

Gender Justice: is Women's Reservation Bill Becoming Dormant?

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Abstract

Once debate on Women Reservation Bill occupied due importance in the discussions of academicians, scholars, feminist thinkers, media, politicians and so on and they tried to mobilize the issue of promoting gender justice. But that vapor got evaporated due to repeated failure of its passing in Lok Sabha. Since 1996 till date, People's Chamber has failed to reflect the will and aspirations of the half of their adult franchisee. The patriarchal social order makes women to think that they are born to be subordinated to man and mesmerized them to act as puppet. The same order is going to be socialized in the political set up that politics is not for women.

KEYWORDS: Gender Justice, Women Reservation Bill, Gender Differentiation, Patriarchy, Political Empowerment.

Introduction:

In time between last part of 20th and first part of 21st century, the concept of promotion of gender justice occupied top most priority and appeared as a much publicized concept. Researchers to media, politicians to local social activists talked about reservation of seats for women in political process in order to bring about gender equity in decision making process. But it is very unfortunate that the concern is becoming dormant gradually and Indian women are left with no other alternative but to satisfy with mere reservation in local self government institutions. It was considered that equal political participation of women is necessary for promoting gender justice and it will facilitate and strengthen all pros and cons essential for gender justice. But undue delay in passing legislation (Women Reservation Bill) that could ensure women's increased participation reveals apathetic tendency of every successive governments. Therefore, this paper is an attempt to revitalize the long pending issue.

Objectives of the study:

The study tries to focus on the following objectives—

1. To regenerate the concept of gender justice.
2. To reorient the focus on women reservation bill.
3. To focus on gender differentiation in present context.
4. To find out the causes and remedies of undermining women reservation bill.

Methodology:

The present paper is exploratory, descriptive and diagnostic in nature. The study aims at exploring the ideological foundation of gender justice. It also aims at describing the gender differences confronted by Indian women. The diagnostic part aims to diagnosing the reasons mainly based on secondary data collected from different sources such as journals, reference books and various website articles.

DISCUSSION AND FINDINGS:

What is Gender Justice?

Gender is a more inclusive concept than sex. Sex implies biological differences between man and woman. But gender difference connotes more than that, a socially constructed difference between male and female in relation to their functions in society. The patriarchal society very intelligently socialized and stabilized the gender differences for the benefit of male members. The difference is unjust and unethical as all the existing forms of exploitation, oppression and discriminations against women are the outcome of gender difference. The feminists began to address the issue for analytical analysis of gender relation and have reproached the patriarchal nature of socio-economic-political and cultural structures accordingly. Simon de Beauvoir maintains, “one is not born but rather made a woman”. Nancy Chodorow maintains “since women have always been assigned the responsibility of primary parenting and nurturing, they develop a psychology of being most suited to the task of nurturing and caring, and thus, themselves choose the role of the care-giver and confinement to the private.”¹ The gender, in this way differentiates the functions between man and woman into public and private respectively. This dichotomy between public and private has marginalized women in all spheres of activity-social, political, economic and cultural. The feminists, therefore, jolted their movement to promote gender justice.

Gender justice is fundamental for all round development and progress of a country. Without providing equal right to the women who comprises almost half of the total population of India, development will be lopsided. Gender justice implies incorporating equal promotion and protection of civil, political, economic and social rights to both men and women. To materialize the democratic values in Indian society all types of gender based violence and discriminations to be abolished. But unfortunately in spite of having gender awareness and gender analysis of women’s rights, still gender inequality continues to exist in Indian society. With the development of science and technology and advancement of modern society, the form and nature of gender differentiation is becoming more and more complex.

After independence, initiatives were taken by the constitution makers to incorporate various provisions to establish an egalitarian society. According to article 14, the state shall not deny to any person the equality before the law and equal protection of laws within territory of India. Article 15 (1) prohibits the state to discriminate against any citizen on the ground only of religion, race, caste, sex, place of birth or any of them. Article 15(3) has been incorporated to permit discrimination in favor of women but not against women. Article 16 guarantees equality of opportunity in public employment, Article 39 (A) provides that the state in particular direct its policy toward securing that men and women equally have the right to an adequate means of livelihood. According to article 39 (E), the constitution

provides that the health and strength of workers, men and women and the tender age children are not abused and that citizen are not forced by economic necessity to enter avocations unsuited to their age or strength. Article 42 directs the state to make provision for securing just and human conditions of work and to provide for maternity

¹ Nancy Chodorow, Family Structures and Feminist Personality in M-2 in Rosaldo and L.Lamphere (ed.) Women, Culture and Society, Stanford University Press, 1997,PP.43-46.

relief. According to Article 15 A(e), it is the duty of every citizen to renounce practices derogatory to the dignity of women.

Various laws has been passed by the legislature to boost the process of making gender friendly social environment e.g., The Immoral Traffic (Prevention) Act,1956, The Dowry Prohibition Act,1961,The Protection of woman from Domestic Violence Act,2005 etc.. The Supreme Court provided various judgments from time to time for women emancipation and declares some existing law as unconstitutional. The verdict of Supreme Court declaring Triple Talaq as unconstitutional on 22nd August, 2017 is one example of such intervention. This verdict is an attempt to remove discrimination against Muslim women. On 27th September, 2018 the Supreme Court has declared the section 497, a 150 old adultery law as unconstitutional and said in the verdict that ‘husband is not master of man’ is another attempt to cut gender discrimination. But in spite of the initiatives, the ultimate aim of gender justice is yet to be achieved. It is because of strong patriarchal mentality and unfavorable social environment. Still women are ill treated by their male counter parts. In the modern sophisticated society most of the women silently absorbing the pain of being born as a woman for the sake of societal fame and glory. The nature, form and extent of atrocities vary society to society. The house wives both in rural and urban areas who are economically dependent on their husbands are used and oppressed enjoying no dignity within the four walls of the house. In home they are treated as commodity, slaves or as an object of male’s sexual enjoyment and reproduction of children. Similarly, the working women have to bear double responsibility, both at home and work place. Being women they have to face many obstacles, e.g., oppressions, discriminations, violence, psychological and sexual harassment etc outside her house. As the atrocities against women are increasing at alarming rate, it becomes the urgent need of the time to rethink about taking affirmative action in favor of women. Every Indian women irrespective of urban or rural, literate or illiterate, working women or house wives should get the dignity of being equal members of democratic society. A strong social environment to be established where women could realize safety and security utilize their potentialities and enjoy dignity. To materialize this objective, the existing power relation to be changed and women should get equal representation in Lok Sabha and state legislatures. In other words, empowering women politically through equal participation in the decision making and law making bodies is necessary so that they can facilitate proper legislation. This can be done only through “Progressive Reservation Policy.”

RESERVATION POLICY: The Chequered Journey of the Lapsed Bill

It is the power that creates gender differentiation and is operative in gender relation. To emancipate women from all types of discriminations, status- quo maintained for women in decision making process to be changed and equity to be established in the existing power relation. After Independence, although Indian women got the right to participate in the political process both as voters and candidates contesting elections in parliament and state assemblies, yet their extent of involvement as candidate represents an extremely dismal picture. In the first Lok Sabha, only 22 women constituting 4.4 percent were elected to the Lower House. It has increased to 27 women (5.4 percent) in second Lok Sabha, 34 women (6.7 percent) in third Lok Sabha, 31 women (5.9 percent) in fourth Lok Sabha. But unfortunately despite of increasing in fifth, sixth and seventh Lok Sabha it decreased

to 4.2 percent, 3.4 percent and 5.1 percent respectively. In the eight Lok Sabha it increased to 44 women (8.1 percent). It was again came down to 28 members (5.2 percent) and 39 members (7.07 percent) in ninth and tenth Lok Sabha respectively. From eleventh onward the percentage of women has been increased marginally. It was 40 members (8.25) in the 12th Lok Sabha, 49 members (9.02 percent) in 13th Lok Sabha, 45 members (8.25 percent) in 14th Lok Sabha, 59 members (10.9 percent) in 15th Lok Sabha and 62 members (12.7 percent) in the 16th Lok Sabha. The data shows that percentage of women in Lok Sabha never crossed even 13 percent. Their representation in Legislative Assemblies of all the states of Indian Union is rather dissatisfactory. Thus in all these years of the functioning of the constitution, we have found that women are still fighting for getting gender equity, gaining equality of status, securing a role for themselves in the decision making bodies and creating a conducive democratic set up for them.

It is also true that initiatives were taken for securing women's equity in political process much earlier but could not put it into practice. Being realized the need of the time, 81st Women Reservation Bill proposing for 33% reservation of seats for women in Lok Sabha and State Legislative Assemblies was introduced in Lok Sabha on 12th September, 1996 by H. D. Deve Gowda's United Front government. It was then accepted only to discuss on an aggressive plea for proportional representation of seats for women belonging to OBC. The bill was then referred to joint select committee of 32 parliamentarians under Gita Mukharjee for amendment. In its final suggestion the committee sought the Bill to be passed at the earliest and rejected the demand for an OBC quota, but the Bill could not processed in the parliament and lapsed with the dissolution of the 11th Lok Sabha. On December 1998, it was re-introduced in the 12th Lok Sabha as the 84th Amendment Bill by the BJP government led by Atal Bihari Bajpayee but its passage was stopped due to lack of consensus among members. The Bill again lapsed with the dissolution of 12th Lok Sabha. In 13th Lok Sabha it was re-introduced as 85th Amendment Bill on 23rd December, 1999 but again lapsed with the dissolution of the House.

With new initiative, the controversial women reservation Bill as the constitution 108th Amendment Bill was again introduced on 6th May, 2008 in Rajya Sabha for the first time. The Bill was passed by the Upper House on 9th March, 2010. The UPA government of 15th Lok Sabha led by congress showed keen enthusiasm to pass the 108th Women Reservation Bill. After the formation of the government the first women president Pratiba Devi Singh Patil affirmed to implement the women reservation bill within 100 days. But the irony of the fact that the government even could not introduce the Bill in the budget session of 2010 on account of given threats of withdrawing support of allied parties on grounds for quota within quota for minorities, OBC's and others. The NDA government of 16th Lok Sabha under the leadership of Prime Minister Narendra Modi keeps the Bill in cold storage silently. Congress leader Sonia Gandhi wrote a letter to Prime Minister Narendra Modi and urged him to introduce the bill and passed in the Lok Sabha by taking advantage of the BJP's majority in the House. But their good will confined only with throwing diplomatic words to each other. BJP government blamed the Congress party that they only politicized the issue of women reservation but could not surmount opposition from within its allied parties.

The lethargy and lack of will of both the major political parties are responsible indeed but direct opposition came from Samajwadi Party, some regional parties and parties based on OBC and dalit classes e.g., Bahuj Samaj Party, Janata Dal and JD(U). These parties argued for reservation of seats for women of backward classes who are mostly victims of unjust socio-political system and could not be in a position to equally compete with male members but not for women of privileged classes, thus opposed present form of reservation bill. The chaos caused by these parties for quota within quota for women of backward classes in Lok Sabha in every preceding years of passing reservation bill and added unwillingness of the ruling party has become the major hurdle in the way of establishing women's political equity.

SUGGESTION:

1. The political parties have to realize that the issues pertaining to women are not the issues to be dealt with by women only. They have the responsibility to solve the issue.
2. Political slogan to carry the message of wider participation passage of women reservation bill should be adopted.
3. Women's organization, men's organization, media highly placed men and women should make efforts to create social and political movement for women reservation bill.
4. Reactionary forces emanating from certain sections of society that encourage the demotion of women from equal political participation to marginalization of women in politics should be eliminated.
5. Women shares equal strength as voter with men during election. If united, they could pressurize the political parties to take women reservation bill seriously.

CONCLUSION:

Thus, the above discussion reveals the bitter truth that on the question of Women's Reservation Policy political consensus grows immediately among the diverse political parties and they push it back to the original position. Whatever their parties may be, ideologies may be, men are always men imputed by patriarchal character. At the time of voting the Bill, the native leaders and male parliamentarians start behaving like strangers to women. As a result of this inherited patriarchal attitude, Lok Sabha never voted in favor of women's reservation bill and the bill appeared as the long pending bill in Indian legislation. This bill became a means of frequent disrespect of women's struggle rather as a means of promoting gender justice. 20 years are too long to wait to get political equity, the base of all other types of rights and opportunities. For breaking up the diplomatic intentional lethargy and unwillingness of the government, civil society, feminist thinkers, academicians, researchers, social activist should rejuvenate their movement to morally and socially pressurize the government to introduce the bill to be passed. Showing little negligence to regenerate the movement for women reservation bill may make the bill dormant in near future.

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