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FEATURE ARTICLE: Indian Women: Bargaining with Patriarchy

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Kuntala Lahiri-Dutt

On 8th March, International Women's Day, the parliament of the Government of India introduced a historic piece of legislation that seeks to set aside one third of seats in the Lok Sabha (lower House of the Parliament) and state legislative assemblies for women. The landmark bill, popularly known as the Women's Reservation Bill (WRB), was passed by the Upper House (Rajya Sabha) of the parliament, amidst and in spite of chaos that was described by the media as a near-riot. If passed by the Lok Sabha, the WRB would lead to the 108th amendment of the Indian Constitution and reserve as many as 181 of the 545 seats in the powerful Lok Sabha, comprising of elected members. The Bill is historic because it will open the doors of political equity to half the population of India. However, the Bill has been highly controversial and despite the Law Minister, Veerappa Moily's statement whilst introducing the Bill - 'I expect men and women to support me' - a number of opposition MPs tried to stop the Bill from being tabled. Some members from the Rashtriya Janata Dal (RJD) and Samajwadi Party (SP) even climbed into the chairman's well and tore up the document to hurl the pieces of paper at the Chair. There has also been strong opposition from Indian feminists and political commentators on the content and philosophy of the Bill.

Political Opposition to WRB

The strongest political critique of the WRB came from the prominent figures of Laloo Prasad, the leader of RJD from Bihar, and Mulayam Singh. Their concern was that the Bill is a conspiracy by the BJP and the Congress to eliminate the backward classes, dalits and Muslims from Indian politics. Laloo also described the Bill as a 'political blunder' and a 'diversionary tactic' and said, 'I am for 50 per cent reservation for women belonging to all communities ... But you cannot ignore the interests of women from deprived sections of the society. Did women like Sushma Swaraj require reservation to reach the top? ... It only proves that the Bill is meant for the elite classes.' He cited the dormant Ranganath Mishra Commission and Sachar Panel reports on the condition of Muslims in India, and called for the government to implement their recommendations. However, the WRB has found supporters in the most unlikely corners of the Indian parliament. The Communist Party of India has supported the bill, probably as a spin-off from Brinda Karat's resignation few years ago from the Politburo. The head of the research cell of the CPI(M), Mr Prasenjit Basu, in his article acknowledged that 'there is no

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point singling out the “Yadav Troika” or the social justice lobby for opposing this legislation. It is well known that a big section of male parliamentarians cutting across party lines and who have never held less than 87% seats in the parliament since the first general elections of independent India, have been all along providing covert (sometimes even overt) support to the prominent and vocal opponents of this bill.’ He blamed ‘patriarchal ideology’ as the ‘real roadblock’. Not one to be left behind, the Union Railway Minister Ms Mamata Banerjee of Trinamool Congress, in her usual flamboyant tone said, ‘Though I am supporting the bill, I am not a feminist’. Clearly, the bill represents much more than just ‘an idea whose time has come’, and invites the onlookers to explore more closely into a classical melee of sex, class, caste, regionalism and ethnicity that so characterises the Indian political milieu.

The Bill has been lurking for a long time taking nearly 14 years for it to be tabled in the Parliament. Also, it is possible that the Bill, already passed by the upper house, may not be tabled immediately in the lower house by the Manmohan Singh Government. Although nothing has been committed yet, it appears that the Government is prioritizing the economic bill for tabling in the current budget session, arguing that there are no state elections coming up right away. For the moment, the Bill may be seen as a major milestone for Sonia Gandhi’s Congress whilst the government follows the ‘thanda karke khao’ (eat after cooling) principle.

Feminist Critique: Encouraging the Bahu-Biwi Brigade?

The issue of reservations for women in national politics has been hanging fire for a long time since it emerged way back in the 1980s in India when Rajeev Gandhi’s government passed the Panchayati Raj Act (that led to the 73rd and 74th Constitutional Amendments), granting women 33% seat reservation in the rural and urban local bodies. The WRB was formally presented, initially as the 81st Amendment Bill, way back in 1996. Since then, although it has been consistently represented as a ‘women’s issue’ it is increasingly becoming clear that the questions thrown up by the Bill and the responses to it cannot be understood only within the framework of women’s rights. Nivedita Menon relocates the question within a more complex matrix of political identities and argues that the debates around the Bill reveal a more fundamental set of questions about the issues of citizenship, representation and the subject of feminist politics. For example, there were early criticisms of the measures—most notably from feminists such as Gail Omvedt who pointed out the poor benefits received by the lower caste women – however more recent empirical work, for example a 2003 report by Raghavendra Chattopadhyay and Esther Duflo, suggests the significant empowering effects of these amendments on women’s emancipation in rural areas of India. Moreover, their research found that many women invested more in matters that mean more to rural women. For example, women invest more in goods that are relevant to the needs of local women: water and roads in West Bengal; water in Rajasthan. Women panchayati representatives invest less in goods that are less relevant to the needs of women: non-formal education centers in West Bengal; roads in Rajasthan.

Yet, the WRB drove a chasm amongst the feminists in India who are divided in their opinion about reservation. Two main arguments have been thrown up against the legal protection envisaged in the WRB. One of the arguments hinges upon a technical provision of reservation as envisaged in the Bill; the

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reserved seats may be allotted by rotation to different constituencies. A number of Indian feminists, Madhu Kishwar, the editor of *Manushi* and a Professor at the Centre for the Study of Developing Societies, being the most notable amongst them, have expressed resentment against such 'rotation' of seats, seeing it as something that 'strikes at the heart of democracy and democratic values'. This 'fatal flaw', as Kishwar explains, will send India's 'already tottering political system into a devastating tailspin' because one-third of the total parliamentary seats to be reserved for women is to be selected through a lottery system. Her argument hinges upon 'nurturing one's own constituency'. This implies that at random, at least 180 male legislators will be uprooted from their constituencies every election, and in their place 180 women will be assigned with these constituencies. Then, at the time of the next election, when the new list of 180 reserved constituencies are declared, the 180 women who used to hold these seats will not be able to contest from the seats because under the bill's rotation system, the same seat cannot be reserved for women twice. Although she describes this as a 'brainless scheme', and her supporters contend that in all likelihood, seats like Amethi will never get reserved, other feminists like Sumi Krishna, the past President of Indian Association of Women's Studies, points out that this provision opens up the possibility of women fighting elections on their own merit (and winning the seats they might have initially held as 'reserved').

Not unconnected to this is the other criticism of the WRB that suggests that such a Bill will further empower the 'bahu-biwi brigade'—the wives and daughters of male politicians—who will keep the seat 'safe' for them until the next election when they would be likely to be able to reclaim their seats. Whilst being a politician's daughter or wife is not a disqualification by itself, Madhu Kishwar pointed out that most female relatives are brought in as proxies whose only task is to safeguard the political interests of the men in their families. She pointed out the 'rubber-stamp' role that Rabri Devi, Laloo's wife performed and regretted the negative image that such women put forth as role models, because such 'bahu-biwis' extend women's subservience from the domestic sphere into the public and political domain as well. Kishwar argued that 'We cannot afford to pack our Parliament and state legislatures with a large contingent of Rabri Devis.' Kishwar has a point here because a common phenomenon in India has been the leadership of the women's fronts of various political parties by the wives, other female relatives or mistresses of prominent male party leaders. These positions are held by women as long as their male counterparts hold power in the party. Examples of such women in Indian politics with strong familial connections are not hard to find: the names of Brinda Karat, Promila Dandavate or Jaya Jaitley leap up in mind as quick examples. These women assume so much importance within the party because of the men's clout that any woman, who enters the party, no matter how politically talented, has to play a lesser role to these dependent women. These 'Mahila' Fronts of the political parties thus represent and reinforce women in politics primarily as wives/mistresses and mothers/daughters and undermine women's interests in the long-run. They also keeps women's issues subservient to party interests; a well-known example is Mamata Banerjee whose bitter struggles against the CPI(M) in West Bengal were reciprocated with only ridicule and abuse by the women cadres of the CPI(M) in the state.

To prevent the 'Creamy Layer' from usurping the benefits of job reservation, a Supreme Court of India judgment prevents the children of certain grades of government servants belonging to the Scheduled Castes and Scheduled Tribes from taking advantage of job reservations. There is no doubt that women in India are not a homogeneous group. If the WRB had such a provision—or even a quota for OBCs and other minorities within women's reservation—it could possibly curb the social and economic privileges that are still linked with the caste system in India. The regional parties and those with social bases amongst the lower castes would undoubtedly find it difficult to even put forth the requisite number of candidates in the next election if the Bill goes through. There has also been a suggestion to amend the Representation of People's Act, 1951, to compel political parties to nominate women for one-third of seats or lose recognition. The former Chief Justice of Delhi, Rajinder Sachar, was against this 'flawed' proposal which, according to him, would violate the Constitution of India which guarantees its citizens the right to form associations under Article 19(1)(c) as a fundamental right. Other suggestions include using the Delimitation Commission to increase the number of seats in the Lok Sabha which is currently based on the 1971 population of 54 crores to pave the way for the safe passage of the WRB.

What difference does the law make?

So is there an ultimate word? Is reservation for women good or bad? The reservation of political seats represents a protectionism that has been a contentious issue within the feminist movement internationally. The contest that is happening in India on the protection/discrimination reflects the polarised positions of feminist activists on a global scale. This polarisation began in the nineteenth century as women moved out of homes into the more formal workplaces of 'modern' production and a need was felt to make 'special provisions' for these special workers in the labour force. Today's political reservation is an extension of protective thinking into the political arena, but is handed down more as a means of women's empowerment rather than protection. For many women activists, any reservation is controversial, because of their link to maternal definitions of women's citizenship (for example, in workplaces, protective clauses for women are often linked with notions of 'the family wage' which entitled men to higher wages in their role as principal breadwinners). Many men—in the early days of protectionism—supported these clauses precisely because they argued that women should not be in the public domain on equal terms with men, that their primary social responsibility was as wives and mothers. One of the leading intellectual figures in the debates was the German socialist Clara Zetkin who had initially opposed protection legislation but by 1891 had become a supporter of protection. In the bigger picture, all reservation for women—whether in the workplace or in transport ('Ladies Seats' in buses or Ladies Special trains in Mumbai suburbs) or in the political arena – goes against the grain of gender equity. They bring to the fore the complex issue of gender equity versus gender difference—of women wanting equal rights but wanting to achieve that equity through the special treatment of reservation. All women enjoy some reservation or special privileges over men; to give another arguable and complex example, maternity leave is one of them. For one group of Indian feminists, the concern with women's specific biological difference, while ensuring their rights to be part of the citizenry in a democratic country, is consistent with a strong strand of the women's

movement. This strand has acknowledged the specificity of women's reproductive functions in their focus on issues such as domestic violence, but sees this as a basis for special protection by the state, rather than as a justification for gender inequity.

Political reservation is a kind of protection, a patronage, but it is also much more than that. It can also be a force by itself, and set in motion new dynamics. The understanding behind the WRB – that elected women will champion the interests of all women – is undoubtedly naïve. Therefore, it is most likely that such a reservation will actually make no difference to the ordinary woman's life in India. However, the Bill could set in motion a process that may be hard to reverse, which, combined with its symbolic effects, have made it such an attractive proposition for many Indian feminists to openly support it. Currently women comprise only 8.2 per cent of seats in the Indian Parliament which is not only way below the Asian average of 18.5 per cent, but also around half than the proportion of seats occupied by women around twenty years ago. That was still a time when women leaders (such as Geeta Mukherjee of the Communist Party of India) from the older struggles (such as Indian nationalist movement, and the Communist movement) were in the fray. This is a contradiction by itself in contemporary India which has powerful women's movements and strong individuals. It is an India which is increasingly becoming more gender-aware in spite of the steadily falling female-male ratio in its Hindi belt, a country where the Equal Opportunity Commission report has been out for over two years. In this rising India, broaching issues from women's perspective would be feasible only if there is a critical mass of women law-makers in the Parliament. There is a distinct likelihood that if this critical mass of women parliamentarians could be had, India would have more gender-sensitive legislation. It is possible that the culture of the Parliament House could also change and women MPs could be heard more and taken more seriously than they are at present.

As if to underline the significance of the WRB and highlight the complexities around it, a publication, 'Power, Voice and Rights: A Turning Point for Gender Equality in Asia and the Pacific' (UNDP Asia-Pacific Human Development Report, 2010), was released in Delhi on International Women's Day. It provided quantitative evidence of the glaring gender gap in South Asia (and within that, India) which fares poorly in terms of indicators that range from sheer survival (sex ratio at birth, maternal mortality and 'missing women'), to education and literacy, and to employment, security and voice. The report is timely and significant because we all know the causes of such gender gaps in Indian life; yet so far there has not been expressed political will to hit at the root of these causes. Indian laws have not substantially succeeded in their efforts to create an equal citizenship of all women and men in every aspect of life. In the circumstances, there is a palpable urgency to have more women legislators with the hope that they will shape the contents of the law as well as redirect policies to a more gender-sensitive and inclusive Indian society.

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