

The Journey of Women Reservation Bill As 108th Amendment Bill in Rajya Sabha

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Abstract

The Women Reservation Bill seeks to reserve one third of the total number of seats in Lok Sabha, state legislative assemblies and Delhi legislative assembly for women. It means that the Bill will increase women representation by bringing at least one third women in the legislatures. Women Reservation Bill will not only be helpful in increasing the number of women representatives in the decision making but it will also help to improve their lower status and position in the society. Therefore, the Bill was introduced many times since 1996. But never got the approval of the lower house. In 2008 it was introduced in Rajya Sabha, a permanent house. Though passed by Rajya Sabha in 2010, it never got the approval of lower house till 2023. Main reason for not supporting it seems that all political parties had their own political interests that is why they took so long to make it a legislation by amending the Constitution. It got the approval of both the houses of Parliament in September 2023. In this paper an attempt is made to discuss the behaviour of political parties supporting and opposing the Bill at the time it was introduced in Rajya Sabha in 2008.

Keywords: Rajya Sabha, Women Reservation Bill, Legislative Assemblies.

Women Reservation Bill (WRB) was introduced many times in the Lok Sabha in India. First time it was introduced in 1996 then in 1998 and 1999 but all these bills lapsed with the dissolution of respective Lok Sabhas. Later the WRB was introduced as 108th Amendment Bill in 2008 by the UPA government. This time it was introduced in Rajya Sabha with the intension that it is a permanent house and it never dissolves. The Bill was passed in Rajya Sabha in March 2010, but it was never introduced in Lok Sabha till 2023. On 19 September 2023, the Bill was again introduced but with amendments as The Constitution (One Hundred Twenty Eighth Amendment) Bill by the NDA Government and it got the approval of both the houses of Parliament. The Bill seeks to reserve one third of the total number of seats in Lok Sabha and State Legislative Assemblies for women. It means that the Bill will increase women representation by bringing at least one third women in the legislatures. It will be effective only after the census is conducted and delimitation is undertaken to reserve seats for women. It is also sure that Women Reservation Bill will not only be helpful in increasing the number of women representatives in the decision making but it will also help to improve their lower status and position in the society. In this paper an attempt is made to discuss the behaviour of political parties supporting and opposing the bill at the time it was introduced in Rajya Sabha in 2008.

The issue of reservation for women in legislatures is not of recent origin. The idea was discussed at great length by the framers of the Constitution during the meetings of the Constituent Assembly. It is interesting to note that when reservation for women was being discussed in the Constituent Assembly along with the

reservation for SCs and STs, these were the woman Members of the Constituent Assembly who came forward and themselves rejected the proposal. Presenting the perspective of women members in the Constituent Assembly Renuka Ray while supporting the provision of territorial representation without any reservation of seats said that she was particularly opposed to the reservation of seats for women. In Assembly she stressed that reservation of seats for women would be an impediment to their growth and an insult to their very intelligence and capacity (The Constituent Assembly of India Debates, 1947). Prominent women leaders who supported Ray on this point were Sarojini Naidu, Aruna Asaf Ali, Sucheta Kriplani, Rajkumari Amrit Kaur, Durgabai Dehsmukh and others. It was thus and under these circumstances that reservation was not provided for the women to be elected to the Parliament and the State Legislatures, accepting that they are competent enough to fight the elections and to get elected to the Parliament as the constitution provided enough provisions to give them legal, political and social equality. But, this pious hope of the founding fathers of the Constitution was dashed to the ground in spite of equal rights and safeguards against gender discrimination with the results of the successive elections. Table 4.1 shows women representation in the Parliament and the tickets allotted to them for elections to the Parliament which discloses the gloomy picture. It is acknowledged by almost all the major political parties that women whole heartedly and with full dedication participated in the freedom struggle. They made equal and sometime more sacrifices of their comfort, family and domestic life in the freedom struggle along with their male counterparts. A number of women were also jailed during the freedom struggle. After the independence it was expected that women will get elected to the Parliament on their own competence and strength. Sometimes a hollow argument is advanced that women have failed to take part in the active politics therefore they could not be elected to the parliament in enough numbers. This argument is without any substance and merit and appears to have been advanced only as a ploy to deny women their right and to maintain male domination in the decision making institutions. As stated above male leaders of the freedom struggle encouraged women to come forward in the struggle and give equal fight with men to get freedom. Women cooperated with them and made sacrifices in the freedom struggle. Once the independence was achieved, Constitution was drafted, passed and came into force without reservation of seats for women in the Parliament, women just disappeared from the political scene of the country. They could have been encouraged by allotting party tickets to contest elections to Parliament. However it was not done. Enough number of party tickets were never allotted to the woman candidates in different General Election held from 1957 till the recent General Elections held in 2019. The situation aptly illustrated by facts and figures published by the Election Commission of India in its different Electoral Statistics Pocket Books through Table 4.1. Comparative analysis from the data in the Table 4.1 shows the big difference between the number of Males and Females elected in Lok Sabha since 1957. It proves that men are in strong position than women. It also clears that percentage of success rate of both the sexes is mostly in favour of female except the elections held in 1980 and 1985.

Table 4.1: Participation of Women in Lok Sabha Elections Since 1957

1	2	3	4	5	6	7	8
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Election Year	Total No. of Seats	Total No. of Contestants	Women Contestants		Women Elected over Total Seats		No. of Male Contestants	No. of Males Elected	Success Rate %	
			No.	%	No.	%			Male	Female
1957	494	1519	45	3.0	22	4.5	1474	472	32	49
1962	494	1985	66	3.3	31	6.3	1919	463	24	47
1967	520	2369	68	2.9	29	5.6	2301	491	21	43
1971	518	2784	61	2.2	29	5.6	2723	489	18	48
1977	542	2439	70	2.9	19	3.5	2369	523	22	27
1980	529	4629	143	3.1	8	5.3	4486	521	12	6
1984	514	5312	162	3.0	42	8.2	5150	472	9	26
1985*	27	180	9	5.0	1	3.7	171	26	15	1
1989	529	6160	198	3.2	29	5.5	5962	500	8	15
1991	521	8668	326	3.8	37	7.1	8342	484	6	11
1992*	13	81	4	4.9	2	15.4	77	11	14	50
1996	543	13952	599	4.3	40	7.4	13353	503	4	7
1998	543	4750	274	5.8	43	7.9	4476	500	11	16
1999	543	4648	284	6.1	49	9.0	4364	494	11	17
2004	543	5435	355	6.5	45	8.3	5080	498	10	13
2009	543	8070	556	6.9	59	10.9	7514	484	6	11
2014	543	8201	668	8.1	62	11.4	7533	482	6	9
2019	543	8054	726	9.0	78	14.4	7322	465	6	11

* Elections of Punjab and Assam were held separately.

Source: Electoral Statistics Pocket Book 2014 and 2016, 2022, the Election Commission of India.

Table 4.1 shows that elections in 1957 were held for 494 seats of Lok Sabha and only 45 women contested against their male counterparts numbering 1474 and 22 of them were elected showing success rate of 49% of the contestants as against success rate of 32% of their male counter parts. Women electors hovered around 47% of the total electorate right from 1957 to 2019.² An argument advanced against the Women Reservation Bill, 2008 is that women should be allotted party tickets and they should be allowed to contest and win the elections on their own competence, strength and wisdom. It is argued that reservation of seats for women in the Parliament and State Legislatures shall stigmatize them and project them as weak, timid and not competent to contest the elections against male contenders. It is also argued that the reason of less number of women in the Parliament and State Legislatures is that people do not want women in elected bodies hence they do not vote in their favour and consequently they lose the elections. When facts and figures are examined this argument falls flat on the ground. In the General Elections held in 1957, 97% were male candidates and 3% were woman candidates. Women success rate was 49% as against 32% of male candidates. In the successive elections percentage of women contestants was 3.3% (1962), 2.9% (1967), 2.2% (1971), 2.9% (1971), 3.1 (1980) 3.0 (1984), 3.2% (1989), 3.8% (1991), 4.3% (1996),

5.8%(1998), 6.1% (1999),6.5% (2004), 6.9 (2009), 8.1% (2014) and 11% (2019) .Throughout all these elections success rate of woman candidates was much more than the male candidates as shown in column number 8 of Table 4.1. This shows that hope expressed by Renuka Ray and other Members of the Constituent Assembly has not been fulfilled even after more than seven decades. Therefore it is very clear that when only a handful of women were given chance to contest election and their success rate was more than male contestants then voters choice can never be blamed just to hide the mala fide intention of the males in majority. To beat this patriarchal approach of the society, method of positive discrimination, by way of reservation of seats for women seems the only solution.

It is also a fact that the subject of reservation of seats for women in the legislatures was also considered important by the Committee on the Status of Women in India (CSWI, 1974) to increase their presence in decision making, cure under representation and give them greater freedom to articulate their views. The committee conceded, however, that reservation might be necessary at local level to ensure the interest of rural and poor women. Therefore the report recommended the establishment of Statutory Women's Panchayats at the village level to ensure greater participation by women in the political process. (Report of Committee on the Status of Women in India, 1974)

A decade after, the National Perspective Plan for Women (1988-2000) (NPP) was carried out by the Department of Women and Child Development, Ministry of Human Resource Development and it reconsidered the proposals given by CSWI and recommended 30 percent reservation of seats for women in the local level Government. In 1992 Central Government headed by Congress made sincere efforts, after it had failed to do so in 1989, to involve more and more women in political activity by providing reservation of one third seats for women in the Urban Local Bodies (ULBs) and Panchayats. Hence, articles 243D and 243T of the Constitution providing for one-third reservation for women in local bodies were inserted through 73rd and 74th Constitutional Amendment in the year 1993.

After seeing successful working of the provision of reservation for women at local level, again demands were raised to give one-third reservation of seats for women in the state and national legislatures. The Common Minimum Program of the coalition government of the United Front lead by H. D. Deve Gowda included the commitment to reserve one-third seats for women in state legislatures and the Parliament and the said Government after assuming office, introduced the 81st Amendment Bill in 1996 for providing reservation of one third seats to women in Lok Sabha and State Assemblies.

After intense debates and dissenting opinions, the Bill was referred to a Joint Committee of Parliament consisting of 31 members from both Houses of Parliament under the Chairmanship of (late) Smt. Geeta Mukherjee, that presented its Report to the Lok Sabha on the 9th December, 1996. However, the Bill got lapsed in 1998. A. B. Vajpayee Government introduced the Bill as 84th Constitutional Amendment 1998 which lapsed in 1999. A. B. Vajpayee Government made another attempt in 1999 by introducing 85th Constitutional Amendment but the same lapsed in 2004. Though efforts were made by different Governments at the Centre since 1996, it could not become possible for any one of them to get the Bill passed in the Lok Sabha, the Bill lapsed time and again after the dissolution of the respective Lok Sabhas. In 14th General Election held in 2004 and 15th General Elections of 2009, the Congress along with its allies was able to form the government. Dr. Manmohan Singh served as Prime Minister of UPA-I Government from 2004 to 2009 and UPA-II Government from 2009 till 2014. In May 2008, the UPA-I Government made a fresh attempt to infuse life in to the Women Reservation Bill. On earlier occasions the Bill had lapsed time and again due to expiry of term of Lok Sabha on successive occasions. To avoid that situation, the new Bill was introduced in Rajya Sabha where term never expires and therefore there

was no threat to the Bill of being consigned as lapsed. It is worth mentioning here that the hallmark of Rajya Sabha is the principle of continuity as a perpetual House and a continuous institution in our Parliamentary framework.

Introduction of WRB in Rajya Sabha

On May 06, 2008 the Women Reservation Bill was successfully introduced as the Constitution (One Hundred and Eighth Amendment) Bill, 2008 by H. R. Bhardwaj, the then Minister of Law and Justice in the last day of 213th Session of Rajya Sabha (Rajya Sabha Official Debates, 2008: 293-296). It was referred to the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on 8th May, 2008, for examination and report. After having examined the Bill, the Committee presented its Report on the 17th December, 2009. The Report confirmed that there is no adequate representation of women in the social, economic and political life of the country even after more than 60 years of independence. It noted that though women have made their presence felt in many male dominated professions, their representation in the decision making bodies is far less than that of men. The Committee acknowledged that there has been a historical social exclusion of women from polity due to various social and cultural reasons and patriarchal traditions. So meaningful empowerment of women can be achieved only with adequate participation by women in Legislative bodies as inadequate representation of women in Parliament and State legislature is a primary factor behind the general backwardness of women at all levels. The Committee also felt that representation of women in policy making machineries is critical to the nation building process. The Report confirmed that it was through 1/3rd reservation of seats for women in Panchayats and Nagarpalikas that women were enabled to make meaningful contributions in these bodies and the actual representation of women in Panchayati Raj Institutions had gone upto 42.3 percent i.e., beyond the mandatory reservation percentage of 33 percent which is proposed to be further raised to 50 percent. This proves that strategic empowering measures are the need of the hour for the upliftment of women. The commendable representation and performance of women in Panchayats is largely due to statutory reservation of seats for them. Therefore, the Committee strongly felt that reservation would ensure considerable political empowerment of women and pave the way for the achievement of political justice to women as promised in the Preamble and in Article 38 of the Constitution of India. The Parliamentary Standing Committee acknowledged and recommended that (Thirty Sixth Report on the Constitution (One Hundred and Eighth Amendment) Bill, 2009: 10-14): -

- Inadequate representation of women in Parliament and State Legislature is a primary factor behind the general backwardness of women at all levels. Reservation of seats for women is a valid and necessary strategy to ensure women's participation in the decision making process and consequently their empowerment.
- This Bill is a crucial affirmative step in the right direction of enhancing the participation of women in the State Legislatures and Parliament and increasing the role of women in democratisation of the country.
- On the lines of 33 percent reservation of seats for women in Panchayats and Municipalities, the Committee has recommended for the reservation of one third seats for women in State Assemblies and Lok Sabha, as prescribed in the Bill.
- It has also endorsed the 15 years time period as prescribed in the Bill, for expiration of reservation for women. The Committee, however, has recommended that the Government may reconsider this

proposal as and when the need arises, as the Bill aims at enabling the women to cross the socio gender hurdles and to give them level-playing ground/equal opportunities with their male counterparts.

- Rotation of seats is in the interest of democracy and it is the duty of the incumbent to work towards the welfare of the constituency, irrespective of whether he/she would be elected next time or not.
- Reservation is needed for women belonging to the SC/ST communities to enable them to have fair competition with women belonging to the forward classes.
- Reservation issue for the women belonging to OBC may be examined by the Government.
- On the principle of equality, reservation for women should also be provided in the Rajya Sabha and the Legislative Councils of the States.
- Already more than twelve years have elapsed after the Geeta Mukherjee Committee Report and still the much required reservation has not reached 50 per cent of the population of the nation, namely women. Further time should not be wasted.
- Women's Reservation Bill should be passed in Parliament and put in action without further delay (The Constitution (One Hundred And Eighth Amendment) Bill, 2008: 5-6).

The Congress-led UPA Government cleared the Bill on February 25, 2010. The motion for consideration of the WRB or 108th Amendment Bill was moved by Veerappa Moily, the then Minister of Law and Justice in the UPA-II Government on March 08, 2010 (Rajya Sabha Official Debates, 2010:205-207). When the concerned minister tried to re-introduce the Bill in Rajya Sabha on 08-03-2010, a handful of Samajwadi Party (SP) and Rashtriya Janta Dal (RJD) members created a scene in the House to prevent the introduction of the Bill. One SP member Abu Azmi tried to snatch the copy of the Bill from the Minister, and Renuka Chaudhary, the then Women and Child Development Minister, repulsed the attempt by pushing Mr. Azmi away. Ultimately the Law Minister had to be escorted to the chair by making a circle around him by the Congress women MPs. Opposition to the Bill hit a nadir when one SP member Kamal Akhtar tried to attack Hamid Ansari, Chairman of Rajya Sabha, by throwing the microphone towards him (Times of India, 2010). Due to these ugly scenes created by Rajya Sabha members belonging to SP, RJD and Janta Dal (United) who were opposing the Bill, no meaningful business could be conducted in the Rajya Sabha on 08 March 2010. The Chairman had to adjourn the proceedings time and again and ultimately adjourned the house till next day.

On 09 March 2010 the House Marshals were pressed into service to prevent seven MPs of the opposing groups from entering the house. This fact is also mentioned in the debate of Lok Sabha dated March 11, 2010 when one of the Members opposing the Bill made a reference to this fact saying that, "seven Rajya Sabha Members who were suspended are sitting on dharna" (Fifteen Lok Sabha Debates, 2010:28). It is thus evident that members and parties opposing the Bill tried every trick, even to the extent of assaulting the Chairman of the Rajya Sabha and physically preventing the concerned Minister from presenting the Bill in the House, to prevent the passage of the Bill.

The debate on the 108th Constitutional Amendment Bill in the Rajya Sabha was on expected lines and was held in a calm and peaceful atmosphere after the MPs who were obstructing discussion on the Bill were marshaled out and prevented from entering the house. Discussion on the Bill started at 3 pm on 9 March 2010. First speaker to address the House, Sri Arun Jaitly Leader of the Opposition in the House, supporting the Bill said that he was proud to be a party along with other members to the historical movement of discharging a historical responsibility by being instrumental in legislating one of the most progressive legislations in recent times. He extended his full support to the Bill on behalf of his party. He also expressed his grief regarding the most shameful incidents in India's Parliamentary democracy that

had happened a day before in the House and wished that the situation should have been handled with more maturity and restraint. While expressing his viewpoint about a long debate on Reservation Bill Mr. Jaitly said, “There is a myth that the reservations create a privileged class in the society. The truth is that the nature has created all of us as equals. Our Constitution provided for that equality but the situation in our society was such that some of our equals became unequals and the best evidence of that inequality is that 63 years after Independence, 50 per cent section of our society has at best 10 per cent representation in the Lok Sabha. In the State Assemblies also, the situation is not far different.....we have all assembled here to enact a law or to initiate the process of enacting a law of affirmative action. The reservation quotas that we are going to provide for the women in the Lok Sabha and also the State Assemblies will become an essential instrument in giving a jump start to our object of equality which this country has always envisaged” (Rajya Sabha Debates 2010, Session 219:177). On the point of less number of women in Parliament he stated that, “an argument is advanced that by the advancement of the society the percentage of women as Lok Sabha members would naturally increase. However this is not going to happen. In 63 years after the independence elected percentage of women to Lok Sabha had remained between 7 to 11 percent in the election held to Lok Sabha for 15 times.....the situation is not going to change even in next 63 years unless the law under discussion is passed” (Fifteen Lok Sabha Debates, 2010). Pointing out the situation prevailing in other countries he said that even the most backward countries like Pakistan, Afghanistan, and Bangladesh have reserved constituencies for women for election to their Parliaments, though it is generally believed that position and status of women in these countries is not better than prevailing in India. Despite this, these countries have taken a lead in women reservation. Pointing out the change which the reservation is expected to bring on the political scenario of the country he said that due to the reservation of constituencies by rotation, “There will be a horizontal spread of women activism and woman candidates across various constituencies and each constituency would have been represented once by woman candidates at one point of time or other year. Now, when this, coupled with reservation in the Assemblies, local-self Governments and the Panchayats, is thrown open after this Amendment after 15 years from today, it will throw up millions of women activists who will be available to various political parties to contest”(Fifteen Lok Sabha Debates, 2010:178-180). Shrimati Jayanti Natrajan of Congress supported the Bill by saying that women of India had been waiting for over 62 years for justice, for an equal voice in the development of the country and thanked Congress leadership and UPA for having brought the historic legislation to vote which no other party had had the courage or the political will to do. She also praised Rajiv Gandhi, the late Prime Minister of India, to brought reservation for women in Panchayati Raj Institutions and Municipal Bodies which resulted in 10-12 lakh women representatives in Local Government Bodies” (Fifteen Lok Sabha Debates, 2010:181). Sita Ram Yechuri of CPI(M) supported the Bill and said, “it is not only acceding to demands of the women, but we are doing our social duty to the country by discharging this responsibility and that we are going to unleash a lot of hidden potential that is there, so far suppressed, in our country to build a better India” (Fifteen Lok Sabha Debates, 2010:183). Smt Barinda Karat of CPI supporting the Bill said, “this Constitutional amendment which is a very historic legislation that is certainly going to change the face of Indian politics..... it is a change for the better. It is a change which will not only address the long-standing discrimination that women in India have faced in the political sphere, but also.....it is path-breaking because it is going to deepen democratic processes” (Fifteen Lok Sabha Debates, 2010). She emphasized that the Bill was significant because it would transform the slogan of inclusion from mere rhetoric to constitutional guarantees. She said that women

had been fighting for reservation for last more than 13 years and had heard the most outrageous arguments against the Bill. She further explained that whenever path-breaking measures of social reforms are initiated, those faced stiff opposition. She recalled the words of Dr. Baba Saheb Ambedkar when Hindu Reform Bill was being discussed in Lok Sabha and there was strong opposition to that, he said that no country can go forward which leaves the women behind. She also emphasized that no reform in the society could be achieved without the help of male members of the society and explained that how Dr Ambedkar was a great reformer and advocated for the upliftment of women throughout his life. So she thanked male members for supporting the Bill (Fifteen Lok Sabha Debates, 2010). Satish Chandra Mishar of BSP demanded that there should not only be reservation to the extent of 33 percent of Lok Sabha seats but it should be 50 percent. He demanded that there should be a separate one third reservation of seats for women belonging to SCs and STs. He announced unless the Bill is amended accordingly his party BSP would not support the Bill (Fifteen Lok Sabha Debates, 2010:187-189).

Dr. V. Maitreya of AIADMK felt proud in supporting the Bill and said, “To watch history is good. But to be a part of the history is even better. And, we are proud to be a part of the history as is being made when this historic Bill is being passed today” (Fifteen Lok Sabha Debates, 2010:189).

Sri Shivanand Tiwari of JD (U) from Bihar, participating in the debate, did not support the Bill providing reservation of seats for women constituency-wise. On the other hand he demanded that a legislative command be enforced on the political parties to allot 33 percent of tickets to woman candidates. (Fifteen Lok Sabha Debates, 2010:191-193)

Sri Tarik Anwar of NCP from Maharashtra supported the Bill. Sri D Raja of CPI also supported the Bill. Shri Sharad Anantrao Joshi from Maharashtra of Swatantra Bharat Paksh party opposed the Bill and suggested that instead of making reservation of seats for women in Lok Sabha, the method of election of Members to the Lower House should be changed. He said that we should adopt the method of proportional representation that will solve all the problems related to inadequate representation of women in the elected bodies. He condemned reservation of seats by rotation saying that it would be fatal to the political system and it will create unnecessary bitterness against women’s movement. He also argued that established male leaders will push their female family members to elect from reserved seats and moreover a female MP who would know that in the next election she would not be getting a chance to contest from the same constituency, might not be very enthusiastic about serving her Constituency. Similar would be the position of the male MPs as there would be no assurance that they would get ticket from the same Constituency in the next election. He also expressed his concern that rotation system would make it impossible to have more than 33 percent repeaters in the House at any time so there would be lack of experienced Members in the State Legislatures and the Parliament that could be fatal for the democracy (Fifteen Lok Sabha Debates, 2010:216). Smt Anusua Uike of BJP supported the Bill, demanding that there also must be 33 percent reservation for women in Cabinet berths and there also must be a woman Prime Minister by rotation for 5 years (Fifteen Lok Sabha Debates, 2010:216-218).

Dr Manmohan Singh, the then Prime Minister of India, expressed his deep sorrow and anguish on the developments which had taken place in the House during those two days and expressed apology for disrespect shown by some members to the Chairman and the office bearers. Paying his respect and gratitude to the great women of present and past he supported the Bill saying that, “Our women faced discrimination at home. There is domestic violence. They face discrimination in their unequal access to education, in healthcare, etc. All these things have to end if India is to realize the full potential of its social and economic development. The Bill that is going to pass today is a historic step forward, is

a giant step forward in strengthening the process of emancipation of India's womanhood." He paid respect to those women who have fought and contributed enormously to the success of India's freedom struggle like Kasturba Mata, Dr. Annie Besant, Smt. Kamla Nehru, Smt. Sarojni Naidu, Rajkumari Amrit Kaur, Smt. Vijayalakshmi Pandit, Smt. Indira Gandhi. He highlighted that if the Bill would be passed it would be a small token of homage to the sacrifices that women had made in the freedom struggle and all other nation building activities (Fifteen Lok Sabha Debates, 2010:218). He also recalled the contribution of late Smt. Gita Mukherjee who was the Chairperson of the Standing Committee which reported on the first Bill. He also tried to mollify and assuage the worries of the minorities saying that, "some honorable members have expressed some reservations that they would have liked to see some recognition of disabilities of the Minorities, the disabilities of backward classes, of the SC/ST. I do recall and I do recognize that our Minorities have not gotten adequate share of the fruits of our development. Our Government is committed to work sincerely for the empowerment of our minority communities. There are many other ways. The process has already begun. We will attend to this task with all sincerity.

This Bill is not an anti-Minority Bill; it is not an anti-Scheduled Castes Bill; it is not an anti-Scheduled Tribes Bill. It is a Bill that carries forward the process of emancipation of our women. It is a major and a joint (giant) step forward. It is a historically (historic) occasion that calls for celebration.-----with these words, once again, I express my joy that we are going to enact this very historic path-breaking legislation" (Fifteen Lok Sabha Debates, 2010:218).

The then Minister of Law and Justice Sri Veerappa Moily concluded the debate by saying that, "But, today is a historical day because all of us are paying our debt to our mother. This is the greatest day." He further said that women reservation legislation was all the more necessary at that time because India, world's largest democracy, was far behind the world in women representation in National Parliament with only 11.25 percent women as against the world average of 19 percent. He pointed out that even the Asian average of 18.7 percent was much higher than India. He emphasized that the time had come to act and act boldly and with a vision and said, "Today, we have an opportunity to demonstrate to the world that when it comes to the progressive measures our country will not fall back or look back, and that is the great step that was taken today". While clarifying misgivings expressed both inside and outside the House he said that after passage of the Constitutional Amendment, there would be a law passed by the Parliament to look into the determination of seats and also decision on quotas, so that some of the concerns expressed could definitely be addressed. He also made it clear that determination of seats and reservation would be addressed by a separate Act of the Parliament and Government would look into those matters and come out with a legislation (Fifteen Lok Sabha Debates, 2010:218).

Before the Bill was put to vote BSP members, led by Sri Satish Chandra Misra, walked out of the House on the ground that the President of their party Kumari Mayawati had written a letter to the Prime Minister to introduce some amendments in the Bill incorporating reservation of seats for Dalit women and then reintroduce the Bill. Because it was not being done and Bill was being put to vote hence they were walking out (Fifteen Lok Sabha Debates, 2010:219).

After the discussion was over the Bill was put to vote of the House. Finally the Bill was passed by the House with 186 votes in favour of the Bill and 1 vote against (Sharad Anantrao Joshi) the Bill. Hence the motion was carried by a majority of the total membership of the House and by a majority of not less than two-third of the Members present and voting (Fifteen Lok Sabha Debates, 2010:262-268).

Two days after the Constitution (One Hundred and Eighth amendment) Bill, 2008 got the approval of the Upper House Pranab Mukherjee, then Minister of Finance, gave a statement in Session 4 on March 11,

2010 in the 15th Lok Sabha that “before bringing the Constitution (Amendment) Bill to the Lok Sabha the Government will complete the process of consultation with all concerned” (Fifteen Lok Sabha Debates, 2010).

It was Mrs. Sonia Gandhi, President of the Congress party and Chairperson of the then ruling United Progressive Alliance (UPA) who was driving force behind the introduction and passage of Women Reservation Bill in Rajya Sabha. Government at Centre headed by her party was actually a minority Government and it was surviving on support of the parties namely Samajwadi Party (SP) of Mulayam Singh, Bahujan Samaj Party (BSP) of Mayawati, Rashtriya Janta Dal (RJD) of Lalu Prasad Yadav, Janta Dal (United) of Sharad Yadav and Nitish Kumar. These parties had not joined the Government and were extending support from outside. These parties who were supporting the Government from outside were also opposing the introduction and passage of Women Reservation Bill. However Mrs. Sonia Gandhi took a calculated risk in presenting the Bill on Women’s Day (8 March 2010) keeping her promise that she shall give this gift to ‘women of India’ this day, though she was advised to postpone its introduction in the Rajya Sabha by the party leaders. This advice was based on the fact that annoyance of these parties namely SP, BSP, RJD and JD(U) could turn the tables against the ruling party by helping the principal opposition party BJP in bringing cut motions at the time of discussion on the General Budget in the coming days. Mrs. Sonia Gandhi however insisted to have the Bill introduced and passed on Women’s International Day itself. A week before the introduction of the Bill she addressed the Congress Parliamentary Party and said, “It is a matter of great pride that even though it has taken so long, it is our Government that has cleared the legislation in the Cabinet... This year on 8 March is the centenary of International Women’s Day. What a gift to the women of India, if on this important day this historic legislation is introduced and passed!” (Congress Parliamentary Party General Body Meeting, 2010). On the day when Bill was passed she spoke to the NDTV 24/7 dated 10 March 2010 and told that she was conscious of the risk she has taken saying that, “Well, it is a huge risk, but we have taken risks before. Whenever there is something revolutionary and new, there is opposition. There are difficulties in all parties, perhaps in my party too. But as I said the larger picture of women’s empowerment is more important.” In a report in the Times of India dated 10 March 2010 it is mentioned that she was in a combative mood determined and ready to gamble on a big ticket political move and was not afraid. Times of India further reported that, “The deliberations were held against the backdrop of clear indications that SP and RJD’s resolute resistance and their threat to withdraw support in case Congress went ahead with the bill had triggered a re-think among her party colleagues, with many wondering whether the Bill was worth exposing the Government to life-threatening situations in a budget session.” In Kochi session she expressed her regret for not being able to get the Bill passed from the Lok Sabha due to lack of consensus after it got the approval of the Rajya Sabha (The Economic Times, 2014). We have seen that at the time of introduction and passage of the bill in the Rajya Sabha on March 8 and 9, 2010 she exhibited a very strong determination to pass the Bill though put the Government at risk. She did not agree even to postpone the introduction of the Bill till the General Budget was discussed and passed without any cut motions by the opposition, which was necessary for the survival of the Government. Question which begs for answer is whether her determination and resolve of same degree survived even when the bill was to be discussed in the Lok Sabha? Answer to this question is firmly in negative.

The bill was passed by the Rajya Sabha in second week of March 2010. Congress Government remained in power till 2nd half of May 2014. During this long period of more than 48 months (more than 4 years) the bill was never put up for discussion in the Lok Sabha. She could not dare to take that risk which she

had taken in March 2010 or to show that degree of steely resolve and determination which she had exhibited then. Public explanation given by the Congress for not doing so is that it has no assurance of BJP's support to the Bill in Lok Sabha. This explanation does not convince anyone and in more particular is difficult to digest by those who were to benefit by the provisions of the Bill i.e women of the country. BJP could not afford to oppose the bill even in the Lok Sabha without losing its public face to a great extent. It is notable that 'providing reservation of one third seats for women in Lok Sabha and State Assemblies' was and is in election manifesto of the BJP. During the tenure of 12th and 13th Lok Sabha, BJP Government headed by A B Vajpayee made two attempts to provide reservation of one third seats to women in Lok Sabha and State Legislative Assemblies. For this purpose BJP Government introduced two Constitutional Amendments in the House known as 84th Amendment in 1998 and 85th Amendment in 1999. While discussion was being held on the Bill in the Rajya Sabha in March 2010, BJP leader Arun Jaitley, the then leader of opposition in the Rajya Sabha had made a lengthy and passionate speech in the House extending full and unflinching support of BJP to the Women Reservation Bill. Rather he took pride and pleasure by stating that they are extending support to such a historical constitutional provision providing reservation of seats for women. He also added that such a provision was more necessary for women of India who are suppressed and downtrodden for centuries. In face of such a clear stand and also keeping in view the previous efforts of the BJP to legislate such a provision, it could not have been possible for the BJP to oppose the Bill in the Lok Sabha, had it been put up for discussion there. In that situation it could not have gone to the electorate with a promise in its election manifesto, promising to provide for reservation of seats for women in Lok Sabha and State Legislative Assemblies.

From these facts and circumstances it appears that BJP had bound itself in a tight corner to support the Bill even in Lok Sabha. Therefore the fear expressed by the Congress that it had no assurance of BJP's support for the Bill and for this reason did not put up the Bill for discussion in Lok Sabha is a farfetched and unconvincing argument. This exposes the double face of the Congress also. Even after losing the election in May 2014 Congress party never vigorously pleaded for passage of Women Reservation Bill. After losing election in 2014 and sitting on opposition benches they have stopped Parliament from functioning on various such issues like Pathankot terror attack, Uri attack, demonetisation etc. They however never pressed with any vigour the passage of the Women Reservation Bill by the Lok Sabha. Though Sonia Gandhi the then President of Indian National Congress wrote a letter in September 2017 to Prime Minister Narendra Modi requesting him to get the Women Reservation Bill passed in the Lok Sabha, taking advantage of the BJP's majority in the House. Smt. Gandhi also assured support of her Party to the legislation which she said would be a significant step forward in the empowerment of women. BJP takes a public posture of supporting the Bill for reservation of seats for women in Lok Sabha and State Legislative Assemblies. The discussion on the Bill in the Upper House, March 2010, makes the fact clear that BJP and Congress have shown their favour for WRB. But their behavior before and after the passage of the Bill in Rajya Sabha proves that they don't have any real intention to pass the Bill rather it is a kind of politics played by both the major political parties showing support without any zeal to implement it. The fact is that while supporting the Bill in public its male dominated 'bigwigs' are not prepared to play second fiddle to women by accepting them as their leaders. Hence the Bill was being delayed and dragged after it got the approval of Rajya Sabha for a long period of 13 years. This is evident from Table 4.2 showing number of woman candidates, of both Congress and BJP, contesting the General Elections held in 2004, 2009, 2014, 2019 and 2024.

Table 4.2: Number of Woman Candidates of Congress and BJP Contesting General Elections held in 2004, 2009, 2014, 2019 and 2024

Year	Congress		BJP	
	Total Candidates	Woman Candidates	Total Candidates	Woman Candidates
2004	417	45	364	30
2009	440	43	433	44
2014	464	60	428	38
2019	421	52	441	56
2024	328	41	440	69

Source: Election Commission of India and <https://www.livemint.com>, Retrieved on Dated 8 May 2024

Present strength of Lok Sabha is 543 whereof one third comes to be 181. Table 4.2 makes it clear that neither the Congress Party nor BJP has ever fielded one third woman candidates to contest the elections held in 2004, 2009 and 2015. In the General Election held in 2014 Congress fielded 60 woman candidates as against 464 seats contested by it, one third whereof comes to 155. Situation was not better in any way in the previous election of 2009 and 2004. In 2009, the Congress Party contested for 440 seats and fielded only 43 as woman candidates which is much less than the one third of contested seats (ECI- 2009, 2014). Situation was same in 2004 when congress fielded 45 as women contestants out of the total 417 contestants. In 2019 and 2024 Congress fielded 52 and 41 women candidates that is only 12% of the total candidates fielded in both elections. This proves hypocrisy of Congress in bringing the Bill and leaving it half way without any productive result for women. Table 4.2 also shows that the performance of BJP in General Elections held in 2004, 2009, 2014, 2019 and 2024 is not better in any way. In 2004 BJP fielded only 30 as woman candidates out of the total 364 contestants. In 2009 BJP contested for 433 seats and fielded 44 as woman candidates. Situation was worse comparatively in 2014 when BJP contested for 428 seats and fielded 38 as woman candidates (ECI- 2009, 2014). In the year 2019 and 2024, BJP gave tickets to only 56 and 69 women respectively that is just 12% and 15.6% of the total candidates fielded. This takes air out of balloon of oratory which Arun Jaitely, Leader of Opposition in Rajya Sabha, flaunting before the women electorate when speaking in support of the Bill on 09 March 2010. This proves nothing but hypocrisy of both principal supporters of the Bill.

From the Table 4.2 it is evident that none of the principal political parties nominated women as their candidate to the extent proposed by them. They have their own reasons for not doing so. They have to consider the winability of the candidate vis a vis candidate put up by the principal opponent. If one party puts up a strong male candidate on a seat the other party is also required to choose a candidate of that stature. Winning of election also requires muscle and money power in which most of the women lack. Smt Mayawati of BSP who was initially supporting the Bill subsequently realized that by opposing the Bill the party can gain some political advantage. Accordingly party raised a demand of separate quota for

Dalit women. At the time of voting, BSP members walked out from Rajya Sabha and President of the Party made statement on 15 March 2010 to protest demonstrations on 14 April 2010 (Birthday of Dr Ambedkar). She condemned the Bill saying that Congress and other political parties had always been against Dalits and this was evident from the fact that no separate quota has been carved out for SC/ST women in 33 per cent reservation proposed in the Women Reservation Bill (Sakaaltimes, 2010).

Continuing his tirade against the Women Reservation Bill, Mulayam Singh Yadav of SP made a very derogatory and objectionable statement against the women whom he thought would be elected in view of the reservation. He said, "If the Women's Reservation Bill were to be passed in its existing form, it would result in flooding the Parliament and State Legislatures with wives of Government officials and women connected with big industrial houses, thereby provoking young men to indulge in eve-teasing. I don't like to say this, but they would be the women at whom youths would whistle" (Times of India, 2010). Lalu Prasad Yadav of RJD not wanting to be left behind in opposing the Bill made a statement on 5 April 2010 reiterating his stand that the bill must include reservation for Muslim women and women from Backward Classes and Dalit community. Sharad Yadav, President of JD(U) also spoke in the same aggressive tone saying that in case this Bill becomes a law that would flood the Parliament with 'parkati women' (probably he means women with short and trimmed hair coming from well to do rich families and upper classes). Mulayam Singh Yadav speaking to media on another occasion on 9 November 2012 kicked another controversy by saying that rural women are less attractive and are not affluent, therefore they are not likely to be elected or benefited by the reservation provided in the Bill (Times of India, 2012). These type of 'sexist' statements made by the senior politicians like Mulayam Singh Yadav (who has remained not only the Chief Minister of Uttar Pradesh but also the Defence Minister of the Country), Lalu Prasad Yadav (again two time Chief Minister of Bihar as well as Railway Minister at Union Level) and Sharad Yadav (JDU President and a former Union Minister) shows the deep rooted patriarchal mind set of our politicians. Some other people say that the Bill is an attack on the liberty of the voter to elect a person of his choice thus it is an infringement of fundamental rights of voter.

There is no doubt that successful implementation and working of the provision of reservation of seats for women at local bodies is admitted by all the political parties. If same type of provision is doing wonders in uplifting women and empowering women at local level then why doubts were being raised about its success at upper level by prominent political parties either by opposing it or by halting it for many decades, is not understandable. Main reason for not showing their support was that political parties had their own political interests (irrespective of their public posture of supporting the WRB) that is why they took so long to make it a legislation by amending the Constitution. After more than a decade BJP took the initiative to introduced WRB with few Amendments in the Parliament and successfully got the approval of both the houses of Parliament. No doubt WRB is a step towards bridging gender gap but its success can only be calculated after its implementation.

REFERENCES:

1. The Constituent Assembly of India Debates (Proceedings) (July 18,1947), Vol. IV, <http://164.100.47.132/lssnew/constituent/vol4p5.pdf>
2. Election Commission of India: 2014, *Electoral Statistics Pocket Book* & 2019, *Statistical Report General Elections*.
3. Report of Committee on the Status of Women in India (1974), *Towards Equality*, Ministry of Education and Social Welfare, Government of India, 1974, Chapter 7.

4. *Rajya Sabha Official Debates (2008)*: Session No. 213, May 06, 2008.
5. *Rajya Sabha Secretariat (2009): Thirty Sixth Report on the Constitution (One Hundred and Eighth Amendment) Bill, 2008*, New Delhi.
6. *Rajya Sabha Secretariat (2009): Legislative Synopsis, The Constitution (One Hundred And Eighth Amendment) Bill, 2008*, New Delhi.
7. *Rajya Sabha Official Debates (2010)*: Session No. 219, March 08, 2010, www.rsdebate.nic.in
8. *Times of India*, March 9, 2010.
9. *Fifteen Lok Sabha Debates (2010)*, Session IV, Fifteenth Series, Vol. VIII, No.12, Lok Sabha, March 11, 2010.
10. *Rajya Sabha Debates (2010): The Constitution (One Hundred and Eighth Amendment) Bill, 2008*, Session No. 219, Rajya Sabha, March 09, http://164.100.47.5/official_debate_hindi/Floor/219/F09.03.2010.pdf
11. *Speech of Congress President Sonia Gandhi at the Congress Parliamentary Party General Body Meeting, March 4, 2010*, <http://aicc.org.in>, Accessed on 28-01-2017.
12. *The Economic Times*, (February 15, 2014): “Sonia Gandhi Regrets Failure to Pass Women's Quota Bill”.
13. *General Elections, 2009, General Elections, 2014*, Election Commission of India, http://eci.nic.in/eci_main1/ElectionStatistics.aspx 33 *Ibid.*,
14. *Sakaaltimes*, (March 15, 2010): “BSP to Stage Demo Against Women Reservation Bill on Apr 14”.
15. *Times of India*, (March 24, 2010): “For MSY, More Women in Parliament Means Catcalls, Whistle, Passes...”.
16. *Times of India*, (November 09, 2012): “Mulayam Opposes Women Reservation Bill....”.