CHAPTER X

ISSUE ORIENTATIONS OF
ORISSA WOMEN LEGISLATORS
CHAPTER X

ISSUE ORIENTATIONS OF ORISSA WOMEN LEGISLATORS

The orientation of legislators to issues upon which he/she may be called upon to act are in no way less significant in guiding him/her to act in response to them. Then, as a legislator's action on a particular issue is generally based on his attitude to that issue, there is reason to go in for a study of the legislator's orientations to the dominant political and socio-economic issues. Also, study of his orientations to the structural-functional issues of the legislature, and to those issues which, directly or indirectly, raise his functional efficiency both inside and outside the walls of the legislature, would, no doubt, provide a fuller understanding of his role.

We, in this chapter, propose to study, in the first section, the women legislators' orientations to some women issues; in the second section, their orientations to issues relating to the legislature and to their functional convenience.
SECTION - A

ORISSA WOMEN LEGISLATORS' ORIENTATIONS TO WOMEN ISSUES

Over the years since the U.N. declaration of International Women's Year in 1975, and its declaration in the same year of the Decade for Women, there has been a tremendous increase in, and intensification of, International and

1The U.N. Plan to advance the status of women is traceable to the preamble to the U.N. Charter in which the peoples of the United Nations reaffirmed their faith in the equal rights of men and women. (The U.N. Charter (Art.55) the Economic and Social Council). The establishment of a full Commission on the Status of Women in 1946, and adoption by it (1967) of the Declaration on the Elimination of Discrimination against women leading to the setting up of the committee on the Elimination of Discrimination against Women in 1981 were all parts of the world-wide activity which intensified during the Decade for Women (1975-85). What contributed highly to this phenomena was the Commission's decision in 1972 to raise the awareness of Governments, and individuals, particularly women themselves, to the commission's accomplishments. This led to the declaration of the International Women's Year in 1975 and the Women's Decade in the same year. The history of International Conferences and world meets ever since amply bears out the increased activity of the nations of the world in this respect. The U.N. sponsored conferences like the one held at Mexico City from 19 June to 2 July 1975; the world conference at Copenhagen, Denmark, 14-30 July 1980; and World Meet at Nairobi, Kenya, 15-26 July 1985 are some of the leading indicators. See for example, World Plan of Action for the Decade for Women, Mexico, July 1975, Weal Fund, U.S.A., 1975; Report of the World Conference of the United Nations Decade for Women; Equality, Development and Peace, Copenhagen, 14-30 July, 1980, U.N. 1980; Report of the Expert Group Meeting on Forward-Looking Strategies for the Advancement of Women, 28 Nov.-2 Dec, 1983, ESCAP, Bangkok; Report of the Regional Inter-Governmental Preparatory for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women; Equality, Development and Peace, 26-30 March 1984, Tokyo, Japan, 1984, New Delhi Document on Women in Development (Conference of Non-Aligned & other developing countries on the Role of Women in Development, New Delhi, 10-11 Apr. 1985); Also see, Forward Looking Strategies for the Advancement of Women to the Year 2000 A.D. -Report of the World Conference to Review and Appraise the Achievements of the U.N. Decade for Women; Equality, Development and Peace-Nairobi, 15-26 July 1985 U.N. 1985).
National activities to advance the status of women. At any rate, one of the significant gains of the years following 1975 has been the generation of a world-wide ferment on the women's issues, and these years represent "One of the most profound, quiet revolutions of our time." And it has been rightly commented that "...women's advancement has achieved a certain momentum...it will also continue to exist as a force to be reckoned with...." And interestingly, in India, the Committee on the Status of Women in India's submission of its report coincided with the U.N. Declaration of the International Women's Year and the Decade for Women in 1975.

At the same time, it has been found that nothing has changed significantly since the years before this spurt of activity commenced in the wake of the Women's Decade. The

2 For an account of the National Activities in this context, see, for example, Women 2000 No.3, 1987, Branch for the Advancement of Women, Vienna International Centre, Austria; Women News No.14, Sept. 1987, Branch for the Advancement of Women, Vienna International Centre, Austria, for an account of the Seminar, held in Sept./Oct. 1987, on National Machinery for Monitoring and improving the status of women.


4 See Nairobi-Forward-Looking Strategies for the Advancement of Women, op.cit., para 22.

position of women throughout the world has remained, still, inferior to men. In India, much of the women's inferiority stems, as has been observed by the CSWI, from their secondary position in domestic/social, economic, and political spheres of life. Further, despite formal equal rights for women, women are grossly under-represented in Indian Legislatures and, as the government's National Perspective Plan (1988) indicates, their political participation have remained limited to putting a cross on the ballot in times of periodical elections. Moreover, the various attempts Government of India undertook, are indicative of Government's concern for women rather than of any noticeable change in their status. Though,


women in India, for that matter in Orissa also, constitute half of the population, "...they are beginning to acquire the features of a minority community by the three recognised dimensions of inequality - inequality of class (economic situation), status (social position) and political power." But the Indian Government in its National Perspective Plan (NPP) for women (1988) envisages political and economic emancipation of women, and aims at recovering women from the political backwaters to which they have been thrown by socio-economic marginalisation, and to restore them to their rightful place in the society. The Mahila Congress Conference held on 14 and 15 May 1989 suggests the current trend that political parties have started pampering women as they constitute an untapped reservoir of political potential which could be gainfully utilised for electoral purposes.

POLITICAL ISSUES:

In such a situation in which women are under-represented in all Indian Legislatures, and particularly in Orissa Legislature,

---

8 See Towards Equality, op. cit., pp. 301, 302; see The Times of India, New Delhi, 12 April, 1989 - "Women are the Largest Minority."
as has been seen above, it is argued\(^9\) that no real changes in the position of women could be achieved until women enter the field of decision-making in adequate numbers proportionate to their population. The CSWI considered\(^10\) the question of reservation of seats for women in the legislatures, but it could not, finally, make recommendations in this regard, as it was not favoured by women leaders and women organisations. Scholars of Indian Political Process like Narain and Sirsikar supported the idea; for example, Narain\(^11\) claimed that reservation of seats for women in the legislature would counter the forces of Indian Political Culture and tradition which discouraged women participation in politics, and would suitably alter the socio-economic position of women towards making women's participation in politics more possible. It was also pointed out\(^12\) that this would encourage political parties to


\(^11\) See Narain, "Political Status of Women in India", op.cit.

\(^12\) See V.M. Sirsikar, "Politicisation of Women in India- A Three State Empirical Study" - undertaken for the CSWI, op.cit.
recruit more women candidates, and so, would bring more women to legislatures. This was also viewed\textsuperscript{13} as a progressive step towards bringing women to an equality of status with men. But representatives of political parties, and most women legislators viewed this, as observed by the CSWI,\textsuperscript{14} as "a retrograde step from the equality conferred by the Constitution," and as equating women with "other socially backward communities" for whom reservations have been provided by the Constitution. The CSWI, therefore, though appreciated the reality of the problem of under-representation of women in legislative bodies, and the social resistance to women's struggle to assert their political and legal rights, had to admit itself to suggesting constitution of women's panchayats, and reservation of seats for women in Municipalities. But such a stance of the Committee was not shared by two of its members who strongly pleaded in favour of the idea of reservation in their notes of dissent.\textsuperscript{15}

\textsuperscript{13} See Upendra Baxi, "Provisions relating to Women in the Indian Constitution - an Analytical Examination"-undertaken for the CSWI, \textit{op.cit.}

\textsuperscript{14} See \textit{Towards Equality, op.cit.}, p. 303; also see Tillottama Tharoor in \textit{The Telegraph}, Calcutta, 25 June 1968 - "There was, in fact, considerable opposition to such proposals, often by women activists, who maintain that the gains of equality between sexes could be undermined if women are treated as a disadvantaged group, requiring special provisions."

\textsuperscript{15} See \textit{Towards Equality, op.cit.}, pp. 355-357.
Similarly, the National Perspective Plan (1988), in its original draft, proposed the co-option of women into 30% of the seats in all representative bodies, from Panchayats to Parliaments. But this received strong resistance from women and their organisations, who dubbed it as undemocratic, and a tactic of the Ruling Party to fill the elected bodies with its own supporters to ensure majority for itself in those bodies. The NPP had to be streamlined to aim at reservation of 30 per cent of seats for women only in the Panchayat system. And, now, with the introduction of the Constitution 64th Amendment Bill on 15 May 1989 in the Lok Sabha, seeking along other things to reserve seats for women in Panchayat system, the question of reservation of seats for women in legislatures seems to have been shelved for the time being, though the necessity of some protective measures for bringing women to mainstream politics gains wider currency than ever before.

To assess the attitude of Oriasa Women Legislators to this issue of reservation, we asked our respondents to indicate their reaction to the proposition that:

---

16 See Women's Era, February (second) 1989, New Delhi, the editorial note.
"There should be reservation of seats in Orissa Legislative Assembly for women."

TABLE NO. XI

SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR ORIENTATIONS TO THE IDEA OF RESERVATION OF SEATS FOR WOMEN IN ORISSA LEGISLATURE

<table>
<thead>
<tr>
<th>Responses</th>
<th>Total</th>
<th>High Caste</th>
<th>S.T.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>18</td>
<td>13</td>
<td>05</td>
</tr>
<tr>
<td></td>
<td>81.81%</td>
<td>81.25%</td>
<td>93.83%</td>
</tr>
<tr>
<td>No</td>
<td>04</td>
<td>03</td>
<td>01</td>
</tr>
<tr>
<td></td>
<td>18.18%</td>
<td>18.75%</td>
<td>16.66%</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>16</td>
<td>06</td>
</tr>
<tr>
<td></td>
<td>99.99%</td>
<td>100.00%</td>
<td>99.99%</td>
</tr>
</tbody>
</table>

It is noticeable from the above table that a sizeable majority (81.81%) of the women legislators are in favour of reservation of seats, though a minority of them did not like it. Again, caste group difference being not there, it could be construed that, probably, the S.T. respondents supported the cause with the hope of enjoying the advantages of double protective arrangements to ensure representation of more number of women in the Legislative Assembly of Orissa.

At the same time we put before them the proposition that "Orissa Legislative Assembly does not represent all sections of citizens very well."
### TABLE NO. X: 2
SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR ORIENTATIONS TO THE IDEA THAT ALL SECTIONS OF ORISSA CITIZENS ARE NOT WELL REPRESENTED IN ORISSA ASSEMBLY

<table>
<thead>
<tr>
<th>Response</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>19</td>
<td>86.36</td>
</tr>
<tr>
<td>No</td>
<td>03</td>
<td>13.63</td>
</tr>
</tbody>
</table>

The responses revealed, as shown in the above table, that an overwhelming proportion (86.36%) of the respondents agreed with this. It is natural that the electoral system which provides for election of representatives from single-member territorial constituencies on the basis of first-past-the-post system or the simple-plurality system would not be able to do justice to all sections of people.\(^{17}\)

However, it is certain that most Orissa women legislators perceived Orissa Legislature as atypical of the general Orissa population.

---

Again, as we have seen, in our study of the recruitment of Orissa women legislators, that political parties have not favoured the inclusion of more women among their candidates for elections to the State Legislature, it would be pertinent to know our respondents' minds about the issue. But the CSWI reported that since the political parties were dominated by male leaders who shared the society's dominant view that women were inferior to men, more women have not found access to legislative politics. Political parties' reluctance to sponsor women as electoral candidates has, also, been observed by both the CSWI and Government of India in its NPP (1988).

It has been observed that though Congress party made a policy decision to have 20% of its candidates as women, that was not kept up in the party's actual recruitment of candidates for elections to legislatures. Thus, since the question of recruitment of women as candidates is vitally associated with their minority status in the party organisations, we, first of all put the proposition that: "There should be reservation of an adequate number of organisational posts for women in political parties." The responses to this have been put in the following table.

---


19 Ibid.

Almost all (95.45%) women legislators, as seen from the above table, favoured the idea of reservation of offices/posts in party organisations. It showed that they believed male dominance in party organisations to be a definite hurdle to their access to the corridors of power.

The main problem linked to the above issue is the recruitment of women candidates by political parties. There has been a recommendation by the CSV-71 for reservation of a definite percentage of women candidates to be fielded by the political parties for elections to Parliaments and State Legislatures. The

---

21 See Towards Equality, op.cit., p. 305, "while they may initially start with 15 per cent, this should be gradually increased so that in time to come the representation of women in the legislative bodies has some relationship to their position in the total population of the country or the state."
National Perspective Plan 1988 also suggests reservation of 30% of the total number of candidates a political party backs, with its banner and support, in elections.

In order to know the opinion of the women legislators on this particular issue, a question was asked to them to elicit their response to the statement: "There should be reservation of a definite percentage of candidates political parties sponsor in elections to the Legislature." And it was found that all of them believed that reservation of party candidates in elections to legislatures would be a step towards achieving induction of adequate number of women into politics and, thus, increase their political participation.

Again, as has been seen earlier in this study, between 1952 and 1980, only two women had held ministerial positions, besides Smt. Satpathy who held the post of Chief Minister twice during this period. Ironically, during both the periods during which Smt. Satpathy was the Chief Minister, there was no woman in the Council of Ministers. Similarly, the Janata period did not see any woman rise to the office of a minister. However, in the new ministry after the 1980 elections, a S.T. woman was appointed as a Deputy Minister, and after 1985 elections, there are three women ministers, all belonging to the S.T. community, though none of them is of Cabinet rank. But the case of one, Smt. Nandini Satpathy who was Chief
Minister twice, or those of the two to three women ministers could not be held as an indication of women's ascent to positions of authority in government because for rest of the womenfolk such positions remain highly inaccessible.

We then asked our respondents if they agreed to the proposition of having reservation of posts for women in the Cabinet. And the response is given below.

<table>
<thead>
<tr>
<th>TABLE NO. X: 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR ORIENTATIONS TO PROVISION OF RESERVATION OF POSTS FOR WOMEN IN THE STATE CABINET</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Response</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>17</td>
<td>77.27</td>
</tr>
<tr>
<td>No</td>
<td>05</td>
<td>22.72</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>99.99</td>
</tr>
</tbody>
</table>

It is noticeable from the above table that a good majority of the respondents thought this to be a good measure to make up the under-representation of women in the State Cabinet.

It can be concluded that most Orissa women legislators favoured the idea of reservation of some posts in the Cabinet for women.
And, lastly, the freedom the women legislators enjoyed in political decision-making was taken up. Real participation in politics would not be attainable unless an individual learns the free use of his/her political rights. So we asked our respondents to indicate if they depended on anybody, like husband or any male member of the family, for taking a political decision. The table given below exhibits the answer pattern.

<table>
<thead>
<tr>
<th>TABLE NO. N: 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR PERCEPTION OF THEIR INDEPENDENCE IN TAKING POLITICAL DECISIONS IN THE LEGISLATURE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Response</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>02</td>
<td>09.09</td>
</tr>
<tr>
<td>No</td>
<td>20</td>
<td>90.90</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>22</strong></td>
<td><strong>99.99</strong></td>
</tr>
</tbody>
</table>

As is observable from the above table, most women

---

22 See *Towards Equality*, pp. 291-92. "Most studies on political behaviour have so far held that women are considerably influenced by their husbands and family wishes in political matters. During the course of our tours, however, we received ample evidence that this pattern is beginning to change and many women now exercise considerable autonomy in using their right of franchise. They emphasize their ability to do so because of the secrecy of the ballot. Many women told us that though their husbands still try to influence their judgement 'they can't find out who we have really voted for.' In rural areas the influence of village elders plays an important role in determining political choice which also influence the women's behaviour. Even in this, however, it would not be correct to describe this as a universal rule."
legislators indicated that they did not take the help or advice of anybody else in taking a decision in respect of a particular issue they face in the legislature. They said they depended on their own judgement.

ECONOMIC ISSUES

But the vulnerability of women struggling to survive in politics is reinforced by their economic subjugation to men. The reasons for the inferior economic position of Indian women are traceable to the traditional trend, and particularly, to the invisibility of women in the gainful economic activities. It is said that for prestige reasons women withdrew from economic activities, and that traditionally, women of upper middle class considered working for economic gains below their


status, whereas only lower class women worked for wage or with their husbands in the fields. And their invisibility is due to their minority position in the workforce and overwhelming presence (94%) in the unorganized sector. Quite in keeping with the general Indian trend, in Orissa women constitute a mere 6.91% of the total employees. It is then asserted that unless women enter the workforce in much larger proportions and become independent wage earners, their dependence on men would remain as the greatest obstacle to any change in their status... towards equality with men.

The National Commission on self-employed women and women in the informal sector made recommendations for making the Right to Work a fundamental right in the Constitution of India, and Right to Employment available to all. It also recommended


26 See Census Reports - Women in 1971 were 11% of the total workforce in India, and in 1981 they were little under 14%. In Orissa the figures for 1971 and 1981 were 7% and 11%, respectively.


29 Shramshakti, op.cit., p. 291.
that "...the retrenchment of women in any establishment (irrespective of number of persons employed) must require the prior permission of a designated authority."

So we wanted to know the opinion of the respondents over the statement whether "There should be reservation of jobs for women".

TABLE NO. X: 6
SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR ORIENTATIONS TO RESERVATION OF JOBS FOR WOMEN

<table>
<thead>
<tr>
<th>Response</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>19</td>
<td>86.38</td>
</tr>
<tr>
<td>No</td>
<td>03</td>
<td>13.63</td>
</tr>
</tbody>
</table>

Quite a sizeable majority (86.36 %) of our respondents supported the idea of making reservations of jobs for women and the retrenchment of women employees difficult. This, they believed, would be a step towards bringing about economic independence for women. Again, as only reservation of jobs will not help the women to achieve economic security, guarantees

\[30\] Ibid.
as against retrenchment without serious reasons should be created. When the opinion of respondent legislators was solicited, it was found that cent per cent of the respondents agreed with the view that woman should be employed with job security.

Yet another important women issue has been inequality in wages between men and women. The CSWII recommended enactment of the Article 39(d) of the Constitution of India: 'equal pay for equal work' into law. But inequality in wages between men and women persists, even after the enactment of the Equal Remuneration Act (1976). And the National Commission on Self-employed Women and Women in the Informal Sector recommended that "Exemption from payment of minimum wages under any circumstances should be prohibited."  


33 Shramshakti, op.cit., p. 291.

34 Ibid.
Our question here was how did the respondents feel about the need of more stringent legislations for ensuring equality of wages for men and women. The responses are put in the table below.

**TABLE NO. X: 7**

**SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR ORIENTATIONS TO THE NECESSITY OF MORE LAWS TO END INEQUALITY OF WAGES BETWEEN MEN AND WOMEN**

<table>
<thead>
<tr>
<th>Response</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>21</td>
<td>95.45</td>
</tr>
<tr>
<td>No</td>
<td>01</td>
<td>04.54</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>22</strong></td>
<td><strong>99.99</strong></td>
</tr>
</tbody>
</table>

An overwhelming majority (95.45 %) of women respondents supported the view that more laws were necessary to deal with the inequality of wages between men and women.

It is then concluded that Orissa women legislators perceived laws as to be effective agents for improvement of the women interests in the job or work sector.
SOCIAL ISSUES

And in a time when the world seems to be engaged in eliminating the forces and institutions that marginalise women's role in society, the social dimension of women's position in Indian society is still largely traditional as most of the Indian women are yet to be free from the disabilities and inhibitions emanating from tradition.\(^{35}\) For a large majority of them, position in their families is secondary.\(^{36}\) The presence of a number of personal laws in India makes the situation of women all the more complex.\(^{37}\) Dowry continues to bedevil women's world.\(^{38}\) It leads one to believe that for


\(^{36}\) See *Towards Equality*, op.cit., Ch.III, especially, pp. 58, 69, 83-91.

\(^{37}\) *Ibid.*, pp. 102-140 — for a brief account of how personal laws contribute to the continuance of women's inequality in status in India.

women in India, discrimination begins at birth, and continues through the girls' growing years, with her claims to nutritious food, clothing, education, healthcare, etc., being treated as next in priority only to male child/children in family. Also, in marriage, the Indian woman's status is unequal with her husband in almost all respects including domestic decision-making, despite her contribution to the family's well-being.

At the same time what is alarming is that crimes against women in India is ever-increasing. And, particularly, in Orissa, incidence of such crimes is the highest among the

---


42 See The Samaja, 15 May 1989 - grave concern was expressed by the Mahila Congress held at Bhubaneswar (Orissa) on 14 & 15 May 1989 about the increasing number of crimes against women - it observed that in 1987 only there were 6668 rapes and 1517 dowry deaths; see Kalpana Sharma, "Women in India: Law and Reality" in The Times of India, 30 March 1989 - she observes that rape cases increased from 5298 in 1982 to 6356 in 1985 and that "these, of course, represent only the tip of the iceberg as the majority of rape cases remains unreported"; see also J.P. Atray, Crimes Against Women (New Delhi: Vikas Publishing, 1988).
Indian States, and as has been reported, dowry deaths (particularly) are on the increase. The failure of the government in eradicating the practice of dowry through laws, at times, gives one the impression that "the passing of law is now an established formula for avoiding action".

---

43 See The Samaja, 15 May 1989 - Union Minister Ramdulari Sinha's reply in Lok Sabha to a question put by Smt. Jayanti Patnaik, M.P., stating that Orissa's record was the highest in incidence of rapes, deaths, dowry deaths, child sacrifice, etc.; See The Samaja, 18 March 1989 - Statistical Report (Home) of Govt. of India placed in Rajya Sabha - the picture of crimes against women in Orissa (as reported in this newspaper) put in a table as the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>Rape with women</th>
<th>Misbehaviour with women</th>
<th>Kidnapping of women</th>
<th>Necklace snatching from woman</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>146</td>
<td>Not mentioned</td>
<td>Not mentioned</td>
<td>13</td>
</tr>
<tr>
<td>1987</td>
<td>184</td>
<td>524</td>
<td>129</td>
<td>16</td>
</tr>
<tr>
<td>1988</td>
<td>180</td>
<td>554</td>
<td>135</td>
<td>30</td>
</tr>
</tbody>
</table>

See, for example, The Samaja, 16.5.1989; 17.5.1989 and 21.5.39 for some accounts of crimes against women in Orissa.

44 See The Samaja, 15 May 1989 - for Orissa Chief Minister's admission of progressive increase of dowry in Orissa.


Now with a view to eliciting opinion on how to deal with the dowry problem, a structured question was put to our respondents. The table below represents the pattern of responses.

**TABLE NO. X: 8**

**SHOWING DISTRIBUTION OF RESPONDENTS OVER THE MEASURES FOR DEALING WITH THE DOWRY PROBLEM**

(Multiple Choice) N 22

<table>
<thead>
<tr>
<th>Statements on</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Making more stringent Laws</td>
<td>11</td>
<td>50.00</td>
</tr>
<tr>
<td>Raising their economic status to secure to them economic independence</td>
<td>15</td>
<td>68.18</td>
</tr>
<tr>
<td>Mobilising public opinion against the practice</td>
<td>19</td>
<td>86.36</td>
</tr>
</tbody>
</table>

An overwhelming majority (86.36%) of women legislators thought mobilisation of public opinion as to be the most effective weapon to fight the evil of dowry. Though they did not rule out the role of law in this area, a great majority of them, also, believed economic independence of women to be a remedial step towards dowry problem.

However, it is conclusive that most Orissa women legislators perceived mobilisation of public opinion as the most effective measure against the dowry menace.
But it is held that almost all of the women's miseries regarding marriage and succession shoot out of the diversity in personal laws, reference to which has been made above. Lack of uniformity in the civil code, then, contributes largely to the inequality in the status of women in India. Fortyone years after independence, the constitutional directives for a common civil code, and nearly fourteen years after the CSWI's recommendation for "expeditious implementation of this constitutional directive by the adoption of a uniform civil code", achievement of equality of status, and abolition of discrimination on sex ground remains a distant hope. The NPP (1988) objective of "adoption of a uniform civil code by 2000 A.D." is not taken seriously by women as it was the


48 Ibid., pp. 102-140.

49 See Constitution of India, Article 44 - "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."

50 See Towards Equality, p. 142.

51 See Women's Era, New Delhi, Vol. 16, February (2nd) 1989, Editorial Note.
same government (which has drafted the MPP 1988) which nullified the fruits of the Supreme Court Shah Bano Case (1985)\textsuperscript{52} by enacting the Muslim Women (Protection of Rights on Divorce) Act 1986.\textsuperscript{53}

However, in this context we put a question to our respondents about the desirability of having a common civil code for all citizens of India.

And it was found that all women legislators of Orissa perceived the urgency of having a common civil code for all.

But what is more associated with woman's free participation in the political process is a minimum degree of economic security and independence. A woman, in the present Indian social and legal system, is at a disadvantaged position. Despite her immense contribution to her family she is not

\textsuperscript{52} See Asghar Ali Engineer, The Shah Bano Controversy (Bombay: Orient Longman, 1987); Supreme Court in its decision in this case took the first step towards creating the process of making a common civil code by turning down the husband's claim under Muslim Personal Law to disallow his wife (on divorce) any maintenance. On the other hand, the Court vindicated the right of the woman to maintenance on divorce notwithstanding anything contrary to it in personal laws (Muslims). This was an attempt on the part of the court to put Muslim women at par with other Indian women and to make available to them rights enjoyed by non-Muslim women of India.

entitled to equality in the family. But "A woman's domestic role as wife and mother - which is vital to the well-being of the whole society, which consumes around half of her time and her energy - is unpaid and undervalued." And women who earn more, and spend their entire earning on upbringing and betterment of the family, hardly won any property or enjoy the right of decision-making at home.

However, limiting ourselves to study of the orientations of our respondents only to women's right to family property acquired during marriage, and to decision-making in respect of family-fund, we put two questions to the women legislators.

54 See U.N. "Report on...1985, op.cit.-" That women do almost all the world's domestic work which, together with their additional work outside the home, means most women work a doubleday; that women grow around half of the world's food, but hardly own any land..."; also see Towards Equality, op.cit., pp. 58-59, 83-90, 140,173; see B. Borowitz & Madhulishwar, "Family Life - The Unequal Deal" - op.cit.

55 U.N. "Report on...1985", op.cit.; see Towards Equality, op.cit.; Shramshakti, pp. 28,29,93, 249-50; see UNICEF, An Analysis of the Situation of Children in India, 1984, p. 78. Women's Domestic work is not recognised as productive work, hence 'invisible'.

56 See Towards Equality, op.cit., p. 84, 89-90.

57 See Towards Equality, pp. 290-92 - Women find it difficult to fight elections because of the expenses involved in it.... and because their families do not like to spend on the political adventures of women. Hence if women get access to family fund their participation in the political process may increase.
namely, i) "Don't you feel that a woman should have equal rights over family assets?" ii) "Should not women enjoy equal rights over family fund?" The responses to these questions are put in the table below:

<table>
<thead>
<tr>
<th>Agreement</th>
<th>Disagreement</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>%</td>
<td>No.</td>
</tr>
<tr>
<td>Women should have equal rights over family assets</td>
<td>18</td>
<td>81.81</td>
</tr>
<tr>
<td>Women should have equal rights over family fund</td>
<td>17</td>
<td>72.72</td>
</tr>
</tbody>
</table>

Majority (81.81%) of the women legislators of Orissa believed that equal right for women over family assets would enhance their status in the socio-political situation. Similarly, they also perceived woman's equal rights over family fund as to be encouraging to them for participation in the political process.
ORISSA WOMEN LEGISLATORS' ORIENTATIONS TO ISSUES RELATING TO ORISSA LEGISLATURE AND TO THEIR RELATION WITH GOVERNMENT SERVANTS

Orientations of Legislators to the issues relating to the legislature's structural and functional characteristics would be of great help in comprehending their roles in a clearer way as it is in the legislative situation that the legislators' role-perceptions receive the final touch in the legislative socialisation process. Again, their attitude to the various dimensions of the representative-bureaucrat relationship is useful in the understanding of their role-performances in relation to their constituents.

However, one of the basic issues, in this context, then, is how often and for what periods of time the legislature is in session, as it is said that "a first step towards the destruction of democracy is usually a refusal to call the Legislature together or a dismissal of it if it is already sitting." Wheare observes the difference between the practice, followed in the U.S and other European countries, in

58 See K.C. Wheare, Legislatures, op.cit., p. 41. The quote is from this page.

59 See K.C. Wheare, op.cit., pp. 41-42.
which legislature meets by constitutional right, and the
British practice, followed by most commonwealth nations,
in which the legislature is called into session by the execu-
tive. The Indian Parliament is called\textsuperscript{60} into session by the
President, and the Indian State Legislature's Sessions are
convened\textsuperscript{61} by the order of the Governor of the State.

However, the importance of the periods of time a
legislature is called together is because of the fact that
time is one of the major constraints\textsuperscript{62} on the legislative
institutions. Neither the legislature as an institution can
go into details of public policy or exercise proper control
over the executive, nor can the individual legislator, espe-
cially in a large body, can efficiently take part in the
legislative business if the legislature meets infrequently and
for much less number of days.\textsuperscript{63} The average annual days the

\textsuperscript{60} See Constitution of India, Article 85(1) - "The
President shall from time to time summon each House of Parliament
to meet at such time and place as he thinks fit, but six months
shall not intervene between its last sitting in one session and
the date appointed for its first sitting in the next session."

\textsuperscript{61} See Constitution of India, Art.174(1)-"The Governor
shall from time to time summon the House or each House of the
Legislature of the State to meet at such time and place as he
thinks fit, but six months shall not intervene between its last
sitting in one session and the date appointed for its first
sitting in the next session."

\textsuperscript{62} See Olson, The Legislative Process (N.Y.: Harper & Row,

\textsuperscript{63} See Olson, The Legislative Process, op.cit.; Jean
Blondel, Comparative Legislatures (Englewood Cliffs, N.J.: Prentice
Indian Parliament meets in session has been calculated as to be 93 days, whereas it is, as seen in Chapter IV, only 52 days in case of Orissa State Assembly.

Hence, to know if our respondents perceived time-factor as a constraint on Legislative work and wanted to increase the number of annual meeting days of Orissa Legislature, we asked them: "For how many days, in your considered opinion, the State Legislature should meet in session annually?" The answers to this have been tabulated as under:

**TABLE NO. X:10**

SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR ORIENTATIONS TO THE ANNUAL TOTAL MEETING DAYS OF THE ORISSA LEGISLATURE

<table>
<thead>
<tr>
<th>Response</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increasing the Annual Meeting days to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Atleast for about 100 days</td>
<td>11</td>
<td>50.00</td>
</tr>
<tr>
<td>ii) More than 100 days but less than 150 days</td>
<td>03</td>
<td>13.63</td>
</tr>
<tr>
<td>No need of increasing the Annual meeting days more than the present</td>
<td>08</td>
<td>36.36</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>99.99</td>
</tr>
</tbody>
</table>

---

64 See V. Shwari Anand, "Parliamentary Work" in The Statesman, Calcutta, 10 Feb. 1985—"According to recent official figures, the 7th Lok Sabha, in its five-year period spread over 1825 days, met only for 465 days which comes to an average of 93 days a year."
The figures presented in the above table suggest that a good majority (50.00 + 13.63 = 63.63 %) of the women legislators wanted increase in the number of annual meeting days of Orissa Legislature, whereas a clear fifty per cent of them wanted it to be atleast 100 days.

Thus, most women legislators perceived time to be a constraint on legislative work and an increase in the Legislature's annual meeting days as a step towards removing it. Coming to another aspect of the legislature, it was sought to be known as to how our respondents perceived the women's interest-element in the Bills discussed and approved in the State Legislature. We wanted the women legislators to respond to the statement: "Bills do not sufficiently represent women's interest."

**TABLE NO. X: II**

**SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR PERCEPTION OF HOW REPRESENTATIVE ARE BILLS OF WOMEN INTERESTS**

<table>
<thead>
<tr>
<th>Response</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>15</td>
<td>68.18</td>
</tr>
<tr>
<td>No</td>
<td>07</td>
<td>31.81</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>99.99</td>
</tr>
</tbody>
</table>

A majority of women legislators perceived Bills as not sufficiently representative of women's interest. Two things
can be said to be following such a finding: first, that
women have failed to build up support for the cause of women;
second, that they might have less interest in pursuing women's
issues in the legislature. These two observations are not
to be thought as baseless as, in our studies above, we have
seen that women have been very less in numerical strength
in the State Assembly since its inception, and that they have
not considered women-interest as distinct from the interest
of their constituents.

However, most Orissa women legislators perceived Orissa
Legislations as less representative of women's interest.

We also tried to know the orientations of our respon-
dents in regard to State Legislature's role in conflict-
resolution. The responses of the women legislators to the
statement: "The State Legislature is a forum for converting
the divergent interests into public policies", are put in the
table below:
Almost all the respondents agreed to the statement that the Legislature helped in converting the divergent interests into public policy. As the political environment in a democratic political system injects conflicting forces into the legislature, it becomes one of the foremost functions of the legislature to carefully process them into generally acceptable public policies, in order to preserve itself as an institution. Moreover, as the representatives in a democracy are expected to represent the interests of the constituents, conflicts and tensions are bound to be generated in the legislature. But conflict-resolution in the legislature is vital to its survival, thus linked to the members' tenure of office. The legislative forum is used to seek a way out in threshing compromise and consensus out of the conflicting interests for formulating general welfare policies.

### Table No. X: 12

**SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR PERCEPTION OF THE CONFLICT RESOLUTION FUNCTION OF ODISHA LEGISLATURE**

<table>
<thead>
<tr>
<th>Response</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>21</td>
<td>95.45</td>
</tr>
<tr>
<td>No</td>
<td>01</td>
<td>04.54</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>99.99</td>
</tr>
</tbody>
</table>
Thus, most women legislators perceived the State Legislature as providing a forum for converting divergent interests into public policies.

One of the gravest problems that portends bad days for Indian democracy, is the rise of occurrences of violence and disorder within the walls of the Indian Legislatures in recent days. Indian Legislatures are frequently found convulsed under the impact of such violently unruly activities on the parts of their constituent-members. The Orissa State Legislature has not lagged behind in its record of such occurrences.

65 See, for example, V. Eshwar Anand, "Parliamentary Work", op.cit.; see Bharat Bhusan, "Downslide of Parliament" in The Times of India, New Delhi, 2 April 1989; see The Statesman, Calcutta, 19 March 1989, the Editorial note on Dignity of Parliament; see The Times of India, New Delhi, 29 October 1985, "Legislators' unruly conduct decried" by the symposium on "Legislators, their duties, conduct and responsibilities" held at Lucknow on 28 October conducted by the Lok Sabha Speaker, Balram Jhakar.

66 The 28th day of January 1988 witnessed the unprecedentedly ugly event of entry of police into the Legislative Assembly of Tamil Nadu, and police action on legislators within the walls of the Legislature leading to injury of many M.L.A.s.- see for details The Hindu, 29, also 30 January, 1988; The Samaja, 29 January 1988. And for an account of the frequency and magnitude of the violent and unruly occurrences which led to adjournments of Houses, walkouts and boycotts by members, expulsions and injury of legislators - see, for example, The Times of India, 29, 30 January, 1988; 28 February, 1988; 3 November, 1988; 15, 16, 17, 18, 29, 30 March, 1989; see The Samaja, 1 April 1987; I, 16, 17, 18, 19, 26, 29 March, 1989.
happenings. Adversarial politics may be quite inherent in the nature of a democratic system, but, by no means, should it be pushed too far so as to amount to erosion of all parliamentary etiquette. The uncontrollable frenzy, in which members are found indulging, results into pandemonium and cacophony in the House which makes conducting the legislative work impossible. All this constrains one to doubt if the very democratic system would crack under circumstances in which its legislative structure undergoes massive disruptive strokes.

Some of the experienced parliamentarians have identified a number of reasons responsible for the current state of the legislature, such as - government's refusal to allow opposition to speak out its mind, government's prevarication on important public issues and its intolerance of dissenting voice, government's reluctance to divulge the truth or facts related to issues of public importance and interest, lack of leadership on the part of the Prime Minister/Chief Minister and other House leaders, and above all, the diminution of dignity and lack of impartiality on the part of the Speaker or the Presiding Officer of the House. It has, also, been suggested that the

67 See, for example, The Samaja, 1 April 1987; see The Samaja, 26 Feb.1988 & the same of 16,17,18,19,26 March 1989.


69 See The Times of India, New Delhi, 29 Oct., 1985 for the symposium on "Legislators, Their duties, conduct and Responsibilities", op.cit.
Speaker's office in the Legislative Assemblies be made higher to that of the Chief Minister so that the former would not be tempted to go out of the way to please the Chief Minister for getting a berth in the State Cabinet.

However, we are concerned, in this section, with the women legislators' perception of the necessity of conforming to the rules of procedure and the unwritten 'rules of game', for ensuring a certain minimum consensus or "interactional modus vivendi" which is essential for survival of the legislative system. And in view of the observation that legislators often revel in unrelenting opposition and engage in acrimonious polemic among themselves in the House of the Legislature, we put to them a structured question: "What in your opinion should be the best way to face a formidable opponent in the Legislature ....?" The table below presents the responses of the women legislators to it.
The largest proportion (54.54 %) of our respondents clearly, as is seen in the above table, indicated their preference for following compromising attitude in dealing with their opponents in the legislature. One of those who supported the above attitude expressed to us, during our interviewing her, that she projected almost a 'magnanimous' approach towards her opponents in the House. Again, as reported in one Oriya news daily, one of the S.T. women legislators tried her best to quel

70 See The Samaja, 18 March 1989 - Some M.L.A. were physically hurt in the violence; one fainted on the spot which necessitated hospitalisation, and another wailed in great pain in the House. Smt. Chandrama Santa was found frantically appealing to the members to refrain from the violence.
the violent cacophony that developed in the Orissa Assembly over the issue of appointment of a commission of enquiry on the capital-plot-allotment affairs. But, on the other hand, as noticeable from the above table, a majority (67%) of the S.T. women believed in following an aggressive attitude towards opponents, whereas majority of the high caste women believed in a compromising attitude.

But when they were asked a straight question: "Do you believe in pursuing your opposition to your opponents in the legislature beyond the limits of the rules which preserve the decency and decorum of the House?", our respondents gave the indication of a very healthy legislative culture as all of them believed in refraining from behaviour and activities violative of the rules of the House that maintains the required atmosphere necessary for smooth conduct of business. All are conscious that too much of oppositional politics would not only disrupt the legislative works but may destroy the boundaries of the legislative system itself.

But, besides the issues about which orientations of our respondents have been studied, there are also certain issues related to certain essential conditions for conveniently undertaking legislative functions. And though behind a legislator's seeking the legislative seat may not be the motivacy of money-making, 'finance' is a necessity for the legislator's
multifarious activities. It may so happen that with a meagre salary legislators may find it difficult to manage themselves in capital cities where usually the legislative institutions are located. Difficulties of this nature may distract them from legislative affairs for which they have been chosen by the people. Moreover, a legislator, in a democratic system, has got to be in constant touch with the people for which he visits his constituency areas or holds surgeries. He may need more assistants to deal with the growing demands on him. And the legislator needs adequate funds to meet the demands of representative politics in the modern times. Presently the members of Orissa Legislative Assembly are entitled to monthly salary of Rs. 700/-, to a daily allowance of Rs. 75/- for each day of actual residence at the place where the Assembly/or a Committee thereof meets, and to a fixed travelling allowance of Rs.12,000/- per annum. Besides, each member is entitled to a monthly consolidated allowance of Rs. 900/- inclusive of secretarial and medical allowances.

71 See E. Shinwell, Conflict without Malice (London: Oldhams Press, 1955), p. 82 - Shinwell has given an account of the hardship of the M.Ps. in 1922. M.P's. with a salary of 400 pounds were not able to manage themselves comfortably, for example, they were to travel distances for cheap and clean food as they were not able to afford the costly meals available at the Parliament canteens; also see Fenner Brockway, Socialism over 50 years: The life of Jcwett of Bradford 1864-1944 (London: Allen and Unwin, 1946), p. 70.

To our question: "Do you feel the necessity of an increase in the salary and allowances you receive at present?", a sizeable proportion (77.27%) of them responded positively, though none of them indicated the amount by which they wanted these to be enhanced.

A very significant area of the legislator's role is his constituents/constituency. In a developing Indian society, since the representative, as we have seen in the previous chapter, primarily represents the interests of his constituents, he has to get things go through the government agencies in a manner as would be consistent with the above interests. But as it has been observed that each legislator attempts to influence the administrative decisions that affect his constituency, there is bound to be generated conflict or tension between the average administrator and the average legislator. In the Bureaucratic culture of Orissa, an average officer perceives the representative as an intervener. But, since legislature guides the administration in a democracy, legislators are, also, supposed to see that government administrative agencies work in tune or as consistent with the aspirations and expectations of the

---


74 Ibid.
people. But, at times, a legislator may perceive a gap between the people's desire or interests and the attitude or steps of certain government officers. Tension is bound to be generated only when the demands or interests of constituents as voiced by the M.L.A. of the concerned constituency are turned down or not fulfilled by a government officer. But it is seen that when government servants ordinarily oblige the Ruling Party leaders, they are said to be recklessly behaving with M.L.A.s. belonging to the opposition party even when the latter comes up with just demands of his constituents.

75 See Bhavan's Journal, Vol. 32, No. 4, Sept. 16-30, 1985, pp. 69-71, for Orientation course for newly elected Andhra MLAs held from 24 to 27 July 1985 - organised by Bhavan's Rajaji International Institute of Public Affairs and Administration.

76 See The Samaja, 13 January 1989; 23 February 1989 - for the arrest of Balgopal Mishra, MLA by the order of the District Collector of Bolangir when the former was at the administrative headquarters of the district in connection with his participation with the District Natural Calamities Committee and other such things. Reportedly, his demands for grant of adequate funds for his constituency was dubbed by the Collector as misbehaviour on the MLA's part. Also see Times of India, New Delhi, 6 May 1989 - Misbehaviour of the additional Collector of Nagpur with one MLA of Maharastra.

77 See M.N. Buch, "Encouraging Criminals in the name of Democracy" in The Times of India, New Delhi (Sec. 2) 23 May 1989.

78 See The Samaja, 8 April 1989. A special committee of the Orissa Legislative Assembly indicted the District Collector of Bolangir for his irresponsible and reckless behaviour with Sri Balgopal Mishra, the M.L.A. The Report mentioned the State Chief Secretary's views that such an act on the part of District Collector was immature and irresponsible; see Footnote 76.
On this point we elicited the views of the respondents which are given below.

**TABLE NO.X: 14**

**SHOWING DISTRIBUTION OF RESPONDENTS OVER THEIR PERCEPTION OF LEGISLATORS' RELATIONSHIP WITH GOVERNMENT OFFICERS**

<table>
<thead>
<tr>
<th>The Government Officers are likely to comply with the demands of the people's representatives</th>
<th>Agreement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Only when compliance of the demands is consistent with the official rules &amp; procedure</td>
<td>07</td>
</tr>
<tr>
<td>B. Even when compliance of the demands is inconsistent with the official rules and procedures</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>22</td>
<td>99.99</td>
</tr>
</tbody>
</table>

As is shown above, a great majority (68.18%) of the respondents believed that the government officers must comply with the demands of the people's representatives even when compliance with the demands was not consistent with the official rules and procedures. Most women held that since in a democracy people were the ultimate masters, government officers should not take the plea of rules and procedures to delay the delivery of goods and services to them. And M.L.As, as the representatives of the people should be given due say in the Administrative affairs of their constituencies. The finding is
consistent with our study in the previous chapter that most of our respondents were constituency-oriented and Ombudsmanic in their role perceptions in relation to their constituents.

SUMMARY

The orientations of women legislators revealed that most of them were in favour of reservation of Orissa Legislative seats for women. They perceived the Orissa Legislature to be not truly representative of Orissa population. Most of them were, also, found oriented towards favouring reservation for women of political party posts, of some proportion of the party candidates, and of membership in the State Cabinet. Again, most of them also supported the idea of reservation for women jobs and of making by law retrenchment of women employees more difficult. Similarly, most women legislators expressed mobilisation of public opinion and raising the economic independence of women to be two important measures against the dowry problem. Almost all of them wanted that there should be a uniform civil code for all as they thought it would greatly minimise the plight of women in many respects. Moreover, most of them, also, were found to be oriented towards giving women the right to a share in the family property.
acquired by family during marriage, and giving women an equal right over the family fund. Finally, it was also found that most women legislators were used to taking political decisions independently.