



South Asian Experiences

Campaigning for Quotas and Reservations

Women's Political Academy Project

Supported by:



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IMADR

International Movement Against All Forms of Discrimination and Racism

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Campaigning for Quotas and Reservations
South Asian Experiences

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Introduction

The Asia Committee of the International Movement Against all Forms of Discrimination and Racism with the support of the European Commission launched activities under the Women's Political Academy with the aim to build knowledge and leadership of political activists and civil society leaders in Sri Lanka. The activities focused to assist in women willing to contest election and those already in political organizations to acquire knowledge and skills to enhance their participation at all levels. As part of the project an action oriented research was conducted to collate information related to good-practices, laws and experiences in several South Asian countries. This was a desk review of the existing experiences related to increasing women's participation using 'quotas and reservations'.

Women constitute slightly more than half of the world population. Their contribution to the social and economic development of societies is also more than half as compared to that of men by virtue of their dual roles in the productive and reproductive spheres. Yet their participation in formal political structures and processes, where decisions regarding the use of societal resources generated by both men and women are made, remains insignificant. Presently, women's representation in legislatures around the world is 15 percent. Despite the pronounced commitment of the international community to gender equality and to the bridging the gender gap in the formal political arena, reinforced by the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)

and the Beijing Platform of Action, there are only twelve countries where women hold 33% or more seats in the parliaments (UNDP Report, 2005). In South Asia other than India rest of the countries have not been able to reach this goal in a substantive manner. Nepal has shown a marked increase of women in the Constituent Assembly. Yet we have to wait with expectations to see whether in building the new constitution the same commitment would be translated into action.

Women have different vision and concepts of politics owing to their sex and their gender roles as mothers. Therefore, it is assumed that women in politics will bring a special caring focus and female values to politics. There is an extensive research literature produced in support of the varied rationale or theoretical approaches to women's inclusion in politics. However, without debating the merit and demerit of various approaches, this paper is grounded in the broad agreement that proponents of varied approaches have arrived at - women must be included in politics.

The challenge facing all advocates of gender equality in politics today is the wide gap between shared values reflected in the national and international policies and practices. Before identifying the key strategies for the promotion of women's political participation and the vital elements in the enabling environment for women's political empowerment, we need to strive for a deeper understanding of the structural imperatives of a society in which women's political participation is instituted.

Dr. Nimalka Fernando

President – IMADR

Campaigning for Quotas and Reservations in South Asia

Women's historic exclusion from political structures and processes is the result of multiple structural, functional and personal factors that vary in different social contexts across countries. However, beyond these specificities of national and local contexts, there is a generic issue in women's political participation that relates to the wider context of national and international politics, liberal democracy and development. It is, therefore, imperative to critically review these constructs and decode the gendered nature of Democracy as well as Development, which poses limitations on women's effective political participation. The elements of enabling environment for women's participation in politics and development cannot be discussed and identified without putting the current development and political paradigms under scrutiny.

INDIA

Introduction

The paper attempts to situate the discussion of reservation (quotas) for women both in the wider historical and contemporary context of reservation for the historically disadvantaged groups in India.

The paper also examines the contemporary experience of one-third reservation for women in the local self-governing bodies (panchayats and municipalities) which has been constitutionally mandated by the 73rd and 74th Amendment of the Indian Constitution, which came into effect in 1994. And finally we attempt to examine and analyse the different positions on the current demand for one-third reservation for women in the assemblies at the state level and in the Union Parliament, that is, the Eighty-Fourth Amendment Bill, which is due for discussion in the parliament. The paper focuses on political reservations, since it is this that has been at the forefront of policy and debates both among policy-makers and the women's movement.

Historical Background

A little on the history of women's reservations is necessary to disentangle the various discursive strands that have, willy-nilly, to be taken into account to arrive at an understanding of the basis and tenor of diverse positions on the current demand for one-third reservations for women in the state assemblies and in the Union Parliament.

The Committee On the Status of Women In India (CSWI) 1974

The question of women's reservations came up once again in the Committee on the Status of Women in India (CSWI) in 1974. The Report noted that in spite of equal rights and universal adult suffrage guaranteed by the Indian constitution, women's presence in the state and central legislatures had been declining steadily over 25 years.

Women in Local Self-Government

The recommendations of the CSWI remained in cold storage till the early 1990s, when the Indian Parliament passed the Seventy-Third Amendment to the Indian Constitution with near unanimity in December 1992 and the Amendment came into effect from 24 April 1993. The purpose of this amendment was to revitalize local self-governing village councils (which had been in existence in some states of the country even prior to this amendment). The Seventy-Third Amendment has been considered historic and one of the most

significant attempts at transforming the Indian polity in the direction of greater democratization and decentralization of powers. It has also been regarded as an important instrument for drawing in the vast sections of marginalized people in the task of self-government.

The amendment has mandated a wider representation for historically marginalized and excluded groups like the scheduled castes, the scheduled tribes and women thus deepening the roots of democracy. Following the amendment, people from the scheduled castes and tribes are now represented in proportion to their population in the area of the panchayat (village council— in its membership and in proportion to their population in each state in the positions of the chairpersons of these panchayats; one-third seats are reserved for women in general in each panchayat, that is, at the village cluster level, at the block level, and at the district level. Women from the scheduled castes and the scheduled tribes have similar one-third reservation in the positions reserved for these communities. Finally, there is one-third reservation for women among the positions of the chairpersons of these bodies.

The reservation is to be rotated among the various constituencies and panchayats to ensure the widest spread. Regular elections are to be held every five years and financial resources are to be devolved by the setting up of state finance commissions and central finance commissions. The states have been mandated to make the panchayats institutions of self-government and to give them responsibility for planning and implementation of schemes for economic development and social

justice for which appropriate functions and responsibilities have to be devolved. The constitutional amendment was soon followed by state-level legislation, which brought their panchayat laws in conformity with the requirements of the constitution. The logic behind the system of reservations is that institutionalized inequalities require institutionalized countermeasures from above to ensure some semblance of genuine democracy.

Women in Local Self-Governing Institutions

The most significant and new feature has been bringing about a certain uniformity regarding representation of the weaker sections. While reservation of seats for scheduled castes and tribes has been written into the constitution from the very outset, the reservation for women is new and the most important contribution of the amendment. According to many analysts, it has brought a critical mass of women to these institutions and holds forth tremendous potential. In 1994 and 1995, the first round of elections to the panchayats was held and nearly one million women entered the threshold of political institutions of local self-government. The second round of elections to the local bodies was concluded in 2000.

What has been the experience of women's participation for the first time in these institutions, both in terms of transforming these institutions and for the women themselves? This will have to be assessed in terms of India's traditional social structure, which is characterized by a socially

legitimized hierarchy, based on the caste system, an integral element of which has been gender discrimination. The caste-based social order still holds its sway in India's society and politics, in spite of the fact that the Indian constitution is a democratic constitution which upholds equality of all and forbids discrimination on the basis of caste, class, creed or gender.

Women's marginalization is almost a given in the Indian social situation. Given this, has the formal change brought about a significant change in this situation? Evaluations done on women's participation in the PRIs have highlighted the following dimensions.

1. Women have responded overwhelmingly and participated with full enthusiasm in the elections and in the proceedings of the PRIs, thus exploding the myth that women were uninterested in politics and public life. There is a near-unanimous opinion amongst the women that they would have been unable to get into these bodies were it not for statutory representation.
2. While there is a great degree of variation across the different states in the country, nonetheless one generalization can be made — approximately about 40 per cent of the women who have got into these bodies come from marginalized sections and communities, though the positions of chairpersons tended to be occupied by women from the more well-to-do sections of rural society, like well-off middle peasant families.

3. The women representatives generally got the support of the families during the elections and also in the performance of their new political roles. Marginalized sections like the scheduled castes and tribes saw the women from their groups as representatives of the interests of their group in the political arena, while the better-off sections saw the women from their own groups as helping to consolidate their positions.
4. The self-esteem of the women has gone up tremendously, and that is an observation that holds true across the board. The stepping of women into the public realm has long-term implications for gender relations in society and the family. There are already small but significant changes as men take over some roles within the family when women go to attend meetings.
5. While the presence of women in these institutions over the last eight to nine years has not transformed the power structure in the rural areas in any significant manner, and vested interests have tried to use the provision for women's reservation to consolidate their position, the overall experience has been positive. Thus women are engaging in power struggles that used to be dominated by men, sometimes as actors and at other times as pawns. However, participation in the public realm for women means that hitherto marginalized groups and communities are finding a legitimate space to articulate their interests and aspirations, and the women of these groups are getting politicized, although slowly.

But regarding the question of women's empowerment: (a) Are women beginning to break their silence, to challenge patriarchal ideology? (b) Are they beginning to transform institutions and to gain access and control over material and knowledge resources and altering their self-image? (d) Are they gaining new skills and gaining self-confidence? (e) Are they succeeding in avoiding cooption and dilution of the empowerment process by pervasive patriarchal forces with new ways of exercising power and becoming a political force?

Buch's study of the women in the PRIs in the three most backward states concludes that less than half a decade is too short a period to have a major shift in the dominant patriarchal structures reinforced by an equally patriarchal and paternalistic state apparatus. However, for a group long marginalized in politics, even small beginnings are giant steps.

Table 1: Women in Decision-Making

Positions in PRIs State	% Women as GP Chairpersons	% Women as PS Chairpersons	% Women as ZP Chairpersons
Andhra Pradesh	--	33.76	30.00
Himachal Pradesh	36.62	31.94	33.33
Karnataka	33.33	33.71	35.00
Madhya Pradesh	38.66	26.80	37.78
Manipur	33.13	--	50.00
Uttar Pradesh	33.81	41.29	30.26
West Bengal	4.62	3.00	0.00
INDIA	40.10	33.75	32.28

Source: Government of India (GP Gram Panchayat, PS Panchayat Samiti, ZP Zilla Panchayat)

Democracy requires the equal access and full participation of both women and men, on the basis of equality, in all areas and at all levels of public life, especially in decision-making positions. Both the Beijing Platform for Action (PFA) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) recommend that governments adopt quotas as temporary special measures to increase the number of women in both appointive and elective positions in local and national levels of government.

PAKISTAN

Pakistan's National Context

The government of General Pervez Musharraf took over from the civilian government of Nawaz Sharif on 12 October 1999. The Supreme Court of Pakistan gave the Musharraf government three years to restore democracy. As a first step, local government elections were held in five phases starting on 31 December 2000 and completed in August 2001. This action was part of the Devolution of Power Plan announced in August 2000 which, among other things, allotted 33 percent of the local legislative seats to women sitting in legislative councils at the union, tehsil (municipality) and district level. In April 2001, a national referendum granted General Musharraf another five years in office as president. Elections to the Provincial and National Assemblies are scheduled to be held in October 2002.

Pakistan's efforts to fulfill its commitments in international treaties and conventions to promote women's free, equal and full political participation are summed up in the National Plan for Action (NPA) announced in September 1998, the National Policy for Development

and Empowerment of Women (March 2002) and the Ten Year Perspective Plan (2001-2011). The NPA recommended 33 percent reserved seats for women for local as well as national elective bodies through direct and joint elections. It also suggested the simplification of rules and the adoption of measures to ensure that women can exercise their right to vote. The National Policy mandated the adoption of “affirmative action to ensure a desirable level of representation of women in the Senate and the National and Provincial Assemblies.” The Ten Year Perspective Plan included women's political representation as one of its priority areas and capacity-building of women councilors and other elected women representatives as one of its strategies.

Quotas are not new to Pakistan. Popularly known as “reservations”, the 1956, 1962, 1970, 1973 and 1985 constitutions all provided for reserved seats for women at both the Provincial and National Assemblies. This allotment however was quite small, only being from five to ten percent, and only through indirect elections by the members of the assemblies themselves. Reservations lapsed in 1988 after three general elections (in 1977, 1985 and 1988) as provided for in the 1985 Constitution. In the last general elections of 1997, women's representation hovered between 0.4 percent in the Provincial Assemblies (2 seats out of 460) to 2 percent in the Senate (2 seats out of 87) and 4 percent in the National Assembly (7 seats out of 217).¹ At the local level, where between 5 and 12 percent of the seats were reserved for women through indirect elections by council members, the total number of women legislators was only 10 percent of the membership in 1993 (8,246 out of 75,556).

Local Level Quotas in Pakistan

As part of the democratization process, the Musharraf government adopted a Devolution of Power Plan in March 2000 based on five fundamentals: devolution of political power, decentralization of administrative authority, de-concentration of management function, diffusion of the power-authority nexus, and distribution of resources at the district level. The new system provides a three-tier local government structure where there is only one line of authority in the district and the district bureaucracy is responsible to the elected representatives. More operational autonomy is ensured to the district level offices. Administrative and financial powers have been, by and large, delegated to officials at the district level.

One important feature of the Devolution of Power Plan is the provision of a 33 percent quota for women in district, tehsil and union councils.

An important feature of the Local Government Plan is the provision of a 33 percent quota for women at the district, municipality (tehsil) and union councils, the local legislative bodies mandated to approve by-laws, taxes, long-term and short-term development plans and annual budgets. The union councils in addition facilitate the formation and functioning of citizen community boards and cooperatives to reduce poverty, the overriding development goal of Pakistan.

The union council is composed of 21 members: Union Nazim, Naib

Nazim, 4 one member elected from the minority communities, twelve Muslim representatives elected to general seats and six elected for peasants and workers. The 1/3 reservation is applied to the Muslim seats (four women) and the six seats for peasants and workers (two for women). Each union council has thus six seats for women. The middle tier, the tehsil council is composed of Naib Nazim from all the union councils and representatives elected from reserved seats for women (one-third of the number of unions), peasants and workers (five percent of the total number of unions), and minority communities (five percent). At the top tier, the Zila Council⁵ consists of all Union Nazim in the district and like the tehsil councils, by members elected through quotas: 33 percent women, 5 percent peasants and workers and 5 percent from the minority communities.

The number of seats reserved for women in the different councils are as follows:

Table 2: Seats Reserved for Women at the Local Level in Pakistan

Type of Council	Total number of councils	Seats Reserved for Women
Union Councils	6022	36,066
Tehsil Councils	305	1,749
Town Councils	30	161
District Councils	96	1,988
Total		39,964

Except for the Union Councils, the members of all the other councils are indirectly elected by the elected councilors at the union level who form the electoral college for all elections to the tehsil town and district councils.

Election Results

In the local elections held between December 2000 and August 2001, women contested not only the reserved seats but also the open seats in the union, tehsil and district councils and the posts of Nazim and Naib Nazim. However, in the province bordering on India (Northwest Frontier Province or NWFP) 6 women were not allowed to vote or run for office because of pressure from religious groups and political parties, which resulted in the loss of approximately 650 seats for this region. Therefore, women were elected to 36,187 seats out of the total 40,049 seats reserved for women in the local councils, 11 were elected as union council Nazim, one as Naib Nazim and two as district Nazim.

Table 3: Women Elected at the Local Level through Reserved Seats

Province	Union Councils	Tehsil Councils	Town Councils	District Councils	Minority Group Women	Total
Punjab	20,007	1,074	50	1,115	27	27,273
Sindh	5,878	297	59	360	87	6,681
NWFP	3,963	175	30	278	6	4,452
Balukhistan	2,374	129	22	152	60	2,737
TOTAL	32,222	1,675	161	1,905	180	36,143

Difficulties and Challenges

The unprecedented number of women⁹ elected to district, tehsil and union councils in these elections following the adoption of a 33 percent quota by government opened up not only an enormous political space but also a strategic opportunity for women to make a difference in setting and implementing the agenda of local governments. With the devolution process, this level of government is expected to have the most impact on people's lives and offers the greatest hope for social change. But the basic question is how women can use their critical mass to affect public policy, particularly those related to poverty reduction, the biggest challenge in Pakistan.

The quota system opened up political space for women, and also strategic opportunities for them to make a difference in drafting and implementing the agenda of local governments.

To determine their readiness and competence in playing the role of movers and shakers in the local councils, it is important to examine where the women are coming from: their age, education, socio-economic status, and political background. While there is very limited information on this subject, existing studies show that most are under the age of 45 (57 percent); more than half are illiterate (53 percent); the majority are housewives (73.7 percent); very few own land; and an overwhelming majority have never contested elections (79 percent); nor have their families (64 percent). What are the implications of the

socio-economic, political and demographic profile of the women council members?

First, it shows that the quota system has opened doors for socially disadvantaged and marginalized groups that otherwise stand no chance to win positions of formal political authority traditionally obtained through the politics of money, family influence and party patronage.

Second, the relative youth of the women councilors indicate that younger women have placed enormous faith in the ability of the political system to address existing social ills and institute reforms. Being young, they are expected to be more open to innovation and creative change.

Third, the fact that younger housewives contested and won electoral seats reflects their willingness to go beyond their reproductive roles as bearers and nurturers of life and assume the task of community leadership as active social change agents. But this also has serious implications on gender-based assignment of household roles and responsibilities, as well as the way local councils will schedule the conduct of their business. Men have to share in household work to provide women the time to perform their legislative duties. In addition, council schedules and activities have to be adjusted to allow women to combine their double roles.

Fourth, that the majority of women councilors are illiterate reflects the general tendency for women to be denied their rights to have an education, and this fact should be a major factor to consider in designing not only the curriculum but in the choice of mentoring approaches as well. Participatory popular education methods certainly are most appropriate under these circumstances.

Finally, the newness of these women to politics is both an asset and a liability. On the one hand, their freshness brings the insights, vision and perspective that political veterans may have lost through time. On the other hand, their being neophytes means that training must start from zero. Their capacity to learn however can never be underestimated and the skill with which they can use their lived realities in setting their agenda and using their life experiences in developing pragmatic, workable solutions to concrete socio-economic problems might far exceed ordinary expectations.

Some Conclusions

For women's full and equal participation in decision-making structures and processes at all levels of governance to be attained, a strategic framework is needed which explores ways of overcoming the cultural and structural barriers to gender balance in political representation. Advocacy for policy reform in political parties, electoral systems and campaign finance is recommended as the best possible way to overcome structural obstacles. Other strategic methods are also suggested to address the cultural barriers in the full exercise of women's

citizenship: awareness-raising, capacity-building and research and documentation.

Awareness-Raising: A nationwide information campaign highlighting the importance of women's representation and participation in decision-making; the transformational politics that women can create; and women's political participation as a basic human right is proposed.

Capacity-Building: It would be wise to consider a three-phased training programme encompassing the whole range of women's citizenship as voters, candidates and elected officials. This training could also include messages about voter rights; young women's leadership training; how to run and win as candidates; and skill-building for women elected in the local councils, and the provincial and national assembly. The skills covered should include developing a policy agenda; how to articulate social aspirations and the art of negotiation; influencing and shaping policy decisions, and how to allocate financial resources.

Research and Documentation: To show that women make a difference, their hard work in building an institution's rules, practices, and norms as well as policy decisions should be documented.

Policy Analysis and Advocacy: Three important areas for policy advocacy to enhance women's political participation are democratization of political parties; quotas as temporary special measures to achieve gender balance; and campaign finance reform.

In conclusion, women's political participation is not only about increasing their numbers but also their effectiveness and impact. Women should be able to participate in open, transparent, accountable decision-making processes of policymaking institutions and mechanisms not as beneficiaries and objects of development programs but as agents or subjects of developmental change. Their effectiveness is indicated by the extent to which they are able to influence institutional rules, norms and practices and consequently shape the policy agenda and decisions about the use and allocation of resources. Their impact on the other hand will be seen in the entitlements, capabilities and rights they are able to secure for women to redress gender disparities and change their lives, especially for women living in poverty.

Endnotes

1. Legislative Watch. 2001. *History of Women's Reserved Seats in Legislatures in Pakistan*. Islamabad, November - December.
2. AURAT. Oct. 2001. *Citizens' Campaign for Women's Representation in Local Government*. Islamabad: Aurat Publications and Information Service Foundation. p.7.
3. Government of Pakistan, Local Government Plan. 2000. August 1. p. 1.
4. The Union Nazim and Naib Nazim are the mayor and vice-mayor, respectively.
5. The Zila Council is the District Council.
6. Women were not allowed to run in 21 union councils in Swabi and Mardan districts and in 34 union councils in Dir district. See *Citizens' Campaign for Women's Representation in Local Government*. October 2001. p. 40.
7. This included seats reserved for minorities.
8. *Citizens' Campaign for Women's Representation in Local Government*. pp. 24-25.
9. A total of 36,049 women were elected to the councils. The elections were in five phases and took place from December 2000 to August 2001.
10. Farzana Bari, 2000. *Local Government Elections*. Islamabad: MOWD (Ministry of Women and Development). December. pp. xiii-xiv.
11. The Ministry of Women and Development (MOWD) commissioned Sarwar Bari of PATTAN to conduct a 12. Farzana Bari. 2002. *Women's Representation in Legislatures: The Way Forward*. Islamabad: Ministry of Women and Development. January. p. 11.
13. "Possible Election Modalities," *Legislative Watch*. No. 15 and 16. November-December, 2001.

NEPAL

Nepali women constitute more than half of the country's population. Due to the continuous dominance of the patriarchal value system they remain discriminated and treated as second class citizens. The current Constitution incorporates specific provisions to provide some political support to women. Despite special measures set by the government for women's political participation, women have not been benefited from such measures. Present paper is an attempt made to analyze status of Nepalese women in various sphere of socio-economic life.

There has been little change in the status of women even after the restoration of democracy in 1990. On paper, the Constitution of the Kingdom of Nepal guarantees various rights to women and so do the International Human Rights Instruments to which Nepal is a member. In practice, however, women do not enjoy equal benefits as men in their civil, political, social and economic advancement. The discrimination is institutionalized by family, society, market and the State. Legally, Nepalese women have equal political rights to vote and to get elected. Although, women have an equal right to government jobs, child-care and family obligations women make them less desirable to recruit from

the institutional point of view. Nepalese women have been empowered in paper. However, they have not been wholly translated into a way of life.

Only a few women are in the decision-making capacity, which shows that male domination is continued as usual. Nepal is a signatory to the international declarations and conventions on equal opportunity and non-discrimination between men and women. However, no substantial improvement is evident in the overall position of women in society. Women's presence in various spheres of public life, particularly in politics, remains very low.

Political Status

The basic feature of the dominant Indo-Aryan culture is the patrilineal inheritance system and extreme concern over the purity of the female body. It discourages women and hinders those (women) for political participation. Democratic system of governance, the political changes of 1990 brought difference to women's political participation and access to positions of power, over the long haul. In short term perspective, however, no change has been visible in that regard (Acharya 1994). However, in Nepal, women's representation in all three organs of the state i.e. legislative, judiciary and executive is negligible. Due to the women's low representation in all the decision making bodies of the government, women's social, political, economic and legal rights are more likely to be overlooked in policy, planning and implementation. It

has thus become difficult for women to break from the vicious circle of poverty and disempowerment. Nepalese women have participated in many political processes, but they have remained only as vote bank. The introduction of the multiparty democracy in 1990 created great expectations. The new constitution and popularly elected representative meant the potential to reform women's social and legal status, and to forge for a new role for women in policy-making arena. The democratic system of governance has made a difference to women's political participation and access to positions of power in a long-term perspective. In the short term, however, no change on the score is visible.

After the 2006 People's Movement, the then reinstated parliament adopted the figure of 33 per cent for women's representation. The UCPN (Maoist) party set an example for women's participation with 40 per cent of women members of their share in the Interim Parliament. The three governments formed after the CA elections failed to achieve the 33 per cent figure and only 13 per cent of ministers in the three successive governments were women.[1] Currently, 24.5 per cent of serving ministers are women.[2] This shows that political parties are still run by men. Similarly, the inability to nominate women calls into question the commitment of political parties to gender equality and inclusive proportional representation. According to the census of 2011, 51.44 per cent of the total population is women. It is indeed a misfortune for Nepal that such a huge percentage of human resources is not being

represented. An increase in women's participation is possible only through use of an appropriate quota, since this has been proven in the CA election. Also, political parties could use proportional representation for their internal processes in order to achieve higher numbers of women in the national domain. There have been different voices in the women's movement calling for reservations of either 33 per cent or 50 per cent for women in all the state mechanisms and bodies. Though most of the CA committees have agreed to include the principle of inclusive proportional representation in their draft reports; it is yet to be seen in the draft constitution.

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The Local Self Governance Act (1999) of Nepal has a provision to increase the participation of women at the local level. This act has a provision to ensure a reserved seat for women in each ward of the Village Development Committee (VDC). In the local election of 1999, with the support of this reservation, around 40,000 women were elected. However, due to lack of local elections, women's participation at the local level has not been encouraging.

Thanks to the Election Law, Nepal has a proportional representation system whereby some 33 per cent of CA members need to be women. Some 29 women have been elected directly to the CA, whereas 161 women won their seats through the proportional representation and six women were nominated by the government. Despite the current level of women's representation in the Constituent Assembly, women are not substantially represented in other sectors even though the scenario is slightly improved

Nepalese women consist of nearly 51 percent of the total population. However, they do not have equal and proportional share in the pie than that of their male counter-part. They are lagging behind in almost all sectors. Their status in health, education, politics, participation in decision making, access to policy making, and enjoyment of human rights is very poor. It would not be an exaggeration to say that women are economically, socially and politically excluded in Nepal. About 42 percent of the Nepalese women are literate, and 60 percent of them are economically active (CBS, 2003), whereas participation of women in politics is very negligible. Many policies and programs have been formulated regarding the protection and promotion of human rights, enhancing good governance and ensuring sustainable peace by the government sectors and political parties but women's participation and role therein is often neglected and ignored. Those women who are in the frontline are very few and their voice is rarely heard. Apparently, the major obstacle for woman's empowerment and women's advancement in Nepal is low level participation of women in politics. There are very few women in policy making bodies at all level and sectors, including political parties and parliaments. In the dissolved House of Representatives, only 12 women had been elected as Members of Parliaments (MPs) which counted hardly six percent of total members. There were 57 women legislatures in the Interim Parliament which counts for 17 percent. Currently, the election of April 2008 was able to ensure more than 33% women in constituent assembly. This number has gone higher because of the provision of at least 50% women in proportional representation system. In civil service, the situation worse

in terms of women's representation as women occupy only 8 percent seats. Furthermore, this number decreases in the decision making level down to 4 percent.

In 1997, the government introduced Local Self Governance Act (LSGA) which enabled as many as 40,000 women to get involved in local level politics as twenty percent seats were reserved for women at ward level of VDCs and municipalities. However, this did not bring significant changes in women's level of participation in politics because of a couple of reasons. First, reserved seats for women were very low compared to their population. Second, reservation was limited to ward level and no special measures were considered to enhance women's participation in decision making level. No woman has so far been elected as mayor, deputy mayor or DDC chairperson (ESP, 2001).

Increasing Trend of Women's Inclusive Participation in Political Parties

- Due to regular advocacy of all women activists, civil society members and premeditated advocacy, lobby and capacity enhancement role of Jagaran Nepal within political parties and all stakeholders, there is a progressive and proactive trend in women's inclusive participation in political parties.
- The women's participation in politics is increased from 9.1% to 16 percent in centre committees and from 9.5% to 22 percent in district committees in an average.

- The current government seems positive enough in incorporating women's representation and it is now 22 percent women's representation in total ministers.

- From inclusion point of view, Dalits women participation in politics is 24%, Janajati women's participation in politics is 20.5%, Chhetri women's participation is 21.5% and Braman women's participation is 20.9%. Similarly, Muslim women's participation is 7.8% and Madhesi women's participation is 14%.. Source: Status of women in political parties and CSOs of Nepal, Jagaran Nepal, 2011

The organization has made and adopted different policies and provisions related with gender and inclusion, good governance, human resource, financial, communication, monitoring and evaluation guidelines and 3-year (2011-13) strategic planning. Similarly, our resource centre is in the process of establishing first ever women resource centre for empowerment and policy advocacy and all women political leaders, civil society leaders, youth leaders and other have wholeheartedly accepted the resource centre as common place for policy advocacy and empowerment. These are some of the updates information regarding organization capacity. Working in the field of women rights and women's inclusion in politics, Jagaran Nepal has now been established as one of the leading organizing in Nepal on the strategic advocacy on women's inclusion in politics and women rights. Jagaran Nepal is now in the process of enhancing the capacity building of 1400 potential women leaders (already selected at the VDCs),

strengthening the network members formed under this ongoing project and IPWA members (around 330), and sensitizing political parties in ensuring women's inclusion in different structures of parties and state mechanisms. Jagaran Nepal has already set an exemplary role in achieving its output and some outcome level results through the intervention on women's inclusion in politics and we are in the process of further capacitate the women political leaders of districts and potential women leaders at VDCs and are seeking the support and coordination of all stakeholders working for women's inclusion in social and political sectors, women's leadership and women's social and political empowerment

BANGLADESH

Reserved Seats for Women in the Bangladesh Legislature

The Constitution of the Peoples Republic of Bangladesh provides for a 300-member parliament (the Jatiyo Sangsad). In the initial stage, the parliament comprised a total of 315 seats out of which 15 were reserved for women for a period of 10 years. Members elected to Parliament from the 300 “general” seats represent single-member territorial constituencies that both men and women are eligible to contest. The 15 reserved seats for women were indirectly elected. Members elected to general seats constituted the electoral college for the reserved seats. In 1978 a presidential proclamation enlarged the number of reserved seats to 30 (increasing women's minimum guaranteed representation in legislature from 4.7 per cent to 9.9 per cent) and extended the period of reservation to 15 years from the date of promulgation of the constitution of the republic in December 1972. To trace the later developments in brief, the constitutional provision lapsed in December 1987 and was re-incorporated in the constitution by an amendment in 1990 to be

effective for 10 years from the first meeting of the legislature elected next. This provision also lapsed in 2001. The present parliament elected in October 2001 does not have reserved seats for women, as was the case with the House elected in 1988.

Reserved Seats: Making Women “Visible” in the Legislature

The prime consideration for granting reserved seats to women was their political weakness in contesting male contenders for general seats. The quota or reservation was considered an appropriate political device for guaranteeing women “protected” representation in the legislature. The constitutional debates over the draft articles incorporating the provision of the quota or reservation for women in the legislature basically centred on the number of seats to be reserved and was justified as a safeguard made constitutionally available in view of women's drastically unequal political strength. In 1972, the constitution framers thought 10 years would be an adequate period for women to acquire the skills and resources to successfully enter the arena of electoral politics. Thirty years later, in 2002, the demand for reintroducing quota continued. During these 30 years, a total of eight parliaments were elected, out of which only in two there were no reserved seats. The ongoing discourse envisages the quota as a tool for women's political empowerment and is premised upon the affirmation of voter support gained through direct election to an increased number of legislative seats.

Quota

The provision of legislative quotas or reservation of seats for women in the parliament benefited the ruling party, which explains to some extent the approach of the two major parties in Bangladesh to the ongoing discourse on quotas. The provision also benefited male politicians in control of the patriarchal party machinery, who demonstrated no political commitment to share the general seats that, being directly linked to constituencies, could contribute to or reinforce women's political strength.

Quotas across the Board

Bangladesh experience shows that successful use of quotas (in terms of representation and participation) in the legislature is dependent upon the existence of similar provisions along the way that leads to the legislature. In other words, there is a need for quotas in the executive or decision-making body of successive units of the party organization, stretching from the local to the national level as well as in other decision-making bodies, for example, the parliamentary election committee entrusted with nomination of party candidates. Political parties in Bangladesh, however, provide for, in pursuance of respective party constitutions, a women's affairs secretary in the party units at different levels. Parties also have women's fronts, which are relatively isolated bodies in terms of their interaction with the party leadership as compared to other front organizations of the party, such as the student

front, youth front, trade union etc. However, women legislators and political decision-makers on the whole did not attach importance to the need for the provision of quotas being orchestrated in all representative and statutory bodies in order to maximize its gains. The theory of critical mass illustrates the strategic importance of numbers and proportions in terms of capacity of a social category or group to influence the policy environment of the institution. The quota moves beyond numbers and involves commitment and capacity on the part of those whose entry was facilitated by quota, to intervene in policy issues. The ability and willingness to mediate and negotiate state policies in terms of gendered interests of its citizens is a prime test for quotas. With a few exceptions, women members of the Bangladesh legislature have not served as advocates for women's rights in their capacity as legislators.

Representational Issue: Dilemma of Representatives in Reserved Seats

Who does a woman legislator, elected in a reserved seat, represent? The issue of a women's constituency has surfaced from time to time in the nomination process for reserved as well as general seats. Being a transitory member of her natal family a woman is not in a position to nurture and claim her constituency of birth. Being a stranger/newcomer to her husband's constituency area, she is also likely to face difficulty in adopting her constituency by marriage.

The Discourse on Quotas in Bangladesh

The framers of the constitution provided for reservation of seats for women in view of the obstacles they faced in contesting elections. Their perception and that of the subsequent (male) politicians reflect a paternalistic approach towards the reserved seats — affording visibility to a small group of women but not empowering them. Indeed the method of election disempowered the reserved seats. The women's movement in Bangladesh brought the issue of quotas to public discourse by voicing criticism of quotas as practiced and by articulating demands for redesigning or reintroducing the constitutional provision with some fundamental changes. In the construction of the debate, the movement urged for representation to be grounded in the grass roots, claimed a larger share of representation for women in the legislature and stood for negation of male domination in women's political survival and advancement.

Linking quotas to a time frame and building of political resource Advocacy for implementation of quotas in Bangladesh has always stipulated a limited time frame. Quotas are viewed as an interim measure and women politicians in the legislature were expected to build their political bases within the stipulated period. It was felt that quotas for women in party nominations to general seats would eventually make them redundant.

Quota at Local Level: How is it Different?

Article 9 under Fundamental Principles of State Policy of the Constitution of Bangladesh stipulates the representation of women in local government institutions. Women's representation was first provided through nomination of two women members. The nomination procedure gave rise to allegations of manipulation by the social elite and political hierarchy as well as by the civil administration. Later changes increased the number of nominated women members to three and provided for indirect election, giving rise to similar criticisms to those levelled against the indirect election prevailing at the national level. In 1993, direct election to reserved seats for women in the union parishad (union council) was provided for through legislation by parliament. Under the new provision, the first elections to the union parishad were held in 1997 and brought into the local government system some 12,828 women in reserved seats through direct election. Direct election of women to local bodies has brought about a qualitative change in their role perception. On the whole, they have claimed a space within the local bodies and have raised spirited inquiries to have their terms of reference and spheres of activity defined. NGOs have come forward with projects to develop the skill and capacity of these members elected directly in seats reserved for women.

Lessons Learned: Concluding Comments

The experiment of Bangladesh with legislative quotas was conditioned by political factors and processes within which it operated. An analysis

of these factors and processes highlights the following lessons learned from Bangladesh experience.

1. The provision of quotas should be based upon an understanding of the interface of power, politics and policies in terms of gender relations.
2. The purpose of quotas should be “authoritative” representation rather than “token” representation and hence adequate consideration needs to be given to issues of number/proportion of representation, selection/nomination and election procedures.
3. Successful implementation of the quota depends on its acceptance and endorsement as a workable device for achieving gender equity, by all major actors in the political process, including political parties.
4. The effect of quotas is facilitated when there is a relatively sizeable number of committed women within the institutions/organizations/committees as members.
5. Success in advocacy for introduction of quotas by the women's movement is likely to be contingent on the movement's capacity to build strategic alliances across political parties, women's groups, women in politics, citizen bodies.

6. Provision for quotas enjoys a better prospect of implementation at local level as it opens up for women's access to limited resources and power only to deal with local issues. The perception of politics in terms of a zero-sum game on the part of the (male) political hierarchy and (male) party leadership in matters of access to state power and resources explains, to some extent, the resistance offered to quotas at the level of national politics. What is the theoretical construct within which advocacy for quotas is located in Bangladesh politics? Discursive issues such as whether men, who are the primary actors in politics, are able to mediate women's concerns have not featured in the discourses on quota.

What is the theoretical construct within which advocacy for quotas is located in Bangladesh politics? Discursive issues such as whether men, who are the primary actors in politics, are able to mediate women's concerns have not featured in the discourses on quota. The purpose of reservation of seats in the parliament was not seen in terms of creating equality of opportunity or outcome for a disadvantaged social category. Reservation or quota was considered a convenient device to facilitate entry into the legislature of an excluded and vulnerable group. The idea of reservation or quotas as a strategy for political empowerment came into focus in later years. By then the concept of women's empowerment was already in vogue in development dialogues and initiatives. The basic thrust of the argument for reinstatement of quotas hinges on the right to political representation of half of the country's population. In other words, the argument was tacitly built around issues of democratic representation, governance and citizenship.

End Notes

1. For successive constitutional provisions relating to quotas, see Annex 1.
2. They are: Begum Khaleda Zia, the present prime minister of Bangladesh and chairperson of the Bangladesh Nationalist Party (BNP) and Sheikh Hasina, past prime minister of the country, at present leader of opposition in the parliament and party chief of the Awami League (AL).
3. The seating arrangement of women MPs in reserved seats inside the chamber of the legislature reflected their segregated status.
4. In the Fifth Parliament, BNP gave two reserved seats to the Jamaat-I-Islami; in the Seventh the AL conceded three seats to JP; and in the current Parliament the BNP surrendered three seats to Jamaat.
5. A draft private member's bill submitted by a woman member in a reserved seat proposed a maximum two-third/minimum one-third formula for male and female representation, respectively, in the parliament, in the cabinet, in party nominations for elections, in parliamentary standing committees, in the higher judiciary, and in the election commission and the public service commission. The draft proposal, however, failed to elicit support among members, both male and female. Also, a private member's bill cannot propose constitutional amendment.
6. See for example, Maleka Begum, 2000. *Songroksita Mohila Asan Sorasori Nirbachan* (Bangla: Reserved Seats for Women Direct Election). Dhaka: Anyaprokash, p. 20.
7. Also see, Chowdhury, Najma, 2001. "The Politics of Implementing Women's Rights in Bangladesh". In Bayes, Jane H. and Nayereh Tohidi, eds. *Globalization, Gender, and Religion: The Politics of Women's Rights in Catholic and Muslim Countries*. New York: Palgrave, pp. 207–8. Chowdhury, Najma, 1994. "Bangladesh: Gender and Politics in a Patriarchy". In Nelson, Barbara and Najma Chowdhury, eds. *Women and Politics Worldwide*. New Haven & London: Yale University Press, pp. 98–101.
8. See Annex 2 below.
9. For background, see Chowdhury, Najma, 1985. "Women in Politics in Bangladesh". In Qazi holiquzzaman Ahmad et al. *UN Decade for Women 1976–85: Situation of Women in Bangladesh*. Ministry of Social Welfare and Women's Affairs, Government of the Peoples Republic of Bangladesh, pp. 259–63.
10. Ordinance 1983 as amended by Act No. 20 of 1993, section 3. See, *The Union Parishads Manual*, 1998. Dhaka Law Reports, 2nd Edition 1998, p. 6.

