Chapter 6: The Problem of Gender Justice in the Debate over the Women's Reservation Bill

6.1: Introduction

In the previous chapter, I examined the issues of gender justice involved in the debate over the UCC in India. I examined how the women's movement is constrained while using the language of women's rights, because the debate has also prominently emerged as a contestation between the secular state and religious nationalism. However the questions of gender inequality in the debate have also raised formidable questions regarding the mainstream political notions of rights, citizenship and justice, which I have discussed in the last chapter. Reform of personal or family laws is one of the central issues of moving towards gender justice, since women's lives are directly affected by these laws.

Another issue of gender justice that has emerged in the Indian women's movement is that of the reservation of seats for women in the Parliament and state assemblies. Such reservation is aimed at enhancing the participation of women in politics. As discussed in chapter two, women were excluded from both political theory and political practice. Women
were deemed unsuited from political activity on account of their emotional and intuitive nature, as against the rational disposition of men. This exclusion fortified the exiting gender-based inequalities and oppressions. At the same time it also gave rise to conditions of further inequality and injustice based on gender. Some feminist challenges to women’s exclusion from mainstream political theory have been discussed in chapter two. Similarly, challenging the absence of women from political activity, and encouraging their participation in politics is seen as constitutive of gender justice.

As we saw in the discussion of Rawls’ theory (chapter two), social justice requires fair equality of opportunity to all citizens to occupy offices and positions of power and authority. However ‘fair equality of opportunity’ calls for positive discrimination in favour of historically oppressed and excluded sections of society such as *dalits* and women. Such positive discrimination or affirmative action takes the form of reservation of seats in legislative bodies. Therefore, the issue of reservation of seats for women in legislative bodies is an issue of gender justice.

The pursuit of justice for women through reservation of seats cannot be divorced or seen in isolation from the pursuit of justice for *dalits*, OBCs and
minorities. Quite naturally therefore, the debate over reservation of seats for women has brought to the fore the interconnection between justice for women and justice for other oppressed groups. It has also highlighted the interconnectedness of gender-based and class/ caste-based inequalities and injustices.

Vasanthi Raman notes:

> Both the issue of women’s reservation and the question of the uniform civil code are good examples of how gender justice can be made a casualty precisely because it has been posed in terms whereby the specific social and historical roots of gender inequality both within and between communities have been ignored.¹

I have discussed how the issue of gender justice has been made invisible in the debate over the UCC. In this chapter I shall demonstrate how the same has been discerned by majority-minority politics.

Reservations for the SCs and the STs² were introduced in the Constitution as compensatory measures to account for past discriminations and disadvantages that these groups faced as a result of caste distinctions. These groups have been subjected to severe class-based and caste-based oppressions and have been on the social, economic and political edge. Using
the same rationale, some women's organisations, women's groups and some political parties demanded reservation of seats for women in the Parliament and state assemblies, to compensate for the discrimination faced by women on account of their sex. Positive discrimination in the form of reservations for the SCs and STs was comparatively easier to implement because it had basis in the social and economic backwardness of these sections. However understanding a similar pattern of reservation for women would be difficult due to "the varied nature of women's constraints within the complex system of structural inequalities which reinforce patterns of marginality for the unprivileged groups", as Kumud Sharma notes.

It is interesting to note how the issues raised by the IWM have assumed different hues in public discourse. For instance the debate over the UCC, as discussed in the previous chapter, is essentially an issue of women's rights but has taken the form of a controversy over community rights versus national integrity. Similarly the issue of sexual harassment at workplace has got transformed in the public discourse as an issue of how to 'protect men' from the misuse of these laws. Hence Menon notes: "An important political task for the women's movement has been to problematise the terms of public discourse precisely in order to make visible the gendered aspects of structures of power".
Menon notes that in this sense the debate over the WRB has been unusual for it has been debated in public discourse in terms of women’s rights. Nonetheless it has raised important questions regarding women’s rights, and how women’s rights are enmeshed with class/community/caste affiliations. According to Menon, the debate over the bill has given rise to fundamental questions regarding, citizenship, representation, and the subject of feminist politics. My rationale for considering the issue of the WRB is not so much to dictate in favour of or against reservation for women, as to demonstrate how questions of women’s identity and women’s rights are rendered imperceptible by caste/class/community affiliations.

Reservation for women in the Parliament has predominantly emerged as a feminist issue during recent times in the national political debate. Backing the demand for reserving seats for women in legislative bodies, are two amendments made to the Indian Constitution, which provided for women’s reservation in the bodies of rural and urban local governance. The 73rd and 74th Constitutional amendments have provided for one-third seats to be reserved for women in the Panchayati Raj institutions and Municipal bodies respectively. The impact of this reservation has been discussed in section 3 of this chapter. The Women’s Reservation Bill (WRB) proposes the reservation for women in the Parliament and other legislative bodies.
The WRB first appeared as the 81st Amendment Bill in 1996. It sought to propose 33 per cent seats to be reserved for women in the Parliament. Since then it has continued to dominate the Indian women’s movement and has been a central focus of feminist politics in India. In December 1999 the WRB was re-introduced in the Lok Sabha as the 85th Constitutional Amendment. Some of the provisions it contained are as follows:

- One-third of all the Lok Sabha and Vidhan Sabha seats would be reserved for women by this amendment.
- Such reservation would be for an indefinite time period, unlike the reservation for SC/ST.
- Such reservation would also be for women belonging to the SC/ST, within the SC/ST reservation. This implies reservation within reservation.
- There would be rotation of the seats that are so reserved for women.
- The constituencies whose seats would be reserved for women would be drawn by a lottery.
- The rotation would take place in such a manner that a seat would be reserved only once in a block of three general elections.6

The question of reservation for women had come up in the Constituent Assembly debates. But women representatives rejected it as unnecessary.
They felt that the practice of democratic politics in Independent India would soon ensure the representation of all sections of the society. Moreover any such reservation was seen to imply the incompetence of women to compete as equals.

In 1974 the Committee on the Status of Women in India (CSWI) considered the same question of reservation for women. The argument here was that even after 25 years of Independence "...rural women’s experience and problems had remained undervalued and invisible". While the CSWI recommended the establishment of statutory women’s panchayats, most of the state panchayats had already reserved one or two seats for women. After examining the various arguments in favour of and against such reservation for women in the Parliament, the CSWI following the footsteps of the members of the Constituent Assembly, rejected the reservation of seats for women in the Parliament and the State Assemblies.

The National Perspective Plan (NPP) for 1988-2000 recommended a 30 percent reservation of seats for women at Panchayat and Zilla Parishad levels. Some states like Karnataka and Gujarat implemented some form of reservation for women in the Panchayati Raj institutions. By the 73rd and 74th
amendments passed in 1993, one-third seats were reserved for women in these institutions nation-wide.

In 1996 the 81st Amendment Bill was introduced in the Parliament, which proposed 33 per cent reservation for women in Parliament. However it could not be passed and was referred to a Joint Select Committee. In 1998 it was introduced again as the 84th Amendment and again in December 1999 as the 85th Amendment and still the debate has not ended; in the Parliament and within the IWM.

6.2: Women's Participation and Political Culture in India

While the debate over the WRB still continues to storm the Parliament, it is interesting to throw a glance at the role of women in the political culture of India prior to and after Independence. Mary John argues that to understand the demand for reservation in the light of the proposed the 81st Amendment it is necessary to contextualise the same to pre-Independence struggle and movements. Due to the experiences in women's education a cadre of women was produced whose interests transcended the household. John observes that due to the "over-determining role of colonialism and the growing force of nationalism ... the grounding of public political action was
formulated in a 'language, imagery and idiom ... steeped in tradition and religion as self-conscious alternatives to alien western norms'. This in turn froze women's revolutionary potential where domestic or family relations were concerned". 

As I have discussed in chapter 3, nationalism evolved the image of a 'modern' woman who depicted the spiritual superiority of the nation. Using this icon of womanhood nationalism sought to resolve many conflicts that arose as a part of the social reform movement. And thus the woman's question was never put before the colonial government for political negotiation. On the other hand, women were granted vote without a suffrage movement. Thus John argues that "by containing the real history of the woman's question within the middle class home, the colonial (and postcolonial) public sphere was effectively engendered".

With Gandhi's arrival on the national scene, the role of women in the national struggle underwent a dramatic change. Gandhi unleashed the potential of women as public-political actors and effectively used them in the subsequent non-violent struggles. However it is interesting to note that Gandhi influenced women to drop the demand for reservation. The demands for reservation or separate electorates were seen as signifying anti-
nationalist feelings. Women were thus persuaded against reservation or separate electorates by glorifying femininity and its virtues.

Soon all major women's organisations and women leaders began opposing the need for reservation for women. Such arguments as special electorates or nominated seats would enable the representation of women and would also help to address the social problems faced by women, were either watered down or held as disloyal. Thus women demanded formal political equality and at the same time rejected the idea of any kind of preferential treatment.

However John very rightly points out the irony that these women who continued their social, political and educational advancement, claimed to be representatives of all Indian women, most of whom lacked the facilities and opportunities for advancement. Yet the women leaders chose a language of no favours or privileges. Moreover while they officially rejected the idea of nominations or reserved seats, they did demand the presence of women in central and provincial legislatures, all local, municipal bodies, committees and commissions.
The Government of India Act of 1935 did reserve forty-three per cent seats for women. However in the subsequent elections of 1937, while 56 women entered the legislature, a meagre 10 had come from general seats and five as a result of nomination. This resulted in the women's organisations being displeased with the Congress. It was Gandhi who had discouraged the idea of reserved seats for women, yet the Congress had failed to grant space to women candidates, the few exceptions being 'staunch party workers'.

Even though eleven women members were nominated to the Constituent Assembly, Vina Mazumdar argues that this notion of political equality between the sexes, as projected by the Congress was a result of the massive and willing participation of women in the civil disobedience movement rather than the 'radical ideas of sexual equality'. Similarly Partha Chatterjee argues that “the [women's] question was settled much earlier, on the grounds of 'cultural' not 'political' nationalism, which enabled middle class 'modern' women's entry into the public sphere by domesticating the nationalist project within the home".11

As mentioned above in the Constituent Assembly, the women members declined the idea of reserved seats for women, because they were opposed to any favours or special privileges for women. Such privileges they held,
underestimated the potential of women to compete as equals. Referring to the reserved seats for women under the Government of India Act of 1935, Renuka Ray, a leading member of the AIWC argued that it 'exploited' the backwardness of women. Such reservations hampered women's chances of being elected from general constituencies and more importantly, it acted as a hindrance to women's growth and an insult to their intelligence and capacities.

This idea remained fairly dominant until 1974 when the Committee on the Status of Women in India (CSWI) presented its report. This report brought to light the glaring differences in the status of men and women in India. It also highlighted the fact that after Independence the status of women in India had actually declined. It revealed the declining number of women legislators and also the reluctance of political parties to sponsor women. Yet surprisingly in its report, it upheld the arguments of the Constituent Assembly and rejected the idea of reservation for women.

The Indian freedom struggle had witnessed a massive participation of women under the leadership of Gandhi. This in fact stands in contrast to the grim picture presented by the meagre political participation of women in post-Independence India. Madhu Kishwar has puts forth an interesting
analysis of the way in which women have been marginalized from the political process since Independence.\textsuperscript{12}

After Independence the Congress Party under the Prime Ministership of Nehru, began turning authoritarian. Kishwar comments: “Nehru did not let power devolve on to the local institutions of governance”. He feared that the inspiration of Gandhi to the Indian villages might culminate into an alternative form of people-centred politics, which would threaten the power and authority of the state. Hence “Nehru worked hard to ensure the continuity of the colonial state by keeping the colonial education system intact as well as allowing the bureaucracy to maintain its stranglehold over society ... The marginalisation of women was a part of this process of destruction of the Congress as a party of local leaders with grass roots support and areas of influence”.\textsuperscript{13}

While the Nehruvian era sowed the seeds of widespread de-politisation of the Indian society, the era of Índira Gandhi converted politics into a corrupt and unsavoury activity. In spite of the fact that Mrs. Gandhi was looked upon as a powerful woman and as a symbol of inspiration, she hardly tried to introduce or involve other women into politics. During her regime politics became authoritarian and the government became over-centralised.
Corruption became the name of the game and it was difficult even for self-respecting men to survive in politics.

Hence Mrs. Gandhi's era also severely jeopardised the political participation of women, reducing the number to a mere handful who were either as corrupt as their male counterparts or related in some way to the male leaders. Kishwar alleges not only the Congress but also other leading parties like the BJP, which has attracted more women than the Congress, of using women as mere auxiliaries that are mobilised only during protests, demonstrations or campaigns. This is one of the major arguments against the recommendation of the WRB. Some feminists have argued that if reservations to women were granted on the clauses of the Bill, we would ultimately witness women becoming mere proxies. This has been argued in the case of reservation for women in the panchayats. Critics argue that while reservation managed to place women in the panchayats, they remain but puppets in the hands of their husbands or other male relative.

6.3: Panchayat Reservations and Women's Participation

Before I begin a discussion on the varied and often contradictory reactions from feminists and women's groups on the WRB, I think it would be useful...
to discuss how reservation for women in the *panchayats* and municipal bodies have been viewed by some research scholars. Kumud Sharma notes that the two amendments of the late 1980s, the 73rd and 74th that legislated the reservation for women in these bodies of local governance, mark a shift from the politics of protest, that has characterised most campaigns of the IWM, to active politics and granted an opportunity to women to re-shape the agenda at the local level. While the WRB gave rise to a nation-wide debate on women’s reservation, it is interesting to note that similar reservation when introduced in the PRIs, or the lowest bodies of local governance, generated little debate and no opposition.

The 73rd and 74th amendments to the Constitution provided for the reservation of minimum one-third seats in the *panchayats* and municipal bodies for women. This was with a view to bring women into the mainstream decision-making process. Since then many studies have been undertaken to examine women’s role in these institutions of local governance. Initially there was a great deal of scepticism regarding women’s potential for active political participation. For instance, initial studies in West Bengal depict, as Samita Sen notes, that “women’s inexperience allowed their marginalisation; that given the limited power and resources of the *panchayats*, women’s roles were highly circumscribed; and that political
parties included women for panchayati representation without allowing them voice in party decision-making". Nonetheless subsequent studies though critical, did assert an increase in confidence of the elected women members.

Some scholars like Nirmala Buch believe:

This mandated minimum one-third reservation has legitimated entry of women in a critical mass of mainstream politics at the grass-root level in the whole country and has created political space for women across caste and class. It is a major step for inclusive politics, and addressing as it does their continued political marginality, it has a potential of changing the existing gender relations.

While women in India have always been on the periphery of political and social power, the two above-mentioned amendments resulted in nearly one million women entering the PRIs. Despite several critiques that these women act as mere proxies and do not participate in the panchayats, their numerical strength is too great to be shouldered aside or be ignored. Moreover as Kumud Sharma observes: "The overwhelming response by women to these [legislative] measures and the entry of nearly one million women in the PRIs [Panchayati Raj Institutions] encouraged the women's
movement to make a similar demand for reservation of one-third seats in
the Parliament and state assemblies before the general election in 1996.”

During a study conducted in the three states of Rajasthan, Madhya Pradesh
and Uttar Pradesh, Nirmala Buch has identified four myths that are
widespread about women’s participation in the panchayats:

1. Women’s passivity and disinterest in political institutions;
2. Reservations benefit only the well to do, upper strata women to enter
these institutions;
3. The political connectivity of women – that only privileged women,
who happen to be kin of powerful politicians enter these institutions
to keep the seats for them;
4. Women who have entered the panchayats are mere proxy and
namesake members. They do not participate in the panchayats.

These are some of the most common criticisms levelled against women in
the governing bodies, and the same have been carried forward to critique
the reservation for women in legislative bodies. In the course of her study,
Buch attempts to shatter these myths by demonstrating the active
participation of women in the PRIs. Nevertheless, she poses the following
questions: “Has the formal change by the institutional intervention of
reservations adequately addressed women's marginality or has it led only to their numerically expanded presence? Has the numerical presence transformed these structures, made them more receptive to women's needs and concerns or has patriarchy already succeeded in defeating the intentions of the amendment?"20

While insisting that such studies should not attempt to arrive at generalisations, Buch emphasises that the experience of women, their representation and participation depends on the socio-political conditions within which they live and operate. Nonetheless it is hoped that such participation would enable women "to re-examine their lives, recognise the sources and structures of power and of their own subordination and initiate action to challenge the existing ideologies as well as structures and institutions".21 The issues of power and authority, hierarchy and control call for a change in power structures and gender relations. And according to Buch reservations in PRIs have allowed women the opportunity for "women's entry into a non-traditional space and a possibility for erosion of traditional gender, caste, class roles and hierarchy".22

Though it might be too premature to expect a major shift in the dominant patriarchal structures of society that are reinforced by patriarchal state
apparatus, studies like these project the beginning of a process of change. Another such study seeks to identify the basis of political empowerment as capacity building\textsuperscript{23} in the PRIs\textsuperscript{24}. This study seeks to demonstrate that capacity building in the given socio-economic and political conditions can enhance leadership qualities in women, thereby promoting democratic growth.

Somewhat departing from the studies on women in rural local self-governance, a recent study on the Chennai Municipal Corporation elections, 2001 reveals a different story\textsuperscript{25}. These elections mainly witnessed a tussle between the two major political parties, the DMK and the AIADMK. The nomination of women for reserved seats was decided by their loyalty to the party leaders and their participation in violent demonstrations conducted by the party around various political issues, rather than by the efficiency of the councillors. The campaign of women candidates revealed the same, wherein instead of addressing issues like drinking water, electric supply and other issues of local importance, the campaign reflected the war between the two parties and their ideological differences. These campaigns also shattered the pro-reservation myth that women representatives can give an adequate voice to women's cause. Neither women nor children figured in their agenda, and the elections seemed very much like Assembly elections.
The above discussion regarding the varied views on the implications of reservation for women in PRIs and the municipal bodies was intended primarily because the assumptions and conclusions projected therein have implications, to varying degrees, on the debate over the WRB. Scholars like Buch conclude that reservation for women in the PRIs have at least begun the process of erosion of gender, caste, class and community hierarchy. However as I shall demonstrate further in this chapter, the debate surrounding the WRB has highlighted the primacy of class/caste identity over gender identity, in addition to making the class and caste conflicts more manifest. One might also question as to how much change this reservation in the PRIs has brought about in the power structure and gender relations, especially since most elected women members still consider the household as their primary responsibility.

Moreover the difficulty in identifying gender based inequalities as distinct from or unrelated to inequalities based on caste/community/class leads us to pose some more fundamental questions: can women be even thought of as a homogenous category? Can 'women' be considered a category for reservation; a category devoid of caste, class and community considerations? How do these identities stand in relation to the identity of gender, and influence it? These are some of the questions that I shall try to address.
towards the end of the chapter. In the next section, I briefly examine various feminist reactions to the WRB and some alternatives that have been suggested.

6.4: Feminist Reactions to the Women's Reservation Bill

The WRB was presented as the 85th Constitutional Amendment Bill in the Lok Sabha in December 1999. The Bill was severely watered down and still remains as an issue to be resolved. Kishwar notes that India has had a legacy of pro-woman culture due to which legislations favouring women were achieved like a piece of cake. However, such thoughtless legislations have often resulted in more harmful laws, having devastating effects on the lives of women. A few examples cited by Kishwar to demonstrate hasty legislation include dowry laws, ban of sex-determination tests, anti-sati law and provisions for dealing with domestic violence. She notes that in spite of the failure of such legislation to improve women's conditions, no attempt has been made “to review why these laws failed to accomplish their objectives but rather added to women's problems by igniting new problems”. According to her the WRB is “the latest, the most serious and the most ambitious of their [women leaders'] legislative interventions”.

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Meenakshi Nath has presented a review of the pro-reservation arguments of few prominent women leaders belonging to various political parties. The most common argument in support of reservation for women is that it would act as an incentive for increased political participation of women and would lead to their empowerment. Most women leaders also have an impression that the entry of more women into politics would rectify the presently corrupt situation. Women in India were guaranteed universal adult suffrage soon after Independence. While women of other most progressive nations had to struggle for equal political rights, the Indian women got the same without much visible struggle. This was due to the participation of women in the nationalist movement.

This however hardly acted as an incentive for political participation of women, which in fact declined considerably during the years after Independence. Presently women hardly appear in the selection panels of political parties nor are they represented adequately in decision-making bodies. Reservations for women would provide an entry point by law, which would enhance participation by women in politics.

Margaret Alva of the Congress (I) explains the proposed system of reservation in the following way. Thirty-three per cent of the seats would be
reserved for women. These seats will be retained by women and then
rotated. During this time women would be able establish themselves.
Capable women would be able to contest the next general elections on their
own merit as general candidates. By such a system each constituency would
be able to introduce women. After about 25 years or five general elections
the reservations could be withdrawn. Alva opines: “By that time by rotation
every constituency in the country would have been represented by women at
least twice. This will create the nucleus for women’s political partnership”.

Kishwar puts forward a strong critique of this aspect of the WRB. Thirty-
three per cent or one-third seats reserved for women would mean 180 male
legislators would be replaced by women. In addition due to the lottery and
rotation system, there would be uncertainty till the last moment regarding
candidature. Kishwar comments: “Moreover it takes away any incentive or
motivation that women representatives might have to nurture and be
accountable to their constituencies since after every election they will be
expected to move to a different constituency”. In its present form the Bill
‘jeopardises the possibility of sensible planning’ for contesting from a
political constituency, for both men and women.
Kishwar also argues that since women do not have a strong political base, reservation would imply their reliance on men, the party bosses. This would also lead to the cornering of all reserved seats by the women relatives of party leaders. Hence, Kishwar remarks: "A likely strategy for them to adopt would be to bring in their wives or daughters as proxies to keep the seat 'safe' for them until the next election when they would be likely to be able to reclaim their seats". She terms this as the Biwi-Beti brigade, which would act against the emergence of independent-minded women in politics. Such women would be used as mere proxies and in fact would be negative role models for women. Women leaders like Margaret Alva, however defend the entry of female relatives arguing that capable women would be able to sustain themselves. Reservations would merely act as an entry point for women into politics.

Uma Bharti of the BJP opines that she does not believe in the principle of reservation because she thinks women should come forward on their own merit. But her experience in politics compels her to state that women are not encouraged and hence rarely any manage to come forward. Thus women can come forward only when a reservation policy is implemented. She ascribes the backward condition of women to the sexual division of labour within the family and also outside it. Due to such a division of labour.
between the sexes, there occurs a mental and physical conditioning to accept this division, and the inequalities associated therewith, as natural. Hence women find it difficult to break traditional barriers and enter politics. She argues that “without Constitutional compulsion, men will not yield space to women”.

Most women, who support the move for reservation like Pramila Dandavate of the JD, rely on the argument that the presence of more women would make the political scene less corrupt. It would also culminate into acquiring greater justice for women, who are victims of various kinds of atrocities. She cites an example to state the hypocrisy of Indian politics. She says that women were granted formal legal equality through the Constitution. Yet when it came to passing the Hindu Code Bill, which proposed to grant equal property rights to women, it was vehemently opposed. A similar situation exists today. Most party manifestos include the reservation clause to project themselves as progressive, but do not do much to promote the participation of women.

Opposition to the WRB has come from many factions, some of which not really being anti-women arguments. Those favouring the Bill have defended it as important to bring about gender-justice by greater political
participation. The opposition is based on two basic arguments, one stems from the opposition to reservation *per se*, and the other rests on that reservation for women should include the same for other disempowered groups.

Nivedita Menon has analysed the entire debate on the issue of reservation in terms of two sets of arguments — feminist arguments in favour of and against reservation, and caste based arguments in favour of and against it. Feminist arguments for reservation come from women’s organisations and parties of the Left, who feel the need for affirmative action to improve the situation of women. Due to the power relations that operate at many levels from personal to political, it becomes imperative to “appropriate spaces in mainstream political arenas and reshape them”.

An argument on the same line is put forth by Vasanth and Kalpana Kannabiran. According to them: “This [the demand for women’s reservation] is no simple demand for justice or democracy but a critical condition for women’s interests to be taken into account”. Whilst those against it argue that reservations cannot solve the problem of gender-justice, Kannabirans argue that such an opinion cannot form the basis for denying a
right. They contend that unless women are empowered and made autonomous, a transparent and accountable government is not possible.

Reviewing the fact that the WRB vehemently supported by women leaders of various political parties, Kannabirans accredit this to the masses of underprivileged women. These women constitute a silent but important political presence that has forced accountability on women in politics. The proposed amendment seeks to upset “all current assumptions about hierarchies of caste, class and gender. It thus creates the possibility for an SC woman to represent no only men of her own caste, but upper caste men and women as well”. Some others who support the move for reservation opine that although reservation policy is not democratic, it is necessary as a corrective measure to balance the existing and traditional inequalities. Menon summarises the feminist pro-reservation argument as necessary to create “equality of opportunity in order make real the formal equality given by the Constitution”.

The important pro-women arguments against reservation are those made by Madhu Kishwar, the editor of Manushi and by the Shetkari Mahila Aghadi (SMA), a peasant women’s organisation of Maharashtra. Some of the arguments of Kishwar I have already discussed earlier in this chapter. Here I
shall summarise some other of her arguments. Kishwar points out that the debate over reservation revolves around two myths: one that it would lead to the empowerment of Indian women, and two that it would make politics less corrupt and more sensitive to women’s needs in general. Rejecting both these premises she questions how such reservations could empower ordinary women. She argues that no women politician has ever taken a stand different from her party leaders nor has she ever introduced any new issues on the political agenda. Hence Kishwar fails to understand how greater number of women in the Parliament would ensure greater accountability in the political system. She observes: “Most important of all, why should the task of thinking through meaningful, overall electoral reforms be left to men while women confine their attention only to securing a share of the pie without examining whether the pie is worth eating at all?”

Kishwar puts forth two strong arguments against the WRB. According to her, accepting the 33 per cent reservation would be like demanding a ladies compartment in every train or certain reserved seats in every bus. With such a reservation, men expect that women should be confined to those seats or compartments alone. She says: “Men then come to expect women to remain confined to the ‘ladies section’ and damage the legitimacy of women’s
participation in politics". Moreover women’s representation would thus freeze at 33 per cent unless an amendment is made to extend it.

Another argument made by Kishwar relates to the fact that women entering the electoral battle would contest only against other women. They would never get an opportunity to battle against men. This would ‘perpetually ghettoise women’s politics’. While she uses the term biwi-beti brigade to signify the capture of reserved seats by the female relatives of the party leaders, she also contends that there is nothing wrong if a woman uses family connection to enter into politics, as is the case with other professions. The issue becomes problematic when women are used as proxies. Stating the example of Chandrika Kumaratunge and Aung San Suu Kui, Kishwar points out that these women could attain an independent political existence even if they entered politics due to family connections. She presents her greatest fear of women being used as proxies on reserved seats to retain the seats for the next elections. Such reservation then would not lead to empowerment of women as the WRB claims.

Having stated her contentions, Kishwar puts forth alternative proposal for reservation for women, which according to her would not require reservation but would enhance political participation by other means.
Another such proposal is suggested by the SMA. The SMA proposes to put up all-women panels for *panchayats* since the reservation for women in *panchayats* in Maharashtra has not shown favourable results. Such reservation did nothing to decrease inefficiency and corruption. Hence the SMA desires a more transformational change in the election system, by the introduction of a three-seat constituency, which would elect one woman.

The next set of arguments for and against reservation that Menon examines arises primarily from the 'politics of caste identity'. Reservations for the category of 'women' have been opposed by politicians speaking for the backward castes and Dalits. They describe the Bill as an upper caste strategy to subdue the steadily rising number of lower caste politicians. Analysing the studies of the *panchayati raj* institutions of Gujarat and Karnataka, Menon finds that reservation in these institutions has helped strengthen the power of the dominant castes. The WRB in its present form consists of the provision for a sort of parallel reservation of one-third seats for women belonging the SCs and STs, within the seats reserved for the category. However there is no provision for the inclusion of women from backward castes. While men from the OBC communities have dominated politics, women from these communities are among the most oppressed and 'politically insignificant'. Kishwar comments: “An obvious proof of this is
the near total absence of notable OBC women leaders within the OBC parties.\textsuperscript{38}

The Bill however remains silent on the issue of quota for OBC women or minorities. Yet the OBC women are among the most deprived and therefore, their primary battle has to be won within their families and communities. The debate thus remains sharply divided on granting equal quotas for OBC and minorities. Kishwar remarks:

This demand for reservations within reservations demonstrates how the very logic of reservations can be stretched endlessly, especially given a situation of high fragmentation within our society, existence of gross inequalities within every group and the general dysfunctionality of democratic institutions so that virtually every group feels aggrieved.\textsuperscript{39}

Another caste-based opposition to reservation is premised on opposition to reservation itself. It is an anti-reservation stand that defends abstract citizenship and rejects affirmative action of any kind.

The final set of arguments discussed by Menon is the caste-based support for the Bill. Menon observes that upper caste and feminist concerns tie in at this moment over the issue of reservation. This caste-based pro-Bill position
is taken by the BJP and Congress who want to push the Bill in its present form without any changes. If passed, this would mean the filling up of 33 per cent seats with women, leading to an immediate change in the caste and class composition of the Parliament. This would make it more comfortable for the elites, for presently Parliament is fairly dominated by ‘historically oppressed’ groups.

The debate surrounding the WRB and the positions discussed above thus depict the interconnectedness of gender and caste/class concerns, so as to render invisible the category of ‘women’ within these other categories.

6.5: Gender and Caste in the Discourse Over the Women’s Reservation Bill

I discussed in the previous chapter how concerns of women’s rights and those of a community tie at the juncture in contemporary politics in the debate over the UCC. In a very similar way, the debate over the WRB has depicted the way in which feminist and class/caste concerns tie, wherein the identity of a woman is found inextricably woven into caste or class identity. Post-Independence India has witness several movements for social justice from groups that have been on the social and political fringe. Women’s
movement being one of them, has however often found itself in difficult configurations with other social movements.

According to Menon the period of the 1980s is marked by two significant developments in Indian politics. One was the challenge to the legitimacy of the national integrity argument. The political and economic crisis, coupled with the failure of development planning, led to the legitimacy of the post-Independence elites being eroded. With the emergence of militancy in many regions of the country, the very idea of the nation was being challenged.

One significant aspect of this period was the rise of the backward castes in the composition of the Lok Sabha, which significantly transformed the nature of Indian politics.

The other was the rise of women as a significant force in politics. The movements against corruption and price-rise saw unprecedented protest from women. The post-emergency period saw the rise of many women's groups and organisations, which clearly voiced women's woes, and protested against dowry, rape, sexual violence and other sexual crimes. Hence Menon notes that during this time "there was both an acknowledgement of women's militant participation in politics as well as their absence from decision-making bodies". According to Menon these two factors have a
definite impact on the debate over the WRB, where pro- and anti-reservation stands are based on these two factors.

The eroding legitimacy of the welfare state and the adoption of neo-liberal paradigm increased the polarisation of castes and communities. As Vasanthi Raman comments:

The pursuit of the neo-liberal paradigm has heightened traditional social and economic differences of caste, class, religion and ethnicity, and women have only got more and not less embedded in their group leading to greater differentiation among them.41

Not only in India, but across the globe, feminist politics has pointed out that gender has been complexly placed within class, community, ethnicity and caste. Thus identifying and addressing gender concerns *per se* has become not only impossible but also undesirable in the light of the constraints that the above identifying factors have on women’s lives. While some scholars have argued that gender concerns need to be unravelled from the grid of caste, ethnic, religious, or class concerns, most experiences, for instance, those of the IWM have demonstrated its difficulty. The debate over the
WRB has depicted just the same, that talking about reservation for women is impossible without entering into a debate over caste and class.

Moreover in the absence of ‘real’ and tangible rights for women in the sphere of home and work, such reservation would remain a mere tokenism, as it has been the case of caste reservations. Abandoning the demand for women’s reservation altogether would imply the defeat of the women’s movement to patriarchal forces of the society and the state. However would securing one-third seats in legislative bodies by itself enable or encourage increased political participation of women is something the IWM has been debating about. Moreover would women then be free from class/caste/community concerns and affiliations, and claim to represent ‘women’ per se?

Pro-reservation arguments consider women as constituting a distinct social category, contending the differences in their experience as irrelevant so long as overall representation is guaranteed. Women have been excluded from the public sphere, as the discussion in chapter two depicted. Hence the spree for wider democratisation involved attempts and demands for access to power and resources to women. The task however was rendered difficult due to “the age-old attitudes and structures which have been used to keep...
women in subjugation", and has urged a careful negotiation of “the extremely complex, segmented and stratified hierarchical social order which has served as the source of denial to women of any kind of autonomy and power along with the other socially and economically deprived sections of Indian society”.43

According to Raman the Indian society has witnessed a criss-crossing of various movements of the oppressed groups, which pull in different, and often opposing directions. Kumud Sharma notes: “The process of democratisation has been resisted by the changing dynamics of class, caste and gender relations pursuing their different and at times conflicting interests”.44 Thus it becomes quite a task to unravel the various aspects of gender oppression in order to strengthen the overall democratisation process. Raman remarks:

This would imply that the struggle for gender justice and equality will have to be woven into the struggle for emancipation of each of the oppressed groups and communities.45

Hence in the midst of the vivacity of various movements, and the often contradictory identities that are formed as a result of these movements, the
debate over the WRB has raised another set of interrelated questions for the theory of gender justice, those based on gender, caste and community. Opposition to the caste system in India has been an important aspect of the Indian women’s movement. Caste is identified as a highly hierarchical and oppressive structure through which control over women was made easy. In the context of the WRB, the concerns of caste and minority have come to the forefront. Mary John observes that “gender oppression is not merely a relic of tradition but fully modern, and that patriarchal power is manifested in multiple contemporary forms, both public and private”. The process of liberalisation and the resultant social and economic disparities reveal that the present day patriarchy is a ‘complex articulation of unequal patriarchies’. Hence any attempt for addressing gender inequality should consider all these different kinds of patriarchies.

We also need to link women’s rights to rights based on caste, class and community. In fact, John contends that caste and community should be viewed as forms of inequality rather than backwardness. Questions of caste and community should be related to questions of gender, which will transform our understanding of all these concepts. Thus John concludes:

A feminist perspective on the question of ‘reservations for women’ today would have to take account of subjugated or
As mentioned above the past few decades have seen the rise of backward classes in Indian politics. The ruling elites thus support the WRB to counter the rising number of backward class representatives in the Parliament. The backward classes and dalits allege that the WRB is a means employed by the upper castes to change the composition of the Parliament. To this extent, the debate over the WRB is not only about women's rights, but also about social justice for groups like the backward classes and dalits, whose representation in the Parliament would be greatly affected if the WRB is passed through in its present form, also since it contains no provision for reserving seats for OBC women.

Menon poses a very apt and valid question in this regard: "Why are women and the women's movement not only not perceived as a threat to social order, but even as a force that can restore the control of the upper castes and classes?" One of the reasons for this is that since late 1980s gender issues have been co-opted and domesticated by both the state and the
NGOs. On the one hand we have the NGOs, which run on funding by the government and international bodies. On the other, we have the government development programme, which as Menon notes, "aims at empowering women only to the extent of harnessing women’s contribution to ‘growth’".48 Thus it emerges that ‘women’ are acceptable to Indian politics but OBCs are not. Menon accredits this to the way in which identities emerge in politics. From our past experiences, it is clear that other identities like those of caste, class or religious community have prevailed over gender identity. Hence when women enter politics it is taken for granted that their identity as women stands secondary or subordinate to their identity as a member of a caste, class or community.

Unlike the western societies, where the concept of individual emerged before democracy did, the post-colonial Indian society witnessed the emergence of democracy earlier. Hence the trajectory of the development of democracy shows a different path in India than the western societies, where it originated. Like other colonial nations of Asia and Africa, in India the national identity was created not through individual citizenship but through communities. Menon notes that the language of the nationalist leaders, "reminded non-individualistic, although ultimately there remained a tension between the community defined in various ways as the bearer of rights, and
the individual, a tension [which is] reflected in the Indian Constitution". Thus group identity has been an integral part of Indian politics from the very beginning.

Menon concludes by saying that in order to recognise other marginal groups, which is extremely important while talking about reservation for women, simply adhering to ‘quotas within quotas’ system will not solve the problem. She opines:

If we accept that it is not the individual but the group, defined in whatever way, that is the basis of representation, then we need to evolve a way of leaving open the potential for any group to choose in the future to define itself as one which requires reservation in Parliament. If identities emerge in and through political mobilisation, then we need to guard against the possibility that some identities may freeze into new formations of power, thus blocking the emergence of new identities and new alignments ... If democracy remains unresponsive to the emergence of new configurations of identity, than once-emancipatory identities can entrench themselves into formations blocking further democratisation.
Community and caste have been important rallying points in Indian politics. As I have argued earlier in this section, the experiences in Indian politics have demonstrated the primacy of caste/class/community over gender identity. This has made it rather difficult to identify gender concerns *per se* and address them. As I have discussed at various places in this study, 'woman' and 'womanhood' have been constructed through and along the lines of community/group identity. And precisely for this reason the inequalities of gender have been inextricably linked to the inequalities of that group. Moreover the various social movements as well as conflicts between groups in India have depicted how women rallied not as women but as a part of their group, thereby making the relationship between gender and group identity more complex.

For instance, Susie Tharu and Tejaswini Niranjana have attempted to identify the problems for a theory of gender in the light of Indian experiences. While the visibility of women in the public sphere has increased in the past few decades, it becomes important to understand and identify this new visibility in the light of various movements that mark dynamic Indian politics. The crisis of democracy and secularism has heightened the crisis in feminism as "feminists find themselves drawn into disturbing configurations within the dominant culture".51
Analysing three instances among others, those of the agitation against Mandal, the Chunduru incident and the role of Hindutva women, Tharu and Niranjana seek to show how gender identity dissolves into caste/class/community identity thereby making difficult the identification of gender concerns as different from these other concerns. These instances also demonstrate the emphatic reassertion of caste or community identity over gender identity. The anti-Mandal agitation illustrated that "the re-emergence of women in the public sphere as claimants to the nation and to citizenship results in a masculinisation of the lower castes", where "women' feature as citizens and not necessarily as gendered beings".52 The masculinisation of the lower castes implies that the lower castes (here Dalits) are viewed and propounded as male against 'women' who come to mean only upper caste women. According to Tharu and Niranjana: "The category of 'woman', and therefore in a very important sense the field of feminism as well as the feminist subject, emerge in this context by obscuring the dalit woman and marking the lower caste as the predatory male who becomes the legitimate target of 'feminist' rage".53

The Chunduru incident posed a different kind of problem for the feminists, where the clashes between the upper-caste Reddys and the dalits came to be depicted in terms of violation of upper-caste women at the hands of the
Caste had played an important role in the construction of the middle-class woman, or the *bhadramahila*, in the nationalist discourse, which placed emphasis on the purity and virtue of the middle-class/upper caste woman as contradictory to the presumed immorality of the lower caste woman. As a result, the sexual abuse of *dalit* women by upper-caste men was taken as tacitly sanctioned by 'custom' while the alleged 'eve-teasing' of upper-caste women by *dalit* men (that flared the Chunduru incident) invoked "horrors and prohibitions/punishments of major transgression", and which was penalised by killing *dalits*. Under these circumstances feminists faced a strange problem. For those feminists who had refrained from involving in the anti-Mandal demonstrations, and had sought to build alliances with *dalit* forces, now found themselves confronted with the "hegemonic articulation of gender issue as one of ‘molestation’", the opposition to which has been foremost in the agenda of the IWM.

Another potential feminist space that can be identified in Indian politics is the one defined by the Hindutva women, or the women on the Right. The women of the Rashtrasevika Samiti (the women’s wing of the RSS) can be considered ‘active political subjects’, more specifically in the domain of communal politics. These women have shown considerable involvement in opposing issues such as reservation, minority appeasement, and corruption.
in the bureaucracy. Their active participation was visible during communal riots in various parts of India and in the kar seva at Ayodhya. Following the Hindutva ideology, these women challenge the appeasement of minorities by the state and demand 'neutrality' of state and its machinery. Thus while endorsing the 'abstract and unmarked' citizen, these women make a different case for social and political theory of gender.

In a similar vein, Menon states examples relating to the UCC, anti-Mandal agitations and Hindu right wing mobilisation, to argue that in all these cases women rallied as upper/lower castes and Hindu/Muslim and not as women per se. Hence she questions that if 'women' does not exist as a homogenous category, which could be used for feminist mobilisation, who is the subject of feminist politics? It is difficult to locate the gender identity of women within the grid of other identities. Menon concludes: “We are forced to see the creation of women-as-subjects or as the end or goal of feminist politics, not the starting point”. Therefore while the ruling elites consider the WRB a viable means of countering the growing lower caste number in the Parliament, Menon calls upon the women’s movement to ‘undercut the upper-caste project’.
The demand for quotas for women is a manifestation of what Anne Phillips calls the shift in representation today from ‘ideology’ to ‘identity’. Phillips calls this the shift from ‘politics of ideas’ to ‘politics of presence’. This means that representation today is taken to mean ‘mirror representation’ rather than the representation of common, shared ideas. Menon however contends to the very idea of the perceived dichotomy between ideology and identity. She remarks that such a dichotomy presumes that identity precedes ideology or has existed prior to ideology. Her contention is that identities are created through mobilisation and political process. Hence identity cannot pre-exist politics.

Similarly the category of ‘women’ has evolved out of political mobilisation and is not pre-political. This idea can be extended to argue that quotas for women cannot be considered in isolation from quotas for other marginal or oppressed groups. Many scholars like Phillips assume women to be a pre-political category, while other identities as those arising from class/caste/religion are considered a product of political mobilisations. Considering these arguments in the context of the WRB, we find that the ‘women’ is considered, as Menon comments, “evacuated of all political content, as if it is a neutral category that exists independently of all political considerations”.

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Meena Dhanda notes:

Without conceptualising women as a collectivity, 'it is not possible to conceptualise oppression as a systematic, structured, institutional process' \textsuperscript{59}

According to Dhanda, identity is a complex process of 'identification with'. This is to say that identities emerge when we stand in relation with others, and identify with them on certain grounds. Thus our identities are mediated by the world in which we exist. In this manner multiple identities emerge, and collectivities emerge as groups, sharing some common project for removal of constraints and disadvantages. Hence according to Dhanda, paying attention to identity concerns would grant a better footing in understanding the current debate over the WRB. She uses the idea of 'heterogeneous publics' to argue that since women have been excluded from politics in different ways, their inclusion would have to be sensitive to these differences among them.

However while groups are being constituted along difference axis, the democratic potential of these groups is retained so long as they do not freeze to become structures of power and domination themselves. The transformative potential of such groups lies in the possibility of their being
re-grouped along different axis to confront another kind of oppression or disadvantage.

The problem is how, within such groups challenging different kinds of oppressions, the question of gender justice is addressed. As I have discussed in the previous chapter, the rights of women as individual citizens are constrained by their membership of a community. Similarly I have discussed in this chapter how a woman's identity as a member of a particular caste precedes over her identity as a woman. My emphasis on the identification of the category of 'women' relates to the fact that groups formed along different lines, or around different issues of injustice, seek to challenge oppression and dominance of various kind. However gender-based oppression and dominance of patriarchy can be challenged only when 'women' exits as a category. An example of such a group formation is that of Dalit women, who seek to challenge to an extent, not only the oppressive class and caste structures, but also the very oppressive patriarchy. This indeed marks a departure in their interests to that extent, from Dalit men challenging structures of caste and class alone.

Thus what I seek to argue is that while it has been difficult for women to premise their identity as 'women' over their identity as a part of a group, it is
equally necessary that their identity as 'women' be nevertheless asserted within that group, if the gendered aspects of power have to be unravelled and eliminated. This could be considered an extension of the idea that justice within groups is as important as justice between them. Moreover it is also important, as Menon notes, to guard against a group being freezeed into formation of power, blocking further democratisation. The formation of new configurations and their recognition can lead to the creation of 'intersecting public spaces' wherein different practices of self-governance and different languages of identity could be employed.60

The main endeavour in this chapter was to depict how the debate over the WRB has opened discursive spaces for a gender-sensitive political theory. The question thus should not be restricted to quotas alone, but should be extended to explore the emancipatory potential of both representation and identities that emerge out of political mobilisation. The question of gender justice then does not confine to political participation alone but extends to the identification of different kinds of 'public' that have been exclusionary for women in different ways.

Moreover, the debate considers the lack of representation as a problem in itself. According to me the lack of representation should be viewed as an
indicator of another problem: that the conditions of inequalities and deprivations have restricted women's entry into the political sphere and constrained their participation in the decision-making process. Thus according to me, increasing representation alone cannot be empowering unless the conditions that stall representation in the first place are addressed. The debate over the WRB thus should not be restricted at fixing of quotas but aim at ameliorating the conditions of disadvantages, which could provide women with adequate opportunities for political participation.
NOTES AND REFERENCES

2 For a discussion on reservation policy in India, refer Marc Galanter, Competing Equalities: Law and the Backward Classes in India (New Delhi: Oxford University Press, 1984).
4 Nivedita Menon, ‘Elusive ‘Woman’: Feminism and Women’s Reservation Bill’, Economic and Political Weekly, October 28, 2000, p. 3835
5 Refer Nivedita Menon, ‘Elusive ‘Woman’: Feminism and Women’s Reservation Bill’.
8 This aspect of the nationalist movement’s resolution of the ‘woman’s question’ has been discussed in Chapter 3, section 4.
9 Mary E. John, ‘Alternate Modernities?’, p.3823
10 Mary E. John, ‘Alternate Modernities?’, p.3827
11 Partha Chatterjee cited in Mary E. John, ‘Alternate Modernities?’, p. 3827
13 Madhu Kishwar, ‘Women and Politics: Beyond Quotas’, p. 2869
15 Samita Sen, ‘Towards a Feminist Politics?’, pp. 48-9
17 Kumud Sharma, ‘Power Vs. Representation’, p. 16
18 Nirmala Buch, ‘Women’s Experience in New Panchayats’, p. 11

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19 Refer Nirmala Buch, ‘Women’s Experience in New Panchayats’, pp. 11-20
20 Nirmala Buch, ‘Women’s Experience in New Panchayats’, pp. 7-8
21 Nirmala Buch, ‘Women’s Experience in New Panchayats’, p. 8
22 Nirmala Buch, ‘Women’s Experience in New Panchayats’, p. 9
23 ‘Capacity Building’ is defined by the authors (refer note 24) as the development of individuals and institutions; enhancing the capacity of human resource through training and awareness programmes.
27 Meenakshi Nath, ‘Cutting Across Party Lines: Women Members of Parliament Explain their Stand on Reservation Quotas’, Manushi, No. 96, September-October 1996, p. 8
28 Madhu Kishwar, ‘The Logic of Quotas’, p. 32
29 Refer Meenakshi Nath, ‘Cutting Across Party Lines’, pp. 9-12.
31 Nivedita Menon, ‘Elusive ‘Woman’: Feminism and Women’s Reservation Bill’, p. 3837
33 Vasanth Kannabiran and Kalpana Kannabiran, ‘From Social Action to Political Action’, p. 197
34 Nivedita Menon, ‘Elusive ‘Woman’: Feminism and Women’s Reservation Bill’, p. 3837
35 Madhu Kishwar, ‘The Logic of Quotas’, p. 36
38 Madhu Kishwar, ‘Out of the Zenana Dabba’, p. 25
39 Madhu Kishwar, ‘The Logic of Quotas’, p. 38
40 Nivedita Menon, ‘Elusive ‘Woman’: Feminism and Women’s Reservation Bill’, p. 3836

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Mirror representation can be defined as a legislature whose composition mirrors the class, caste, ethnic and gender characteristics of the people of the State.