

WOMEN RESERVATION BILL 2010

(its objective and reality in the Society)

INTRODUCTION:-

The issue of the empowerment of women has been raised in different fora in the country from time to time. Political empowerment of women is rightly perceived as a powerful and indispensable tool for eliminating gender inequality and discrimination. Positive discrimination is one of the finest discoveries of the democracy in order to create equality of opportunity for the hitherto deprived sections of the society. Indian women had been ignored since the time unknown. It high time that our society gives enough attention to the cause of women's rights. After all full potential as a women only can be realized when women, who constitute about half of our population, can fully realize their potential.

The Bill seeks to reserve, as nearly as possible, on third of all seats in the Lok Sabha and the state legislative assemblies (including Delhi). The reserve seats may be allotted by to different constituencies by rotation in the union and the state territory. Though the Bill has been tabled in the Rajya Sabha and has been passed, but the many critics have also raise voice against the Bill in the present form. The opponents say that it would perpetuate the usual rights of women since they would not be pervaded to be competing on merits. It has also been argued that this policy diverts attention fro the larger issues of electoral reforms such as criminalization of politics and inner party democracy. The reservation of the seats in the parliament restricts the choice of power of voters to women candidates. Therefore the some experts have suggested alternate methods such as reservation in parties and dual member constituencies. It was also the subject matter to discussion that reservation would not lead to political empowerment of women because larger issue of the electoral reforms, such as majority to check criminalization of politics, internal democracy in the political p[arties, influence

of black money etc. have not been addressed. The proponent of the policy of reservation state that although equality of the sex is enshrined in the constitution, it is not the reality. Therefore, vigorous affirmative action s required to improve the condition of women. Also, there is the evidence that the reservation has increased redistribution of resource in favor of the groups which benefit from the reservation.. A study about the effect of reservation for women in panchayats shows that women elected under the reservation policy invest more in the public goods closely linked to the women concerns. The main political parties who oppose the Bill say that the Bill is a conspiracy by the congress and BJP to prevent muslims, backwards and dalits to get elected to the Lok Sabha and Vidhan Sabha seats. Contending that the reservations would benefit only upper caste women.

The Congress led UPA government was determined to support the women reservation bill, that had been placed in Rajya Sabha on March 8th – International Women’s Day, without making any special provision for the women belonging to the deprived section and Muslims. The political parities like SP and RJD have reasons to cry foul over the women reservation bill in the present form as they fear that it will favour the Brahmin led upper caste women in the Country. The upper caste led media also creates lot of hue and cry on the reservation policy. It demolishes the reservation policy of the government and advocates merit based progress of an individual in the society. But, the intelligentsia and media should understand that the political and constitutional provision of reservation for the deprived section of the society is only 60 years old. Whereas, the social reservation for economically rich and advantaged classes was prevalent in India for several hundreds of years and this has created social divide and injustice in the country. And, this social imbalance can be rectified only through the political and constitutional reservation that requires staying till equal social opportunities are attained.

As known to all, in the ancient period all the important positions were reserved on basis of caste (inherited through

birth) like priesthood and teaching for Brahmins, politics, administration and governance for Kshatriyas, trade and commerce for Vaishyas while the Sudras were forced to do the cleaning and menial work for all. This system continued during British period too, as powerful people were offered the post of Zamindar (Land Lord) to collect revenue for their British masters by exploiting poor farmers.

In the post-independence era, democratic India tried to stop such exploitation and attempted to give justice to the underprivileged communities like poor farmers, dalits, tribals, women, differently abled people and others. But India's experience says that despite many years of our reservation policy it the same social groups constitute the poorest and most vulnerable sections of India's population even today. As of now, 15% reservation for Scheduled Caste (SCs), 7.5% for Scheduled Tribes (STs) and 27% for the Other Backward Castes (OBCs) have been given in higher education and in government jobs. The inescapable question is: despite several welfare programs with reservation policy introduced by government, why the majority of the SCs/STs are still poor? Most of the current rulers (elected representatives) are elite and have rarely experienced problems and difficulties of poor people and rural India. Always, they express their "concern for poor and marginalized people" and for their development. But without targeting the real cause, they only try to treat the symptoms of the diseases. Instead of addressing the real problems of society (lack of basic social infrastructure, education, healthcare and employment), politicians have introduced easy formula - Reservation Policy on the basis of caste as form of tokenism to boost their vote bank. In the eve of India's adoption of the reservation bill for women in Panchayat level (50% reservation), it is important to review our expectations from it in the context of the success of the reservation policy in India till now.

Who has the reservation policy (as it exists now) actually benefited and who have been deprived? How far it has really helped the socio-politically deprived classes to improve their

status? And, finally what could be the consequences of the women's reservation bill?

NEED OF THE WOMEN'S RESERVATION:-

History does not repeat itself is a self evident maxim which most people tend to accept without demur. But now we are witness to seeing history being repeated every year in Parliament in the manner of hypocrisy of all political parties in the context of the Women' reservation Bill. Every political party for the last six years has been assuring its support to the Bill which disarms women activists. And then a farce rather than a tragedy is played out by so-called radical politicians, jumping in to the well of the House, tearing copies of the Bill and making impossible for the proceedings to continue-the House gets adjourned, the Bill thrown in to the dustbin till it is revived in subsequent years with the same result. It is time this mockery stopped, considering that the congress, BJP and left parties proclaim that they are for the Bill in the present form, and really want it to become a law. Women are not seeking for grace or charity. Their contribution to the cause of nation-building exceeds that of men. An International labour Organization study shows that " while women represent 50 percent of the world adult population and a third of the official labour force , they perform nearly two third of all working hours, receive a tenth of world income and own less than one percent of the world property". Therefore reservation for women is not a bounty but only an honest recognition of their contribution to social development.

HISTORY OF THE WOMEN'S RESERVATION BILL ON THE FLOOR OF THE HOUSE:-

The women reservation Bill has a chequered history but it has been finally passed in the month of march 2010. Since 1996 it has been put on floor many times but had not fruitful.

1996:-The Dev Gowda Government introduces the women's reservation Bill as the 81st Constitutional Amendment Bill.

1998:- The Bill was re-introduced in the 12th Lok Sabha as the 84th Constitutional Amendment Bill, by the National Democratic Alliance (NDA) government headed by Sri Atal Bihari Vajpayee.

1999:- The NDA government re-introduces the Bill in the 13th Lok Sabha

2002:- The bill was introduced in the Parliament but fails to sail through

2003:- The Bill introduced twice in parliament.

2004:- The United Progressive Alliance government includes it in the Common Minimum Programme.

2008:- The government tables the Bill in the Rajya Sabha so that the legislation does not lapse.

2010: - The cabinet clears the Bill for taking up in the Rajya Sabha.

POLITICAL TEST AND THE CONSEQUENCES OF THE WOMEN RESERVATION BILL:-

The leader of the opposition in the Rajya Sabha, who spoke after the constitution amendment bill was put to vote by Chairman Hamid Ansari, said he had a feeling of being a party to history in the making when he came to house. Karat, a vocal supporter of the bill, said women's reservation in parliament and state legislatures would change the culture of the country because women today are still caught in a culture prison. In the name of tradition, stereotypes are imposed and we have to fight these every day".

The stereotypes will also be broken by the bill, said Karat, who believes the entry of larger number of women in legislature would make for "more sensitive politics. The women's reservation bill will ensure that women of Scheduled caste, Scheduled Tribe, Other Backward Classes, poor women and Muslim women would benefit from it". Karat said, addressing concerns that the bill would benefit only some sections. Congress and spokes person Jayanti

Natrajan also refuted critics demanding a special quota for the dalit women, saying dalits and tribals would continue to get reservation under the bill. A triumphant Natrajan said no other party “*had the courage to deliver the promise (of reservation for women) to the people of India*”. She said Congress president Sonia Gandhi and Prime Minister Man Mohan Singh had not lagged behind in supporting measures for women’s empowerment. However Bahujan Samaj Party ‘s Satish Mishra said his party would not be able to support the proposed legislation in the current form. He wanted the prime minister to reserve 50 percent of all seats in legislatures for women in line their population ratio. Shivanand Tiwari of the Janta Dal- United(JD-U) created a minor stir in the house by speaking in the favor of the bill, which has been opposed vocally by a section of his colleagues led by their party president Sharad Yadav.

It is not the only the point of the discussion but also to revive the actual grace of the women in the country. Political empowerment of women is rightly perceived as a powerful and indispensable tool for eliminating gender inequality and discrimination. Positive discrimination is one of the finest discoveries of the democracy in order to create equality of opportunity for the hitherto deprived sections of the society. Indian women had been ignored since the time unknown. It high time that our society gives enough attention to the cause of women’s rights. After all full potential as a women only can be realized when women, who constitute about half of our population, can fully realize their potential.

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attention from the larger issues of electoral reforms such as criminalization of politics and inner party democracy. The reservation of the seats in the parliament restricts the choice of power of voters to women candidates. Therefore some experts have suggested alternate methods such as reservation in parties and dual member constituencies. It was also the subject matter for discussion that reservation would not lead to political empowerment of women because larger issues of the electoral reforms, such as majority to check criminalization of politics, internal democracy in the political parties, influence of black money etc. have not been addressed. The proponents of the policy of reservation state that although equality of the sex is enshrined in the constitution, it is not the reality. Therefore, vigorous affirmative actions are required to improve the condition of women. Also, there is evidence that the reservation has increased redistribution of resources in favor of the groups which benefit from the reservation. A study about the effect of reservation for women in panchayats shows that women elected under the reservation policy invest more in the public goods closely linked to the women's concerns. The main political parties who oppose the Bill say that the Bill is a conspiracy by the Congress and BJP to prevent Muslims, backward and Dalits from getting elected to the Lok Sabha and Vidhan Sabha seats. They contend that the reservations would benefit only upper caste women.

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provision of reservation for the deprived section of the society is only 60 years old. Whereas, the social reservation for economically rich and advantaged classes was prevalent in India for several hundreds of years and this has created social divide and injustice in the country. And, this social imbalance can be rectified only through the political and constitutional reservation that requires staying till equal social opportunities are attained. As known to all, in the ancient period all the important positions were reserved on basis of caste (inherited through birth) like priesthood and teaching for Brahmins, politics, administration and governance for Khastriyas, trade and commerce for Vaishyas while the Sudras were forced to do the cleaning and menial work for all. This system continued during British period too, as powerful people were offered the post of Zamindar to collect revenue for their British masters by exploiting poor farmers.

CONSTITUTIONAL PROVISIONS AND AFFIRMATIVE APPROACH IN UNDERSTANDING THE OBJECTS OF THE WOMEN RESERVATION'S BILL:-

An alternative to the Bill suggests amending the Representation of the People Act 1951, to compel the political parties to mandatorily nominate women candidates for at least one third of seats on the pain of losing recognition. This is politically flawed and not even constitutionally permissible. It may violative of the fundamental rights to form an association guaranteed under Article-19(1) (c) of the Constitution. The only permissible restrictions are those in the interest of sovereignty and integrity of India or public order or morality, and such an amendment would not fall within these. That apart, this alternative will not achieve the behind the Amendment Bill, because even if a third of women candidates are put up by political parties, there is no guarantee that the same number will get elected. It is freely admitted by all the political parties that because of the inbuilt prejudice against women, male candidates will have an unfair advantage in

elections. This aspect is freely admitted even by left parties. Thus, parties will tend to allow women candidates to fight elections from their weak constituencies. There is also some merit in the objection that the reservation of seats for women would mean rotation of seats at every general elections with the result that the members will not be able to nurse their constituencies and also that candidates will be uncertain of anticipating their future constituencies. This will be thus breaking their link with the electorate. This alternative gets further strength now that the Delimitation Commission has been asked to adopt the 2001 census for delimiting the constituencies, and therefore the same inevitable consequences must follow,

Article-81 provides for the Lok Sabha to have not more than 530 members. Further amendments were made to freeze the number of Lok Sabha members on the basis of the 1971 census till another census after 2000 had been published. Article –82 provides for the allocation of seats upon the completion of each census. S per 1971 census, the population of India was about 54 crores, now after 2001 census it has been risen to 102 crores. So the strength of the Lok Sabha can be easily increased by the one third to 750 well within the requisite formula. This will make away the tear of any male member to vacate the present seat. These extra seats could be dovetailed into double-member constituencies, with win ensure the reservation of the one seat for women and, even permitting two to be elected, if the other women candidate gets the maximum of the votes polled. Some says that the provision of the sub-quota for the OBC's runs the risk of being held as unconstitutional. A sub-quota for Muslim women would violate the secularism, a basic feature of the Constitution, and even an amendment would be illegal. Article –325 provides for one general electoral roll for every constituency and mandated that no person shall be ineligible for incursion on grounds of religion. In the matter of fight against injustice and indiscrimination, seeking to bifurcate them on caste lines should not weaken women as a class. Reservation for women would check the muddy politics that

the man folk have brought about. It would bring social consciousness to political life. It will also help in brushing the criminal- politician nexus- the real danger to our society.

CURRENT STATUS OF THE RESERVATION IN THE SOCIETY IN INDIA:-

As per the Census 2001, the population of the country increased from 35.6 Crore in 1951 to 102.8 Crore and population of SCs/STs has increased from 7.1 Crore (20% of total population) to 25.9 Crore (24.3% of total population) during same period. Government of India estimates that 27% people live under Below Poverty Line (BPL), whereas the World Bank projects 42% (456 million) as per the global poverty line of \$ 1.25 per day. Both estimates show the poverty gap as India estimates only two-third of the World Bank. Of the people living BPL and among the landless agricultural labor, 15% for SCs/ dalits, 7.5% for STs/ tribals form the majority. The SC/STs are the most vulnerable section susceptible to hunger, malnutrition and diseases. BPL rate among SCs is 56% and STs is 54% (Info change agenda). Government of India has ensured 15% reservation for SCs, 7.5% for STs and 27% for the Other Backward Castes (OBCs) in higher education and in government jobs. Additional reservation has been provided by state governments. Recently, government (Union Cabinet of India) has decided to bring a bill to amend the Article 243(D) of the Constitution to enhance 50% reservation for women in all Panchayati Raj Institutions (PRIs) except north-eastern hill states. At present, the Panchayati Raj Act provides for one third of the seats to be reserved for women.

BENEFIT OF RESERVATION:-

The benefits of reservation have helped many people for their upward mobility especially among SCs and STs to some extent. It has helped through higher education and employment in government sector. This has led many poor

SCs and STs to acquire the status of the middle class after Independence.

Benefits of Reservation for SCs/STs:

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| Number(inlaks)Employment | -60 |
| Higher studies (Masters + Professional) | -5.29 |
| Financial assistance | -53.54 |
| Scholarship/ other | -55.80 |
| Total- | 174.63 |

According to Economic Survey 2008, 60 Lakh people are in government jobs (state and central including all positions); National Commission for Scheduled Caste and Scheduled Tribes, 2001 survey discloses that 5.29 lakh people have completed higher education (Ph.d, Masters and other professional courses) which of course would have resulted gainful employment. Various financial institutions like National Scheduled Castes Finance & Development Corporation (NSFDC), Assistance To Scheduled Castes Development Corporations (SCDCS), National Scheduled Tribes Finance and Development Corporation (NSTFDC), The Tribal Cooperative Marketing Development Federation of India Ltd. (TRIFED), Special Central Assistance (SCA) etc have supported 53.54 lakh people for their secure livelihood. At least 55.80 lakhs have been benefited from various scholarships available for SCs/ STs like Rajiv Gandhi Fellowship, National Overseas Scholarship Scheme For Higher Studies Abroad, Central Sector Scholarship, Post-Metric Scholarship (calculated only masters degree onwards), which must have ensured a guaranteed job. Therefore, minimum 174.63 lakh people must have gained a secure livelihood through reservations (job employment, higher education, financial assistance). If it would have been equally distributed, one person from each family, then at least 174.63 Lakh families (10.47 Crore people of these families, if family size is 6) should have secured livelihood, which is 41.76% (10.47 Crore) among the total 25.09 Crore SCs/STs people. If the benefit of reservation has reached successfully to 42% of SCs/STs, then poverty should have been restricted to only

58% of the communities. But the poverty rate among SCs/STs is much higher. The fruit has not reached to all among SCs/STs and is not distributed equally among them. Also, since social justice programmes should not only “gradually” assist deprived communities to improve their condition but must also reach out to all deprived people in those communities and actually reduce poverty with a priority on the most needy, it is important that we ask - Who has taken the greatest benefit of reservation? Have the poorest really benefitted out of the way that reservation policies are implemented?

The outcome of reservations in India have been reflected in various manner such as Reservation for Whom?: Most often it is the urban people among the community who have been able to use the opportunity of reservation in government jobs after quality education, most often through reservation in college seats. It is the rich and city based people (of any community) who enjoy access to all relevant information in time and it is they who have garnered the benefit of reservation for themselves and their families. They continue to take advantage in all respects (economically, politically, socially) and for generations. This section of the society - “Creamy Layer” among the SCs/ STs takes all benefits, which is supposed to help the Dalits and Tribals who are actually poor. Despite being in/ securing a position to compete with the traditionally powerful classes, many of the rich and powerful among SC/STs have been grabbing all opportunity of reservation(admission into higher education, employment) for generations depriving much more needy fellow from own community. This “creamy layer” is at par with any community in the country belonging to educated higher class urban students. With the advantage of their access to information and services, they fill up all opportunity (reservation) in higher education and job, where the poor rural students are lagging behind. Many of these groups (example – Meena Tribes in Rajasthan, most of tribals from north-east region and many urban elite SCs/STs) are using reservation which they do not need and this does not allow the real poor to come forward.

It can be expected that similar situation will develop vis-à-vis the Women bill at Panchayat level. Recently, government (Union Cabinet of India) has decided to bring a bill to amend the Article 243(D) of the Constitution to enhance 50% reservation for women in all Panchayati Raj Institutions (PRIs) except north-eastern hill states. Strategic step of union government has resulted in approval of 50% reservation for women in Panchayat Raj Institutions in the Lok Sabha. At present, the Panchayati Raj Act provides for one third of the seats to be reserved for women. No doubt, it would help towards women empowerment as a whole. But at the same time, women of higher class will capture the bulk of benefits. Men of higher class, those already enjoying power, will try to capture all the reserved seats for women whom they can “guide”. Women living in poverty will again be waiting to receive the trickle down benefits of this reservation. When a person has been put in a position of power by others she/ he will often accept the guidance of those others. Then this person is more like a puppet who will be made to function to maintain the status quo of the rich and the poor, the powerful and the vulnerable, instead of bringing about a transformation in power relations. Women living in poverty will hardly be given the chance to acquire the positions of leadership where they can lead other poor women and poor people to improve their socio-economic and political status. They will be busy maintaining social and political status quo and their own seats. (It is not often that people can remember that reservation is also an obligation to work for needs of the community they represent.) Who will then understand the real issues in the lives of poor women, leave alone solve them? To involve poor women in PRIs political will needs to be created but looking at the usual inclinations of our political groups for many of whom women’s empowerment is still a lip service; one can only hope that social activists will take up the cause. But social activists will still have to struggle for space with political parties.

Unreachable Mission: Reservation has helped to some

extent SC/STs for their upward mobility. However the benefits have concentrated to only rich, educated and city based SC/STs. Its fruit has not reached to rural poor SC/STs. Neither reservation has helped them in the past nor is helping now. An analysis is required to understand how they have been purposefully excluded by state, market and own community (rich, educated SC/STs).

Lack of Quality Education: Our constitution has provision for free education up to age of 14 years through 10,42,251 primary and upper primary educational institutes in India. Inadequate facilities of infrastructure, unavailability of IEC materials and lack of quality education in many government schools de-motivate the average higher class parents to educate their children in such schools. In the government schools, challenges such as lack of quality teachers and excessive holiday (more holiday for various occasions in an academic year) creates education problem for the students as they lose the contact with the studies and forget the taught subjects during long-long vacations during which these students do not have alternative support system for keeping in touch with studies. These students perform poorly in schools and are treated as poor-performers and labeled as academically weak. Private schools cater quality education charging heavy fee. Elite people send their children to private schools, which automatically exclude poor people from the quality education and forces them to only the shoddy government schools. Most of rich people (across castes – SC/ ST/ OBC/ General) comprises of government officers, business men, politicians, landlords earn heavy money from various sources (accounted and unaccounted) and are able to pay the heavy fees. It is very telling that our “policy makers” (Ministers, MP/ MLA, Bureaucrats, even teachers) never send their children to the government schools as they have realized that government schools are not qualitative and meant for only poor people.

Deprivation from Quality Higher Education: Only 15-20% of SCs/ STs pass matriculation examination (class X) as against the enrollment in class I. They are unaware of the whole world, and of the plethora of career opportunities to take admission into general education (Science, Arts, Commerce) or Industrial Training Institute (ITI). Their counterparts in urban areas go for several professional courses. Rural students can't afford heavy fee, they have to go for these under staffed, under-equipped college giving irregular and poor quality to get a degree only. They face problems of irregular classes by professors (except district headquarter) and strikes by students' union sometimes even for paltry and selfish reasons. The rural students are deprived of quality education and are unable to buy expensive books. That time, the urban students attend regular coaching classes and buy expensive books. Finally, very few rural students pass intermediate and degree courses.

Dream Unfulfilled: Rural students struggle to complete graduation. There is reservation for SC/STs in management, medical, Masters and Ph.D. and jobs like Civil Services, Railway and Defence. But most of rural youth are not able to fulfill minimum eligibility criteria. While the major percentage of rural students enrolled in class I do not pass matriculation, among those who do, most fail in graduation and are not eligible for such jobs & higher education and are excluded from reservation facility. It means the reservation has not yet benefited to the rural youths. Rate of urban graduates is very high and they take benefit of reservation in places where rural and urban youth compete in the same platform.

Vernacular Vs English Medium: This is yet another aspect of how most of rural youths across castes are excluded. They study in vernacular medium school. Their urban counterparts study in English medium schools and get used to reading, writing and speaking in English. In the most of cases, the

medium of communication in all higher educational institutes, interview and offices are either in English or in Hindi. Therefore non-English and non-Hindi rural students find it difficult to cope in their higher education, to write entrance examinations, to attend job interviews.

Difficulties for Employment: Like any other students, the economically poor SC/ST students after completion of their education wish to get a gainful employment. In many cases, they are lagging behind and many of them still become unemployed even after getting higher education in professional field from the reputed institutes. The major reasons for these youths to be unemployed are lack of quality and professional education, inability to be competitive in universal medium of communication, and undeveloped linkages between our education and employment opportunities.

Creamy Layer: The above analysis on reservation (for SCs/ STs/ OBCs) shows that in most of cases the government has been supporting people to build ten storied building without supporting for a better foundation. It is an injustice to the real deprived poor dalits and tribals in the country. Somehow, there is little scope or opportunity (reservation) available for the disadvantaged group of the society, and the available opportunities are utilized by urban creamy layers and converted missionary educated tribal people.

Way Forward: Now, it is essential that some positive actions should be taken immediately. The sooner inclusive measures for a holistic development of the country can be started the better. There are few proposals in this direction.

There should be a powerful independent committee to carry out an independent survey on socio-economic and political situation of all peoples, a kind of Census studying the three aspects and generating data about the status of each household based. Social assistance programmes can be based on this data. The committee should define criteria of survey and have a

healthy debate about it. National level uniform identity card (multipurpose) for all with all basic information about social, economic, political status. This also can be used for social welfare (as per BPL), bank, education, scholarship, to access government schemes and others. There should be proper documentation that how many times, they have availed the benefits of reservation policy. Reservation to only one person in a family would help other downtrodden people to come forward and ensure that benefits are distributed to all needy people. Set up free special quality schools/ colleges for all socio-economic backward class people (across castes and making education compulsory), which will either give them a secure employment or make them a successful self-employed. Then, reservation will be history and useless in India.

To conclude, the **women reservation bill** should have reservation for the women belonging to the deprived section of society. Otherwise, it will only strengthen the monopoly of Brahmin led upper castes in the society.

CONCLUSION:-

Some are of the opinion that “Women’s reservation Bill it self a bias towards women” and they would be happier if women could stand up for their rights on the basis of merit, and not on the basis of the reservation. There was a time when women expected nothing but oppression and discrimination in the society. Today is a need for “positive discrimination” for attaining equality. The argument that urban women will monopolize the women’s quota is a red herring. There are about 200 OBC candidates in the Lok Sabha, It is a state reality dial, it is not their public service, but merely the caste configuration that has preferred them. Similar results will follow even after the reservation for women. The only difference will be a big Chink in the male bastion. That is the real reason for opposition male MPs.
