	2.8	3.4	****	5.76*	****	4.54
Chattisgarh	****	****	****	****	****	****	****	****	****	****	****	5.55	12.32	8.88
Goa	****	****	****	6.7	3.3	3.3	0	0	5	10	5	2.5	2.5	3.83
Gujarat	****	****	8.4	4.8	3.2	****	2.7	8.8	2.2	1.1	2.2	6.59	8.79	4.87
Haryana	****	****	****	7.4*	6.2	4.4	7.8	5.6	6.7	4.4	****	4.44	12.22	6.47
Himachal Pradesh	0	****	****	0	5.9	1.5	4.4	4.4	5.9	4.4	8.8	5.88	7.35	4.41
Jharkand	****	****	****	****	****	****	****	****	****	****	****	****	3.7	3.7
Jammu & Kashmir	****	****	0	0	5.3	1.3	0	1.3	****	2.3	****`	2.29	3.44	1.77
Karnataka	2	8.7	8.7	3.2	5.1	4	0.9	3.6	4.5	3.1	2.3	2.67	1.33	3.85
Kerala	0	4.8	3.9	0.8	1.5	0.7	3.2	5.7	5.7	9.3	****	5.71	5	3.85
Madhya Pradesh	2.1	10.8	4.9	3.4	5.4	3.1	5.6	9.7	3.4	3.8	8.1	8.26	10.72	5.91
Maharashtra	1.9	6.3	4.9	3.3	9.3	2.8	6.6	5.6	2.1	3.8	4.2	4.16	****`	4.6
Manipur	****	****	****	****	0.0*	****	0	0	1.7	0	****	1.66	0	0.3
Meghalaya	****	****	****	****	1.7	1.7	0	3.3	****	1.7	5	3.33	1.66	2.2
Mizoram	****	****	****	****	0	3.3	3.3	2.5	0	0	0	0	0	1.2
Nagaland	****	****	****	0	****	****	0	1.7	****	0	****	0	0	0.5
Orissa	9.6	3.6	1.4	3.6	1.4*	4.8	3.4	6.1	4.8	5.4	****	7.48	4.76	4
Punjab	2.2	5.8	5.2	1.0*	5.8	2.6	5.1	3.4	5.1	6	****	6.38	6.03	4
Rajasthan	0	5.1	4.5	3.3	7.1	4	5	8	5.5	4.5	7	6	14	5
Sikkim	****	****	****	****	****	****	0	0	6.3	3.1	3.1	9.37	12.5	2.5
Tamil Nadu	0.3	5.9	3.9	1.7	2.1	0.9	2.1	3.4	9	3.8	****	10.7	9.4	3.6
Tripura	****	****	****	0	3.3	1.7	6.7	3.3	****	1.7	****	3.33	5	3
Uttarakhand	****	****	****	****	****	****	****	****	****	****	****	5.71	5.7	5.71
Uttar Pradesh	1.2	5.8	4.4	2.8*	5.9	2.6	5.6	7.3	3.3*	4.0*	****	6.45	5.7	4.1
West Bengal	0.8	3.6	4.8	2.9*	1.6	1.4	2.4	4.4	7.1	6.8	****	9.52	12.9	3.4
Delhi	4.2	****	****	****	7.1	7.1	7.1	****	****	4.3	12.9	10	4.28	7.3
Pondicharry	****	****	6.7	3.3	0	0	3.3	3.3	1.7	3.3	****	0	0	2.6
<b>Period Average</b>	<b>2</b>	<b>6</b>	<b>4.7</b>	<b>2.5</b>	<b>4.5</b>	<b>2.6</b>	<b>3.2</b>	<b>4.2</b>	<b>4.3</b>	<b>3.7</b>	<b>5.4</b>	<b>5.1</b>	<b>6.3</b>	<b>3.9</b>

Notes: Table entry stands for % of women MLAs elected to state legislature in the relevant elections Source CSDS Data Unit

(\*\*\*\*) States did not exist/ no elections held in that year/ period;

(\*) Two elections held during this period. The figure given here is an average of the two;

the figures given here are based on name recognition and hence liable to under - reporting of women representatives.

Similarly, the State of Manipur, with its tradition of women playing the dominant role in both the family and the community (again due to a matrilineal heritage), has elected its first legislator only as late as 1990. Nagaland and other North-eastern states which have less repressive cultures for women have similarly low levels of women's representation. By contrast, take the proportion of women in politics in UP, Bihar, and Madhya Pradesh. Though these states are known for their low education levels and repressive cultural norms for women, they have not only sent a relatively larger proportion of women to the Lok Sabha than those from the North-East, but have also elected relatively more women MLAs.

In independent India, pervasive gender discrimination has resulted in sidelining even veteran women politicians. It is difficult for women to establish a foothold without patronage from powerful men in the party - that too through close personal relations, as wives, daughters and sisters. This is indeed a matter for serious concern because the level of political participation among women in any society acts as a reliable barometer of the health of its democracy.

It is significant that stagnation and/or decline in the rate of women's political participation runs contrary to trends in many other fields.

Women in India have made major inroads in various male-dominated professions, including the governmental bureaucracy. In the fields of business, medicine, engineering, law, art, and culture, women who were given opportunities to acquire the necessary skills and education have proven themselves capable of holding their own, without availing of any special measures to facilitate their entry. But they have failed to gain ground in the field of politics. Moreover, the

agenda of women's empowerment seems to have lost the kind of moral and political legitimacy it enjoyed during the freedom movement, as was evident from the ugly scenes in the aftermath of tabling the Women's Reservation Bill in Parliament. Such a response would have been inconceivable in the India of the 1920s to the 1940s.

All these trends indicate that women's representation in politics requires special consideration, and cannot be left to the forces that presently dominate our parties and government. Today, even the best of our female parliamentarians feel sidelined and powerless within their respective parties. The few women in leadership positions have not been able to encourage the entry of greater numbers of women in electoral and party politics, and are an ineffective minority within their own respective political groupings.

The very same male party leaders who compete with each other in announcing their support of special reservations for women have shown little willingness to include women in party decision-making, or even to help create a conducive atmosphere for women's participation in their own organisations. In fact, women's marginalisation is even more pronounced in the day-to-day functioning of almost all political parties than in the Lok Sabha. Therefore, it is urgently required that we take special measures to enhance women's political participation in ways that help them influence decision-making at all levels of our society and polity. Our democracy will remain seriously flawed if it fails to yield adequate space to women.

Given this worrisome scenario, the national debate and efforts to provide constitutional and legal mechanisms to enhance women's participation in legislatures are welcome and long-overdue.

# Problems with the Government Bill

The 85th constitutional Amendment Bill, introduced in Lok Sabha in December 1999, includes the following key provisions:

- One-third of all seats in the Lok Sabha and the Vidhan Sabhas shall be reserved for women.
- Such reservation shall also apply in case of seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs).
- There shall be rotation of seats so reserved for women
- Such rotation shall be determined by draw of lots, in such a manner that a seat shall be reserved only once in a block of three general elections.

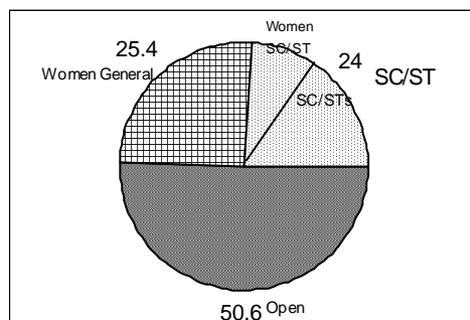
This Bill is seriously flawed, insofar as it mechanically provides for entry of women members to fill one-third of vacancies in Lok Sabha and Vidhan Sabhas. Such mechanical reservation and rotation suffers from serious defects:

1. One-third seats are reserved, and such reserved seats are rotated in every general election. This rotation will automatically result in two-thirds of incumbent members being forcibly unseated in every general election. The remaining one-third will be left in limbo until the last moment, not knowing if their constituency will form part of the one-third randomly reserved seats. This will require them to scramble at short notice to find another seat from which to contest.
2. There is already resentment about reserved seats for SCs and STs being frozen in the same constituencies over a long period of time. Inevitably, there will be vociferous and justified demands for rotation of seats reserved for scheduled castes, and in some cases scheduled tribes, where their population may not be very large. This will trigger off further instability in our polity.
3. The population of scheduled castes and scheduled tribes is now estimated to be around 16 percent and 8 percent respectively, on an all India basis. In certain states, their combined population is much higher, reaching 35 percent or more. In the event of rotation of all reserved seats (women plus SCs, STs) with one-third seats reserved for women,

every single seat will be rotated in every general election. This will result in practically every member of a legislature being unseated in every single general election (See **Table 3 and Pie Chart**).

4. Such compulsory unseating violates the very basic principles of democratic representation. It jeopardizes the possibility of sensible planning to contest and nurture a political constituency for both male and female candidates.
5. As legislators do not have the incentive to seek re-election from the same constituency, politics will be even more predatory and unaccountable. This will contribute to a more unstable political process, and make it difficult for women to build their long term credibility as effective representatives, since they will not be able to contest twice from the same constituency.
6. If seats are reserved exclusively for women in every election through territorial constituencies, voters in such reserved constituencies would have no choice but to elect women only, violating the basic principles of democratic representation.

<b>Table - 3 Rotation of Seats</b>		
	Now (%)	From 2001 (%)
Reservation for SCs	15	16
Reservation for STs	7.5	8
	<b>22.5</b>	<b>24</b>
Balance Seats	77.5	76
Reservation for Women 33.3%	26	25.4
Open for Men	<b>51.5</b>	<b>50.6</b>



Source: Lok Satta Data Unit

7. In such a situation, there is likely to be greater resentment against women, undermining the very objective of the Bill. Those men who get pushed out of their constituencies or who see their allies sidelined will either sabotage female contenders in revenge, or spend much of their political capital helping their own female relatives in cornering these reserved seats. Such proxies would be expected to keep the seat “safe” for the men until the next election, when they would again try to reclaim their seats. Such women would lack legitimacy in the eyes of the voters.
8. Women elected in reserved constituencies will be contesting against other women only, and will lack the legitimacy and opportunity needed to prove their ability and acceptability. Leadership acquired in such a manner will be seen as unnatural, artificial and foisted.
9. Women legislators, when elected, will not be able to nurse their constituencies on a long-term basis, and thus will be deprived of a strong political base and will forever be regarded as lightweight politicians. This in effect will make their presence in legislatures ornamental, and will not lead to a more effective participation in politics.
10. This Bill does not address the more fundamental issue of inadequate participation of women in politics and their much greater marginalisation within the political parties.
11. The experience of fixed quotas in a few countries where it has been tried, such as Nepal, the Philippines, and the erstwhile Soviet Union, has not produced very successful results for women’s political participation.
12. While this Bill provides for election of SC and ST women as legislators, it does not adequately address the issue of participation of backward castes (BCs) and minorities. As parties have no choice about the seats reserved for women, they will be unable to nominate women candidates from these under represented sections in constituencies where they stand a reasonable chance of success.
13. Even though there will be no legal bar on women standing from general constituencies, it is highly unlikely that any women will obtain party tickets to run for office outside the reserved constituencies. This same pattern is evident with SCs and STs who have been permanently ghettoized to fixed reserved constituencies.
14. This Bill is completely silent about women’s representation in the Rajya Sabha and the Legislative Councils.

Given these serious infirmities, it is necessary to design better models for enhancing women’s representation in legislatures. Therefore, we present an alternative which will address many of the flaws listed above.

# The Proposed Alternative Women's Reservation Bill

The important provisions of the proposed Alternative Bills are as follows. The text of the Bills are on **page 12**.

1. A law should be enacted amending the Representation of the People Act, 1951, to make it mandatory for every recognised political party to nominate women candidates for election in one-third of the constituencies.
2. Among seats reserved for SCs and STs also, one-third of the candidates nominated by recognised parties shall be women.
3. Each party can choose where it wishes to nominate women candidates, duly taking local political and social factors into account.
4. To prevent a party from nominating women candidates only in states or constituencies where the party's chances of winning election are weak, and to ensure an even spread of women candidates, the unit for consideration (the unit in which at least one out of the three party candidates shall be a woman) for the Lok Sabha shall be a state or union territory; for the State Legislative Assembly, the unit shall be a cluster of three contiguous Lok Sabha constituencies.
5. In the event of any recognised party failing to nominate one-third women candidates, for the shortfall of every single woman candidate, two male candidates of the party shall lose the party symbol and affiliation and all the recognition-related advantages.
6. A law amending Articles 80 and 171 of the Constitution should be enacted providing for women's reservation of one-third of the seats, elected or nominated, to Rajya Sabha or Legislative Councils. Corresponding amendments need to be made in the Fourth Schedule of the Constitution and the Representation of the People Act, 1950.

## Advantages of this Model

1. Parties will be free to choose their female candidates and constituencies depending on local political and social factors. Parties will nurture women candidates where they can offer a good fight rather than in pre-fixed lottery based

constituencies, where they may or may not have viable women candidates. Thus there is flexibility and promotion of natural leadership.

2. Though seats are not reserved, there will be a large pool of credible and serious women candidates in the fray. This is so because the real contest in elections is only among candidates nominated by recognised parties. **Table 4** clearly shows that the role of Independents in our elections is marginal and declining. In Lok Sabha elections, as many as 99.7 percent of Independents are in fact losing their caution deposits.

**Table - 4**

### Independents Elected to Lok Sabha in Successive General Elections

Year	No.of Seats Filled	No.of Independents Elected	Percentage of Independents Who Lost Deposit
1952	489	38	66.6
1957	494	42	60.1
1962	494	20	79
1967	520	35	86.2
1971	518	14	94
1977	542	9	97.2
1980	529	9	98.9
1984	542	5	99.7
1989	529	12	98.9
1991	534	1	99.5
1996	542	9	99.7
1998	542	6	99.1
1999	543	6	99.1
2004	543	5	99.3
2009	543	9	99.6

Source : Lok Satta Data unit

3. A woman candidate will be contesting both against female and/or male candidates of rival parties. Therefore, the democratic choice of voters is not restricted to compulsorily electing only women candidates.
4. As women members are elected in competition with other candidates - without reserving seats - they will be seen as legitimate representatives in the eyes of the public and not just beneficiaries of charitable measures.
5. A winning woman candidate will have been elected on her won strength, backed by party support. She will not be a mere proxy or political lightweight.
6. There will be no need for rotation of reservation. Therefore the elected women and men can nurture their constituencies and emerge as major political figures in their own right, with an independent power base.
7. At the same time, in the absence of reserved seats, there will be healthy competition for nomination for a particular seat between men and women politicians.
8. Parties will be able to nominate women from BCs, minorities and other communities for elective office in areas where there is electoral advantage to them. This obviates the need for a quota within quotas - an issue which has blocked the existing bill. Those who are concerned about BC representation need not settle merely for one-third quota for BC women within the 33 percent women's quota as they are demanding now. They can field as many BC or minority women as they think appropriate.
9. This method is mostly likely to find favour with political parties and incumbent legislators, as there will be no fear of being uprooted at short notice by

draw of lots. Both compulsory reservation and regular rotation are avoided.

10. Unlike with the lottery system of reserved constituencies, in which women's presence is likely to get ossified at 33 percent since there would be resistance to letting women contest from non-reserved constituencies, this model allows for far greater flexibility in the number and proportion of women being elected to legislatures. If women are candidates for one-third of all seats contested by each party, theoretically they could even win the vast majority of seats - all on merit.
11. This model also provides for reservation of seats for women in the upper houses.

However, given the present state of affairs, it is likely that, to begin with, about one-third of the contested seats will be won by women. But this percentage is likely to grow over time as women gain more confidence and strength. It also ensures that their presence in legislatures more nearly reflects their actual electoral strength so that they are not seen as mere recipients of charitable measures.

### **Plugging Possible Loopholes**

- A party may be tempted to nominate women from constituencies where it is weak. However, by making the unit of consideration the state or union territory for Lok Sabha, and a cluster of three Lok Sabha constituencies for the Legislative Assembly, this risk is avoided. Parties will be compelled to nominate women in all states and regions. No serious party seeking power can afford to deliberately undermine its own chances of election on such a large scale. It is also mandatory to nominate women in one-third constituencies because otherwise twice the number of male candidates of the party will lose party nomination.

**Table - 5**  
**THE GENDER ADVANTAGE**

Though the number of women elected to Lok Sabha has not been very impressive, their success rate (% of contestants getting elected) has always been higher than the male aspirants

Year	No. of Seats	Total No. of contestants available	Male			Female		
			Contested	Elected	% Winning	Contested	Elected	% Winning
1952	489	1,874	—	—	—	—	—	—
1957	494	1,518	1,473	467	31.7	45	27	60.0
1962	494	1,985	1,915	459	24.0	70	35	50.0
1967	520	2,369	2,302	490	21.3	67	30	44.8
1971	520	2,784	2,698	499	18.5	86	21	24.4
1977	542	2,439	2,369	523	22.1	70	19	27.1
1980	542	4,620	4,478	514	11.5	142	28	19.7
1984	542	5,570	5,406	500	9.2	164	42	25.6
1989	529	6,160	5,962	502	8.5	198	27	13.6
1991	521	8,699	8,374	492	5.9	325	39	12.0
1996	543	13,952	13,353	504	3.8	599	39	6.7
1998	543	4,750	4,476	500	11.2	274	43	15.7
1999	543	4,649	4,365	494	11.32	284	49	17.25
2004	543	5,435	5,080	498	9.80	355	45	12.68
2009	542	8070	7514	484	6.44	556	58	10.43
Total			69,765	6,926	13.94	3235	502	15.52

*Gender-wise data for 1952 not Available*

*Source: - September 14, 1999, Times of India, New Delhi*

➤ In the absence of actual reservation of seats, there could be fears that women may not be elected in one-third constituencies, as the voters may prefer a male candidate over a female candidate on account of gender bias. However, evidence so far suggests that women candidates of parties have not suffered any gender discrimination at the hands of voters. In fact, very often, the percentage of success of woman candidates is higher than that of male candidates. **Table 5** shows that the success rate of women candidates in Lok Sabha elections has been uniformly higher than that of their male counterparts in every general election. It is possible to argue that the few women who contest are more often party candidates, and therefore, their success rate is exaggerated.

However, **Table 6** clearly shows that even among candidates of recognised political parties, the success rate of women candidates is higher than that of men. While 32.53 percent of women candidates of recognised parties have been elected to Lok Sabha since 1984, the success rate of male candidates is only 26.50 percent. This trend is seen in all general elections since 1984, except in 1989. Therefore, it is reasonable to assume that women will be elected in large numbers, and that, in fact, their presence in Lok Sabha will exceed one-third in many cases. In any case, past evidence suggests that in at least a quarter of the constituencies, women are likely to get elected if recognised parties nominate them in at least one-third constituencies.

**Table 6**  
**Comparative Performance of Men and Women Candidates of Recognised Parties in Lok Sabha Elections**

Year`	Total Party Candidates Contested	Elected	%	Men			Women		
				Contested	Elected	% winning	Contested	Elected	% winning
1984	1394	510	36.59	1327	469	35.34	67	41	61.19
1989	1523	498	32.70	1437	474	32.99	86	24	27.91
1991	2319	516	22.25	2180	479	21.97	139	37	26.62
1996	2269	530	23.36	2153	493	22.90	116	37	31.90
1998	1964	488	24.85	1831	451	24.63	133	37	27.82
1999	2049	527	25.72	1890	479	25.34	159	48	30.19
2004	2152	523	24.30	1976	479	24.24	176	44	25
2009	2334	522	22.37	2147	484	22.54	187	51	27.27
Total	16004	4114	26.51	14941	3808	26.24	1063	319	32.23

Source : Compiled by Lok Satta from Statistical Reports on General Elections, Election Commission of India, New Delhi

It is noteworthy that women's participation has increased dramatically, to near equal or even higher than equal participation, only in countries like Sweden, Denmark, Finland, Germany and the Netherlands which have implemented party-based quotas of the kind we are proposing.

## Other Necessary Measures for Enhancing Women's Participation

**W**HILE it is necessary to institute a system of reservation for women as spelt out above, this or any other system of ensuring women's presence in legislatures is not by itself sufficient if our objective is to make women equal partners in democratic politics. The problem is not just that women in the political arena are denied tickets by political parties. The fundamental problem is that given the nature of electoral politics today, the system itself creates insurmountable obstacles for women. Proposals for reservation for women must therefore be a part of a larger package of general reforms in electoral politics.

The following general measures of electoral reform would go a long way towards making politics less intimidating for women.

### 1. Measures to check criminalisation of politics:

- (a) The list of offences where a conviction leads to disqualification from contesting elections should be expanded as per the recommendations of the Law Commission.

- (b) Disqualification should not be conditional upon final conviction. It should come into operation as soon as the judge has framed charges with references to offences specified above.
- (c) At the time of filing nominations, a candidate should be required to make a declaration of all the cases pending against him or her, involving charges of criminal conduct or corruption. This declaration should be made public. False declaration should be a ground for disqualification.

### 2. To bring about internal democracy within political parties, all the recognised (national or state) political parties should be required to include in their respective constitutions:

- (a) Rules governing the membership of party and a Register of Current Members that is open for inspection by any member or the representatives of the Election Commission of India.

- (b) Provisions for a periodic and democratic election of all the office bearers and the highest executive body by the members of the party.
- (c) Procedures for selection of party's candidates for elections to legislatures.
- (d) Procedures for deciding upon various policy documents including the party's election manifesto.
- (e) Internal mechanism for adjudicating any dispute, including those concerning the interpretation of the party constitution.
- (f) Provisions for the Election Commission to review the party constitutions for their compliance with the above mentioned requirements, and also to serve as a court of final appeal against any decision of the internal adjudicating authority in every party. The failure to comply with the Election commission's instructions or decisions will invite de-recognition of the party.

**3. Measures to curb the influence of black money in politics:**

- (a) Every candidate shall make a declaration of his/her income and property at the time of nomination. False or incomplete declaration shall invite disqualification.
- (b) All citizens and corporations shall be exempted, upto a certain limit, from paying income tax on donations made to registered political parties.
- (c) The candidates and political parties shall be required, after the completion of election, to file a detailed statement of account. Non-disclosure or false declaration should result in disqualification for candidate and de-registration for political parties.
- (d) While the current ceiling on electoral expenses needs to be revised, certain items of expenditure (direct inducements in cash or kind to the voter, or expenditure to bribe officials or hire hoodlums) shall be considered illegal.

(e) Every candidate who secures 2 percent or more of the valid votes polled in a constituency shall be reimbursed a reasonable sum of, say Rs.10 for each vote secured.

(f) It shall be compulsory for all registered political parties to get a statement of income and expenditure audited annually. The statement shall be a public document.

**4. Measures to curb electoral malpractices:**

(a) The local post-office shall be in charge of maintaining and revising electoral rolls on a regular basis. At present most citizens have no access to electoral rolls, and the procedure for additions, deletions and corrections are ineffective in reality, though the law is eminently sensible. There is evidence to suggest that in urban areas the electoral rolls are flawed upto 40 percent.

(b) It should be mandatory for the Election Commission to provide voter Identity Cards to every citizen who figures on the electoral rolls. Once this process is completed, the voter identity card or other means of identification should be made compulsory for voting.

(c) If the proportion of "tendered" votes in a polling booth is greater than one percent of the total electorate, a repoll shall be ordered in the booth. A tendered ballot is given to a voter in whose name a false vote was already cast, and who establishes identity. Therefore, a tendered vote is indisputable proof of personation and rigging. At present a tendered ballot is kept in a separate cover and is not counted, while the false vote cast is counted! If this repoll provision is incorporated and publicised, people will then avail the facility of tendered vote, and rigging will be self-limiting for fear of a repoll.

# **Provisions of the Alternative Bill**

## **(1) A Bill to Amend The Representation of The People Act - 1951**

(New Section 34)

Notwithstanding anything contained in this Act, every recognised political party shall nominate women candidates on behalf of that party, as nearly as may be, in at least one-third of the constituencies in which the party is contesting, in every general election.

Provided that for an election to Lok Sabha, the State shall be the unit for such nomination, and for an election to Legislative Assembly, a cluster of three contiguous Lok Sabha constituencies shall be the unit as nearly as may be.

Provided that for Lok Sabha election, in case of States with less than 3 seats, a cluster of States to be defined by the Election Commission shall be treated as a unit.

(For removal of any doubt, these provisions will apply in all States and Union territories for recognised national parties, and in the respective State or States for recognised State parties)

Provided that in respect of seats reserved for scheduled castes and scheduled tribes, the State shall be the unit for nomination of women for all general elections; and one-third of all candidates nominated for the reserved constituencies shall be woman.

Provided that in case of by-elections, the party shall nominate as nearly as may be one-third women candidates for the Lok Sabha and Legislative Assembly, with the nation as unit for Lok Sabha and State as unit for Legislative Assembly. Provided further that, in respect of State parties, this provision will apply for State as unit for Lok Sabha.

In the event of a recognised political party not complying with these provisions, for the shortfall of every woman candidate while nominating candidates for elective office, two male candidates of the party in the State or cluster of 3 Lok Sabha constituencies, as the case maybe, as decided by the party shall be deemed to be Independent candidates for all purposes including allotment of symbols.

The Election Commission or the officials authorised by it at the State or Union Territory level shall determine the compliance or otherwise of these provisions after the completion of withdrawal of nominations.

Provided that the candidates so disqualified shall be from reserved vacancies in case the shortfall is in reserved vacancies.

## **(2) A Bill to Amend Articles 80 and 171 of The Constitution of India**

In the Council of States, as nearly as maybe, one-third of all seats, whether elected or nominated, shall be reserved for women.

In the States in which Legislative Councils exist, as nearly as maybe, one-third of all seats filled from each category, whether elected or nominated, shall be reserved for women;

Provided that in case of members elected by members of local authorities, graduates, and teachers, the seats reserved for women shall be rotated, and decided by draw of lots.

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