

## Case Study: South Asia

# Reserved Seats in South Asia: A Regional Perspective

Shirin M. Rai

The implementation of reservations, or reserved seats in a legislature for certain under-represented groups, has a relatively long history in South Asia. As early as the 1940s, India began implementing caste-based reservations in the parliament. This case study<sup>1</sup> traces the evolution and current implementation of reserved seats for women primarily in the local governments of Bangladesh, India and Pakistan. National-level debates are ongoing, and some countries have adopted quotas at the parliamentary level. However, legislation introducing reservations for women in local government institutions has been in force for some time, generating empirical data on their functioning in all three countries.<sup>2</sup> This study also assesses the importance of reservations for enhancing the representation of women in political institutions,<sup>3</sup> but shows that they need to be supported by other initiatives that address poverty and its consequences for the majority of women.

### ***The Evolution of Reservations for Women***

There are three distinct phases in the debates that have led to different provisions of reservations in the region.<sup>4</sup>

#### *The Origins of Reservations*

Phase one was that of constitution-making after the achievement of independence in 1947. In India, caste-based reservations were introduced under the 9th Schedule (articles 330 and 331)<sup>5</sup> of the Indian Constitution in the first instance for 50 years, but under the 62nd Amendment Act of 1989 were extended for another 40 years, demonstrating the political sensitivity of the removal of reservations once they have been established. However, there were no quotas for women at any level of government.

In Pakistan, reservation of seats for women in the national and provincial assemblies, the Senate and local government was agreed in the first constitution of 1956, at a minimal level of 3 percent at all levels. Women were always granted reserved seats through indirect election. The revised constitutions of 1962 and 1973 also provided reserved seats for women at similarly low levels, of 2.75 percent and 5 percent, respectively, in the national and provincial assemblies.

In Bangladesh, the first constitution, promulgated in 1972, provided for 15 indirectly elected reserved seats for women in the national parliament for a period of ten years. This gave women a minimum representation of 4.7 percent. Members elected to the general seats constituted the Electoral College for electing candidates for the reserved seats.<sup>6</sup>

### *The Second Phase*

The second phase of quota politics for women began in the 1970s and 1980s when international organizations such as the United Nations highlighted the importance of women in public life through such high-profile initiatives as the first UN Conference on Women held in Mexico in 1975 and the subsequent UN Decade for Women. Women's groups as well as the states in South Asia were affected by these developments.

In India, the first Commission on the Status of Women in India, established in 1972, recommended the constitution of statutory all-women panchayats (village councils) at the village level to promote the welfare of women, although this recommendation was not implemented by most provincial governments. The National Perspective Plan for Women (1988–2000) recommended the reservation of at least 30 percent of the total seats for women in the local government institutions. The provision of reserved seats in local government for women under the 73rd and 74th amendments to the Indian Constitution was a key initiative during this phase. The Women's National Commission was established in 1995 and has overseen the expansion of the quota system in India.

In 1985 the number of reserved seats for women in the Pakistan National Assembly was raised from 2.75 percent to 10 percent for a ten-year period or three general elections, whichever came first. The Report of the Commission of Inquiry for Women (August 1997), the National Plan for Action (NPA) (September 1998) and the National Policy for Development and Empowerment of Women (March 2002) attempted to respond to Pakistan's treaty commitments to promote women's free, equal and full political participation.<sup>7</sup>

In Bangladesh, international donor agencies, working with or within the UN framework of Women in Development (WID), were instrumental in developing the discourse of gender equality, mobilizing women at the local level, and funding their support and training.<sup>8</sup> The 1986 constitution did not provide for quotas but, with regard to local government institutions, its article 9 stated that 'The state shall encourage local government institutions [to give]... special representation...as far as

possible to peasants, workers and women'. Reservation of seats was re-incorporated into the constitution in 1990, valid for ten years, which expired in 2000. In May 2004, the national parliament passed the 14th constitutional amendment to reintroduce quotas for women. The number of seats in parliament is to be raised to 345, of which 45 (13 percent) will be reserved for women.

### *Current Trends*

The third, current, phase can be characterized by several key elements. Economic liberalization has led to the further erosion of the welfare state in India and Pakistan.<sup>9</sup> There has also been a worldwide consensus emerging about the relevance of state feminism, especially after the Fourth World Conference on Women in Beijing in 1995. This phase has seen the debate on the extension of reservations for women to the national parliament in India and the extension of quota provisions in Pakistan and Bangladesh.

The systems in place in the three countries differ. In both Pakistan and Bangladesh reserved seats have been introduced at both national and local levels, while in India they were introduced at the local level and the bill to introduce quotas at the national level still languishes in the parliamentary system.<sup>10</sup> In India there is a system of ward rotation for the reserved seats (the constituencies reserved for women are changed at every election in order to circulate the benefits of reservations geographically, although arguably this also leads to problems of continuity for women representatives), which is not present in Pakistan and Bangladesh. In Bangladesh the 'wards [districts] for the reserved seats for women are three times bigger than the "general seats". This is not the case in the other two countries. In Pakistan the union is not divided into different wards—as in India and Bangladesh—but serve as a single constituency for all the candidates'.<sup>11</sup>

However, there are also some similarities in these different quota regimes. All three countries have constitutional histories bound up with the British colonial past, have majoritarian electoral systems, and are also party-based political systems (even given the interruptions to democratic practice in Pakistan).

**Table 14: Types of Quota in Bangladesh, India and Pakistan**

Country	% Women in Lower House	Quota Provision		Electoral System National Level
		National	Local	
Bangladesh	2.0 (2001 election)	45 out of 345 seats (13%) are reserved for women (2004 constitutional amendment)	At least 25% of seats are reserved for women in union councils (1996 legislation)	First Past The Post (plurality system)
India (2004 election)	8.3	N/A	Not less than 33% women and other marginalized sections of society in all local bodies (1992 constitutional amendment)	First Past The Post (plurality system)
Pakistan (2002 election)	21.1	60 of the 342 (17%) seats in the National Assembly are reserved for women (2002 legislation)	33% of the seats are reserved for women in legislative councils at the union, <i>tehsil</i> (municipality) and district level (2000 Devolution of Power Plan)	Parallel Mixed System (First Past The Post combined with lists)

### **Reserved Seats in Local Government: How They Work**

#### *Bangladesh*

In Bangladesh, urban local government is composed of two tiers: (a) *pourshavas* (90 municipal bodies) where there is a provision of a quota for at least three women members who are to be elected by the commissioners of the *pourshava*; and (b) city corporations (there are six of these). Rural local government is composed of four types of *parishad* (council)—*zila* (district), *upazila* (a subdivision of a district), union and village. Although women have the right to vote as well as to stand for election in these local bodies, during the last decade few women have been successful in winning seats. In 1993, direct election of reserved seats for women in the union *parishad* was provided for in legislation by the Parliament. Article 9 of the constitution, under ‘Fundamental Principles of State Policy’, stipulates the representation of women in local government institutions. The first election to the union *parishad*, under the new provision, was held in 1997.

### *India*

In India, *panchayati raj* institutions (PRIs) function at three tiers—village *panchayat*, block *panchayat* and district *panchayat*. The size of a *panchayat* depends on the population of an area and varies across the different regions from 18,000–20,000 to 500–1,000. The 73rd and 74th constitutional amendment acts from 1992 strengthened the role of the PRIs as well as introducing reservations for women in urban and rural local government.<sup>12</sup> The *panchayats* have five-year tenures, have direct elections, and must include not less than 33 percent reserved seats for women and other marginalized sections of society. The election of the chairpersons of block and district *parishads* is indirect, with the mode of election at the village *panchayat* level left to the states to decide. The reservation of seats for women was done on a rotation basis, which means that those seats that were reserved in the first term were ‘de-reserved’ in the second term, thus causing discontinuities for women representatives, their development of experience and their building up a power base.

### *Pakistan*

In Pakistan the military regime of Pervez Musharraf adopted the Devolution of Power Plan in 2000 to establish an identical set-up of local government bodies in all four provinces of Pakistan. This guaranteed a 33 percent quota for women at all three levels of the local government—*zila* councils (district level), *tehsil* councils (sub-district level) and union councils (village level). Members of the union councils are elected directly but the *tehsil* and *zila* council members are elected indirectly by an electoral college formed by the elected councillors on the union councils. The union council covers between eight and ten villages. It is composed of 21 members—one *nazim* (chairman), one *naib nazim* (vice-chairman), eight general Muslim seats, four women Muslim seats, four Muslim peasant/worker seats, two women peasant/worker seats and one religious minority seat. This means that six out of 21 seats are reserved for women. Thus the actual quota percentage is 29 percent and not 33 percent, which is the figure that is usually quoted. This is due to the fact that there were no quotas allocated for the *nazims* or the minority seats.<sup>13</sup>

### **Quotas in Practice: Do they Make a Difference?**

The impact of reserved seats has been varied in the three countries, being influenced by the requirements of the law, process and outcome, and individual experiences with implementation. While the reserved seats have guaranteed women’s access to local government, albeit in relatively low numbers, it is debatable whether quotas have really addressed the issue of women’s empowerment in the countries concerned.

### *Impact of Quotas on Local Government*

Arguably, one of the indicators of the success of the reserved seats is that women’s presence has increased within local government and is resulting in their greater

participation in the work of the local bodies. As a result of the reservations, women's representation in local government has increased in all three countries.

In Bangladesh, in the union council elections of 1997 a total of 13,000 women candidates were elected to fill the reserved seats for women. A total of 63 women commissioners were elected in the country's four city corporations.

In India, reserved seats have allowed more than 1 million women from all strata of society to participate in decision making at the grass-roots level.

In Pakistan after 1979, local government elections were held in 1983, 1987, 1992 and 2001. The local government elections of 2000–2001 brought 42,049 women into local government.

There is some evidence of the qualitative impact that women representatives are making at the local level. In India women representatives are working better in those areas where they have been successful in micro-credit programmes, literacy campaigns or other social movements.<sup>14</sup> In Bangladesh the direct election of women to local bodies has raised questions about the terms of reference and spheres of activity of these bodies, as well as the need for continuing training programmes.<sup>15</sup> In Pakistan, women electors belonging to the poor strata of society are approaching female councillors as they are accessible and have pinned their hopes of solving their problems on the female councillors.

### *The Experience of Women in Local Government*

The experience of women in local government in South Asia is mediated by gender and class regimes, the type of local institutions, formal and informal networks, and customary laws that influence women's full participation in local government. Their participation can also be affected by a lack of education, training and resources. Additionally, women representatives' dependence on male members of the household and their inability to access economic resources (there are, for example, no salaries for local government representatives) also affect their performance. The following examples illustrate the particular experiences of women at the local level.

In Bangladesh, women commissioners have been restricted from performing four major duties: the registration of births and deaths and the issuing of various certificates, including for nationality and character; examining the designs of buildings; assisting in census and all other demographic surveys; and monitoring law and order.<sup>16</sup> Women commissioners of city corporations and municipalities have been entrusted with responsibilities relating only to the prevention of women and child repression, while the male commissioners play the leading role in performing all other duties. In addition, the government is yet to finalize the remuneration for the women commissioners, and above all they do not have access to facilities such as specific office space, transport and other facilities.

In Pakistan, there are frequent complaints by women councillors that they do not receive invitations to council meetings, and less than 50 percent of women councillors attended only one meeting where the election of chairman took place. Often papers

are sent to their houses for their signature or thumb impression without women being consulted on development planning at the district and union council levels. Nor are they given an equal share of development funds, as women are often perceived as having no direct constituency to represent. Nearly all the women who stood for election after the introduction of quotas in 2000 did so because their male relatives or members of the community put their names forward for the position. This obviously undermines their position as independent actors in local government.

In India, successful self-help groups have boosted the self-image of women representatives in the villages: social mobilization has been one of the important by-products of the quotas for women.<sup>17</sup> However, there is continuing concern about the influence of male relatives over women representatives (the *biwi* brigade or the 'proxy women' discourse).

### **Challenges to Effective Participation**

This section reviews some of the key challenges facing women in local governments in South Asia.

1. *Constituency representation.* In Bangladesh, 'Women members at the local bodies are not aware of their role and functions as a member of the Councils. Even most of the women voters do not know who their representatives are in the city corporations and what their actual functions are'. According to a study on the last union *parishad* polls held in 2003, several women were interested in competing for the general seats instead of the reserved seats.<sup>18</sup> This may illustrate that they see themselves as being empowered by the quota system to be able to aspire to the general seats, or it may highlight the problem of lack of constituency representation for women who are elected through a quota. One of the important issues that face both women and men is that central government control over resources undermines their autonomy. Women candidates also face the hurdles of money-based politics, issues of security as they travel over large constituencies, and the continuing influence of patriarchal social relations, which support segregation and *purdah*, limiting women's ability to participate fully in the political life of the local community.

2. *Relative influence at the local level.* In India, women are expected to adjust to the imperatives of party structures for their political survival. One of the structural challenges is the weak position of the *panchayats* vis-à-vis the state government, which erodes the autonomy of the *panchayats* and those who are elected to them. Several women have pointed out that without a proper salary<sup>19</sup> the *panchayat* is more open to corrupt practices and to being dominated by upper-class individuals who can afford not to be paid. So, in terms of process, the induction of women into politics requires attention to the expectations of members, their training and remuneration issues.

3. *Who do women represent?* In Pakistan women representatives are struggling to create space for themselves within the system. A study of six districts of Punjab showed

that women councillors had extremely limited knowledge and information about the powers and functions of local government.<sup>20</sup> They are confronting the traditional mindset where their male colleagues reject them as equal partners in politics. They are seen as representing only women and they are given responsibilities related to gender-specific projects and programmes. Councillors who were elected in reserved seats were not offered any honorarium, while it is difficult for women councillors to meet transport costs out of their own pocket, as most of them are economically dependent on the male members of their families.

Differences among women (as among men) on the basis of class, caste, religion and ethnicity are played out in different ways in the representative and party politics of the three countries. In Bangladesh, most of the elected women are elite women in terms of both class and education.<sup>21</sup> In India, while there is a considerable presence of poor farmers and agricultural labourers within the *panchayat* membership, Buch points out that the *sarpanch* (chairpersons) of *panchayats* are of higher class.<sup>22</sup> In Pakistan, nearly three-quarters of women councillors were illiterate and the majority were from a rural background.<sup>23</sup> The challenge here is to democratize the processes of selection for both men and women in such a way that class and caste do not play such a critical role in the selection of candidates, although the deep inequalities affecting the region will militate against this.

## Conclusion

This case study, focusing on Bangladesh, India and Pakistan, suggests that reserved seats have indeed addressed issues of the under-representation of women, as increasing numbers are joining local government institutions. There is some evidence that their involvement may lead to an increased participation of women in provincial and national-level politics. We have also seen that women representatives do attempt to address women's basic needs, and are approached by women's groups to address their problems, and there is even some evidence that on the whole women representatives are less corrupt and therefore bring to local governance some degree of credibility in the eyes of the people.

However, women representatives face many challenges—structural, personal and party-political. They are often not taken seriously by their male colleagues, the level of training and information is poor, the party bosses continue to dominate local government, thus stymieing women representatives' attempts to bring about change, and the uneven gender balance within the family continues to deter women from taking an independent stand on issues. We also see that, despite some shifts, the continuing dominance of the middle and upper classes in local politics means that the differences between women are played out in particular ways. This means that low-caste women find it difficult to represent their own communities satisfactorily, while at the same time they are unable to represent any generalized interests of women.

Second, because of status differentials, the risks that poor, low-caste, minority women take in standing up to dominant privilege interests are very high. Finally, the rotational reservation of seats as used in India means that women representatives joining politics cannot nurture their constituency over a period of time, and therefore struggle to build a base for themselves in local politics.

## Notes

- <sup>1</sup> This chapter is based on a longer paper prepared for Dahlerup, Drude (ed.). *Quotas for Women Worldwide*. London: Routledge.
- <sup>2</sup> While there has been some empirical work done on the process by which reservations for women were introduced and implemented and on the outcome for both women representatives and local government institutions in each of the three countries (Buch 2000, Mahtab 2003, Bari 1997: see below), this is the first comparative study on the issue.
- <sup>3</sup> Women in South Asia (including Nepal and Sri Lanka) occupy only 7 percent of the parliamentary seats, 9 percent of the cabinet seats, 6 percent of the positions in the judiciary and 9 percent in the civil service. United Nations Development Programme (UNDP), 2000. *Human Development Report 2000*. Oxford: Oxford University Press.
- <sup>4</sup> The first quotas were part of the British administrative regime in South Asia under the Government of India Act of 1935, which established quotas for women and minority groups.
- <sup>5</sup> Article 331 stipulated a reservation of seats for the Anglo-Indian community for two years if the president thought it to be under-represented in Parliament.
- <sup>6</sup> Chowdhury, Najma, 2003. 'Bangladesh's Experience: Dependence and Marginality in Politics', in International IDEA. *The Implementation of Quotas: Asian Experiences*. Quota Workshops Report Series. Stockholm: International IDEA, pp. 50–8.
- <sup>7</sup> Ali, Shaheen, 2000. 'Law, Islam and the Women's Movement in Pakistan', in Shirin M. Rai (ed.). *International Perspectives on Gender and Democratisation*. Basingstoke: Macmillan.
- <sup>8</sup> See Goetz, Anne-Marie, 1996. 'Dis/organizing Gender: Women Development Agents in the State and NGO Poverty-reduction Programmes in Bangladesh', in Shirin M. Rai (ed.). *Women and the State: International Perspectives*. London: Taylor & Francis; Goetz, Anne-Marie (ed.), 1997. *Getting Institutions Right for Women in Development*. London: Zed Books; Kabeer, N., 1994. *Reversed Realities: Gender Hierarchies in Development Thought*. London: Verso; and Kabeer, N., 1995. 'Targeting Women or Transforming Institutions? Policy Lessons from NGO Anti-poverty Efforts'. *Development and Practice*. Vol. 5, no. 2, pp. 108–16.
- <sup>9</sup> The Human Development Index rankings for the three countries in 2003 are 139 for Bangladesh, 127 for India and 144 for Pakistan. United Nations Development Programme (UNDP), 2003. *Human Development Report 2003*. Oxford: Oxford University Press.

- <sup>10</sup> Rai, S. M. and Sharma, K., 2000. 'Democratising the Indian Parliament: the "Reservation for Women" Debate', in S. M. Rai (ed.). *International Perspectives on Gender and Democratisation*. Basingstoke: Macmillan.
- <sup>11</sup> Frankl, Emma, 2003. 'Quota as Empowerment: The Use of Reserved Seats in Union Parishad as an Instrument of Women's Political Empowerment in Bangladesh', unpublished paper, Stockholm University.
- <sup>12</sup> In 2000 there were 532 district *panchayats*, 5,912 block or *tauluk panchayats* and 231,630 village or gram *panchayats*, and there are more than 3 million elected *panchayati raj* representatives, of whom women constitute one-third. See Ford Foundation, 2002. 'From Public Administration to Governance'. New Delhi.
- <sup>13</sup> Graff, I., 2003. 'Women's Representation in Pakistani Politics: The Quota Systems under the Musharraf Regime'. Paper presented at the International Conference on Women and Politics in Asia, Halmstad, Sweden, 6–7 June.
- <sup>14</sup> Buch, Nirmala, 2000. 'Women's Experience in New Panchayats: The Emerging Leadership of Rural Women'. Occasional Paper 35, Centre for Women's Development Studies (CWDS), Delhi.
- <sup>15</sup> Reyes, Socorro L., 2002. 'Quotas in Pakistan: A Case Study'. Paper prepared for a workshop hosted by International IDEA.
- <sup>16</sup> Mahtab, N., 2003. 'Women in Urban Local Governance: A Bangladesh Case Study'. Paper presented at the International Conference on Women's Quotas in Urban Local Governance: A Cross-national Comparison. New Delhi, February.
- <sup>17</sup> Mohanty, Bidyut, 2003. 'Women's Presence in Panchayats (Village Councils) in India: A New Challenge to Patriarchy'. Paper presented at the International Conference on Women and Politics in Asia, Halmstad, Sweden, 6–7 June.
- <sup>18</sup> Mahtab 2003, op. cit.
- <sup>19</sup> The remuneration varies from 10 rupees (INR) per sitting to 50 INR. The *sarpanch* can get up to 100 INR.
- <sup>20</sup> Bari, Farzana, 1997. 'Discovering Female Representatives in Local Government', unpublished report.
- <sup>21</sup> Frankl 2003, op. cit., p. 42.
- <sup>22</sup> Buch 2000, op. cit.
- <sup>23</sup> Bari 1997, op. cit.

### Further Reading

- Bari, Farzana, 2004. 'Voices of Women Councilors'. Pattan Development Organization
- Baxi, Upendra, 1995. 'Emancipation as Justice: Babasaheb Ambedkar's Legacy and Vision', in Upendra Baxi and Bhikhu Parekh (eds). *Crisis and Change in Contemporary India*. London: Sage
- Blacklock, Cathy and Laura Macdonald, 2000. 'Women and Citizenship in Mexico and Guatemala', in S. Rai (ed.). *International Perspectives on Gender and Democratisation*. Basingstoke: Macmillan
- Bystendinzky, Jill M. (ed.), 1992. *Women Transforming Politics: Worldwide: Strategies for Empowerment*. Bloomington and Indianapolis: Indiana University Press
- Chatterjee, P., 1993. 'The Nationalist Resolution of the Women's Question', in K. Sangari and S. Vaid. *Recasting Women, Essays in Colonial History*. New Delhi: Kali for Women
- Kabeer, Naila, 1999. 'Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment'. *Development and Change*. Vol. 30, pp. 435–64
- Lister, Ruth, 1997. *Citizenship: Feminist Perspectives*. London: Palgrave
- Parpart, Jane, Shirin M. Rai and Kathleen Staudt, 2003. *Rethinking Empowerment*. London: Routledge
- Rai, S. M., 1997. 'Gender and Representation: Women MPs in the Indian Parliament', in Anne-Marie Goetz (ed.). *Getting Institutions Right for Women in Development*. London: Zed Books
- Sharma, Kumud (no date). 'From Representation to Presence: The Paradox of Power and Powerlessness of Women', in *PRIs*, Occasional paper, CWDS