

**JOINT COMMITTEE ON THE
CONSTITUTION -
(EIGHTY-FIRST AMENDMENT) BILL,
1996**

(Insertion of new Articles 330A & 332A)

EVIDENCE



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 1996/Agrahayana, 1918 (S)

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LOK SABHA SECRETARIAT

**JOINT COMMITTEE ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996
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CORRIGENDA TO THE EVIDENCE BEFORE THE JOINT COMMITTEE

<i>Page</i>	<i>Line</i>	<i>For</i>	<i>Read</i>
7	21	beast	boast
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**JOINT COMMITTEE ON THE CONSTITUTION (EIGHTY-FIRST
AMENDMENT) BILL, 1996 (INSERTION OF NEW ARTICLES 330A
AND 332A)**

COMPOSITION OF THE COMMITTEE

Smt. Geeta Mukherjee—Chairperson

MEMBERS

Lok Sabha

2. Shri Mukhtar Anis
3. Km. Mamata Banerjee
4. Shri Surjit Singh Barnala
5. Dr. M. Jagannath
6. Shri Ramakant D. Khalap
7. Smt. Meira Kumar
8. Smt. Sumitra Mahajan
9. Smt. Jayawantiben Mehta
10. Shri Hannan Mollah
11. Shri Ram Naik
12. Shri Nitish Kumar
13. Shri Sharad Pawar
14. Shri Suresh Prabhu
15. Shri Vijay Bhaskara Reddy
16. Shri P.N. Siva
17. Smt. Sushma Swaraj
18. Km. Uma Bharati
19. Prof. Rita Verma
20. Dr. Girija Vyas
21. Shri Ram Kripal Yadav

Rajya Sabha

22. Smt. Margaret Alva
23. Shri Sushil Kumar Sambhajirao Shinde
24. Smt. Malti Sharma
25. Smt. Kamla Sinha
26. Smt. Chandrakala Pandey
27. Shri R.K. Kumar
28. Smt. Renuka Chowdhury
29. Shri N. Giri Prasad
30. Shri Ram Gopal Yadav
31. Shri Jayant Kumar Malhoutra

SECRETARIAT

1. Dr. A.K. Pandey — *Additional Secretary*
2. Shri J.P. Ratnesh — *Joint Secretary*
3. Shri Ram Autar Ram — *Deputy Secretary*
4. Shri J.P. Jain — *Under Secretary*

(ii)

**REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE
DEPARTMENT)**

1. Shri K.L. Mohanpuria, Secretary
2. Dr. Raghbir Singh, Additional Secretary
3. Shri P.L. Sakarwal, Joint Secretary
4. Shri T.K. Vishwanathan, Joint Secretary and Legislative Counsel

REPRESENTATIVES OF THE MINISTRY OF WELFARE

1. Smt. Gauri Chatterji, Joint Secretary
2. Dr. (Mrs.) S. Rohini, Director

**REPRESENTATIVES OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)**

1. Shri A.K. Sinha, Joint Secretary
2. Ms. Binoo Sen, Joint Secretary

**JOINT COMMITTEE ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996
(INSERTION OF NEW ARTICLES 330A AND 332A)
(WITNESSES EXAMINED)**

S. No.	Name of Associations/Organisations/ individuals etc.	Date on which evidence was taken	Page No.
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1.	<i>National Commission for Women Spokesmen</i> (i) Ms. Mohini Giri, Chairperson (ii) Ms. Padma Seth, Member	24.10.96	2
2.	<i>Shrimati Pramila Dandavate</i>	14.11.96	27
3.	<i>Rambhau Mhalgi Prabodhini Spokesmen</i> (i) Dr. Sharayu Anantram, Former Reader, Deptt. of Sociology, S.N.D.T. University, Mumbai. (ii) Dr. Medha Nanivadekar, Lecturer, Deptt. of Political Sciences & Centre for Women's Study, Shivaji University, Kolhapur. (iii) Shri Vinay Sahasrabuddhe, Executive Director.	14.11.96	34
4.	<i>National Federation of Indian Women</i> (i) Ms. G. Sarla Devi National Federation of Indian Women. (ii) Ms. Brinda Karat, All India Democratic Women's As- sociation. (iii) Ms. Veena Mazumdar, Centre for Women's Development Studies. (iv) Ms. Jyotsna Chatterjee, Joint Women's Programme. (v) Ms. Vinay Bhardwaj, Mahila Dakshata Samiti. (vi) Ms. Mary Khemchand Y.W.C.A. of India. (vii) Ms. Chandramani Chopra, Advocate, All India Women's Conference.	15.11.96	43

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7.	<i>Delhi Pradesh Kayastha Sabha</i> <i>Spokesmen</i> (i) Shri Vaibhav Vishaal (ii) Shri Ashok Srivastava (iii) Shri J.P. Sinha (iv) Shri S.K. Bisaria	21.11.96	73

**JOINT COMMITTEE ON THE CONSTITUTION (EIGHTY-FIRST
AMENDMENT) BILL, 1996**

**RECORD OF EVIDENCE TENDERED BEFORE THE JOINT
COMMITTEE ON THE CONSTITUTION (EIGHTY-FIRST
AMENDMENT) BILL, 1996**

*(Thursday, 24 October, 1996 from 11.00 hrs. to 13.15 hrs. Party Meeting
Room No. 139, Parliament House Annexé, New Delhi)*

PRESENT

Smt. Gecta Mukherjee—*Chairperson*

MEMBERS

Lok Sabha

2. Shri Mukhtar Anis
3. Dr. M. Jagannath
4. Shri Ramakant D. Khalap
5. Smt. Meira Kumar
6. Smt. Jayawantiben Mehta
7. Shri Hannan Mollah
8. Shri Ram Naik
9. Shri Nitish Kumar
10. Shri Sharad Pawar
11. Shri Vijay Bhaskara Reddy
12. Shri P.N. Siva
13. Dr. Girija Vyas
14. Shri Ram Kripal Yadav

Rajya Sabha

15. Smt. Margaret Alva
16. Shri Sushil Kumar Sambhajirao Shinde
17. Smt. Malti Sharma
18. Smt. Chandrakala Pandey
19. Shri R.K. Kumar
20. Shri Ram Gopal Yadav
21. Shri Jayant Kumar Malhoutra

SECRETARIAT

1. Shri J.P. Jain — *Under Secretary*
2. Shri B.D. Swan — *Assistant Director*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri P.L. Sakarwal, Joint Secretary
2. Shri T.K. Vishwanathan, Joint Secretary and Legislative Counsel

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

Shri A.K. Sinha, Joint Secretary

WITNESSES EXAMINED

National Commission for Women

1. Ms. Mohini Giri—Chairperson
2. Ms. Padma Seth—Member

MR. CHAIRMAN: (Smt. Geeta Mukherjee) Now, we have quorum and witness also has come. With your permission, we can begin the meeting.

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Ms. Mohini Giri and Ms. Padma Seth, I welcome you to this sitting of the Joint Committee of the Houses of Parliament.

As you are aware, the Constitution (81st) Amendment Bill, 1996 which provides for reservation of seats for women in the House of People and in the Legislative Assemblies of the States has been referred to this Joint Committee to report on the subject. The Committee would like to hear your views on the various provisions of this proposed legislation.

(Direction 58 Read Out)

MR. CHAIRMAN: Before we proceed further, you may like to introduce yourselves to the Committee.

(Introduction)

श्रीमती मोहिनी गिरी: सबसे पहले मैं राष्ट्रीय महिला आयोग की ओर से समिति को हार्दिक बधाई देना चाहती हूँ। संतोष की बात है कि पचास साल की आजादी के बाद भारत में अब वह समय आया है, जब हम इसके बारे में भी सोच सकते हैं कि महिलाओं का भी प्रजातन्त्र में आधा हिस्सा है। आज तक महिलायें मूक थी, लेकिन स्थिति अब दूसरी है। हमने एक पेपर सर्कुलेट किया है। आशा है, आप सभी माननीय सदस्यों को यह मिल चुका होगा।

I thank this Committee for having called us here to know our views. I know there are various constraints on women for the past several years. Since the past 50 years this democracy has not been a complete democracy. How can any democracy be complete when half the population is not participating in it?

श्री मुख्तार अनीस: महिलाओं के बारे में बात हो रही है। मैं पूछना चाहता हूँ गांवों के अन्दर महिलाओं के साथ जुल्म हो रहा है, वे गांवों में काफी काम करती हैं, क्या इसके बारे में कोई मूवमेंट चलाने की जरूरत है?

MS. MOHINI GIRI: I would be happy to respond to hon. Member.

MR. CHAIRMAN: I suggest that Ms. Giri may complete her opening remarks and then the hon. Members can ask the questions.

श्री मुख्तार अनीस: मैं यह कहना चाहता हूँ कि हम पुरुषों को आवाज औरत मानकर चलना चाहिए। महिलाओं के साथ हर पुरुष को आधा महिला मानकर चलना चाहिए।

MS. MOHINI GIRI: Madam, before I proceed further, may I request for permission to circulate the reports of our National Commission and

also the draft paper submitted for the kind perusal of the august Committee?

MR. CHAIRMAN: Yes, you are welcome to circulate them.

MS. MOHINI GIRI: Thank you Madam.

I will give a gist of what we feel on the subject.

महिलाओं की स्वतन्त्रता संग्राम में काफी भागीदारी थी। आजादी के दौरान महिलाओं ने कुर्बानियां दी थीं। उसके बावजूद भी महिलाओं को आधी भागीदारी नहीं मिलती है। अभी मुख्तार जी ने सही कहा कि महिलाओं के साथ इतने अत्याचार होते हैं। ये अत्याचार इसलिए होते हैं, क्योंकि महिलाओं का मंसूदा में 50 प्रतिशत भी स्थान नहीं है। जब यह स्थिति है, तो अत्याचार तो होंगे ही।

These crimes will be committed definitely if women do not have a voice. We should make policies which are suitable for women and women-oriented, I submit that the harmony of a family can be maintained if women are there to participate in it. If the smallest unit in the whole world, the house, is not kept happy, you cannot have a harmonious society, you cannot have a harmonious democracy and you cannot have a harmonious Parliament. We are for that kind of a thing.

हम बहुत सालों से देखते आ रहे हैं, हर दल मानता है कि महिलाओं की भागीदारी होनी चाहिए, मैनफैस्टों में भी लिखा होता है, लेकिन कदम नहीं उठाया जाता है।

When it comes to actually giving attention to women, the situation is different. The National Commission for Women has got written letters from different political parties saying that they will consider giving 33 per cent seats to women. But when it came to reality no woman got such reservation in seats. This is because, perhaps, the men feel insecure in this regard. They do not even give tickets to women at this stage.

I congratulate this Government for having introduced this Bill. It should have been introduced long ago according to the Commission. But it does not matter as it is introduced now. Even now it is not too late and we should make full use of this.

The Panchayat Raj has shown very clearly women can discharge the duties efficiently and effectively. The National Commission for Women said that it can be done at grassroot level.

हम लोग उत्तरकाशी, नागालैंड, महाराष्ट्र गए हैं तथा पूरे हिन्दुस्तान में गए हैं।

वहां की रिपोर्ट को भी संलग्न कर दिया है।

हमें पता लगा कि पंचायती राज में कैसे महिलाएं सामने आ गई हैं।

They have been able to come up. They are also good in their working. It is surprising to see that the women who did not know at all about these things are today able to manage their affairs very well. We had interaction with the grass root level women, Sathins of Rajasthan, Tamil Nadu Group of women who are dealing with prostitution. Wherever we met women, we came to know that they all want equal representation in all spheres of life.

They have been saying that they will be able to manage. I do not think that now the women should be kept away from the reins of the country. If they can be good at home, they can also be good Home Minister and Finance Minister. People should give them a chance. In regard to some objection raised about OBC, we would like to tell you that we are friends of OBC women also. There is no distinction between women on the basis of SC, ST or OBC. All the women are women first. We are speaking on behalf of all of them. Perhaps you all know how many OBC women are there in the Parliament. Does anyone of you know? There are only four OBC women in the Parliament. If you want I can give you their names and the names of the parties they belong to. They have been able to come to Parliament in spite of any reservation being given to them. We want this Bill to be passed. We are friends of OBCs, SCs and STs. We and all women, whether belonging to any caste, want this Bill without any reservation. National Commission for Women has organised various meetings.

SHRI MUKHTAR ANIS: Madam Chairperson, can I ask a question?

MR. CHAIRMAN: Generally the system is that first the witnesses should complete what they want to say. Only then, you should raise questions.

MS. MOHINI GIRI: We have got the opinion of nearly two crore women. Many of the signatures are here which are attached. All women have said that they want this reservation, give them this reservation and they will be able to prove themselves. I am confident that this Committee will give them a chance to prove their worth. I think it is a very historic step. We have recently been to foreign countries. They were surprised to see that India is going to take this step. I am sure that all the parliamentarians will help in the passing of this Bill.

MS. PADMA SETH: I would like to draw your attention, as you all know, to the fact that the total number of seats in Lok Sabha are 543 out of which 15 per cent is reserved for Scheduled Castes, that is, 79 seats and 7.5 per cent seats for Scheduled Tribes. We want one-third of the Scheduled Caste component of 15 per cent out of 79, that roughly comes to 27 seats for women, and out of 7.5 per cent, that is, 46 seats for Scheduled Tribes, we want one third for Scheduled Tribe women. The total seats for men and women in Lok Sabha being 543, one-third seats to be reserved for women will amount to 181 in all including the 41 seats for SC and ST women.

Of course, as madam chairperson has already mentioned, some objections to the Bill are raised relating to backward classes. The National Commission and the women's movement are friends of backward classes and we are for the backward class women. They will be part of the total number of reserved seats for women in Parliament and legislatures. It is not because that men have any special love for OBC men or women, but

this is being used as an alibi not to pass the Bill or to postpone it further. This is only to avoid giving reservation to women. I request you to please not withhold this Bill for exceptions of certain people because we cannot decide how many of them will be there. It is for the Government to decide. They are already there, as our Chairperson has said. There are already four lady Members of Parliament who are from OBC. They are—Shrimati Phoolan Devi, SP, Shrimati Sarada, TDP, Shrimati Kanti Singh, JD and Kumari Uma Bharati, BJP. I do not think that other political parties have given seats to OBC women.

SHRI P.N. SIVA: What is the total number of women in ST and OBC?

MS. MOHINI GIRI: They are 50 per cent.

MS. PADMA SETH: Let us look at the statistics regarding women representation in the Parliament. It is tragic to see that the women representation in the First Lok Sabha was 4.4 per cent, Second Lok Sabha was 5.4 per cent, Third Lok Sabha was 6.7 per cent, Fourth Lok Sabha was 5.9 per cent, Fifth Lok Sabha was 4.2 per cent, Sixth Lok Sabha was 3.4 per cent, Seventh Lok Sabha was 5.1 per cent, Eighth Lok Sabha was 7.9 per cent, Ninth Lok Sabha was 5.3 per cent, Tenth Lok Sabha was 6.6 per cent. And in the Eleventh Lok Sabha, their representation has fallen below 4 per cent. It went up and then came down. It is not for the political parties only to ensure that they make enabling laws and policies, but we must also renew our efforts to remodel the social framework and revamp the economic structure as to guarantee genuine equality.

Recently, when we were addressing 30,000 women in Parlika Mandi in Orissa—all the tribal women, SC women and OBC women were there—they all were unanimously supporting this. It was followed by a seminar also. Even though they were supposed to be uneducated, they have so articulate understanding of what they want, what issues are present. They clearly said that they wanted drinking water, they wanted better roads, they wanted better schools for their children, they wanted either health clinics or hospital nearer, they wanted their forests not to be totally denuded. They just know what exactly they want. They do not want to unnecessarily delve into areas which are in verbose as the others articulate, educated people talk outside. So, we felt that this is the real strength of the country. We feel that so many women from villages have arisen and awakened. Even in Pondicherry, a small Union Territory, in remote areas, there is a village called Mangalam. The women of the village did not know of their rights. Even though they do not have perception or self-esteem about themselves, when we conducted a survey and helped them in their little problems, such as bigamous marriages and taking away of custody of their children etc., they were very articulate once they know that we meant business and wanted to help them. They came forward. The State Government was also helpful to all of us. We had a coordination committee.

We had a three day exposure where all these loader women, who did not know anything about their role in the society, came and said that they neither have intelligence nor education and they said that they cannot react. Then, we did some simulated exercises and demonstrated to them as if a woman is burning at the end of the road and asked them as to what would they do in that situation. They said that they would throw everything and rush to save that woman. Then we asked as to what would they do if their children attain the age of four or five years and we asked whether they would ask their children also to do the same job as they all do so that it would add to the income of their family. They all replied in one voice that they would like their children to become either doctors or engineers. So, the people have awakened now. The Muslim women whom we met in Hyderabad said they want the same justice that other women get.

Then, we had been to Nagaland and when we were there, about 1,500 women representing all tribes came and said in one voice that whether they have reservation or not, but they are for reservation of one-third seats for women in Parliament. They said that their voice must be heard. So, there is the public opinion in favour of this Bill and there is a lot of public pressure behind the National Commission for Women and to an extent we can boast that we truly represent a large number of women in this country and mostly the rural women, grassroot women, the organisers and the grassroot workers.

In Rajasthan a beautiful experiment of Saathins is being conducted in the rural areas and they said that they have 63 responsibilities. I said that they all should be given a doctorate. They said that they should not only take care of education, but the attitudes of the people also. They said that they have to take care of the roads, health conditions, environmental hazards and they have to have regular interactions with the Government officials on all these issues. We all sounded very pale after listening to these grassroot women who explained to us as to what is their role and what is their self-esteem. India has awakened and more and more grassroot women are coming up to fight for their causes and only the middle class women are a little scared of coming out in the open. Most of the grassroot women now say that they have learnt to read and write. These women said that they have 63 issues to be tackled and they said that they have learnt accounting and they have to fill up about 10 registers. You entrust to a person, (who is not educated to start with) in the beginning, not only the responsibilities that need very articulated action, better understanding of the nuances and the procedures, but you expect them to fill in the registers also like the Anganwadi workers. They are all awakened now.

In the India International Centre, our Chairman Organised a meeting of all the voluntary organisations of women and there a lady from Haryana

came and explained her position very beautifully and the lady who contested the election in Ghaziabad said that she spent only Rs. 27,000/- in the election. What I am trying to say is that the people are determined and they do not want to go back now. Many people have been criticising us by saying that we are succumbing to only 33 per cent or one-third of the seats for women in Parliament and State Assemblies and we are not even demanding 50 per cent reservation for women. I said that there has to be an entry point. There are women in public life who always contest from general seats? This is my submission. So, I hope that you would take notice of these things.

श्री नीतीश कुमार: सभापति जी, अभी नेशनल वीमैन कमीशन की महिला सदस्यों के विचार मैंने सुने हैं। जहाँ तक वीमैन के एम्पावरमेंट का सवाल है इसमें कोई दो राय नहीं हो सकती है। उनकी मेधा का जहाँ तक सवाल है उससे भी कोई इंकार नहीं कर सकता है, लेकिन एक बात अभी मोहिनी गिरी ने कही कि औरत औरत में कोई अंतर नहीं है। मैं यह पूछना चाहता हूँ कि संसद में तो 39 सदस्यों में से 4 ओ॰बी॰ सीज की हैं लेकिन नेशनल वीमैन कमीशन में कितनी हैं?

श्रीमती मोहिनी गिरी: नेशनल वीमैन कमीशन में ओ॰बी॰सी॰ की महिलाएँ नहीं हैं।

SHRI NITHISH KUMAR: In the category of OBCs, the Scheduled Castes and the Scheduled Tribes are excluded.

श्रीमती पद्मा सेठ: हमारे एक्ट में एक एस॰सी॰ और एक एस॰टी॰ महिला का प्रोविजन है।

श्री नीतीश कुमार: ठीक है, पार्लियामेंट का ही एक्ट है और पार्लियामेंट का ही यह बिल है। जब पार्लियामेंट ने नेशनल वीमैन कमीशन के लिए एक्ट बनाया था तब ओ॰बी॰सी॰ का मामला नहीं उठा होगा लेकिन अब मजबूती से उठा है कि ओ॰बी॰सी॰ के लिए भी इसमें प्रोविजन होना चाहिये। एलाइड सबजेक्ट के लिए भी एस॰सी॰एस॰टी॰ के लिए प्रोविजन है ओ॰बी॰सी॰ के लिए नहीं है। सीलेक्ट कमेटी में यह बात आई है कि ओ॰बी॰सी॰ को भी नेशनल वीमैन कमीशन में रखा जाए।

अगर हम ओ॰बी॰सी॰ की तरफदारी करते हैं तो यह नहीं कि हम विमैन रिज़र्वेशन के विरोध में हैं। एक बात आपके द्वारा कही गई। हम कहते हैं कि एक तिहाई पापुलेशन के हिसाब से आप दे दीजिए। 49 प्रतिशत उनकी आबादी है तो 50 प्रतिशत महिलाओं को आरक्षण देना चाहिये। एक तिहाई के बारे में हमने कल पूछा था और मीटिंग में कहा था कि 50 प्रतिशत क्यों नहीं? विमैन के हर सैक्शन को रिप्रेजेंटेशन मिले क्योंकि अगर इनको हम प्रोवाइड नहीं करेंगे तो यह कहा जाएगा कि इसके लिए प्रोविजन नहीं है। एस॰सी॰एस॰टी॰ को रिज़र्वेशन देना आपकी मजबूरी है। ओ॰बी॰सी॰ की बात कोई आपसे कहे तो आप कहते हैं कि इनके लिए प्रोविजन नहीं है। आपके यहाँ एक मੈम्बर भी नॉमिनेट नहीं हुआ तो आप कैसे ऐश्योर करेंगे कि ओ॰बी॰सी॰ के लिए रिज़र्वेशन में प्रोविजन हो। आपने कहा कि महिलाओं की बहुत बड़ी संख्या देहातों में रहती है। कहीं भी आग लग जाती है तो महिलाएँ सबसे पहले आगे जाती हैं। यह ह्यूमन टेण्डेंसी है। कोई भी व्यक्ति वहाँ जाएगा। इसमें जेण्डर डिफरेंस नहीं है।

श्री राम नाईक: मुझे ऐसा लगता है कि हम उनसे सवाल पूछें और उस पर उनका रिएक्शन क्या है यह सुनें।

SHRIMATI MARGARET ALVA: Madam, the convention in the Committee functioning is that you have to ask questions through and

through. We have called the witness and if there are any specific questions, we could ask them. If there are any questions they will answer them. If everybody is going to speak on his or her own political philosophy, then there will be no discussion of any kind.

श्री नीतीश कुमार: अगर हम बैकग्राउंड ही बताएंगे तो वह रिपेक्ट किस बात पर कर पाएंगी।
सभापति महोदय: लेकिन इतना ज्यादा कहने की जरूरत नहीं है।

We are not here to convince each other. It is their opinion.

श्री राम नाईक: मेरा पाइंट ऑफ ऑर्डर यह है कि समिति की गरिमा इस बात में है कि हम उनके कहने के बाद जो प्रश्न उनसे पूछना चाहें, पूछें और प्रश्न के बाद वह उत्तर दें। यदि सदस्य आपस में इस प्रकार बहस करेंगे तो मुझे लगता है कि अच्छा नहीं होगा। मैं केवल इतना कह रहा हूँ कि हमें जो कहना है वह आपसे कहना है। उनसे सिर्फ प्रश्न पूछना है।

श्री नीतीश कुमार: मैं आपकी इजाजत से उनसे पूछ रहा था और दो सवाल हमने उनसे पूछे कि ओ०बी०सी० का रिप्रेजेंटेशन कमीशन में है या नहीं और नहीं है तो क्या स्थिति है।

MR. CHAIRMAN: I am saying only one thing. In our questions, we should be precise. If you do not mind, the normal practice is to start with the Chair. But it seems some of you are very eager. So, I will give you the chance. But please remember that we have certain questions which the Chair has to put in any case. First of all, he has asked Mohiniji.

MS. MOHINI GIRI: Madam, we do not have a member from OBC. It does not matter as women look after the interest of everybody. Man or woman does not make any distinction and even if there is no OBC member, it is not our fault. Rather it is the fault of the National Government and it is the fault of the Governments which have been governing for the past many years. Why this has not been taken into account earlier? It is a kind of question which should not arise now. The origin of OBC concept is very recent. The constituencies have been reserved for the SC/STs and the reservation for women is proposed now. There is no mention for OBC constituencies. Now, if it has to be provided, it can be thought of at a later date.

MR. CHAIRMAN: You have given your general impression about the Bill and certain other things. Please give your comments about the provisions of the Bill and whether you think that it is not enough or there is some difficulty about it. Do you have any recommendation regarding the provisions of the Bill?

MS. MOHINI GIRI: I think that the Bill should be introduced without any further delay and if there are any amendments, they could be thought of later on.

MR. CHAIRMAN: So, in your opinion, the Bill, as it is, is a comprehensive one and you have not found any technical lacuna or loophole at the moment.

श्री मुख्तार अनीस: मुझे एक जानकारी चाहिये। यहां हम सब लोग महिलाओं के अधिकारों की

रक्षा के लिए और उनके संसद में प्रॉपर रिप्रेजेंटेशन देने के लिए बैठे हैं, इस पर कोई दो राय नहीं है। हमारे और आपके बीच में विचारों का मतभेद हो सकता है। जैसा कि नीतीश कुमार जी ने सवाल उठाया 33 प्रतिशत रिज़र्वेशन देने का जो सवाल है यह अगर 50 फ़ीसदी भी हो जाए तो हमें ऐतराज नहीं है।

लेकिन उनके साथ न्याय होना चाहिये। यह मेरी समझ में नहीं आया कि इसमें एस०सी०एस०टी० महिलाओं का नाम तो है, लेकिन बैकवर्ड महिलाओं को इसमें बिल्कुल छोड़ दिया गया है। हम चाहते हैं कि बैकवर्ड महिलाओं को भी इस बिल की परिधि में लाना चाहिये, उन्हें भी पार्लियामेंट में आने का अवसर मिलना चाहिये और मुस्लिम महिलाओं के लिए भी इस बिल में व्यवस्था होनी चाहिये वरना इन लोगों का बहुत ज्यादा नुकसान हो जाएगा। इस संबंध में आपकी क्या राय है?

MR. CHAIRMAN: The question has been raised about Scheduled Castes and Scheduled Tribes reservation that in the light of the present percentage it should be taken into account. What is your opinion? What do you think the Government should do? Should we have to include them in this Bill or first we have to carry out a survey and then include them?

MS. MOHINI GIRI: It is a very sad reflection that when women, who have been deprived of everything for years and years and years, are getting a chance to have a Bill to be introduced, we are bothering about small deviations, specially when women themselves are not saying that they are divided. They are saying that they are the friends of the OBCs, they are the friends of the SCs and STs and they are the friend of everybody. We would like every section of women to be represented in Parliament. Why not? They have a right, and they are the citizens of this country. But the point is that if we delay this Bill any more, it will never see the light of the day.

SHRI P.N. SIVA: It is not denied.

MS. MOHINI GIRI: Today, with all your efforts, if this kind of a Bill is introduced in Parliament, whatever lacunae, whatever loopholes there are, we can rectify them at a later stage. But please do not delay this Bill to be made into an Act. That is the plea of the National Commission for Women. All Indians are equal and there is nobody which is not equal. We want their representation very much. The only thing is that we do not want any delay.

MR. CHAIRMAN: Are you satisfied with the provisions of the Bill as it stands now?

MS. MOHINI GIRI: Yes.

MR. CHAIRMAN: Please state what steps could be taken to ensure that, assuming that this Bill would be passed by the time the elections are held under the proposed provisions of this Constitution Amendment, enough women representatives come forward to contest elections to the Lok Sabha or State Legislative Assemblies? What efforts do you think should be made?

MS. MOHINI GIRI: Women are ready even today and there is no need for any effort to be made for that. In every field, women are there. The moment it is done, they will come into the field without money, power and without muscle power.

MR. CHAIRMAN: The question of representation has come. What is your opinion with regard to the question of representation? How the constituencies will rotate? You know about the panchayat system. What system do you think we should follow in this regard?

MS. MOHINI GIRI: The National Commission had a long debate all over the country on the question of rotation. The women's movement strongly feels that this rotation should be reviewed after a certain time when the women become capable; they will come to a stage when they do not need it any longer. This rotation can be considered at that time.

SHRIMATI MARGARET ALVA: Women are not in one constituency, they are in all constituencies. What the Chairman wants to know is for what period a constituency should be reserved and then rotated. You cannot put that off indefinitely.

MS. MOHINI GIRI: The women's movement strongly feels that it should be for not less than ten years. In spite of that, they also said that this should be reviewed. We should have the option because we may need fifteen years to come up to that stage.

MR. CHAIRMAN: You are suggesting two terms.

श्री सुरशील कुमार संघाजीराव शिंदे: हम इस बिल का समर्थन करते हैं और चाहते हैं कि महिलाओं को प्रतिनिधित्व मिलना चाहिए लेकिन मैं आपसे दो प्रश्न पूछना चाहता हूँ। आपकी राय बहुत अच्छी है कि महिलाओं को दो टर्म उपलब्ध होने चाहिए और कल हम यही बातें कर रहे थे के दो टर्म देने चाहिए, मैं इससे सहमत हूँ और इसके लिए आपको धन्यवाद देता हूँ मसला यह है कि जब हम समाज के वीकैस्ट अंग को आगे लाने की बात बोलते हैं, हमारे संविधान में कास्ट-बेसिस पर रिजर्वेशन देने की व्यवस्था की गई है और आज हम जैडर के आधार पर रिजर्वेशन देने की व्यवस्था करने जा रहे हैं, महिलाओं को रिजर्वेशन देने जा रहे हैं। संविधान में विशिष्ट योग्यता से हमने रिजर्वेशन दे दिया है। आपका सहयोग महिलाओं के उत्थान के लिये काम कर रहा है और उसका मत है कि आदिवासी, अनुसूचित जाति और जनजाति की महिलाओं को ज्यादा प्राधान्य देना चाहिए ताकि वे दूसरी श्रेष्ठ जाति की महिलाओं के बराबर आ सकें।

यह आपका भी प्रथम कर्तव्य है और आप भी मानती हैं कि जब संविधान में एक नया संशोधन (अमेन्डमेंट) करने जा रहे हैं, तो जो रिजर्वेशन कास्ट बेसिस पर लगा हुआ है, उसमें आप यह रिजर्वेशन क्यों डाल रही हैं? मेरा पहला प्रश्न है और दूसरा प्रश्न यह है कि जनरल बेसिस पर, सीक्स बेसिस पर यह नया एक्ट आ रहा है जिससे महिलाओं को ज्यादा रिजर्वेशन मिलेगा। उसमें कोई पार्टी देती है कोई नहीं देती है, यह बात नहीं है,

The first point is reservation of SCST and OBCs. The second point is about general representation. You are getting more representation to ladies. Why are you calculating on percentage basis? If you can get more

representation from this amendment including reservation to ladies, why should you not support it?

SHRIMATI PADMA SETH: As far as SCs and STs are concerned, they are already categorised as per the Constitution and we welcome it. We are only being represented on gender basis within which even the SCST women are not being represented fully. That is why, we quoted those numbers. But all of them, SCSTs and OBCs put together, are quite a sizeable number. They are also included. We do not want anyone to be outside the pale of this one-third. We are not going to divide women into various sectors. But if it is insisted upon, we are not responsible for this division on caste basis. It is an established norm which is already provided in the Constitution and it is legal. We are agreeing to this one-third without commenting anything because we are very keen that this one-third should come through as a constitutional amendment. Later on, it becomes a State Act and many nuances can be introduced. So, we welcome this provision. We have no distinction. But we abide by the Constitutional requirement.

SHRI SUSHIL KUMAR SAMBHAJIRAO SHINDE: This is Constitution amendment and it is going to come into existence. My point is you should have more representation.

SHRIMATI PADMA SETH: We saw in newspaper some critical statements of even reducing from 33 per cent. to 15 per cent.

SHRI SUSHIL KUMAR SAMBHAJIRAO SHINDE: You do not go by the newspaper. The Bill is before you.

SHRIMATI PADMA SETH: We stick to 33 per cent, one-third, because we are very confident that we can get seats on the same basis in the other general contests also. Those who want to have protection under this category are free to have it. Those of us who do not have protection continue to contest from the general seats.

SHRI SHARAD PAWAR: We heard from Chairperson of the Commission. The conclusion was that you should accept the Bill as it is and we should try to pass without making any changes in it. The hon. Member has rightly raised the issue of rotation. The Commission has also briefed us on this subject. They are quite serious about reservation. Reservation has to be there for SCSTs and OBCs in Vidhan Parishad. Probably for the first time when the country is seriously considering providing 33 per cent reservation to 50 per cent of the population, it should not be delayed and that seems to be the fear in the mind of the Commission Members. One pertinent question was raised by the Chairperson "Is there any technical issue involved in this Bill?" and the reply is that there is no technical issue. Generally, I would like to communicate, but by and large, this Committee is not against reservation. That is the general view. But

this Committee do feel that this is a Constitution amendment and in Constitution amendment, we should go very carefully.

I will just refer to one small provision. If you see the draft Bill p.2 paragraph 3, this is regarding reservation of the seats for women in Legislative Assembly. Article 333A is for House of the People and Article 332A is for State Assembly. In article 333A Clause (4), it is mentioned "Provided that nothing in the State shall apply in relation to the State so long as the number of seats allotted to such State is less than three." There are certain States where there are Parliament seats and, that is why, in Nagaland and Goa, Law Ministers succeeded to include this provision because there are two seats in Goa. There is a specific provision for Lok Sabha. Provision is also kept here for Vidhan Sabha. There is no single Assembly in the country where less than three Members are there. So, I do not know why this particular provision is made for Assembly. It looks like careless drafting. I do not want a single wrong drafting which will ultimately create problems. Tomorrow anybody can go to the court and raise this issue and try to bring some obstruction. There are some technical problems and if these technical problems are there, we should try to remove them and make a recommendation to Parliament. Then Parliament will definitely take a decision. I raise this particular subject because the National Commission on Women is a supreme Body of women. At an India level, we have got lot of bureaucrats and others. They must have gone in detail into it. This particular technical mistake might create some problem. But I am surprised at the reply which came from Chairperson that there is no technical issue.

Do you want to say anything on that?

MRS. MOHINI GIRI: We had noticed this flaw in this Bill. We said that wherever there are three Members, we should have a provision of one. That is there in the draft Bill in our hand. These are technical matters which, I was told, the Ministry of Law will look into and they will rectify the flaw.

SHRI SHARAD PAWAR: It should have been brought to their notice. Do you agree with me?

MRS. MOHINI GIRI: We agree with you.

श्रीमती मालती शर्मा: मैं एक-दो पॉइंट रखना चाहता हूँ। हम जो बार-बार डिबीजन की बात कर रहे हैं कि ओ० बी० सी० का अलग हो या औरो का अलग हो। इस तरह से हम महिलाओं को बांट रहे हैं। मेरा सुझाव यह है कि महिलाओं में इस तरह का भेदभाव नहीं होना चाहिए। महिलायें आखिर महिलायें हैं और ऐसा मानकर ही हम उनके लिए रिजर्वेशन करें। दूसरा, आप जो दो टर्म के रिजर्वेशन की बात कर रही हैं, उससे मुझे ऐसा लगता है कि जनता को और कैडीडेट को न तो काम करने की रुचि होगी और न ही जनता संतुष्ट होगी। हम अभी भी देखते हैं कि इतना काम करने के बावजूद भी जनता में कुछ न कुछ आवाज उठती रही है कि यह काम नहीं हुआ या वह काम नहीं हुआ। अगर आपने दो टर्म का रिजर्वेशन कर दिया तो उसके बाद यह होगा कि न तो उस व्यक्ति की रुचि होगी कि वह उस क्षेत्र का डेवलपमेंट करें क्योंकि उसे लोगो

कि दो टर्म के बाद यहां से चले जाना है तथा पब्लिक भी उससे संतुष्ट नहीं होगी। इसलिए यह टर्म का रिजर्वेशन और विशेष रूप से महिलाओं में डिवीजन करना आदि दोनों विषयों पर विचार किया जाना चाहिए।

श्रीमती मोहिनी गिरी: पूरे देश में हमने इसके लिए महिलाओं के व्यूस लिये हैं। बहुत सी महिलाओं का कहना है कि यह दस वर्ष तक रहना चाहिए लेकिन कुछ महिलाओं ने कहा है कि दस साल बाद इसे रिव्यू करें। यह दोनों बातें एक ही हैं। इसके बारे में मैंने पहले ही कह दिया था।

श्रीमती मालती शर्मा: दूसरी बात ओ०बी०सी० का एस०सी०एस०टी० का जो डिवीजन करने की बात कर रहे हैं वह नहीं होना चाहिए। मैं कहना नहीं चाहती थी, आज भी हिन्दुस्तान में कुछ बहनें हस्ताक्षर न कर सके। पार्लियामेंट गरिमा का स्थान है जहां सम्पूर्ण देश के लिए विचार किया जाता है। ऐसी स्थिति में मैं यह समझती हूँ कि यह डिवीजन नहीं होना चाहिए। मेरा यह कहना है कि कितनी महिलायें इसमें भाग ले सकेंगी, पार्लियामेंट की गरिमा को निभा सकेंगी, उसके नियम और कानून के अनुसार चल सकेंगी?

श्रीमती मोहिनी गिरी: पार्लियामेंट की गरिमा अगर कम होती है तो वह पुरुष के द्वारा कम होती है, महिलाओं के द्वारा नहीं। मैं यह मानने के लिए तैयार नहीं हूँ। महिलाओं को बांटने की कभी चेष्टा नहीं की गयी और न ही करेंगे। महिलायें सब एक हैं। तीसरी बात हस्ताक्षर की है। क्या आपने यह आंकड़े लिये हैं कि कितने पुरुष हस्ताक्षर नहीं कर सकते?

श्री राम कृपाल यादव: मैं एक-दो प्रश्न पूछना चाहता हूँ। अभी आपने आंकड़े बताये थे कि ओ०बी०सी० की चार महिलायें हैं या 15 प्रतिशत एस०सी०एस०टी० की हैं आदि। आपने इस बारे में काफी अध्ययन किया होगा लेकिन मैं यह जानना चाहता हूँ कि दसवीं लोक सभा तक ओ०बी०सी० और दूसरी केटेगरी की महिलाओं का प्रतिनिधित्व क्या था? दूसरी बात यह है कि जो बिल आया है, उस पर पार्लियामेंट में कई तरह की बातें, कई तरह की भावनायें रखी गयी थीं। इन सारे मुद्दों पर चर्चा करने के लिए यह सलैक्ट कमेटी बनी है। इसमें यह भी मुद्दा उठा था कि ओ०बी०सी०, तथा अन्य माइनोरिटीज की जो महिलायें हैं। उनको प्रतिनिधित्व मिले जो महिलायें गांव में रहती हैं अगर उनको इसमें प्रतिनिधित्व नहीं मिलेगा तो यह महिलाओं के साथ बड़ा अन्याय होगा। आपने अपने भाषण में कहा कि उन्हें नहीं देंगे तो आप उनको यह आरक्षण क्यों नहीं देना चाहते? श्रीमती मोहिनी गिरी पहले प्रश्न के लिए हमने आप सबको एक पुस्तक दी हुई है जिसका शीर्षक है—“Development of Health Facilities Among Women Belonging to Scheduled Tribe Communities.” इसमें हमने कई वर्षों के पूरे आंकड़े दिये हैं। इसे मैं दोहराना नहीं चाहती। आप सब उसे देख लीजिये। दूसरे प्रश्न का उत्तर आपने गलत समझा। मैं कभी भी नहीं कहूंगी कि आरक्षण उन महिलाओं को नहीं दिया जाना चाहिये। मैं यह कह रही हूँ कि महिलायें जितनी भी हैं, वे सब एक हैं। मैंने कभी नहीं कहा कि सब महिलाओं को आरक्षण न दिया जाये। सब महिलाओं को आरक्षण दिया जाये। अगर आप चाहती हैं कि सब क्लास की महिलाओं को प्रतिनिधित्व मिले तो फिर इसे कानूनी दर्जा क्यों नहीं देना चाहती?

श्रीमती मोहिनी गिरी: हमारे देश को आजाद हुए 50 साल हो चुके हैं। अगर हम इस बिल में थोड़ी सी भी देर करेंगे तो यह हमारे हाथ से छूट जायेगा। मैं कह रही हूँ कि आप इसको जल्द लीजिये। उसके प्रावधान हम बाद में कर सकते हैं, लेकिन इस समय इस बिल को ऐसे ही प्रस्तुत करके पास किया जाये।

श्री मुख्तार अनीस: हमारे सामने दो महिलायें बैठी हुई हैं। आपने बहुत ही अच्छा कहा। मैं आपको धन्यवाद देता हूँ लेकिन क्या आप ऐसा महसूस नहीं करती हैं कि अगर ओ०बी०सी०, एस०सी०एस० टी० तथा अन्य क्लास की महिलाओं को रिजर्वेशन नहीं मिलेगा तो पार्लियामेंट में रिजर्वेशन देने की हमारी जो योजना है, उसका मंतव्य पूरा नहीं होगा।

दूसरी बात, क्या आप ऐसा नहीं महसूस करते कि सचमुच जो ऊंचे तबके के लोग हैं, जिनके पास समाज की हर चीज मौजूद है, वे अलग-अलग क्षेत्र से लड़कर अपना क्रेटा नहीं बढ़ाएंगे?

श्रीमती मोहिनी गिरी: मैं आपसे सहमत हूँ। मैं कहती हूँ कि उनको जरूर देना चाहिए लेकिन तब जब पुरुषों का भी ऐसा हो। जिस दिन पुरुषों के लिए ऐसा कर देंगे उसी दिन महिलाओं के लिए भी हो जाएगा।

श्री राम नाईक: मेरा नाम राम नाईक है और मैं उत्तर मुम्बई से लोक सभा का सदस्य हूँ। मैं सम्मति हूँ कि यह मैमोरेंडम आपने कमेटी के लिए बनाया है। मैमोरेंडम के पांचवें पेज के लास्ट पैराग्राफ में आपने लिखा है—

It is mentioned that to conclude 33 and 1/3 per cent reservation of seats for women who constitute fifty per cent of the population has to be ensured and the Bill should be passed by 18th November, 1996.

पार्लियामेंट का सेशन कब होगा, पता नहीं। यदि 18 तारीख से पहले पार्लियामेंट नहीं बुलाई जाएगी तो यह कैसे पास होगा। आपने इसके बारे में क्या सोचा है? जल्दी पास होना चाहिए, यह हम मानते हैं और वह उचित भी है लेकिन यदि इतनी बड़ी आर्गनाइजेशन आए तो थोड़ा अटपटा लगता है। How can it be passed?

श्रीमती मोहिनी गिरी: यह तो महिलाओं का सवाल था कि जल्दी से जल्दी करें। हम इसे रोक नहीं सकते।

श्री राम नाईक: कोई सलाह देने की बात नहीं है लेकिन आपका इस बात से ही विरोध है।

श्रीमती मोहिनी गिरी: नवम्बर में ही हो जाएगा।

SHRI RAM NAIK: Do not take that lightly.

SHRIMATI MOHINI GIRI: We are not taking it lightly.

श्री राम नाईक: आपका इस बात से ही विरोध है कि सम्मति बनाने में देरी करने वाली बात है। इसलिए यदि देश में इस विषय पर सहमति बनानी है। और उसके बाद यह हो सकता है तो इस बात को ध्यान में रखते हुए थोड़ा स्लो जाने की दृष्टि से आगे क्या धूमिका निभाना चाहते हैं?

श्रीमती मोहिनी गिरी: हम चाहते हैं कि अब यह बिल रुके नहीं और किसी न किसी प्रकार से इस सेशन में इंट्रोड्यूस होकर इस पर जल्द से जल्द कार्यवाही हो। हमने पूरे देश में मीटिंग्स बुलाई हैं, रोज मीटिंग्स हो रही हैं। यह इसलिए हो रहा है ताकि किसी भी क्षेत्र की कोई बहन यह न कहे कि हमसे नहीं पूछा गया। हमने यह सोचकर 18 तारीख रख दी थी कि यदि सेशन शुरू होगा तो किसी न किसी तरह से डेट बताएंगे। और कोई कारण नहीं था।

श्री राम नाईक: एक तो रोटेशन और दूसरा आरक्षण कितने समय के लिए रखना है, यह दो अलग-अलग बातें हैं। रोटेशन का मतलब एक ही सीट में 2-3 बार किया जाए। दूसरी बात पीरीयॉडिसिटी की है कि आरक्षण दस साल के लिए रहे या पंद्रह साल के लिए रहे। यदि एक सीट से कोई बहन चुनकर नहीं आई तो क्या दूसरे समय में वह सीट जनरल हो जाए और मान लो मैं जहाँ से चुनकर आया हूँ वह सीट महिला की हो जाए तो क्या यह रोटेशन हर बार चलेगी?

श्रीमती मोहिनी गिरी: हमने राष्ट्रीय महिला आयोग में दो मुद्दे उठाए और इसके बारे में हर जगह बात की। हमने देखा कि एस०सी०, एस०टी० के लिए जो सीट रखी गई थी, 15-20 साल से उसका रिज्यू नहीं हो पाया है। शीड्यूल्ड कास्ट्स वाली कान्ट्रीटूऐसी कई सालों के बाद भी बैसे ही रह गई। हमने सोचा कि ऐसा क्यों हुआ कि एस०सी०, एस०टी० की सीट का रिज्यू नहीं हुआ। तब हमें बहनों ने बताया कि आप अभी ऐसा कोई टाइम न बताएं। कम से कम दो रोटेशन होने चाहिए, उसके बाद रिज्यू

की स्थिति रखिए। हमने शुरू में यही बताया कि हम दो टर्म कहते हैं लेकिन तब भी रिज्यू का अधिकार रखते हैं।

दूसरा आपने पूछा कि रिजर्वेशन कब तक रहेगा। भारतीय महिला की स्थिति देखते हुए मुझे उम्मीद है कि बीस साल बाद इस तरह के रिजर्वेशन की जरूरत नहीं होगी क्योंकि हमारे पास अभी भी इतनी ताकत है कि हम कर सकते हैं। अब पंचायती राज की महिलाएं तैयार होकर कल इसी पार्लियामेंट के लिए खड़ी होंगी। हमने उम्मीद है कि अगले बीस सालों में यह पूरा हो सकता है।

SHRI JAYANT KUMAR MALHOTRA: I am very much impressed with the amount of work and the extent of research that has been taken up by the National Commission for Women. Arising out of your initial comments, I have two comments to make. I would like you to enlighten the Committee because you must have done some research. There are two specific area I would like to enlighten. India is, in relative terms, a young democracy. Fifty years in the life of a nation is not really much. There are other more matured democracies in the world. I would like to be enlightened about what these matured democracies have done across the world about the empowerment of women in their legislatures.

Secondly, again arising from your initial comments, you mentioned the fact that perhaps, in India, men suffer from some complex and that is why, this empowerment has not been given. I just want to know whether some research has been conducted by your eminent organisation on the level of complexes suffered by men in other countries where this empowerment has not been given to the men.

SHRIMATI MOHINI GIRI: About your first question whether we have done a survey of other countries, yes, we had been to Sweden, we had been to Germany, we had been to the United States and we have collected data. And the Beijing Conference clearly showed that in spite of economic, political and social emancipation, the lot of the women had been backward. In these western countries also, where democracy is older than ours, the same is the reason. Then we tried to find out the reason why these democracies have not given representation to women. It is not that women were not talented. But it is a kind of psyche where a man thinks that this is the men's world. It is the opinion of the study that we have conducted in these various countries. The same thing has happened in India where men think that it is their prerogative to rule and women are just the house-keepers. Today, they are relegated to a back seat.

That is the reason why they are not coming out.

SHRI JAYANT KUMAR MALHOTRA: Therefore, you concur that even in the matured democracies, there has been no

empowerment of women in terms of reservations in their national legislatures or the State legislatures.

MS. MOHINI GIRI: Some countries have done it. For example, Germany has done it. Germany has a quota in the Party itself. They have citizens' quota in Germany.

SHRI JAYANT KUMAR MALHOTRA: What is the ratio of the quota?

MS. MOHINI GIRI: Fifty per cent reservation is there for women. In their Constitution also, there is an equality. Similarly, the American Constitution guarantees equal representation for women but unfortunately, it has not been so in reality.

Here, our Constitution also guarantees equal representation but we have not been able to get through.

SHRI JAYANT KUMAR MALHOTRA: I was told — may be I am wrong — about 50 or 78 years ago, American did not have vote for women.

MS. MOHINI GIRI: It is true.

SHRI JAYANT KUMAR MALHOTRA: Therefore, you also accept it, despite being relatively young democracy in terms of democracies around the world. You also concur that level of complexes that Indian man is suffering is certainly not higher than that is being suffered by men in other countries.

About this Bill, I would say that we must feel proud today that we Indians are introducing the Bill this time. Do not think that I am not getting into the merits of the Bill.

MS. MOHINI GIRI: I am proud to be an Indian.

SHRIMATI MARGARET ALVA: Madam, Chairman, with your kind permission, I would say that South Africa has become independent for just two years and they have also given 50 per cent reservation straightaway for women. They are much younger democracy than us. They say, they were very much influenced by Mahatma Gandhi.

MS. PADMA SETH: May I answer Shri Jayant Malhotraji? Is it any justification that these are all very matured democracies and they also do not have this reservation for women in reality. When we went to Germany we found that they are having equal representation in the political parties especially the greens and social democrats in India so far it has not been done. We were told to do what our Governments have done so far. Even yesterday, the American Ambassador in Austria called for a meeting and was surprised that we already have 33¼% reservation for women in PRIs & Municipalities. Regarding the reservations to women she said they are looking forward to our Bill to be passed. So, this is no justification that we are a young democracy and therefore it has not been done here so far.

SHRI JAYANT KUMAR MALHOTRA: I was not trying to justify but I was trying to understand the prevailing situation. May be it was quite enlightening to other Members also as to what is the situation around the world.

MS. MOHINI GIRI: The National Commission is being congratulated all over the world for bringing this Bill to Indian Parliament about women's reservations.

श्रीमती चन्द्रकला: मैं अपनी ओर से और अपने दल की ओर से चाहती हूँ कि इस बिल को यथावत पास किया जाए, वरना बहुत देर हो जाएगी। क्या आपने विविध स्तरों पर सर्वे किया है और जो प्रमुख महिला संगठन हैं, क्या आपने उनके प्रतिनिधियों से बात की है और इसके बारे में उनकी राय जानी है?

श्रीमती मोहिनी गिरि: मैंने आपको जो दस्तावेज दिया है, उसमें यह सब कुछ है।

श्रीमती चन्द्रकला: क्या उन संगठनों के प्रतिनिधियों का भी साक्ष्य लेना आवश्यक है?

श्रीमती मोहिनी गिरि: आप चाहे तो ले सकती हैं। मैंने उनके विचारों को उस दस्तावेज के साथ संलग्न किया है।

श्रीमती चन्द्रकला: आपके परामर्श पर इस बिल का पास होना या न होना, काफी निर्भर करता है। इसलिए जो भी मुश्किलें हैं, उस पर अपनी राय दें। हम नवम्बर के अंत तक इस बिल को पास करना चाहते हैं।

श्रीमती मोहिनी गिरि: जहां तक तकनीकी मामलों का प्रश्न है, उसके हल के लिए विधि मंत्रालय में जाना ही पड़ेगा, लेकिन हम भी अपनी राय देंगे, हमारे पास भी लीगल एक्सपर्ट्स हैं।

SHRIMATI MEIRA KUMAR: First of all, I want to congratulate Mrs. Mohini Giri and her colleagues. They are doing a wonderful work in the Commission and coming up with a very good Paper. We all feel very proud as a country we are the pioneers in empowerment of women. As is our practice, we began by empowering at grassroot level. It is always a practice to tackle the problem at grassroot level and in this country also we began with the *Panchayats* and local bodies in the villages where the women, who have really been deprived, live. I was there in the United Nations about two years back and I received many congratulations for enacting the Panchyati Raj Bill. We were congratulated for giving 33 per cent reservation to women. Woman was thought by everybody to be a good for nothing, an illiterate and as one who lived in *Parda*. Woman in the eyes of many was not in a position to either take decision or conduct administration. By empowering them we have created a sort of nursery where leadership of women will be drawn and would eventually be prepared to take up leadership at State and national levels. I feel very proud that we initiated it in India.

Mr. Jayant Malhotra wanted to know the position in other countries. It is very interesting.

MR. CHAIRMAN : Meiraji, if you do not mind, we are short of time. Please come to the point.

SHRIMATI MEIRA KUMAR: Right, Madam.

I just wanted to say this because how happy we all are. Apart from being a woman, I have also come from a special group which is further deprived. I am sorry, I have taken a little more time. I wanted to just dwell on this because it is really very strange and interesting that those countries, which are very advanced have not been able to build up women, female leadership whereas the Indian contingent which is otherwise backward has thrown out so many women leaders.

Perhaps our own social structure and the family structure where the mother figure or the patriach or the elder sister figure is so powerful that we have been able to do so. Whenever there is a debate or some kind of skepticism that women will not be able to come forward and we will not be able to have enough women candidates, I think this argument becomes futile in the context of our own social structure where women can come forward and have been coming forward and taking up the leadership.

So far as this Bill is concerned, there is a certain lacuna. I want to pinpoint specially in so far as reservation for SC/ST women is concerned. It says that it is discriminatory. It says that only those States which have three or more reserved seats for SC/ST will be able to fill up a reserved seat by SC/ST woman. What happens in those States which have less than three reserved seats? Are we not discriminating? There are such States where there are less than two reserved seats. Our Bill has not gone into those aspects.

SHRIMATI MOHINI GIRI: Where there are three seats, one will go to the woman. Where there are only two seats, one will go to the woman.

SHRIMATI MEIRA KUMAR: You have to be specific and make a provision. You have to give it a thought and come up with a proposal. I want to know what is the proposal.

SHRIMATI PADMA SETH: No State should go unrepresented. Wherever it is only there or even two seats, women should have at least one seat. Some other Members have asked about States where there is only one seat. In that case it can be by rotation — once represented by a man and next time represented by a woman.

SHRIMATI MEIRA KUMAR: The Committee should deliberate on it and come up with a concrete proposal. They have given their idea. We will deliberate these questions.

श्रीमती जयवंती नवीनचन्द्र मेहता: महोदय, सच पूछिए, तो इन्होंने बहुत परिश्रम करके रिपोर्ट तैयार की है, इस के लिए हम आप लोगों का स्वागत करना चाहते हैं। करीब-करीब आपके सभी विचारों से हम लोग सहमत हैं। मैं पूर्ण रूप से सहमत हूँ, लेकिन मेरी दो शंकायें हैं, जिनके बारे में आपसे जानना चाहती हूँ। यह एक सामाजिक समस्या है। जब यह एक सामाजिक समस्या है, तो हमको इस समस्या में से ही रास्ता निकालना है। रास्ता निकालते समय अलग-अलग स्त्री-पुरुष का विचार नहीं होना चाहिए। यह देखने में आया है कि पिछले कुछ वर्षों में महिलाओं में कुछ उदासीनता आई है। इस उदासीनता को

दूर करने के लिए हम इस बिल, के माध्यम से कैसे इन लोगों में जागृति लायेंगे, आरक्षण होने के बाद भी क्या आपने कोई योजना बनाई है, मैं इस बारे में जानना चाहती हूँ?

दूसरी बात, कहा जा रहा है कि इस पर चर्चा होनी चाहिए। लेकिन मैं कहना चाहती हूँ कि इस बिल का पास होना इच्छाशक्ति पर निर्भर करता है। जब तक इच्छाशक्ति पूरे संसद में नहीं बनेगी, तब तक यह कैसे पास हो सकता है। इस लिए इसके टालने की बात नहीं कहनी चाहिए। अगर यह बिल इच्छाशक्ति से पारित होता है, तो मैं कहना चाहती हूँ कि हम चौबीस घंटे इस पर चर्चा करने के लिए तैयार हैं। मैं यह भी कहना चाहती हूँ कि पुरुषों की मानसिकता में बदलाव करने के लिए बिल के पारित होने में संकट का सामना करना पड़ेगा। मान लीजिए, बिल पारित हो गया, लेकिन पुरुषों की मानसिकता में परिवर्तन नहीं हुआ, तो इस बारे में भी विचार करने की आवश्यकता है। इस लिए मैं जानना चाहती हूँ, क्या आपने इस बारे में भी विचार किया है?

तीसरी बात, हमने SC और ST के लिए आरक्षण से संबंधित बिल पारित किया कि उनको आरक्षण देना चाहिए। लेकिन आरक्षण के लिए आरक्षण बिल पास करेंगे, तो यह खोखलापन नहीं हो जाएगा। यह सही है कि महिलाओं को लाभ मिलना चाहिए, लेकिन यह लाभ उनको किस तरह से मिले, इस विषय में भी विचार-विमर्श करना होगा। क्या इस बारे में आपने मूल्यांकन किया है?

SHRIMATI MOHINI GIRI: You have given us an opportunity of telling you what the National Commission is doing. We have had sensitisation programmes for the judiciary, for the bureaucracy, for the Parliamentarians, for many other people where we find that the mind set of the man has to be changed. This is being done through NGOs and through other bodies.

दूसरी बात आपने कही कि आरक्षण तो कर दिया। क्या इस के लिए महिलाओं को तैयार किया—इसके लिए हम ने मैसिब-लीगल-लिटरेसी-कार्यक्रम पूरे देश में कर दिया है। अभी तक 88 कालेज की टीचर पूरे देश से बंगलौर में अध्ययन करने के लिए जा रही हैं। प्रत्येक कालेज में तीन हजार महिलायें पढ़ती हैं। कोशिश है कि 21वीं सदी तक हमारे देश की बच्चियां लॉ से वंचित न हों। उसके सरसरी तौर पर न्याय रूप क्या है, दहेज क्या है, अधिकार क्या हैं—ये सब चीजें मालूम हो जानी चाहिए। हम इन महिलाओं को वहां एजुकेट कर रहे हैं। हम लोगों ने पंचायती राज महिलाओं को भी चुना है, हम उनको भी अध्ययन करवा रहे हैं, जिससे कि वे अपने क्षेत्र में कम से कम शिक्षित कर सकें। शिक्षा के द्वारा ही बहुत सी चीजों को हम रोक सकेंगे। एक चीज यह भी है कि आजकल बम्बई, कलकत्ता तथा दूसरी जगहों पर बच्चियां दो रूप में बेची जाती हैं। जब वे शिक्षित होंगी, तो वे समझेगी और स्थिति से निपटने के लिए तैयार होगी। FIR लिखाने के लायक तो हो जायेंगी।

चौथा, छोटी उम्र में वे शादी नहीं करेंगे और अगर छोटी उम्र में शादी नहीं होगी तो पापुलेशन घट जाएगी।

I am sorry that I am deviating from the Bill, but I am answering her.

MR. CHAIRMAN: If you do not mind, you can send all these to her. I am quite appreciative of what you say. But the time constraint is also there.

श्रीमती जयवंती नवनिचन्द्र मेहता: पुरुषों की मानसिकता में परिवर्तन लाने के लिए क्या करना चाहिए?

SHRI HANNAN MOLLAH: That is not related to the Bill.

MR. CHAIRMAN: That is not part of the Bill.

डा० गिरिजा व्यास: मैं पहले तो आपको बधाई देती हूँ। इसके बाद मैं आपसे कुछ प्रश्न पूछना चाहती हूँ। अभी आपने पुरुषों की मानसिकता की बात की, यहां पर मेरा यह कहना है कि इन्होंने हमारा साथ देकर इस बिल को लाने की कोशिश की। यहां जो पुरुषों की मानसिकता की बात कर रहे हैं यहां मैं आपको बताना चाहती हूँ हम लोग कई बार गांवों में जाते हैं तो मानसिकता औरतों की भी बदलना जरूरी है। जब दोनों की मानसिकता बदली जाएगी तभी काम चलेगा। मैं पुरुष साधियों को भी बधाई देती हूँ कि इतना कम प्रतिशत होने के बाद भी इस बिल को लाए, बल्कि कई ऐसे हैं जो बिना डिसकशन के इसको पास करना चाहते हैं।

SHRIMATI MOHINI GIRI: There is no answer for that with me. I only have to agree with what she has said.

DR. GIRIJA VYAS: It was just a suggestion.

श्री नीतिश कुमार: इन्होंने यह जो लिखित पेपर सरकुलेट किये हैं। हम इस बात को इसलिए आपके नोटिस में ला रहे हैं क्योंकि इसमें दिया हुआ है,

"It is a shame that on the day the Bill was to be voted in Lok Sabha, majority of the men belonging to all political parties slipped out of Parliament just to avoid voting on the Bill."

SHRIMATI MARGARET ALVA: That was the opinion of the women's movement.

SHRI HANNAN MOLLAH: They should have observed some minimum dignity in expressing that opinion. It is not a place for playing. You cannot play with Parliament. We condemn that undignified opinion.

SHRI P.N. SIVA: If that had been the intention, the Bill would not have been introduced at all.

MR. CHAIRMAN: I believe, Nitishji, that they would withdraw that and we would demonstrate by passing the Bill.

श्रीमती मोहिनी गिरी: यह अंग्रेजी भाषा ठीक नहीं है। इसको जब हिन्दी में ट्रांसलेट करेंगे तो यह ठीक मतलब निकलेगा।

श्री नीतिश कुमार: मेरा यह कहना है कि आपने जब इनको बुलाया होगा तो पार्लियामेंट की तरफ से सारी बातें इनको गई होंगी। यह कोई पुरुष और महिलाओं की बात नहीं है। इस विधेयक को पुरुषों का व्यापक समर्थन है लेकिन इसमें कई चीजों को लेकर मतभेद हैं जिन पर बहस हो रही है। इसके खिलाफ कोई नहीं है। यह पार्लियामेंट के एप्रूवल से बनी हुई संस्था है, कोई ऐसी-वैसी संस्था नहीं है। यह चार्लंटेरी आर्गनाइजेशन नहीं है।

श्रीमती मोहिनी गिरी: देखिए, देश भर में कुछ ऐसे दौर निकले, हम लोग झुक गए कि क्या हो गया है। हमसे पूरे विश्व के लोग पूछने लगे कि यह आज पास नहीं हुआ है, यह छेद का विषय है।

SHRI NITISH KUMAR: I am not against the use of the word 'shame' alone; I am against the whole expression which goes on to say, 'majority of the men belonging to all political parties slipped out of Parliament just to avoid voting on the Bill'.

श्री राय नाईक: मैं इसमें रास्ता बताता हूँ। इन्होंने जो मेमोरैंडम में देना था वह इन्होंने दे दिया। हम उनका मूल्यांकन कर सकते हैं, उनको हम बाद में करेंगे।

This should not be circulated outside and it will not be circulated outside. That is why the Committee, in its magnanimity, should just include such things, Shri Nitish Kumar has expressed it strongly.

MR. CHAIRMAN: They will withdraw that and we can demonstrate our willingness by passing the Bill.

SHRIMATI MOHINI GIRI: We withdraw that.

MR. CHAIRMAN: That sentence will be removed. We will remove that sentence from the report and, I hope, you will also do it.

SHRI P.N. SIVA: Madam, as Mr. Nitish Kumar has said, you have accused us in the entire paragraph. If we did not intend to pass this Bill, why should we introduce this Bill at all? The male-dominated House has introduced the Bill and is going to pass the Bill. You must understand that we are trying to give you what has been denied to you all these years, at least in the form of Bill. There may be some delay and this delay is only to rectify the faults. We are going to make an amendment in the Constitution and that should be perfect. Let it not be taken to a court of law and banged there. Let me cite an example. India has refused to sign CTBT not because it is against the CTBT. But it does not want to sign it in the present form. In the same way in this Bill also we want to bring about some improvements. I would like to say that this has been denied to you for the last fifty years. For the past several years our party has been passing resolutions to this effect. In Tamil Nadu we have already enacted a law to enable the women to get share in the ancestral property. We have already provided 33 per cent reservation in Government jobs. Upto the elementary school levels all teachers must be women. Here we have provided for cent per cent reservation. In the recently concluded local body elections, we have given 33 per cent reservation to women. Have you ever insisted for all these things? I would like the Commission to seek the opinion of the consultants to evaluate as to how it works. That will help us enormously.

MR. CHAIRMAN: Please put the question.

SHRI P.N. SIVA: Since you are not able to tolerate this delay, could we assume that you are against reservation for OBCs.

SHRIMATI MOHINI GIRI: No, we are not against it. We said that all women should get the benefit of reservation.

SHRIMATI MARGARET ALVA: Madam, there are two or three things which have emerged. Have you ever made a meaningful assessment of the impact of the Panchayatiraj Amendment which brought about ten lakh women in the local bodies? Has the impact been positive on the status of women? What has been the impact of their performance as elected representatives in the local bodies?

मुझे याद है जब यह पंचायती राज संशोधन बिल लाया गया था उस समय मैं मंत्री थी।

When 33 per cent reservation was provided in Karnataka, 47 per cent of women have won from the general seats. Have you made any study as to what has been the impact of their performance? At that time our slogan was from 'Panchayat to Parliament'. But then because of some controversies, the then Prime Minister, Shri Rajivji said that let us start with panchayats. Let us see how it works and then move forward. It was not based on Mandal. It was purely on the basis of gender. The commitment of the Government at that time was, we will see how this works and then move forward.

इसके लिए मैं आपसे पूछ रही हूँ कि इसका कोई सिस्टम बनाना होता है या नहीं।

Statistics show that the representation of women in Parliament and Assemblies is going down in actual numbers. I would like to know whether the National Commission through its consultants has made any assessment as to why they are coming down. What is the reason that political parties are putting up less women? Is it because of the negative reaction to women in the Panchayats?

Another point which I would like to make clear is that it is not the view point of women's movement or the National Commission or any one of us in Parliament or anywhere that we are against the reservation for OBCs.

गंडल कमीशन में आपने जितना रिजर्वेशन मांगा था वह तो मिल गया।

At any time if the Parliament passes a law that OBCs must also have the reservation and the minorities should also have the reservation, we are not going to oppose it.

We are saying to give reservations even to the men. I will support Mr. Nitish Kumar.

ओबीसी का पोलिटिकल रिजर्वेशन होना चाहिए। आप शुरू करवा दीजिए, हम आपको सपोर्ट करेंगे। पर ऐसा मत करिये कि जहाँ महिलाओं का काम होने वाला है वहाँ भी हम पोलिटिक्स बीच में लाएंगे।

We are not opposing it, Madam. I would like the National Commission to clarify this for the Commission because there should be no misunderstanding. All of us have worked together. We are not opposing it. We are saying not to make it a part of the Bill. We are demanding it purely for gender. It already exists for SCs and STs. हमने कहा कि उसमें भी महिलाओं को एक-तिहाई रिजर्वेशन दे दीजिए। I hope this can be clarified.

MS. MOHINI GIRI: The National Commission entirely agrees with the third statement made by Mrs. Alva. As far as the first statement regarding assessment of the Panchayati Raj, the National Commission is doing it just now. In fact, we are in the process. The reports that have come before us

are very encouraging. In my opening statement, I have already mentioned about Uttar Kashi, Nagaland and other States where the study has already been done. As soon as the report is presented to the Ministry, it would be placed before the Parliament so that Members of Parliament can also know it.

आपके दूसरे प्रश्न के बारे में मैं कहना चाहूंगी कि पिछले साल जब इलेक्शन हुए थे तब हमने ऐसी आठ महिला प्रतिनिधियों की स्टडी करवाई कि स्टडी के कन्क्लूजन जो आए हैं वह भी मैंने बुक फॉर्म में आपको बांट दिये हैं। इनमें से यह नतीजा सरसरी तौर से निकला कि जहाँ पर भी महिला कैंडिडेट को सीट दी गई वह भी एक हारती हुई सीट दी गई। शुरु से ही सोच लिया गया कि जहाँ पुरुष नहीं जीते, वहाँ किसी महिला को दे दो। दूसरे यह देखा गया कि जहाँ-जहाँ महिलाएं खड़ी हुईं उनकी पोलिटिकल पार्टी ने उनको उतना पैसा नहीं दिया जितना उन्होंने पुरुषों को दिया। तीसरा जब, वह मैदान में उतर गईं तो उनकी पार्टी से सपोर्ट नहीं आया। स्वयं पार्टी वालों ने सपोर्ट छोड़ दिया यह सोचकर कि महिला को हम क्यों सपोर्ट करें। इन तीन मुद्दों के कारण बहुत सारी महिलाएं जीतकर नहीं आईं, यह स्टडी शो करती है। हम इसके भी सर्कुलेट कर देंगे।

श्री नीतिश कुमार: ये आठ महिलाएं किस पोलिटिकल पार्टी से हैं?

सुश्री मोहिनी गिरि: ये अलग-अलग हैं और इनका कन्सोलिडेटेड रूप तैयार हो रहा है वह एक हफ्ते में रिलीज हो जाएगा, वह भी हम आपको दे देंगे।

SHRIMATI MARGARET ALVA: In the last parliamentary elections, out of the seats they have given, women won about 33 per cent but men won only 25 per cent.

फिर भी बोलते हैं कि जीतने वाली महिलाएं नहीं मिलती हैं।

DR. JAGANNATH: We are happy that the National Commission for Women has come out with no much of work. But I am just wondering that there is no OBC member in your Commission. And you are saying that they are looking after it. It will not be a comprehensive one if all people are not represented in such type of activities. What is your action plan to get them into this? From the National Commission's side, there is no OBC member in the Commission itself and you have not taken any steps to rectify it.

MS. MOHINI GIRI: National Commission Act is made by the Parliament.

MR. CHAIRMAN: There is some misunderstanding on this point. In the very beginning itself, it is said that this composition is not by them. It is by the Government under the Act of Parliament.

DR. JAGANNATH: You are accusing them that they are opposing and that they are not giving the opportunity, I would put the same question to you. Once you lose the chance, what is the guarantee that you people will give the chance to OBCs.

MS. MOHINI GIRI: Why did the men be given a chance to do that for 58 years?

MR. CHAIRMAN: We have discussed this question five times.

MS. MOHINI GIRI: What is the action plan of men for the past 50 years? If you give an action plan, then, I will also give an action plan.

MR. CHAIRMAN: This question has been put and they have given the answer.

श्रीमती मारप्रेट आल्वा: नीतीश जी कह रहे हैं कि इनके स्टेट में महिला कमीशन बना दिया और उसमें सभी पुरुष सदस्य हैं। लालू यादव जी खुद उसके चेयरमैन हैं।

सुश्री मोहिनी गिरि: उसमें दस लोग सभी पुरुष सदस्य हैं।

MR. CHAIRMAN: Thank you all for being very patient and answering all our questions.

MS. MOHINI GIRI: We are going with the hope that all men are there to support the Bill and pass it. Of course, there are women to support it.

MR. CHAIRMAN: We conclude this meeting now and meet again on the 14th and 15th November.

[The witnesses then withdrew]

**JOINT COMMITTEE ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996
RECORD OF EVIDENCE TENDERED BEFORE THE JOINT
COMMITTEE ON THE CONSTITUTION) EIGHTY-FIRST
AMENDMENT) BILL, 1996**

*(Thursday, 14 November, 1996 from 15.00 hrs. to 17.00 hrs. Committee
Room 'D' Parliament House Annexe, New Delhi)*

PRESENT

Lok Sabha

Smt. Geeta Mukherjee—Chairperson

Members

2. Shri Mukhtar Anis
3. Km. Mamta Banerjee
4. Shri Ramakant D. Khalap
5. Smt. Meira Kumar
6. Smt. Sumitra Mahajan
7. Smt. Jayawantiben Mehta
8. Shri Hannan Mollah
9. Shri Ram Naik
10. Shri Sharad Pawar
11. Shri Vijay Bhaskara Reddy
12. Shri P.N. Siva
13. Smt. Sushm Swaraj
14. Dr. Girja Vyas
15. Shri Ram Kripal Yadav

Rajya Sabha

16. Smt. Margaret Alva
17. Shri Sushil Kumar Sambhijirao Shinde
18. Shri Chandrakala Pandey

SECRETARIAT

1. Shri J.P. Ratnesh—*Joint Secretary*
2. Shri J.P. Jain—*Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. Raghbir Singh — Additional Secretary
2. Shri P.L. Sakarwal — Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT)

Ms. Binoo Sen — Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF WELFARE

Smt. Gauri Chatterji — Joint Secretary.

WITNESSES EXAMINED

(I) Shrimati Pramila Dandavate

(II) REPRESENTATIVES OF THE RAMBHAU MHALAGI PROBODHINEE

Spokesmen

1. Dr. Sharayu Anantram, Former Reader, Deptt. of Sociology SNTD University, Mumbai
2. Dr. Medha Nanivadekar, Lecturer, Deptt. of Political Science and Centre for Women's Study, Shivaji University, Kolhapur.
3. Shri Vinay Sahasrabuddhe, Executive Director.

SHRIMATI PRAMILA DANDAVATE

[The witness was called in and he took his seat]

MR. CHAIRMAN: Let me, first of all, wish you all Happy Diwali.

Pramila Dandavateji does not probably require to introduce herself even though this is a practice.

Pramilaji is representing Janata Dal and she is General-Secretary of Janata Dal.

I welcome you all to this sitting of the Joint Committee of both the Houses. As you are aware the Constitution (Eighty-First Amendment) Bill, 1996 which provides for reservation for seats to the women in the House of People and the Legislative Assemblies of the States, has been referred to this Joint Committee for discussion and then to prepare a report for submission to Parliament. The Committee would like to hear your views on various provision of this proposed legislation.

(Direction 56 was read out)

श्रीमती प्रमिला दण्डवते: सबसे पहले मैं अपना परिचय करना चाहती हूँ। मेरा नाम प्रमिला दण्डवते है। मैं जनता दल की जनरल सेक्रेट्री हूँ और महिला आंदोलन से पहले से जुड़ी हुई हूँ। शुरू में भी यह चाहती थी कि महिलाओं को असेम्बली और पार्लियामेंट में रिजर्वेशन की जरूरत नहीं है। वह अपने बला पर ही सब कुछ प्त सकती है, इस प्रकार का विश्वास में रखती थी लेकिन अब मैं बदल

गयी हूँ। मैंने अपना जो मेमोरेंडम दिया है, उससे आपको पता चल जायगा मैं लोक सभा की भी सदस्य रह चुकी हूँ और उस समय गीता जी हमारे साथ थीं। हम लोगों ने मिलकर जो भी काम किया, उसके बारे में मैं थोड़ा सा जिज्ञास इस बिल की दृष्टि से करना चाहती हूँ। उस समय महिलाओं के जो भी इश्यू उठे, उस पर हम पार्टी की महिलायें चाहे वे रूनिंग पार्टी की हों या और किसी पार्टी की हों, सबने मिलकर उनको ठठाया। जैसे डाकरी केस हो, रेप के बारे में हो या रोजगार के बारे में हो, उन सब इश्यूज पर हम सब महिलायें एक होकर काम करती थीं। आज फिर एक बार सुखद अनुभव है कि सारी पोलिटिकल पार्टीज की बहनों ने महिलाओं के रिजर्वेशन के लिये जो कारण बताये हैं, वे कभी-कभी एक ही हैं। मैं अपने मेमोरेंडम के बारे में कुछ कहना चाहती हूँ। उसकी डिटेल् आपके पास है इसलिए मुझे ज्यादा बताने की जरूरत नहीं क्योंकि उससे समय ही खराब होगा। मुझे यह लगता है कि भारत में जो आम महिलाओं को राजनीति में प्रवेश मिला, उनको बड़े पैमाने पर जिन नेताओं ने इस देश की प्रमुख धारा में लाये, उसमें गांधी जी का बहुत बड़ा श्रेय है। मैं यह कहना चाहती हूँ कि अगर हम उन्हीं के कार्यक्रम पर चलते तो आज इतना महत्वपूर्ण बिल लाकर सलेक्ट कमेटी बनाने की जरूरत न पड़ती। महिलाओं का राजनीति में प्रवेश उनकी वजह से हो गया। दुनिया में कहीं भी महिलाओं को कुछ भी असानी में नहीं मिला। आप जानते हैं कि इंग्लैंड में सौ वर्ष पहले तक महिलाओं को वोट देने का अधिकार नहीं था। फर्स्ट वर्ल्ड वार खत्म होने के बाद 1917 में देश चलाने की क्षमता दिखाने से उन्हें वोट देने का अधिकार मिला। यह सफरजेट मुवमेंट का इतिहास था। और मैं आपको व्यक्तिगत रूप से कहती हूँ कि इस बिल की मेरे लिये कोई जरूरत नहीं है। पुरुष चाहे अनपढ़ हो, मानी बाबा हो, वह जीते या हारे, कुछ भी करें, उनके लिए भावी शिक्षा की आवश्यकता नहीं रही है। आज जो सवाल खड़े हुए हैं, उसका कारण यही है। मैं स्त्री-पुरुष की तुलना नहीं करना चाहती लेकिन पुरुष को लगता है कि राजनीतिक सत्ता हमारा अधिकार है। गांधी जी के आंदोलन में आजादी की जंग हुई। उसके बाद संविधान बना। संविधान में 14, 15, व 16 आर्टिकल इक्विलिटी के रहे। मुझे लगता है कि हमने इक्विलिटी के असली मतलब पर ध्यान नहीं दिया। आजादी के बाद हमारे देश में जो अलग अलग आंदोलन हुए जो महिलाओं को अधिकार देने के विरोध में थे, वे सब मजहब के नाम पर खड़े किये थे। महिलाओं को कोई भी अधिकार देने के लिए किसी की मर्जी कहाँ होती है? हम चाहते थे कि स्वांत्रता मिलने के बाद देश का नव-निर्माण करेंगे। एक नया देश बनायेंगे जिसमें हर व्यक्ति एक इंसान हो। जो देश सदियों से पीड़ित है, वह उससे मुक्त हो। हम नए कानून बनायेंगे जिससे महिलाओं को उचित स्थान मिलेगा सन् 1975 को जो रपट इंटरनेशनल वूमैन ईयर के नाम से पेश किया गया, उसमें कुछ खास बातें हम सब के सामने आयी कि 1947 के बाद महिलाओं का स्थान गिर गया। मैं यह कहना चाहती हूँ कि वूमैन आर्गनाइजेशन की ओर सिर्फ पर्दा का महिलाओं का संगठन समझकर देखने का मतलब यह है कि उनका आम महिलाओं से कोई संबंध नहीं। बैकवर्ड क्लास का इश्यू उसमें से निकला है इसलिए मैं पहले यह कहना चाहती हूँ कि हमारा आंदोलन मिडल क्लास ने लीड किया है।

We come from middle-class families but we always think of the women who have no voice. Those women who are invisible, they have been working and contributing for hundreds of years.

हमारी पत्निसी आम महिलाओं के लिए रही है। हम ने जो कुछ किया, यह अन आर्गनाइज्ड सेक्टर के लिए किया है।

Eighty nine per cent of the women come from the unorganised sector, most of them are self-employed.

हमारा प्रयास अभी तक उनके लिए रहा है और आज भी 33 परसेंट रिजर्वेशन की मांग उनके लिये ही

करते हैं। हम यह मांग इसलिए करते हैं क्योंकि बीमेन्स को कुछ प्रब्लम्स हैं। चाहे वे अपर क्लास की हों, अमीर हों, गरीब हों, अनपढ़ हों या एजुकेटेड हों, महिलाओं की कुछ समस्याएँ सम्मान हैं। हमारा यह विश्वास है कि महिलाएँ उन समस्याओं को अच्छी तरह से हल कर सकती हैं। पूरे देश के विकास के लिए महिलाओं को सोचने का जो ढंग है, उसका परिणाम हमारे देश की योजना के ढांचे पर होना चाहिए। लेकिन हमें लगता है कि शायद हमारे पुरुष सदस्य इसे नहीं समेंगे।

आज तक पुरुषों ने राज चलाया उनका विकास का परसेप्शन जैसे था, उनको जो लगता था उसके जरिए उन्होंने काम किया। आज पूरी दुनिया को इस बात की चिन्ता है कि अपना क्या होगा। महिलाएं बाकी सब कार्य करती रही हैं, यदि राजनीति में भी उनकी आवाज होती तो आज यह छल्लत न होती। जब देश आजाद हुआ तो हमें लग रहा था कि हमारा कोन्स्टीट्यूशन ऐसा बना है जिससे हमें भी राजनीति में योगदान करने का मौका मिलेगा। मैं जनता दल की हूँ सिर्फ इसलिए ही नहीं बोल रही हूँ। 1942 के आंदोलन की वजह से महिलाओं को अधिकार तो मिला। लेकिन 1975 से 1977 तक जयप्रकाश जी के नेतृत्व में जो आंदोलन हुआ, वह डेमोक्रेसी का आंदोलन था। उसमें महिलाओं ने बड़ी तादाद में हिस्सा लिया। लेकिन मैं बहुत दुःख के साथ कहना चाहती हूँ कि 1977 के चुनाव में महिलाओं को कम से कम टिकट दिए गए जिससे लोक सभा में महिलाओं की संख्या भी कम रही। मैं उस समय से बोल रही हूँ कि पुरुष महिलाओं को इनफोर्मर पोलिटिक्स में चाहते हैं लेकिन फार्मल इलैक्टोरल पोलिटिक्स में नहीं।

The whole thing would be managed by men through their patriarchal perceptions.

हम गोलियाँ खाने के लिए तैयार हैं, जलूस में हम आगे रहते हैं लेकिन जब सत्ता में भागीदारी का सवाल आता है तो वह हमें नहीं दी जाती। यह उस समय लोक सभा में हुआ। विधानसभा में भी हुआ। श्री हेगड़े उस समय हमारे पदाधिकारी थे। उन्होंने माना कि ऐसे नहीं चलेगा। उस समय के बाद पहली बार महिलाओं के लिए लोकल बाडी में 25 प्रतिशत रिजर्वेशन हुआ। मैं जिस क्षेत्र से अपने पति की मदद करती आई हूँ, वहाँ पर 63 प्रतिशत महिला वोटर्स हैं। हमने इस बात का बहुत प्रयास किया कि महिलाओं को जिला परिषद में भेजा जाए। तब यही सवाल उठता था कि घर का काम कौन करेगा। महिलाएं तैयार नहीं होंगी।

श्री शरद पवार: वे समझते थे कि लोक सभा के लिए भेजते हैं।

श्रीमती प्रमिला दण्डवते: But when this Panchayati Raj Bill was passed आप हमारे चीफ मिनिस्टर थे। यही आरग्यूमेंटस थे कि महिलाएं अनपढ़ हैं, काम नहीं कर पाएंगी। कर्नाटक में यह रहा। Men were reluctant at that time. मैं मानती हूँ कि महाराष्ट्र का इतिहास अलग रहा है। वहाँ पर स्त्री शिक्षा के लिए बहुत प्रयास हुए। बाबा साहेब अम्बेडकर, अगरकर आदि हमारे प्रांत के हैं। वहाँ पर इन पुरुषों की ऐसी परम्परा रही है कि उन्होंने महिलाओं की गुस्सामी के बारे में सोचकर आंदोलन चलाया। माननीय श्री शरद पवार जी ने महिलाओं के लिए एक फालिसी बनाई जो बहुत अच्छा कर्ष्य था। लेकिन फिर भी वहाँ हमारा प्रतिनिधित्व अच्छा नहीं रहा। इलैक्शन के लिए फाइनेंस कौन करेगा, महिला क्या बोलेगी, क्या प्रभाव डालेगी, ऐसे सवाल महाराष्ट्र में भी महिलाओं के बारे में उठते हैं।

मंडल कमीशन का विरोध करने वाले ही आज इसके समर्थक बने हैं। केवल एक-दो को छोड़कर सब पोलिटिकल पार्टियों ने महिलाओं को 33 प्रतिशत रिजर्वेशन देने की बात की है।

युनाइटेड फ्रंट में 13 पार्टियों ने कामन मिनिमम प्रोग्राम में भी 33 प्रतिशत रिजर्वेशन मंजूर किया है। पार्लियामेन्टेरियन्स जानते हैं कि यह 33 प्रतिशत की सीमा कोर्ट की जजमेंट की वजह से है लेकिन मेरा कारण अलग है।

As I have said, just give us some space, we shall make place for ourselves. हमें पता है कि यदि आप थोड़ी सी जगह देंगे तो हम अच्छी तरह से काम करके दिखा देंगे और पूरा विकास को बदलवाकर दिखा देंगे। आप जानते हैं कि कर्नाटक में जहाँ मौका मिला Forty-seven percent of the women are now occupying different positions in Karnataka. मुझे लगता है कि लोक सभा में भी यही होगा। मैंने सुझाव में स्पष्ट किया है क्योंकि कुछ प्रांतों ने यह सवाल पूछा था कि क्या सिर्फ 33 प्रतिशत ही देना है। यह तो मिनिमम है, ऐसा हमारा संशोधन है। बाद में क्या पता पुरुषों के लिए भी 33 प्रतिशत की मांग हो जाए।

Let us decide that we shall have thirty-three per cent for women; thirty-three per cent for men; and the remaining thirty-four per cent would be open for either.

सिर्फ महिलाओं के लिए मेहरबानी नहीं होनी चाहिए। दोनों बराबर हैं।

Let us come together, on the basis of our own performance, prove our capacity and capabilities.

श्रीमती प्रमिला टंडवले: हम मेहरबानी नहीं चाहते और हम डिवीजन भी नहीं चाहते। हम चाहते हैं

I have got full confidence in the capacities, capabilities and sincerity of women. I am definite that with 33 per cent, we shall be in a position to prove ourselves.

जैसे सीता को अग्नि परीक्षा से गुजरना पड़ा था, आज भी हमें गुजरना पड़ता है। सभी के चरित्र की चिंता की गई है। पुरुष के चरित्र का सवाल नहीं आता, उनके आसानी से टिकट दिए जाते हैं, हमें नहीं दिए जाते। मेरा कहना है कि आप महिलाओं को मौका दें, वे खुद अपनी कमबलियत को सिद्ध करेंगी। खलप जी यहाँ बैठे हैं, मैं कहना चाहती हूँ कि हमें यह बिल पहले मिलना चाहिए था, जिससे हम इस पर ज्यादा चिंतन कर सकते राज्य सभा में आरक्षण जरूर होना चाहिए। उसके लिए आपको राज्य सभा और विधान परिषदों के लिए प्रावधान करना पड़ेगा। हमें उस पर बहस करने का मौका नहीं मिला हम महिला संगठनों से भी बात करेंगे और कुछ सुझाव आपके सामने रखेंगे। मेरा तो यह कहना है कि जहाँ-जहाँ इलेक्टिव बाडीज हैं, वहाँ 33 प्रतिशत आरक्षण लागू होना चाहिए आप देखिए कैबिनेट में भी एक ही महिला है। यह सिर्फ हाऊस पर ही लागू नहीं होना चाहिए, कैबिनेट पर भी लागू होना चाहिए। इसमें भी एक तिहाई महिलाएं होनी चाहिए।

MR. CHAIRMAN: Please come to the provisions of the Bill. We face time constraint.

श्रीमती प्रमिला टंडवले: उसके बारे में भी सोचना चाहिए।

श्री मुख्तार अनीस: जो 33 प्रतिशत आरक्षण दे रहे हैं, उसमें पिछड़े वर्ग की महिलाओं को भी आरक्षण देना चाहिए।

श्रीमती प्रमिला टंडवले: अनुसूचित जाति और जनजाति के लिए संविधान में प्रावधान है, अगर इनके लिए भी होता है तो हमें कोई आपत्ति नहीं है।

The only thing is that please do not try to stall this Bill on this pretext. इनके लिए भी प्रावधान करना चाहिए। इसमें हमारा विरोध नहीं है, लेकिन उसके कारण आप इसको

नहीं रहे। मुझे डर है कि कहीं यह बहाना लगाकर इस बिल को पास नहीं किया जाएगा। इसमें मेरा यह भी कहना है कि आपने जो आरक्षित निर्वाचन क्षेत्र के लिए दो बार का कस है, उसकी अगर निर्वाचन क्षेत्र दस साल के लिए रिजर्व होना चाहिए। सिर्फ दो बार से काम नहीं चलेगा। दस साल के बाद निर्वाचन क्षेत्र बदला जायेगा। 25 साल के बाद रिव्यू करें। इस बिल को रीतिकावलीन सत्र में पास होना चाहिए, क्योंकि राज्य के विधान सभाओं को भी इसे इंडोर्स करना है। इसलिए मेरी आप सभी से प्रार्थना है कि आप इसके लिए वहीप निकालें, अगर आप वाकई में गम्भीर हैं तो इसे पास करें।

MR. CHAIRMAN: I understand that you have no objection to the Bill in its present form.

SHRIMATI. PROMILA DANDAVATE: My objection is, why Rajya Sabha and Vidhan Sabhas are not included.

श्री मुख्तार अनीस: सभापति जी, हम लोगों को इस बिल पर कोई एतराज नहीं है और महिलाओं को भी जो प्रतिनिधित्व दिया जा रहा है, उसका भी हम विरोध नहीं करते हैं। लेकिन मैं सिर्फ इतना कहना चाहता हूँ कि जो पिछड़े वर्ग की महिलाएँ हैं, उनके लिए इसमें अलग से आरक्षण देने की बात जोड़ी जानी चाहिए क्योंकि वे सबसे ज्यादा पिछड़ी हुई हैं, वे चुनाव कभी नहीं जीत सकतीं और जो ऊँचे लोग हैं, उनको अपनी तादाद बढ़ाने का पूरा-पूरा मौका मिल जाएगा। इसलिए मैं प्रमिला जी से कहना चाहता हूँ क्योंकि वे हमारे समाजवादी आंदोलन की नेता हैं, बहुत से मुद्दों पर हम लोग उनके साथ रहे हैं। आपको यह कहना कि महिलाओं के लिए हम पुरुषों ने कुछ संघर्ष नहीं किया है, यह ठीक नहीं है। महिलाओं के लिए हम पुरुषों ने भी काफी संघर्ष किया है। महात्मा गांधी जी भी पुरुष थे, उन्होंने भी महिलाओं के लिए काफी संघर्ष किया है।

MR. CHAIRMAN: It is not Promilaji who has to decide, it is for us to decide. If you have anything to ask, you may ask.

श्री मुख्तार अनीस: महिलाओं के उत्थान के संघर्ष में पुरुष भी आगे रहे हैं और उन्होंने भी संघर्ष किया है। हिन्दुस्तान के संसदीय इतिहास में यह एक बहुत बड़ी बात होने जा रही है। लेकिन इसके अंदर पिछड़े वर्ग की महिलाओं के लिए अलग से आरक्षण जरूर होना चाहिए। मैं जानना चाहता हूँ कि पिछड़े-वर्ग की महिलाओं को आरक्षण देने के मुद्दे पर आपकी क्या राय है?

SHRIMATI PROMILA DANDAVATE: I think I have made my position clear.

अगर आप इस प्रकार का प्रावधान करते हैं जैसे संविधान में हमारे जो एस० सी० एस० टी० के बारे में है,

We immediately agreed to it and said that one-third of the woman should be from the Scheduled Castes and Scheduled Tribes. I request you not to delay it on this pretext.

सभापति महोदय: मेरी आपसे विनती है कि इस मुद्दे पर आप इसमें और विलम्ब न-करें।

I request the hon. Members to ask questions to her. We can exchange our views later on.

श्री सुरजीत कुमार सम्बाजीराव शिन्दे: मैं आपसे यह कहना चाहता हूँ कि संविधान में जब अमेन्डमेंट होता है तो पूरे देश को मौका मिलता है। इसी प्रकार से यदि सुप्रीम कोर्ट का भी निर्णय हो

तो उसो भी दुरुस्त करने का एक मौका जरूर होता है। जो आपने डिबेट की है, हम उसका पूरा समर्थन करते हैं लेकिन जो रिजर्वेशन पालिसी बनी है, वह 1978 की जनसंख्या पर आधारित है।

श्री राम कृपाल यादव: सभापति महोदय, मैं आपके माध्यम से पूछना चाहूंगा कि क्या आप यह एहसास करती है कि महिलाओं को बिना आरक्षण दिए उनको न्याय मिल सकेगा? खासकर पिछड़े-वर्ग की जो महिलाएं हैं, क्या बिना आरक्षण दिए उनको न्याय प्राप्त हो सकेगा? दूसरा प्रश्न यह है कि जो आपने राज्यसभा और विधान परिषद में महिलाओं के लिए एक तिहाई आरक्षण की बात कही है लेकिन पिछड़े वर्ग की महिलाओं को आरक्षण देने के सवाल पर आपका कहना है कि इस बारे में बाद में विचार करें, तो यह आप कैसे समझती है कि पिछड़े-वर्ग की महिलाओं को अलग से आरक्षण देने संबंधी मुद्दे पर विवाद खड़ा हो जाएगा? आप यह बताइये कि यह आपका पर्सनल व्यू है या पार्टी का भी यही व्यू है?

श्रीमती प्रमिला दंडवते: मुझे ऐसा लगता है क्या इससे वास्तव में महिलाओं को इन्साफ मिलेगा?

I am really for 33 per cent.

ऐसा मुझे लगता है कि क्या वास्तव में महिलाओं को इस प्रकार से न्याय मिल सकेगा?

जो ऊंची जाति के लोग हैं, उनमें महिलाएं पढ़ी-लिखी हैं लेकिन पिछड़े वर्ग की महिलाएं अभी पढ़ी-लिखी नहीं हैं। इसलिए मैं कहना चाहूंगी कि आपका जो एजुकेशनल प्रोग्राम है, आप उसे और अच्छा बनाइये ताकि इन पिछड़ी जाति के लोगों में यह भावना आए कि मुझे अपनी लड़कियों को एम-पी-बनाना है और उसके लिए उसे शिक्षित करना है। इससे उन लोगों में शिक्षा प्राप्ति के लिए एक खास भावना उत्पन्न होगी। जहां तक आप पार्टी की बात करें तो मैं जनरल सैक्रेटरी हूँ और हमारी पार्टी ने तैतीस प्रतिशत रिजर्वेशन को मान्यता दी है।

Actually the man from the backward communities are against giving representation to woman. As all the women are united on an issue concerning woman, I suggest that all the backward people should unite on this issue.

श्री राम कृपाल यादव: मैं तो यही कहूंगा कि पिछड़े-वर्ग की महिलाओं को भी आरक्षण मिलना चाहिए।

श्रीमती प्रमिला दंडवते: क्यों नहीं मिले जरूर मिलना चाहिए।

श्रीमती सुषमा स्वराज: जिस दिन यह बिल लोक सभा में पेश होने के लिए आया था, उस दिन विरोध करने वालों की तरफ से प्रमुख रूप से यही बात उठाई गई थी कि राज्य सभा और विधान परिषद से पिछड़े-वर्ग की महिलाओं के लिए आरक्षण का प्रावधान नहीं है, उनके लिए भी आरक्षण का प्रावधान होना चाहिए। लेकिन उस दिन तो यह कह दिया गया कि इसके बारे में बाद में देखा जाएगा, आज आप इसे पारित करें।

इन्हीं दो बिन्दुओं पर विचार करने के लिए, इस सिलैक्ट कमेटी के पास यह बिल भेजा गया है। मैंने आपके मैमोरेंडम को पढ़ा है और आपने भी इन्हीं दो बिन्दुओं पर कुछ नहीं कहा है। आपने कहा है कि राज्य सभा और विधान परिषद के बारे में बाद में देख लेंगे, लेकिन इस मामले पर यह बिल पास करने से डिले न किया जाए। डिले तो हो गया और डिले हो कर ही यह इस ज्वाइंट सिलैक्ट कमेटी के पास आया है। अगर यह समिति भी अपनी रिपोर्ट में यह लिख देगी कि इन बिन्दुओं पर बाद में विचार कर लेंगे और इस आधार पर यह बिल पारित होने से न रोका जाए, तो यह बिल पारित होने वाला नहीं है। इस समिति ने आपसे यही अपेक्षा की थी कि इस का समाधान ले कर आप आवें कि राज्य सभा और विधान परिषद में यह कैसे हो सकता है। अगर नहीं हो सकता है, तो कहिए कि राज्य सभा और विधान

परिषद् के मामले को अभी टूटा दिया जाए और विच्छेदों के लिए कहिए कि संविधान में प्रावधान नहीं है, इसलिए नहीं हो सकता है और यह बिल ऐसा ही पारित किया जाए। आपने जो मैमोरैंडम दिया है, उसमें इन दोनों बातों के बारे में कुछ नहीं कहा गया है।

श्रीमती प्रमिला दंडवते: विधान परिषद् और राज्य सभा के बारे में पोजिटिवली लिखा है और इस बारे में स्केचना पड़ेगा और इसका समाधान स्पेचकर निकालना पड़ेगा। समस्या है कि बहुत जल्दी इस समिति की रिपोर्ट आपको पेश करनी है।

श्रीमती सुषमा स्वराज: इस बिल पर तो समिति और समय की मांग कर सकती है।

श्रीमती प्रमिला दंडवते: मैंने राज्य सभा और विधान परिषद् के बारे में पोजिटिवली कहा है।

श्रीमती सुषमा स्वराज: यह कैसे हो सकता है, इस बारे में बताइए।

श्रीमती प्रमिला दंडवते: मैं पहले ही कह चुकी हूँ कि समय बहुत कम है। इस बारे में आप बाद में बुलाइए और आपको लगता है कि इस बारे में मेरी कमी है, मेरी तैयारी नहीं है, तो क्या समाधान देंगी।

श्रीमती सुषमा स्वराज: मैं यह कहना चाहती हूँ कि इस बारे में आपको मैमोरैंडम में कुछ नहीं है।

श्रीमती प्रमिला दंडवते: मैं कहना चाहती हूँ कि इस बारे में मैं अपनी पार्टी में कन्सल्ट करके रिपोर्ट बाद में भेज दूंगी। मेरा कहना है कि राज्य सभा और विधान परिषद् के बारे में रिपोर्ट मैं बाद में भेज दूंगी। जहां तक बैकवर्ड की बात, तो इसके बारे में तय करने का अधिकार आपका है, मेरा अधिकार नहीं है।

श्रीमती सुषमा स्वराज: बैकवर्ड के लिए ओवर-ऑल तो देना पड़ेगा।

श्रीमती प्रमिला दंडवते: इस बारे में बाद में बतायेंगे।

श्रीमती सुषमा स्वराज: ये दोनों ही प्रश्न आपके अनुत्तरित हैं। जब तक इन प्रश्नों का समाधान नहीं निकलेगा, तो समस्या का समाधान नहीं हो सकता है।

श्रीमती प्रमिला दंडवते: यह आपको तय करना है।

श्री शरद पवार: संविधान में यह प्रावधान है, पांच साल में कंस्टीचुयेंसी बदलनी पड़ेगी। इस बारे में आपको क्या कहना है?

श्रीमती प्रमिला दंडवते: इस बारे में मैंने कहा है कि इसको इस साल कर दिया जाये।

श्री शरद पवार: जो छेटी स्टेट्स हैं, जहां पर तीन से कम सीट्स हैं, उनके बारे में आपको क्या कहना है?

श्रीमती प्रमिला दंडवते: इसके बारे में मैंने सुझाव दिया है कि आस्ट्रिनेट चुनाव में

MR. CHAIRMAN: Thank you.

(The witness then withdrew)

MR. CHAIRMAN: Before the next witnesses come in, I would like to tell you one thing. Let the witnesses come in now. You ask your questions pointedly and get the answers. We shall discuss our perceptions later. You all know about the time available to the Committee. Do not leave immediately after the next set of witnesses is examined because we

have to settle our *modus operandi*. We have to decide on a schedule of work for the Committee.

RAMBHAU MHALGI PRABODHINI

1. Shri Viney Sahasrabudhe, Executive Director, Rambhau Mhalgi Prabodhini, Mumbai.

2. Dr. Sharayu Anantram, former Reader, Department of Sociology, SNDT University, Mumbai.

3. Dr. Medha Nanivadekar, Lecturer, Department of Political Sciences and Centre for Womans Study, Shivaji University, Kolhapur.

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: Representatives of Rambhau Mhalgi Prabodhini, I welcome you to this sitting of the Joint Committee of both the Houses of Parliament. As you are aware, the Constitution (Eighty-first amendment) Bill, 1996 providing for reservation of seats for women in the House of People and the Legislative Assemblies of the States, has been referred to this Joint Committee to give its report on the subject. The Committee would like to hear your views on the various provisions of this proposed legislation.

(Direction 58 was read out)

(Introduction)

SHRI VINAY SAHASRABUDDHE: At the outset, we express our deep sense of gratitude for having allowed us to depose before this Committee. Prabodhini thought it fit to have a survey of the performances of the woman corporators elected to the twelve municipal corporations in Maharashtra. One of the prominent members of this Committee, honourable Shri Sharad Pawar has also expressed the opinion at a recent function in Pune that one must review the impact of this policy of reservation and it was well before that during the months of July and October 1996 we had conducted this study project. Our study team which had four other members also had the guidance of Dr. Sharayu Anantram. It visited five municipal corporations, had exchange of views with the woman municipal councillors and men councillors as well, heads of various political parties, municipal officers, presiding officers, mayors, journalists and so on and so forth. Currently the statistical treatment is being given to the 400 answer sheets that we collected at the end of this survey. But before that the qualitative inputs are already there and we have completed the process of reviewing them.

It was in this background in addition to the experience that we had gathered at the time of conducting training programmes for the newly elected women Gram Panchayat members in Maharashtra with the Yashwantrao Partishtan and various other organisations that the State Government had launched a massive training campaign of the newly elected Gram Panchayat members and Prabodhini was awarded the task of

conducting training programmes in Maharashtra. We had some answer sheets collected at the end of these training programmes. On the basis of that we had certain analysis of the things collected at our level. The entire process was very recently completed and statistical treatment is being given. By the first week of December we will be coming out with our report.

This is in a nutshell what we wanted to share with this august Committee. It is indeed our privilege to have got this opportunity to depose before this important Parliamentary Committee. Therefore we are extremely grateful to you.

MR. CHAIRMAN: You have been called here to express your opinion with regard to the provisions of the Bill. We will try to find some other time to hear about your working and all that. Therefore kindly stick to the provisions of the Bill in your deposition.

DR. MEDHA NANIVADEKAR: On behalf of the Study Group I would express my sincere gratitude towards this Committee. I would directly go to the portion of this memorandum which deals with concrete suggestions pertaining to this particular Bill. While making these suggestions I would like to relate the same with some major findings of our study. This study which is of an empirical nature is really a hard kind of data that we have found. It can make solid foundation for further policies which are likely to be implemented as far as any affirmative action or measure protective discrimination is concerned. As far as the provisions of the Bill is concerned, we are glad that the Bill speaks about one-third reservations of seats for women. The one-third threshold mark is really necessary. If it is less than one-third it would be just symbolic, it need not be 50 per cent either. We need not give 50 per cent reservations by these artificial measures. Let us give them some support and let us see whether some natural processes can be evolved in due course of time to enable them to reform themselves up to this 50 per cent mark. This one-third mark is quite sensible and we support it.

Further, though the Bill does not make any specific mention as to how the seats will be reserved in newspapers we heard that the reserved constituencies will be chosen on the basis of draw of lots, though actually there is no such mention in the Bill. So I would like to make a humble suggestion that instead of taking any draw of lots it will be advisable if we have a definite sequence where everything is made known as to at what point of time a particular constituency is going to be reserved. It will be better if the electorate, the political parties and the political activists know about all this so that there is no element of uncertainty. It must be definite as to at what point of time a particular constituency is going to be reserved for women.

Secondly, in addition to these reservations of seats, I would also like to suggest on behalf of our study team that one-third seats in legislative

committees and parliamentary committees also must be reserved for women. Our study reveals that nearly 90 per cent of our women respondents said that though they could manage to get elected to corporations because the constituencies were reserved for women, they could not get positions on committees except the ones like Women and Child Development Committee. Committee have practically shut their doors for women members. All the women strongly demand that similar reservation should be there even in the case of committees. Our study group believes that even the legislative and parliamentary committee should give this type of reservation because otherwise if women Members of Parliament are relegated to the back benches they would not get enough exposure and be effective in the decision making process. So the study group feels that in addition to reservation of one-third seats in the elected bodies, at least one-third of seats should also be reserved in committees and one-third of the Chairpersons of these committees should also be women members.

Further, we would like to suggest creating a new standing committee for women's development at the State level as well as at the national level. Presently I am also associated with one other group meant for the preparation of the 9th Five Year Plan in the State of Maharashtra. The group deals with woman development. There are many schemes which are given for upliftment of women, but there is hardly any inter-departmental coordination. There is a lot of duplication of work, a lot of overlapping and there is total lack of coordination. It gives an impression that nobody is particularly concerned about the woman development in an integrated perspective.

In order to develop that type of participation, it would be advisable to have this type of a Committee which deals with various governmental policies, programmes and schemes in the light of the development of women. It will work out the implications of a particular policy. We have a policy on liberalization. In this case, they can know the implication on women. Everybody will be considered from this gender perspective.

One point has been coming up in respect of reservation of seats in Parliament. Why could be not compel the political parties to field 33 per cent women candidates? Argentina has a similar provision. Any political party is compelled to field 33 per cent of female candidates. But only 9 per cent could get elected. In India, by reserving 33 per cent of the seats under the Constitution, the issue would not be taken up very far. This policy is going to be an undefined policy of reservation and periodical review must be undertaken. At what point of time the review should be undertaken could be negotiated.

MR. CHAIRMAN: Would you make any suggestion in regard to periodicity?

MR. MEDHA NANIVADEKAR: The period is 25 years. On the basis

of their merit, in the atmosphere that we have, anything and everything is going to be politicized very freely. That risk, one has to bear.

Similarly, reservations will have to be provided in the Upper Houses also. There was a heated debate in the Study Group itself in this regard. Do we really need reservation for the Upper Houses? If they have reservations in grass-root level, State level, what is the logic of talking against reservation in the Upper Chambers? Those women who would otherwise have kept aloof from the electoral process and who would never want to otherwise contribute significantly to our political dynamics could be brought into the political arena by way of reservation, by way of administrative positions in the Upper Chambers, in the Legislative Council and in Rajya Sabha. Membership in these Houses is a very safe constituency and we can reserve one-third of the seats for women. Legislative Council Members are elected from the electoral college, comprising of MLAs. Those are committed votes. One really gets to know how many votes will be polled for a particular candidate. Even in the case of Rajya Sabha as far as the State-wise quota is concerned, one-third of seats from every State can easily be reserved for women and this will ensure the qualitative perspective of women who have really established themselves in various fields but who do not want to contest elections in the given political situation. Those women can be invited, those women can be allowed to contribute.

Another factor which is very significant but which is not directly related to the provisions of this Bill is in regard to the Village Panchayats. The reason why I am mentioning it here is that this is the only forum which can really work out the implications of the suggestions in this regard. We have had interaction with nearly 3000 women village panchayat members. Most of them have voiced their opinions. Since they are in a meagre minority, that is, hardly 33 per cent, most of them do not even attending the meetings. Male panchayat members go against a single female member who is perhaps active, who is willing to contribute. Women who are sitting here have enjoyed the privileged background when compared to the panchayat women members. In village panchayat, she easily gets intimidated because she does the support of other members because the atmosphere in the village is much more traditional. It is much more assertive as far as traditional gender norms are concerned and women joining politics, women sitting rather reading in Gram Sabha is something which is unheard and which cannot be easily accepted. So, the Study Group feels that instead of having 33 per cent reservations in village panchayats, we can at least have on an experimental basis or trial basis, one-third village panchayat women members in a particular State. Let us have it that way and let us have a review after five years. Let us see how all-women panchayats are better than mixed panchayat. This is something directly related to the scope of this particular Bill but at the same time, this needs to be mentioned somewhere. This is only relevant forum.

The Study Group has certain serious concern about the way the Bill was introduced in the House and about the way the women Members of Parliament insisted that the Bill be passed without any discussion. We think that any major step which involves such a major challenge to establish power relations should not be thrust upon the people. A wider public debate, a wider public participation in these deliberations is of an urgent need, if at all we want to make these reservations a total success.

In the recent Lok Sabha and Assembly elections, all the political parties had committed themselves to the 33 per cent reservation, but practically the convictions held by their rank and file do not endorse their official position as was reflected in the election manifesto.

There are some striking findings that I may like to mention and which are directly relevant for our purpose. In Bombay Municipal Corporation, the Corporators have succeeded in passing a resolution opposing reservation for women. The Bombay Corporation has passed a resolution which opposed this move. So, people are not accepting it wholeheartedly. There is an element of hypocrisy. There are progressive views inwardly but there is something just in order to breach themselves of official posture in regard to gender. A lot of political education, a lot of dialogue, a lot of convincing is called for in this direction.

I think, presently all the political parties are busy with their power games. They are concerned with political power, though that is what they are supposed to do. But power must not be perceived as end in itself, it should be perceived as a means for nobler and broader ends. Political socialists of the political parties are not doing anything for training their activists.

In Maharashtra, we are having reservation for six years and we are caught unawares. They are not prepared for it. These reservations did not create any base for women, as such. Women were not knocking at their doors. A vacuum was created. This vacuum was created by the forces of suction which sucked those women who were standing right behind the male politicians. So, the wives find out these reserved seats in the first generation. The situation has not changed even in the second generation.

In Kolhapur, a second generation of women voted through reserved constituencies have come to the House. Only one women Member who was a Corporator of the earlier generation has managed to enter the House once again and that too again for the second term simply because the same chit was drawn.

This is another serious lacuna. If you are drawing chit, well then a particular constituency can be reserved for three terms in a row and others may be derived of that. This is a case of proxies which is more striking at the levels of Panchayats. It will not be reflected with the same thing at the national level. They can contribute constructively in fielding some very

good women who perhaps may not get elected on their own. Getting elected as an independent is not so easy at the State and National level.

Another striking finding was that in Maharashtra and now elsewhere as well even the posts of Mayor or office bearers are also reserved for women by rotation. In Navi Mumbai Municipal Corporation the post of Mayor was reserved for women and even the post of Deputy Mayor was given to a woman because a man does not want to work under a woman Mayor.

SHRI SHARAD PAWAR: There are more examples in Maharashtra, like in Pune.

DR. MEDHA NANIVADEKAR: Yes, I was coming to that.

MR. CHAIRMAN: It seems you have given your opinion on this.

DR. MEDHA NANIVADEKAR: Our Memorandum consists of all parts, i.e. concrete suggestion and certain proportions which must be considered before implementing this policy. Can I mention some of them?

MR. CHAIRMAN: Your memorandum has been circulated. The Members may now ask questions.

KUMARI MAMATA BANERJEE: Thank you very much for your findings. You have mentioned in the No. 1 Finding that there is no whole-hearted acceptance for women. May I know from you whether these findings are from a particular constituency or a State or from the whole country?

DR. MEDHA NANIVADEKAR: It is confined only to Maharashtra. If you go by our regular index, then Maharashtra is considered to be a progressive State. Even there the public opinion is like this. But this we can easily examine what will be the position elsewhere. I can quote concrete evidences if the Committee wants.

KUMARI MAMATA BANERJEE: You said that there was no whole-hearted acceptance!

DR. MEDHA NANIVADEKAR: There is striking backlash which is emerging. This resolution passed by the Mumbai Municipal Corporation and holding of a rally by men corporators shows it.

SHRI SHARAD PAWAR: That is not factually correct.

KUMARI MAMATA BANERJEE: Your findings are all right. But my question is very clear. How can you say this based on a study done only in one State?

SHRI SHARAD PAWAR: That is their outlook.

DR. MEDHA NANIVADEKAR: This is simply an observation. The Study Group is endorsing the policy of reservation. We are not opposing it.

श्रीमती सुवर्णा खराब: आज इस कमेटी के सामने यह सवाल है कि एम-एल-एक में से कौटा

कैसे लिया जा सकता है, इसमें दिकतें कहाँ से आती हैं और राज्य सभा के लिये क्या मॉडेल टिज़ है? मान लीजिये एक स्टेट से राज्य सभा के लिये 3 सीट हैं और एक सीट तो आनी है और फिर तीन सीट के लिये हर पार्टी का कोटा बनता है और उनमें से एक जीत कर आ सकता है और यदि तीनों सीटें रिज़र्व कर दें तो यह कैसे हो सकता है, आप हमें बताइये। जहाँ तक आपने राज्य सभा के लिये महिलाओं की बात की है जिसका हम समाधान तो नहीं निकाल सके, आप बताइये कि कैसे किया जायेगा?

DR. MEDHA NANIVADEKAR: It is a very good question. I am glad that perhaps we can provide a tentative answer. These elections take by way of proportional representation by single transferable vote. Every State will have, say, ten or five seats, depending upon the size of the State. In stead of having election by way of proportional representation by single transferable vote we can have it by multiple transferable vote. If there are 12 seats, four votes have to be cast in favour of women only.

SHRIMATI SUSHMA SWARAJ: It will need Constitution Amendment. How can it be? Suppose there are 90 Members in Haryana Assembly and there are two seats. One political party can get one seat and another can get another seat. This is the strength of MLAs. How will you do there? That means that both the parties must field women candidates.

DR. MEDHA NANIVADEKAR: Constitutional Amendment has to be there.

श्रीमती सुषमा स्वराज: यहाँ संविधान में संशोधन हो सकता है और यदि कोई दूसरा संशोधन करना पड़े तो हो सकता है मेरा प्रश्न यह है कि राज्य सभा की टोटल 12 सीटों के लिये सारी की सारी पॉलिटिकल पार्टीज़ 12 महिलायें खड़ा कर सकती हैं लेकिन दिकत यह है कि आपके एम०एल०एज़ का कोटा तय हो क्योंकि किसी स्टेट से दो आते हैं, किसी से तीन आते हैं। आप इसको यूनिफ़ॉर्मली कैसे कर पायेंगे? राज्य सभा और विधान परिषद् में हम कैसे लायें? इसका समाधान हमें नज़र आया नहीं, आप इस कमेटी के सामने बतायें?

DR. MEDHA NANIVADEKAR: That will have to be worked out.

डा० गिरिजा व्यास: आपने जो आबज़रवेशन किया कि पुरुषों के पीछे खड़ी महिलाओं को रिज़र्वेशन पहली बार मिल गया और किन्हीं को बाई प्राक्सी। मेरा प्रश्न यह है कि जो पिछड़े वर्ग की महिलायें हैं, वे तो बिल्कुल पीछे ही चलती जायेंगी। क्योंकि सेकंड रो में हम जैसे लोग आ जाएंगे। फिर उसमें कुछ और पड़े-लिखे आ जाएंगे। तो जो बिल्कुल अलग-थलग पड़ा हुआ हिस्सा है, उसके संबंध में आपके क्या विचार हैं?

DR. MEDHA NANIVADEKAR: We deliberately did not include this particular point in our memorandum because the study team has been discussing this point. This hon. Committee has not yet worked out the modality in regard to second Chamber. Similarly, our study group has not yet arrived at a consensus. That is why, we did not include this particular point. May be by the time we release the report, probably we will take a position on that.

श्री राम कृपाल यादव: पिछड़े वर्ग की महिलाओं को आगे की पंक्ति में लाने के लिए जैसा कि

गिरिजा व्यास जी ने बताया कि उनके अग्रक्षण मिलना चाहिए, क्या आप इस बात का आह्वान करती हैं?

डा० मेधा नानीवाडेकर: जी हाँ, मिलना चाहिए।

SHRI TIRUCHI SIVA: The hon. Member, Kumari Mamtaji has said that no progressive policy has been accepted wholeheartedly. Likewise this step may not have received wholehearted support, which would have been inferred by your study group. In your observations, you have said that even after the reservations have been introduced, the electoral are merely proxies of male. Women corporators do not display any primary commitment of women's cause. There was no evidence regarding their comprehensive understandings of women. Further you have said that an average women corporator finds herself helpless in coping with the impossible task of balancing these burdens, particularly in the context of our electoral politics of today where cut-throat competition is the rule of the game.

Do you not think that the same thing will be reflected at the higher level also?

DR. MEDHA NANIVADEKAR: As far as the element of proxy is concerned, it would not be reflected with the same proportion at the higher level because at the higher level, the party matters a lot and individual is not so significant.

So, an individual corporator, who is usually in a position to dictate his terms in a particular small municipality ward, becomes virtually ineffective in a larger constituency of Legislative Assembly or even of Lok Sabha. So, this proportion of proxies would not be as much as it is at the lower level.

SHRI TIRUCHI SIVA: Please do not say 'would not be' and say 'may not be'.

DR. MEDHA NANIVADEKAR: It is better to make a safer statement.

There is a possibility that the same thing will be reflected at the higher levels. The reasons are also quite curious. The electoral representatives, once they get elected, want to represent the whole constituency as such. Naturally it is binding upon those who get elected from an open constituency that they represent. If women are elected through reserved constituencies, by virtue of being a woman, they should display their primary commitment and there has to be some evidence regarding comprehensive understanding of women's issues and this understanding was not reflected at least at the lower level. If women's movement becomes effective, if it really starts in swing and a healthy link between woman party workers and women's movement is established, then accountability system will be established. The elected women

representatives are not answerable to their political parties but also to the cause of women as such.

There is one thing that this kind of sensitisation needs to be initiated. After all, women's issues cannot be dealt with in isolation. Women's issues are integrated as a whole. That does not imply that one has to neglect other issues. Women's issues must be looked at an integrated perspective. So, if this relation is established and if this consciousness is generated, then I do not think that there will be any problem at the lower level or at the higher level.

श्री विनय सहस्रबुद्ध: महिला अगर पुरुषों के क्षेत्र में आती हैं तो पुरुषों को चाहिए कि वे महिलाओं के क्षेत्र में जाएं जैसे गृहस्थी के विषय है। हमने कहा है कि जो इलैक्ट्रेड रिप्रजेंटेटिव्स हैं उनके पति तथा उनके एक ट्रेनिंग की जरूरत है। यह काम ग्रामीण स्तर पर, पंचायत स्तर पर बहुत ज्यादा हम महसूस करते हैं। पता नहीं इतने हार्डयर लेवल पर इसका क्या होगा। हमारी मान्यता है कि पुरुषों के प्रबोधन के बिना यह नहीं होगा।

MR. CHAIRMAN: Thank you very much. So, you are for one-third reservation.

DR. MEDHA NANIVADEKAR: Yes.

MR. CHAIRMAN: Is it not a big sensitisation programme?

DR. MEDHA NANIVADEKAR: Yes, of course.

(The witnesses then withdrew)

**JOINT COMMITTEE ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996**

**RECORD OF EVIDENCE TENDERED BEFORE THE JOINT
COMMITTEE ON THE CONSTITUTION (EIGHTY-FIRST
AMENDMENT) BILL, 1996**

*(Friday, 15 November, 1996 from 11.00 hrs. to 13.00 hrs. Committee
Room 'D', Parliament House Annexe, New Delhi)*

PRESENT

Lok Sabha

Smt. Geeta Mukherjee—Chairperson

Members

2. **Km. Mamata Banerjee**
3. **Shri Ramakant D. Khalap**
4. **Smt. Meira Kumar**
5. **Shri Hannan Mollah**
6. **Shri Ram Naik**
7. **Shri Sharad Pawar**
8. **Shri Suresh Prabhu**
9. **Shri Vijay Bhaskara Reddy**
10. **Shri P.N. Siva**
11. **Smt. Sushma Swaraj**
12. **Prof. Rita Verma**
13. **Dr. Girija Vyas**
14. **Shri Ram Kripal Yadav**

Rajya Sabha

15. **Smt. Margaret Alva**
16. **Shri Sushil Kumar Sambhajirao Shinde**
17. **Smt. Chandrakala Pandey**
18. **Shri R.K. Kumar**
19. **Smt. Renuka Chowdhury**
20. **Shri N. Giri Prasad**
21. **Shri Ram Gopal Yadav**

Secretariat

1. Shri J.P. Ratnesh—*Joint Secretary*
2. Shri P.L. Chawla —*Asstt. Director*

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2. Dr. Raghbir Singh, *Additional Secretary*
3. Shri P. L. Sakarwal, *Joint Secretary*

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

Ms. Binoo Sen, *Joint Secretary*

REPRESENTATIVE OF THE MINISTRY OF WELFARE

Smt. Gauri Chatterji, *Joint Secretary.*

WITNESSES EXAMINED

1. Ms. G. Sarla Devi,
National Federation of Indian Women
2. Ms. Brinda Karat,
All India Democratic Women's Association
3. Ms. Veena Mazumdar,
Centre for Women's Development Studies
4. Ms. Jyotsna Chatterjee,
Joint Women's Programme
5. Ms. Vinay Bharadwaj,
Mahila Dakshata Samiti
6. Ms. Mary Khemchand
Y.W.C.A. of India
7. Ms. Chandramani Chopra,
Advocate,
All India Women's Conference

(The witnesses were called in and they took their seats)

MR. CHAIRMAN: I welcome you to this sitting of the Joint Committee of both the Houses of Parliament. As you are aware, the Constitution (Eighty-first) Amendment Bill, 1996, which provides for reservation of seats for women in the House of the People and in the Legislative Assemblies of the States, has been referred to this Joint Committee. The Committee

would like to hear your views on the various provisions of the proposed legislation.

(Direction 58 was read out.)

Before we proceed further, please introduce yourselves to the Committee.

(Introduction)

Now, you may give your views.

MS. BRINDA KARAT: Madam Chairperson and the Members of the Committee, on behalf of seven national women organisation, we have submitted a memorandum to you and urge you to recommend passage of one-third reservation for women Bill as it is at present. We would also like to thank you for giving us this opportunity to appear before you. There are six grounds on which we are requesting the Select Committee for an unambiguous recommendation to pass the proposed legislation as it is. We have given these points in our memorandum also. Here, I would attempt to present those points before you very briefly on behalf of the seven national women organisation. I would also like to state on behalf of the seven national women organisations that we do not consider this Bill to be the only panacea for addressing the diverse and multi-dimensional inequalities that women face not only in the political sphere and in decision making bodies, but generally in every sphere. We think this is only an essential step in addressing one of the various aspects of inequalities that women face. Since the crucial question of economic inequality is not part of the agenda of this Committee, we have not even mentioned it in the memorandum. But we would like to state before the Members of the Committee that the question of economic rights of women in various spheres is also a very crucial aspect of our struggle.

Now, I shall deal with the point we have mentioned in the memorandum. The first point deals with the aspect that every major national political party has given a public commitment to reservation for women, both before the last general elections in their election manifestoes and subsequently on the Floor of the House. We have given details of the single largest party, the BJP, the Private Members Bill moved by its leader in the Lok Sabha. The whip was issued by the second largest party, Congress, to all its party members, thereby indicating its commitment to reservation. The National Front government and the constituents of the National Front Government have also made a public commitment in the CMP that they would ensure one-third reservation for women in Parliament and State Assemblies. We believe that once these public commitments are made, there is also a question of accountability and image of Parliament itself. Since we are involved in the movement of social change and the role of Parliament and Parliamentarians is also important in wider movements of social reforms we urge the Committee to perhaps appreciate the feeling among the general public that if political parties give

a commitment, the Committee should see whether that commitment is going to be honoured or not. In this matter, the prestige of whole Parliament is involved. I would like to state before the Committee that if there is any delay in the passage of this Bill, we, who are working in different States and different sections of the Society, know it is as a result of big efforts to undo the limited reform in this sphere which we have achieved through Seventy Third and Seventy Fourth Amendment. You may be aware that Bombay Municipal Corporation has passed a resolution saying that they are against one-third reservation even in the local municipal body. After the passage of Seventy Third and Seventy Fourth Amendment, they say that they do not want reservation of seats. To that point, I shall come later.

I would like to stress before the Committee that we cannot take for granted that few reforms which have achieved something permanent. Today, there are spheres which are affected by it. We would like to emphasize before the Committee that any hesitation on the part of the highest law making elected body in this country, Parliament, is going to send a wrong message throughout the country. Therefore, we urge you to look at it from this point of view.

The second point concerns our people that reservation is linked to our concern to strengthen the process of democracy. Unfortunately, sometimes, it is said, and we have read articles also, that reservation for women is something which has come out of the blue and is not at all linked to other spheres of democracy in this country.

We want to stress that as far as we are concerned, all the National Women Organisations have always seen reservation as part of strengthening the wider process of democracy in this country. If any proof is required for that, in 1988 the National Perspective Plan for Women was proposed and in that National Perspective Plan for Women, for the first time it was proposed that reservation should be there for women at all levels, namely in the local bodies, State Assemblies and Parliament. We actually opposed it at that time. We said that we should widen the whole scope of democracy and involve much wider sections of women from all sections of society in this experiment. We are on record to say that we opposed it. We do not get few seats in Parliament as a token, but we want to strengthen democracy in this country and Dr. Veena Majumdar will be speaking to you on this point of democracy.

The third point is about the question of women belonging to other Backward Classes. The women's movement prides itself in the fact that we represent the most oppressed sections of the society. We have always fought for the cause of *Dalit* women and *OBC* women. We have always represented these sections and fought for their demands. Today, as far as the question of *OBC* women is concerned, our position on this is wherever there is a general category of reservation given by the Constitution and

mandated by the Constitution we have demanded one-third reservation for women within that general category and wherever there is reservation for the Scheduled Castes and the Scheduled Tribes category, we have always demanded that one-third of the reservation should be given for women within that category also. We are very happy that in this Bill itself one-third reservation for the Scheduled Castes and the Scheduled Tribes has been very clearly committed.

As far as we are aware, there is not a single State Assembly where the question of OBC reservation as a category mandated by the Constitution has been either demanded or legislated for. In a situation where the category itself is not recognised to take out women from that category, we believe, would be doing injustice to those women themselves, because we know that in many States today even without reservation certain sections of society through their own endeavour and their own efforts, have already got substantial reservation which exceeds one-third reservation. But what we are concerned with is even where they have crossed it, they have not got equal representation of women in all those communities. Therefore, we feel that in a situation where women of all categories, of all communities are discriminated against both between communities and within communities this reservation Bill will help those women within those communities also. Since the political parties determine as to who is going to be the candidate in a particular constituency, the same criteria will apply whether it is a male or a female and therefore, we request you not to make this an issue to delay or dilute the question of reservation for women.

The fourth point which we made is the question of reservation for women in the Rajya Sabha. We would like to state and put it on record that we have always demanded reservation for women both in Lok Sabha, Rajya Sabha and State Assemblies. Since there has so far been no reservation for the Scheduled Castes and the Scheduled Tribes within Rajya Sabha at present on behalf of the National Women Organisations we, therefore, do not press for reservation for women in Rajya Sabha at the moment. As and when the question SC and ST reservation in Rajya Sabha comes up, we will press for one-third reservation for women in Rajya Sabha. So, at present we are not pressing for any reservation for women in Rajya Sabha. As far as the question of nomination is concerned, we would request you to make a recommendation to the Government to at least keep in consideration that some women also should be nominated to those seats.

The fifth point is, it has been said that instead of seat reservation if should be reservation in the lists of candidates of the political parties. This question arises because it is true that the process of reform in the political parties is very slow. But we cannot accept this suggestion as a substitute. This is a very legitimate concern because it is true that the process of reform in all the political parties has been extremely slow. Therefore,

political parties also require some kind of strong incentives to change the present decision making as to who is going to be the candidate in a particular constituency. But this cannot substitute seat reservation because even if all the political parties have one-third women on their lists, it will not guarantee one-third women in the elected body and in the decision making body because of the following reason which I am going to say. You may not agree with what I am going to say and you may please excuse me for saying this. There is no guarantee that winning seats will be given to women and therefore, women may not form part of the elected body.

The sixth point is the question as to how the seats are to be reserved. Now we have the example of SC/ST reservation which is based on the population of a particular constituency. After the Delimitation Act has been enacted, it has been frozen now. So that criteria cannot apply to women now, because in each constituency the population of women, perhaps will be equal. So population cannot be the criterion. Therefore, we would request this Committee to keep it as it is, having it as rotational and keeping the term as five years. That can be decided when you are framing the rules. That should not become the main issue to delay the Bill. After five or ten years, perhaps it can be removed from the main Act and put in the rules.

Finally, we would like to state the obvious and that is in any struggle for social justice definitely the *status quo* is going to be affected and here 181 seats are going to be reserved for women in Lok Sabha. So, definitely the *status quo* is going to be affected. We believe in two important aspects in changing the *status quo*. Firstly, the inequalities which are present today will be done away with. Secondly, the democratic process will be strengthened. It is these two major issues which concern us today and therefore, with all the strength that we have and with all the limited experience that we have in fighting for women's rights for the last so many decades, we would strongly urge the Committee to fulfil its historic duty to recommend passage of the Bill, as it is within the first week of the coming Session of Parliament.

MR. CHAIRMAN: Do you have any suggestion with regard to this rotation? Should this rotation be for five years or ten years or how long? That kind of a suggestion would be useful while framing the rules.

DR. VEENA MAZUMDAR: Madam, we want Parliament to take a bold step and we would like to assure you that the Women's Movement will not be behind Parliament in equal boldness. We would plead for five years rotation, that is one term, because women are not a minority in the numerical sense. You cannot confine women to a particular constituency. Logically, there is no other option, so, we must keep one term. Let the country as a whole the constituencies as a whole, get a chance to be reserved for women members.

I would just like to add to what has already been stated by my

colleague. She said that commitments, if they are not kept, it send a wrong message down. I am a generation older and I have experienced that unkept promises give rise to frustration and cynicism. I have met a large number of women who say that the whole political process, in spite of the fact that we keep on voting in larger and larger numbers, what did it do for us. It is a real issue and you have to face it. If you want to follow many of the Western developed countries where participation of women and youth has been declining steadily for the last several decades, if that is the future you want for Indian democracy, then go ahead and throw this Bill out. But that is the message that the people will get that those whom we elect and send to Parliament are not interested in the health of Indian democracy.

The second point that I would like to bring before you is that the commitment does not begin with the promises made by the existing parties in their manifestoes. The commitment goes back, if not to 1931, to the Fundamental Rights Resolution of the Indian National Congress in 1976 when there was a unanimous Resolution of Parliament after debating the Report of the Committee on the Status of Women. If I remember the words correctly, the unanimous Resolution stated that it was necessary to remove any disparities, disadvantages and handicaps that Indian women continue to suffer from. There are Members in this Committee who are far more familiar with that Resolution because they participated in that debate, they participated in passing that Resolution.

I would finally say that in some of the debates in the national Press, the Committee of which I was once the Member Secretary, has been cited as having opposed reservation for women, and before that becomes an argument in this Committee, I would like to remind the Members, I am sure not everyone has read that report, but I can spot atleast a few who have read it thoroughly, that there was a full discussion on the issue of reservation. The Committee itself had gathered enormous evidence from women political cadres of all parties and they used these arguments frustrations, cynicism etc., and pleaded that they never got a chance. The other set of people whom the committee had consulted were outstanding social scientists and jurists of this country. At least, five of them—if I may name them: Prof. Upendra Buxi, Prof. V.M. Suri, Prof. I. Narain, Prof. Lalit Sen—unanimously recommended reservations. We summarised in the report their views and why they did so. But after this discussion, the majority members of the Committee took the view that they would not like to recommend reservation in State Assemblies and Parliament. But instead they also emphasised the need for a structural change at the grass-root level, at the panchayati level and at the municipal level. But what has been completely forgotten was that there were two members of that eleven member Committee who did not go with the majority. I happened to be one of them. If I can call on your patience, I would like to read just one paragraph from our dissent note.

“When one applies the principle of democracy to a society characterised by tremendous inequalities, such special directions are only spearheads to pierce through the barriers of inequality and the unattainable goal is as meaningless as a right that cannot be exercised. Equality of opportunity cannot be achieved in the face of tremendous disparities and obstacles which the social system imposed on those sections who traditionally, in India, were treated as second class or even third class citizens.”

I think the unanimous Resolution of Parliament, which came a year later, drew on this for the removal of disparities and handicaps that Indian women continue to suffer from. It is unfortunate that we have waited 20 years for that commitment of Parliament to take some shape. The Seventy-third and Seventy-fourth Amendments took a very positive, very radical, step to strengthen Indian democracy. This is the second step in that direction. I can only pleaded with the rest of my colleagues, please do not give the wrong message and please remember that Indian women today are not in the same state as they were even in 1976. They are far more awakened, they are far more marginalised and they are far more angry. It is necessary for you to realise that women are angry and if you send out the wrong message, it would have very very adverse consequences. I would not go into the reasons for their anger. I think one has only to look at the statistics brought out by the *Bharat sarkar*.

MRS. MERY KHEMCHAND: Without being repetitive, I would only like to say that a commitment has already been made and this commitment should be and must be honoured if the democratic processes are not going to be subverted. We request all of you, particularly the women Members of Parliament, to take up this issue and convince the male Members of Parliament.

KUMARI MAMATA BANERJEE: They are already convinced.

SHRI VIJAY BHASKARA REDDY: I am convinced.

MR. CHAIRMAN: Every one is convinced.

KUMARI MAMATA BANERJEE: She is in favour of one term. But don't you think that one term will not be enough to prove the credibility, honesty and sincerity of the Members? Specially the people's representatives after five years have to face the people and they are liable to the people. So, will the five year term be enough or should it be ten years?

MRS. VEENA MAZUMDAR: I think Indian women are ready to face the challenge and you may not be surprised if at the end of the five year term, some of them can be returned even without the backing of reservation. It happens in panchayats.

SHRI R. K. KUMAR: You said that forces are out to wreck the

implementation of this Bill. Who is trying to stop this Bill? I find very wild charges being made against men.

SHRIMATI BRINDA KARAL: I just refer you to the last stage of our memorandum in which we have said:

“No struggle for women’s equality will succeed...”

Nowhere in any of our struggles have we ever felt that this was merely a man and woman issue. We feel it would be trivialising this issue if we say that all men are opposed to this Bill. When we say there are attempts to sabotage the Bill, we do not mean that it is men who are attempting to sabotage the Bill. I would like to state what we have stated in the memorandum. we are concerned of the moves being made which appear to us to be in a regressive direction. We have cited the example of the Bombay Municipal Corporation in which a resolution has been passed wanting to undo 73 and 74 amendments. We have got reports from many States that certain people have been deprived of sarpanch post because it is reserved for women and that they are now trying to circulate resolutions against women sarpanches saying that they are not capable of doing their job whereas those women sarpanches, according to all the reports, are doing a very good job. So, I would like to stress that for any movement, even for SC/ST, the entire movement for social justice has faced opposition from various quarters. Similarly, at the grass root level, we are facing opposition from various quarters.

SHRI R. K. KUMAR: Except for Bombay Municipal Corporation, you do not have any other specific reference.

SHRIMATI BRINDA KARAL: I can only go through the parliamentary debate. We have heard some of the speeches of the hon. Members. It is not for me to comment on some of the speeches made by the hon. Members.

SHRI R. K. KUMAR: Why do you call it a sabotage?

SHRIMATI BRINDA KARAL: I am only saying that when we use the word ‘sabotage’, it goes far beyond Parliament. It is a wide social issue and there are forces today who do not want any change. If there are forces which do not want any changes, why should we change?

SHRIMATI MARGARET ALVA: A question has been raised about rotation for Chairperson. Just one term would be enough. There is a feeling expressed that if Member knows that he is not to worry about his second term, he may not take his job seriously. The other question is that the Member thinks “In any case I am not getting another term. So, why bother about nursing the Constituency;” Don’t you think it might be safer to give two terms to those who really work? The suggestion that has come from some quarters is that the question of reservations itself for women should be limited to 25 year *i.e.*, five general elections and 1/5th of it by rotation so that each one gets ten years and that all the Constituencies

would be covered in five general elections. After that, direction, we have cited the example of the Bombay Municipal Corporation in which a resolution has been passed wanting to undo 73 and 74 amendments. We have got reports from many States that certain people have been deprived of sarpanch post because it is reserved for women and that they are now trying to circulate resolutions against women sarpanches saying that they are not capable of doing their job whereas those women sarpanches, according to all the reports, are doing a very good job. So, I would like to stress that for any movement, even for SC/ST, the entire movement for social justice has faced opposition from various quarters. Similarly, at the grass root level, we are facing opposition from various quarters.

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SHRI SHARAD PAWAR: I want to point out one thing. Recently, in

our place, 23 seats were reserved for women. In the next election, out of the 23 candidates, 22 candidates have been changed from one place to the other. All the 22 elected corporators, who were members for five years, when they were changed, they lost their seats. They belong to all the parties.

PROF. RITA VERMA: They do not think of individual contribution. They think in terms of the contribution made by the party. But the individual does matter.

SHRIMATI BRINDA KARAT: I fully agree with you. I appreciate the points made here. We have discussed this among ourselves. That is why, we have suggested 5—10 years. There is a lot of merit in this. We feel that the Bill, as it is, can be passed. If you feel that it should be ten years, it is for you to decide. We are putting our point of view.

About the question of near relatives, we have discussed this issue. There is the question of the *bibi* brigade and *beta* brigade. Our experience is that a person, brought up in a political family, will certainly be influenced by the political atmosphere there. The influence of the family members plays a great role in choosing a person's profession or career. One may make a choice to join politics. How can such a person be discriminated? Dynastic politics is not only your concern but it is a concern of everybody. We should not weigh dynastic politics with the female members wanting to join politics. They are two separate things. I would suggest that this is not a substantive issue and it should not become an issue to deprive the women of their rights.

श्री राम कृपालु चाव्हा: मैं आपकी बातें ध्यानपूर्वक सुन रहा हूँ। चर्चा के दौरान आपने ओ० बी० सी० महिलाओं को आरक्षण देने के बारे में भी कहा परन्तु स्पष्टीकरण से आपका मतलब सामने नहीं आया। मैं जानना चाहता हूँ कि इस देश में जब बड़े पैमाने पर पिछड़े वर्गों की महिलाएँ हैं, जो खासकर गाँवों में रहती हैं, यह देश गाँवों का देश है, उन्हें ऊपर उठाने के लिए, दूसरों के सम्मान लाने के लिए, क्या आप ऐसा महसूस नहीं करती हैं कि इस बिल में ओ०बी०सी० महिलाओं के लिए भी आरक्षण की व्यवस्था की जाए? क्या उनको न्याय नहीं मिलना चाहिए, क्या ओ० बी० सी० की महिलाओं को आरक्षण नहीं मिलना चाहिए?

सुश्री चीना मजुमदार: हम जरूर चाहते हैं कि ओ० बी० सी० महिलाओं को आरक्षण मिलना चाहिए मगर इस मुद्दे पर इतना जरूर कहना चाहते हैं कि जब तक लोक सभा में ओ०बी०सी० की महिलाओं के लिए रिजर्वेशन नहीं होता, तब तक उन्हें मान्यता का सवाल उठता नहीं है अभी यह प्रश्न उठ ही नहीं है। अभी ठठ है।

श्री राम कृपालु चाव्हा: पार्लियामेंट में यह प्रश्न उठता है, प्वाइंट सल्यूट कमेटी में भी यह प्रश्न उठता है। सबसे बड़ा सवाल यह सामने आया कि क्या राज्य सभा और विधान परिषदों में भी महिलाओं को आरक्षण मिलेगा और दूसरा सवाल यह आया है कि क्या ओ०बी०सी० महिलाओं को इस बिल की परिधि में आरक्षण मिलेगा? आपको पता है कि जे०सी०सी० इसीलिए बनी है ताकि सभी वर्गों पर विचार किया जा सके। यह एक गम्भीर प्रश्न है।

सुश्री चीना मजुमदार: हाँ, जब यह बिल संसद में आया, तभी यह सवाल उठा लेकिन हम चाहते

है कि किसी भी वजह से इस बिल को पारित करने में देरी नहीं करनी चाहिए, यही हमारी रिक्वेस्ट है। इसके पास होने के बाद, जब हम जनरल ईश्यूज पर जाएंगे तो ओ०बी०सी० महिलाओं को भी आरक्षण मिलेगा।

श्री राम कृपाल यादव: कानून में जो कमियाँ हैं, खामियाँ हैं, उन्हें दूर करने पर भी विचार होना चाहिए। यह समिति इसीलिए बनी है।

प्रो० रीता वर्मा: यादव जी, महिलाओं का पल्लू पकड़कर तैरने की तैयारी मत करिए, वे यही कह रही हैं।

श्री राम कृपाल यादव: यह आपका व्यू हो सकता है, इनका व्यू नहीं है।

श्रीमती वृन्दा कारत: मैं सिर्फ इस बारे में बहनों का पक्ष ऐड करना चाहती हूँ हमने देखा है कि जहाँ ओ०बी०सी० का संपर्क हुआ है, जहाँ राजनैतिक पैमाने पर उन्हें अपने प्रतिनिधित्व को बढ़ाने की कोशिश की, हमें बहुत खेद और दुःख है कि जहाँ ओ०बी०सी० की हमारी महिला बहनें सक्षम हैं, जहाँ वे लड़ सकती हैं और लड़ रही हैं उन्हें भी आज तक प्रतिनिधित्व नहीं दिया गया और न मौका दिया गया। इसलिए हमारा माननां है कि हम लोग इस मामले में जले हुए हैं और बहुत जले हुए हैं। आप इस बात को कहने के लिए हमें माफ करें। इसलिए मैं सिर्फ यही कहना चाहती हूँ कि ओ०बी०सी० कैंडिडेट्स का जो क्राइटेरिया है, जिस आधार पर वे किसी असम्बली कस्टीट्यूंसी में मैम्बर बनेंगी, वही क्राइटेरिया औटोमेटिकली ओ०बी०सी० महिलाओं के लिए निश्चित रूप से हमें देना पड़ेगा। हम ओ०बी०सी० महिलाओं के लिए लड़ रहे हैं, ओ०बी०सी० ही नहीं, तमाम औप्रेस्टेड कास्ट्स के लिए हम लड़ रहे हैं। हमारे सामने जो बैरियर हैं, माननीय सदस्यों से मेरी विनती है कि वे इस मामले में हमारी मदद करें, विभिन्न कम्युनिटीज के अंदर जो भेदभाव है, उसे मिटाने में हमारी मदद करें।

SHRI K. VIJAYA BHASKARA REDDY: You have asked for one time reservation. But have you thought of the future of the lady who gets elected from a constituency and is not able to get elected again? What will be her future career?

SHRIMATI BRINDA KARAT: We do not consider that only elected Members have political career. We feel politics is a much wider sphere than just getting elected. Those who are going to be elected, after that they continue their political work and women also will be given that opportunity. So we do not want to limit the political activity.

SHRI SHARAD PAWAR: There is a proposal for small States but reservation of seats has not been suggested. What exactly would you like to have?

SHRIMATI VEENA MAZUMDAR: In that case, out of three, one can go to woman candidate. There should be some principle about this.

SHRIMATI RENUKA CHOWDHURY: This time most of the political parties have given in their manifestos one promise that they are going to elect women in the legislative bodies. Therefore, would you consider it appropriate to have a self-monitoring process by which 33 per cent of the tickets are given to women, to start with? Winning or losing is not a political process but contesting is a political process.

SHRIMATI BRINDA KARAT: We hope that if this Bill goes through, it will create a pressure on the political parties to do exactly what you are suggesting. But left to the political parties, there is a disadvantage in doing that. I am saying this because party after party have decided in their highest national executive body, to nominate 15 per cent of women in all forthcoming elections. It keep tabulating election results and not even once, in all the fifty years since Independence, has a single party reached that target. I do not think there is any point in repeating that.

श्रीमती सुचमा स्वराज: विमला जी, कुछ सवाल मेरे साथियों ने पूछे और कुछ आशंकाएं वक्त कीं। मुझे ऐसा महसूस होता है कि इस बिल को लाने का आशय, देश में महिला नेतृत्व पैदा करना है और वह तभी पैदा होगा और इस बिल की मंशा पूर्ण होगी जब पूरे देश में विमैन लीडरशिप पैदा हो। हर कांस्टीट्यूएन्सी कभी न कभी रिजर्व होगी, बजाए इसके और इस प्रकार से अनिश्चितता का बतलावरण बनाए रखने के मेरा सुझाव यह है कि हर स्टेट में कांस्टीट्यूएन्सी के नंबर के अनुसार उन्हें कम्यार पहली से ही तयशुदा कार्यक्रम के अनुसार घोषित कर दिया जाना चाहिए कि इस क्रम में वे आरक्षित रहेंगी। जैसे पहली बार 1-4-7-11-15, दूसरी बार 2-6-8 और तीसरी बार 3-6-12 आदि इस प्रकार से हर कांस्टीट्यूएन्सी आरक्षित भी हो जाएगी और हर दल को यह पता रहेगा कि अगली बार कौनसी कांस्टीट्यूएन्सी आरक्षित है, जिससे वहां पर विमैन लीडरशिप तैयार करने का ध्यान भी संबंधित दल रखेंगे।

श्रीमती रेणुका चौधरी: वह नहीं बताना चाहिए। नहीं तो ये काम नहीं करेंगी?

श्रीमती सुचमा स्वराज: नहीं, रेणुका जी, इससे यह तो होगा कि अगली बार कौन सी कांस्टीट्यूएन्सी महिलाओं के लिए आरक्षित होगी, वह पता रहेगा। इस बात को ध्यान में रखते हुए हर दल अपनी तैयारी कर सकेगा और हर कांस्टीट्यूएन्सी धीरे-धीरे आरक्षित भी हो जाएगी और पांच या दस साल में महिला नेतृत्व पनप जाएगा, उसके बाद इस आरक्षण को समाप्त कर दिया जाए।

श्रीमती कुंदा कारत: अभी हमने इस बारे में कोई बहस नहीं की है, लेकिन हम इस बारे में बफर विचार करेंगी और जो भी हमारी राय होगी हम समिति को सूचित कर देंगी।

श्रीमती सुचमा स्वराज: इसमें मेरा सिर्फ यही मतलब था कि यदि इस बारे में आपके विचार समिति को मालूम हो जाते, तो ठीक रहेगा।

सुश्री चन्द्रमणि चौपड़ा: आपने जो डिटेल्स हमें बताए हैं, वे बिल्कुल ठीक हैं और हम सब लोग इस पर अवश्य विचार करेंगी और आपको अपनी एक राय से अवगत करवा देंगी।

श्रीमती सुचमा स्वराज: तो क्या आपकी इस बारे में अलग-अलग राय है, यदि है तो वह बताएं?

सुश्री बीणा फजुल्लाह: वैसे इस मामले में हमारी अलग-अलग राय नहीं है। जो बात सुचमा जी ने कही है, वह बिल्कुल ठीक है। हम इस बारे में अवश्य अपनी राय देंगी।

MR. CHAIRMAN: They have given their opinion that they would discuss it collectively. We should stop at that.

SHRIMATI CHANDRAMANI CHOPRA: We are one that the term should not be limited to ten years.

MR. CHAIRMAN: The question is not of total term. The question is of rotation, whether it should be one term or two terms.

SHRI SURESH PRABHU: The question which needs to be articulated is how should one go about selecting constituency, the first time. There could be various views expressed. I would also like to react to the idea of women getting involved into national issues. There are some constituencies which are male dominated and there are some which are female dominated. The idea is basically to get women elected from male dominated constituencies. I have been mandated to express the view of women. Would you consider this a worth point in asking women to contest from such constituencies?

SHRIMATI VEENA MAZUMDAR: Madam, Chairperson, we would not like this attempt. It sounds to us a discriminatory attempt. We may not be there in larger number. I doubt very much whether there are any constituencies which are female-dominated, may be, Ratnagiri where bulk of the participants are migrants. But we do not understand the constituencies being reserved for women.

SHRI SURESH PRABHU: That is what I am trying to say.

SHRIMATI VEENA MAZUMDAR: This is the state of affairs. When you have a constituency reserved for Scheduled Castes or Scheduled Tribes, all the candidates are from that community. We are sticking to the basic principle of the Constitution as an instrument to protect the barrier of inequality. We do not want any new instrumentality coming in.

SHRI SURESH PRABHU: How does one select the constituency?

SHRIMATI BRINDA KARAT: We have mentioned in our memorandum also that the criterion of Scheduled Castes and Scheduled Tribes is not valid for women. At present, there is no precedent for it. When there is no basis, as far as the population is concerned, naturally it will be as per choice.

SHRIMATI MEIRA KUMAR: I want to ask some very important points. The Eminent women are present here and they have repeatedly said that the Bill be passed as it is.

My point is, if the Bill is passed as it is, there will be great injustice done to the women in about 14 or 15 States. If you have gone through the Bill and various clauses, you would see that in States where there are less than three parliamentary seats, there is no possibility of a seat being reserved for the women.

So, what do you suggest, should be done in those cases because, we have to bring in some measures which would ensure representation to women belonging to those States? If you say that you are going to pass the Bill as it is, it would not be fair to these women.

Secondly, there is reservation within reservation. The Bill says that one-third out of the total SC/ST will be given to women. Now, there are a number of States where you would not find three seats. There are less than

three seats. So, again the Bill is discriminatory so far as the SC/ST women in those States are concerned. We cannot pass the Bill, as it is. You have to suggest some measures.

SHRIMATI BRINDA KARAT: I do not think we have said that wherever there is reservation for SC, within that we want reservation for SC/ST women.

Shri Pawarji has raised a question as to whether there should be three seats or two seats. Tripura would have only two seats.

SHRIMATI MARGARET ALVA: Let them give beyond one seat.

SHRIMATI RENUKA CHOWDHURY: Rotation may be there.

SHRIMATI BRINDA KARAT: There, the question of rotation does not arise.

MR. CHAIRMAN: As far as they are concerned, they have given their opinion. Now, it is upto us to decide.

SHRIMATI VINAY BHARDWAJ: We said, 'not less than one-third'.

PROF. RITA VERMA: One of my observations is this. She just now has said in her presentation that in many of the democracies, women do not have adequate representation. They are finding themselves alienated from democratic processes.

I have just been to USA. I had been discussing this constitution (Amendment) Bill with American women in politics. Many of them were Senators and Members of the Congress and they have quite reserve opinion on this. They were not out to support.

Where did you find that the women are being alienated by the democratic process?

SHRIMATI VEENA MAZUMDAR: They are from western and north Europe. For example, Denmark, Netherlands, France. I have personally heard that French Feminists are going at the UNESCO Workshop. Poll Participation Data is seldom used in the international document. Poll participation of youth and women have been falling down in many of these countries.

PROF. RITA VERMA: They are different cases.

SHRIMATI VEENA MAZUMDAR: They say, politics is a mess.

SHRIMATI RENUKA CHOWDHURY: I think, they are very backward. I perceive two loopholes in this Bill which is of serious concern to me. If we enforce this reservation, politicians are going to exploit the situation by bringing forward their wives, widows, etc. Secondly how do we enforce that women can still contest in the general category also?

MS. BRINDA KARAT: As far as your first question is concerned we have had a long discussion on the matter. About the second one, we would not like to complicate matters at this stage because as things stand there is

no bar on a women contesting from any unreserved constituency. The same arrangement will continue in future also.

श्रीमती जी० सरला देवी: बिल पास होने की इम्पोर्टेंस क्या है, यह आप सबको मालूम है लेकिन फिर भी मैं याद दिलाना चाहती हूँ। You may please see the percentage of women members in the past Parliaments, only the 8th Lok Sabha contained the highest percentage of 8.1. This itself underlines the importance of bringing forward this particular legislation. Therefore my humble request to all the hon. Members is to kindly pass this legislation as it is; should there be any need for improvement, that can be made afterwards also by way of amendments.

MR. CHAIRMAN: Thank you very much for giving us a lot of your valuable time and considered opinion.

(The witnesses then withdrew)

**JOINT COMMITTEE ON THE CONSTITUTION (EIGHTY-FIRST
AMENDMENT) BILL, 1996**

**RECORD OF EVIDENCE TENDERED BEFORE THE JOINT
COMMITTEE ON THE CONSTITUTION (EIGHTY-FIRST
AMENDMENT) BIILL, 1996**

*(Thursday, 21 November, 1996 from 15.00 hrs. to 17.15 hrs. Party Meeting
Room, Parliament House Annexe, New Delhi)*

PRESENT

Lok Sabha

Smt. Geeta Mukherjee—Chairperson

Members

2. Shri Mukhtar Anis
3. Km. Mamata Banerjee
4. Shri Ramakant D. Khalap
5. Smt. Sumitra Mahajan
6. Smt. Jayawantiben Mehta
7. Shri Hannan Mollah
8. Shri Ram Naik
9. Shri Nitish Kumar
10. Shri Sharad Pawar
11. Shri Suresh Prabhu
12. Shri P. N. Siva
13. Smt. Sushma Swaraj
14. Km. Uma Bharati
15. Prof. Rita Verma
16. Dr. Girija Vyas
17. Shri Ram Kripal Yadav

Rajya Sabha

18. Smt. Margaret Alva
19. Shri Sushil Kumar Sambhajirao Shinde
20. Smt. Malti Sharma
21. Smt. Chandrakala Pandey
22. Shri R. K. Kumar
23. Smt. Renuka Chowdhury
24. Shri Ram Gopal Yadav
25. Shri Jayant Kumar Malhoutra

SECRETARIAT

1. Shri Ram Autar Ram— Deputy Secretary
2. Shri J.P. Jain — Under Secretary

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. Raghbir Singh, Additional Secretary
2. Shri T. K. Vishwanathan Joint Secretary & Legislative Counsel

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

Shri A. K. Sinha, Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF WELFARE

Smt. Gauri Chatterji, Joint Secretary.

WITNESSES EXAMINED

- I. Shri Ashok H. Desai,
Attorney-General of India
- II. Shri S. Ramaiah, Advocate,
Former Law Secretary
(Legislative Department)
- III. **Delhi Pradesh Kayastha Sabha**
Spokesmen:
 1. Shri Vaibhav Vishal
 2. Shri Ashok Srivastava
 3. Shri J. P. Sinha
 4. Shri S. K. Bisaria

Shri Ashok H. Desai
Attorney-General of India

(The witness was called in and he took his seat)

MR. CHAIRMAN: Shri Ashok H. Desai, the Attorney-General of India, I welcome you to this sitting of the Joint Committee of both the Houses of Parliament.

As you are aware, the Constitution (Eighty-First Amendment) Bill 1996, which provides for reservation of seats for women in the House of the People and in the Legislative Assemblies of the States, has been referred to this Joint Committee to report on the

subject. The Committee would like to hear your views on various provisions of this proposed Legislation. Please also enlighten the Committee about your opinion on the legal and constitutional aspects involved in it. The Committee would also like to know whether you have observed any technical or legal lacuna in the Bill.

SHRI ASHOK H. DESAI: Hon. Chairman and the Members of the Committee, I regard it to be an honour to be with you today. But at the threshold. I must mention one disadvantage. The point is that I have not been told exactly why I have been invited. I presume that it is in order to ascertain the constitutional aspects of the proposed Eighty-First Amendment Bill that I have been invited. I have my own personal views in the matter. But I would like to avoid strictly commenting on policy matters because that is the wisdom of the Legislature. It is really not for us to test the sovereignty of the Legislature.

Coming to the point, when you are amending the Constitution, you are performing one of your most solemn obligations or duties under the Constitution. It is not an ordinary amendment of law. You are exercising the constituent power vested under Article 368 of the Constitution. You are changing the whole text of the basic document. That has a particular consequence in law.

You do not judge a constitutional amendment on the basis of fundamental rights. Normally, any ordinary law would be tested on the grounds of Fundamental Rights and it would be contended to us that this law conflicts with Freedom of Speech, or it conflicts with the Right of Equality or it conflicts with freedom given under Article 21. But when you are amending the Constitution itself, you cannot say that one part of the Constitution is contrary or inconsistent with another part.

Now, the result of this difference was seen in the Keshav Nanda Bharti case. You cannot attack the provision of a Bill of the Constitution amendment by saying that it conflicts with particular part of Fundamental Rights. In fact, till then you could not challenge a constitutional amendment at all. If the Constitution is amended then you had to accept it.

But in India, we have now evolved a very important and a new doctrine of the basic feature which means that if a Constitution is amended, you can still say that the basic feature of the Constitution is violated and that amendment is bad. To give an instance, supposing an amendment says that you will not approach the Court in same matters a Court will say so 'No, judicial review is the basic feature of a Constitution.' This is one example to be given.

Now, what are the basic features? Judges are very careful because these are all categories which may rise from time to time. Republicanism is a basic feature, if somebody wants to establish Monarchy in India, it can be asserted on the ground that we are a Republic. That is a basic feature of

the Constitution. Secularism is a basic feature. Equality also in the same manner. Democracy is a basic feature. There are a large number of basic features which have been perceived from Judges from time to time on a case-by-case method. We have no document to lay down. What are the basic features.

The hon. Chairperson has sent me a large number of questions on various objections, etc. The Bill itself cannot be attached on these at all. Supposing I was on the opposite side, there are three points on which the Bill may perhaps be attacked. It would be something like this (1) Should women be a separate class? (2) Is 30 per cent not excessive? and (3) Should this be permanently entrenched in the Constitution? These are the three main points. Of course, there are many other points which are really policy matters. I would not go into the policy area.

Now, I would like to clarify that I do not find any constitutional infirmity in this Bill. As far as constitutional approach is concerned, this Bill does not suffer from any infirmity.

One question is, should women be a separate class. Now, apart from any one waxing eloquent on disability of women or discrimination against them, Constitution itself recognizes this on two occasions—at the beginning and recently in two amendments which were made. The Constitution itself has recognized. by 73rd and 74th Amendment, the problems that women face in India.

Now, the original constitutional provision is 15(3). As I said, the Article does not apply to test the Bill. But it is an indication on what the Constitution makers thought was a proper approach to make the provision to equality.

Although they have provided that there shall be no discrimination against any citizen on grounds of religion, race, caste, sex, place of birth or any of them. Article 15(3) provides that nothing in this Article shall prevent the State from making any special provision for women and children. So, the fact that you can make special provisions for women and children in ordinary law is not regarded as infringing the clause of equality. In other words Constitution permits laws to be made which favour women.

But more important is, both the 73rd and the 74th Amendments which were recently passed and which deal with the Rights of Panchyati Raj and self-government in Municipalities, expressly provide in two of the provisions 243 D (3) 243 T (3) one for the Panchayati Raj and the other for the Municipality—that one-third of the seats should be reserved for women. Therefore, the fact of the reservation for women has recognised by the Constitution. If that is so, to treat women as a separate class would be justified. It could be supported in a Court.

The second point is whether 33 per cent is excessive. I am not exactly clear as to the ratio of men to women in the general population. I find in

one of the notes that it is 943 women to 1000 men, although it is most common that more boys are born but they are less tough and more girls survive. I would like to assume for a moment that there is a broad equality in this ratio. Therefore we must remember that the reservation is only 33 percent and women can still stand in the general constituencies also. So that it is not as if they are restricted to 33 per cent. 33 per cent would be the minimum which would be available for women. I can envisage if this leaves 67 per cent of seats open for men. if there is a situation where women would contest as a matter of practice or in actual reality far more than half of the general seats then an argument could be made that they are getting 33 per cent plus 33 per cent from the general category which makes it to 66 per cent. This would be unfair because they are only 50 per cent of the population. But as long as the reservation is 33 per cent. I do not see any legal impediment. There can be another argument as to wherefrom you get 33 per cent women when all these years their representation did not go beyond 10 per cent. That is a different matter. As regards the first argument about women exceeding more than 50 per cent mark, I do not think that it is in the realm of even possibility, certainly not probability, that women will have more than their actual ratio because ratio has to be justified on some such provision.

Thirdly whether the reservation is of permanent nature. It is true that so far as SC and ST reservation is concerned. Article 344 provides that it shall be for a finite period. Although that finite period is receding like a mirage-you come closer to it and it disappears for another ten-fifteen years. That is a different matter. I may remind hon. Members that 73rd and 74th Amendments do not provide for any such limit in the time. They provide for a permanent minimum reservation of one-third seats. I do not think that when you are 50 per cent of the population, providing one-third reservation would be regarded as bad merely because it is permanent.

So, these are the three broad objections which I can see. so far as one can envisage arguments against them. I think there will be a legal answer to them. The rest is the policy matter.

To deal with policy matters, I think, will be foolhardy for me to venture.

SHRI SHARAD PAWAR: Kindly refer to Section 3, Article 332. In the last line, it says:

"Provided that nothing in this clause shall apply in relation to a state or Union Territory so long as the number of seats allotted to such State or Union Territory is less than three."

I can understand it in respect of Lok Sabha. But there are some States, especially States like Goa and those in the North-East, where the number of seats are less than three, but there is not a single State in the country where the Assembly seats are less than three in number.

SHRI ASHOK H. DESAI: In that case, the provision will remain unused.

SHRI RAM NAIK: In Section 2, it is written, not less than one-third of the total'. So, it could be taken to mean fifty per cent or more also.

SHRI ASHOK H. DESAI: But I think, the reservation is for one-third.

SHRI RAM NAIK: But it does not limit it to 'only one-third'; it says, 'not less than one-third'.

SHRI ASHOK H. DESAI: I think, it should be possible to limit it to nearest to one-third because there may be some fraction too.

SHRI RAM NAIK: I would like to know something on one more aspect. There are some States with less than three seats. Would there be a bar if we rotate such seats, say, once in three years the single seat is to be reserved for women or something like that?

SHRI ASHOK H. DESAI: I think, you are right. I feel that it would be permissible.

SHRI SURESH PRABHU: The Seventy-third and Seventy-fourth Amendments have already become part of the Constitution. Had they ever been challenged in the Court?

SHRI ASHOK H. DESAI: It was challenged in Uttar Pradesh. But it failed.

श्रीमती सुषमा स्वराज: सभापति महोदय, एक मांग उठ रही है कि राज्य सभा और विधान परिषद में भी महिलाओं के लिए आरक्षण किया जाए। डिजायरेबिलिटी में लगभग यूनेनिमिटी है। यह सब चाहते हैं कि राज्य सभा और विधान परिषद में आरक्षण होना चाहिए, क्योंकि वहां कोटा मिलते ही विजयी हो जाते हैं। अपर चैम्बर में महिलाओं के लिए आरक्षण की मोडैलिटी समझ नहीं पा रहे हैं, दिक्कत है सिंगल रिजर्वेशन ट्रान्सफरैबल वोट यही दिक्कत एक्सीज में भी रही, क्योंकि रिजर्वेशन नहीं हो पाया। आप संविधान के ज्ञाता हैं, आप मोडैलिटीज को समझ सकते हैं कि आरक्षण किस प्रकार करें और इस डिजायरेबिलिटी को किस प्रकार पूरा करें।

SHRI ASHOK H. DESAI: This is really a policy decision. I assume that you want a change. I will have to reflect on it. I cannot react off hand.

श्रीमती सुषमा स्वराज: रिपोर्ट प्रस्तुत करने से पहले आप मोडैलिटी समझा दीजिए। मुझे लगता है कि कमेटी का मत है कि इसको करें। आपके विचारों से कुछ फायदा हो जाएगा।

SHRI ASHOK H. DESAI: I will try to work on it. You are all real experts in this field. My success rate would not be very high.

MR. CHAIRMAN: I think these modalities are to be worked out by the Members.

ASHOK H. DESAI: I think the Members know more about the modalities.

SHRI SURESH PRABHU: The basic feature of the Constitution cannot be violated. Otherwise, it will lead to some other problem. The reservation

has been accepted by the Constitution as something which is not violative of the basic feature of the Constitution. Now, if you do gender-based and caste-based Reservation, will there be no conflict between the two? Would the Constitution pursue the two types of reservation as the basic principle of the Constitution?

SHRI ASHOK H. DESAI: It is a very interesting thing. This will be an interlocking reservation, Let me put it in that form. In those two types of reservation, one will be horizontal reservation and the other is vertical reservation: And there will not be a separate Reservation for them when we have one-third reservation for women and 15 per cent and seven per cent reservation for SCs and STs. So, this will be an interlocking reservation and there will be no conflict between the two, So, it is not going to really matter as such.

MR. CHAIRMAN: I must inform the hon. Members that the second witness has already come and he is waiting. There are two other hon. Member who want to put some questions. I would request them to be very brief.

श्री मुख्तार अनीस: यहाँ पर जो मीटिंग हो रही इसमें जिस बारे में चर्चा हो रही है इस पर पिछले दो महीने से चर्चा हो रही है। इस पर क्या चर्चा हो रही है इसको कोई भी मेम्बर नहीं सम्झ पा रहा है। अगर इसको ऐसे ही भेज देना है तो फिर इसको ऐसे ही पास कर देना चाहिए था, इसको यहाँ लाने की जरूरत ही नहीं थी। मैं यह पूछना चाहता हूँ कि यह जो बिल आया है इसमें बैकवार्ड्स और दलितों के लिए कोई गुंजाइश बनती है या नहीं बनती है, आप यह बताएं?

MR. CHAIRMAN: We can seek clarifications only about the constitutionality of the issue. You can restrict it only to that aspect. About the policy matter, we can decide.

SHRI ASHOK H. DESAI: As I explained, these are two interlocking reservations. What I am saying is that out of the one-third reservation for women, another one-third will go to them. So, you do not have to add anything to it. It will be one effecting the other.

श्रीमती जयवंती नवीनचन्द्र मेहता (मुम्बई दक्षिण): अशोक जी, मेरा एक छोटा सा प्रश्न है। इस बिल को आजादी के 50 साल बाद इसलिए लाया गया क्योंकि महिलाओं को प्रतिनिधित्व कम मिला था और नेतृत्व के लिए वे आगे नहीं बढ़ सकीं। आज तक की रिपोर्टों के आधार पर जब तकने यह महसूस किया तभी यह बिल लाया गया। मैं पूछना चाहती हूँ कि क्या यह उचित होगा कि हम इसके लिए कोई कालावधि निश्चित करें। कानूनी दृष्टि से इसे किस हद तक ठीक माना जाएगा। 25-30 साल महिलाओं को दे और फिर वह सीट जनरल सीट में चली जाए। अगर ऐसा कुछ करने कानून यह कैसा होगा?

MR. CHAIRMAN: He has already answered that question.

SHRI ASHOK H. DESAI: May I say that this is really a policy decision. But with the vigorous representation of women that we have, I have no doubt that this Bill will not be required for a long time. We cannot say anything about that because that is a policy decision. Generally, my personal view would be that reservation should be time-bound. But this

is a matter for your wisdom to decide and it is not for giving a legal opinion.

कुमारी उमा भारती (खजुराहो): सुषमा जी ने एक बात उठाई थी कि विधान परिषदों में और राज्य सभा में अभी तक पिछड़ी जाति और एस०टी०एस०सी० पुरुषों के लिए अरक्षण नहीं है। अगर एस०टी०एस०सी० पुरुषों के लिए नहीं है तो अगर महिलाओं के लिए किया जाएगा तो क्या कोई अड़चन आएगी?

SHRI ASHOK H. DESAI: I think if you are able to solve the initial problem of how to organise reservation indirectly both for the Legislative Council and for Rajya Sabha, then further reservation will be possible. It will be a policy matter. Supposing we are able to resolve the problem and say that we can have indirect reservation for women even in Rajya Sabha, and then if you want to add one-third from the reserved constituencies, it will be possible. But the initial problem is how to organise the first. How to arrange it is the problem.

SHRIMATI MARGARET ALVA: It can lead to problems to nominated seats.

कुमारी उमा भारती: महिलाओं के नामिनेट की बात आएगी तो पुरुष खड़े हो जाएंगे। पहले बैकवर्ड क्लास की महिलाओं को ले लिया जाए।

श्रीमती सुषमा स्वराज: आज बैकवर्ड पुरुषों के लिए रिजर्वेशन नहीं है। बैकवर्ड पुरुषों के लिए रिजर्वेशन न होते हुए भी क्या बैकवर्ड महिलाओं के लिए रिजर्वेशन किया जा सकता है?

SHRI ASHOK H. DESAI: You are right. It may not be possible in that form.

कुमारी उमा भारती: इसमें लीगल प्रॉब्लम कहाँ आती है?

SHRI ASHOK H. DESAI: There may be a legal problem and I think we should not go into it just now. We may postpone this discussion till we may be able to find a way of having reservation.

श्रीमती सुषमा स्वराज: हम तो लोक सभा की बात कर रहे हैं। ये दोनों चीजें अलग-अलग हैं। लोक सभा में बैकवर्ड पुरुषों को रिजर्वेशन दिए बिना क्या बैकवर्ड महिलाओं के लिए रिजर्वेशन किया जा सकता है?

SHRI ASHOK H. DESAI: I would not like to answer this question because I have not applied my mind to it.

कुमारी उमा भारती: बैकवर्ड महिलाओं की आबादी देश में बहुत है।

MR. CHAIRMAN: Let us not come out with our opinions. We have taken his opinion and so, I think we should stop at it.

SHRI ASHOK H. DESAI: When I say that I have not applied my mind, I have certainly strong views but I have come here to give my views on the 81st Amendment Bill and so, I would not like to get into policy matters.

कुमारी उमा भारती: हम पॉलिसी मैटर की बात कर रहे हैं और लीगल ओपिनियन पूछ रहे हैं।

अपी तक पुरुषों को नहीं मिला और न ही महिलाओं को मिल रहा है। पहले पुरुषों को मिले, फिर महिलाओं को मिले, वह हम नहीं चाहते।

SHRI ASHOK H. DESAI: I think it is a good point

SHRI SUSHIL KUMAR SAMBAJIRAO SHINDE: It is all because a reference was made in Parliament that there should be reservation for backward classes and OBCs also. There were no two opinions to give 33 per cent reservation to women and every party agreed to it but a Joint Parliamentary Committee has been constituted and the Bill has been referred to it for consideration and to come with some concrete suggestions. Now the question is, to add in the Constitution, the provision for Scheduled Castes and Scheduled Tribes, If at all this new factor to put backward classes into it is to be taken into consideration, then what will be the situation?

I will give a more concrete example. In 1956, some Scheduled Castes had embraced Buddhism under the leadership of Dr. Ambedkar. Subsequently, in 1970, three seats from Maharashtra parliamentary constituencies had gone to the general side. Out of the six seats, three remain in existence. In 1990, the amendment was accepted and the Buddhists were treated as Scheduled Caste people. The right which has been taken away by way of these seats have not been restored so far. Out of those three seats, one seat of women has also vanished. If it is taken for granted that there are six seats in Maharashtra, then two would have gone to women or Scheduled Castes. In such circumstances, if any amending clause is put in towards reservation of backward classes, would it be legally accepted in the Supreme Court or not?

SHRI ASHOK H. DESAI: This is a very important question but I would like to reflect on it. You are saying that there should be a further revision in the one-third reservation. Just as today part of the reservation will go to the Scheduled Castes and Scheduled Tribes, you are asking whether we could think of a similar thing in the case of backward classes or not, for this, I should have to think over it and come back. Because I do not want to answer just like that and this is not part of the present Bill. Therefore, I cannot answer this question.

SHRI SUSHIL KUMAR SAMBAJIRAO SHINDE: At this particular moment, will there be any hindrance to pass it immediately or will it have any legal difficulty?

SHRI ASHOK H. DESAI: The Bill is constitutionally valid. If you bring in further changes, it will have a reflection on other things. As Anisji and Umaji has mentioned, it will have a reflection on men. I do not want to respond to it now.

श्री नीतीश कुमार (काङ्ग): श्री शिन्दे साहब जो बात रहे हैं, वे ठीकस है। स्टर्नो जनरल साहब ने कहा कि वे कांस्टीट्यूशनल आर्यवैट पर अपनी राय दे सकते हैं, जहाँ तक पॉलिसी मैटर का सम्बन्ध है,

उनके अपने विचार हैं। लेकिन उस पर कोई राय वे नहीं देना चाहेंगे। यह तो कार्यपालिका या पार्लियामेंट पर निर्भर करता है कि वे पालिसी मैटर में क्या करना चाहते हैं। इन्होंने सफ़ कहा है और यदि उनके मुंह से हम कुछ कहलवाना चाहते हैं तो यह अन्याय होगा और यह ठीक नहीं होगा। इसमें दो बातें हैं—वर्टिकल और हॉरिजेंटल। महिलाओं के लिये 1/3 तो हॉरिजेंटल आरक्षण होगा और ओ०बी०सी० के लिए वर्टिकल आरक्षण करना होगा। मेरी राय में ओ०बी०सी० महिलाओं को रिक्रूटेशन दिया जाना चाहिये।

SHRI SUSHIL KUMAR SAMBHAJIRAO SHINDE: I did not mean that. On the contrary, I am supporting you.

MR. CHAIRMAN: Let us all thank the Attorney-General for coming here and giving a very objective analysis on constitutional questions. Thank you.

The witness then withdrew.

* * * *

Shri S. Ramaiah,
Advocate and former
Law Secretary

(The witness was called in and he took his seat)

MR. CHAIRMAN: I would like to request all my colleagues that while asking questions to the witness, please be to the point and instead of speaking ourselves let us get the answers from him. Thank you.

Mr. Ramaiah I welcome you to this meeting.

Direction 58 was read outes

Before you start you may introduce yourself to this Committee.

SHRI S. RAMAIAH: Madam, I am S. Ramaiah. I am a former Secretary in the Legislative Department and I am now holding the post of Chairman, Copyright Board.

I would like to thank the Chairman and the Members of this Joint Committee for giving me an opportunity to share my views with you all on the 81st Constitution Amendment Bill. I would, at the outset, like to make it clear that I have come before you only to comment on the provisions of the Bill and not to give any views on reservation or on the percentage of reservation. Parliament has chosen to provide for a certain percentage of reservation and I propose to give my comments only on the provisions contained in the Bill which intends to carry out the said objective.

This is a constitutional amendment and we are all fully aware that it should be passed without any mistake and that there should not be any difficulty in its practical implementation. But I am sorry to say that almost every clause in a small Bill like this suffers from some mistake or other both substantively and on drafting. I would deal with each clause of the

Bill for your consideration. But before I go to the relevant provisions of the Bill, I would like to make a few general observations.

Reservation to the House of the People could be achieved by two methods. One is, one-third of the total number of seats in the House of the People, which now is 543, could be reserved for women as in case of the Panchayats and Municipalities. Another is, reservation for women could be made on the total number of seats allotted to each State or Union Territory in the House of the People. These are the two methods by which you can do that. In addition, we could provide for one-third of reservation for women in the reserved seats allotted to Scheduled Castes and Scheduled Tribes in each State or Union Territory in both the methods. Although reservation by the first method, that is to take one-third of the total number of seats allotted to the House of People—as in the case of Panchayats—is an easier and straight-forward method, we cannot adopt this in respect of the House of People because the seats in that House are allotted to various States or Union Territories and it will not be possible to have straight one-third reservation. In view of this, the only method available is to say that one-third of the seats allotted to each of the State and Union Territory in the House of People is reserved for women and out of the seats reserved for Scheduled Castes and Scheduled Tribes in a State or a Union Territory, one-third would be reserved for women, as in the case of Panchayats and Municipalities. The Bill unfortunately adopts both the courses, the latter for general reservation and the former in the case of reservation of Scheduled Caste and Scheduled Tribe women.

In Clause (2) of the new article 330A, the first alternative of providing for one-third of the total seats in the House of People in respect of Scheduled Castes and Scheduled Tribes has been provided whereas it should actually relate to the total number of seats reserved for the Scheduled Castes and Scheduled Tribes in each State or Union Territory. I will read the Clause.

“Not less than one-third of the total number of seats reserved under Clause(2) of article 330 shall be reserved for women belonging to Scheduled Castes or, as the case may be, Scheduled Tribes.”

It does not say one-third of the total number of seats will be from the reserved constituencies of Scheduled Castes and Scheduled Tribes in a particular State or Union Territory. So as it is worded, it would mean that it is one-third of the total number of seats reserved for Scheduled Castes and Scheduled Tribes in the House of the People without reference to State or Union Territory. This could be removed by a small amendment by making a reference to “Scheduled Caste or the Scheduled Tribes.”

Further, there is another mistake. It refers to Clause(2) of article 330. Hon. Members are aware that Clause(2) of article 330 only provides for the guidelines as to how the proportion between the general population and the Scheduled Castes and Scheduled Tribes population should be

calculated. It does not say anything about reservation. The entire article deals with the reservation of scheduled Castes and Scheduled Tribes in all the States, Union Territory's and in the autonomous districts of Assam. Hence, a reference to State and Union Territories in this clause is necessary instead of article 330 which will refer to the total number of seats reserved for Scheduled Castes and Scheduled Tribes in the House of the People.

So, this Clause may be redrafted to indicate that one-third of the seats reserved for Scheduled Castes and Scheduled Tribes in a particular State or a Union Territory shall be reserved for women belonging to Scheduled Castes or Scheduled Tribes. Otherwise, it would mean one-third will be of the entire membership of the House of People without reference to state. I have given a re-draft of the Bill. It refers both to Scheduled Castes and Scheduled Tribes and the State and the Union Territory.

MR. CHAIRMAN: Before you come to the second suggestion, you have said that Clause (2) is wrong.

SHRI S. RAMAIAH: I will read the revised Clause.

SHRIMATI MARGARET ALVA: Even before that, if I may read article 330A(1), it says:

“Seats shall be reserved for women in the House of People.”

It does not say that one-third of the Seats shall be reserved. You have to clarify there as to how many seats are reserved.

SHRI S. RAMAIAH: I will make a clarification there. Clause (1) only makes a declaration. It is all right so long as it goes. The general reservation is in Clause (3) of this article which should strictly come as Clause (2) and the existing Clause(2) should have been Clause (3). To provide reservation for the Scheduled Castes and Scheduled Tribes, what they have done is they have merely copied the provision of reservation in Municipalities and Panchayats. I will go even to the extent of saying that it is a mistake in the provision regarding Municipalities and Panchayats. There is no direct reservation for women. To that extent, this Clause is better as it declares that seats shall be reserved for women. Clause(3) is the relevant clause which provides for the general reservation. It should have been Clause (2) and Clause (2) should have been Clause (3).

The revised Clause (2) in the light of the suggestions made by me would read as:

“Not less than one-third of the total number of seats reserved for Scheduled Castes and Scheduled Tribes in a State or a Union Territory shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.”

If it is redrafted in this way it will achieve the objective.

In the opening paragraph of this clause in the Bill there is no reference to State or Union Territory. That the proviso refers to the States and the Union Territories. Here it says, if the seats allotted to the Scheduled Castes and Scheduled Tribes in a State or a Union Territory is less than three, then no reservation should be made. This will have its effect on some States as the States of Assam, Gujarat, Haryana and Kerala would go 100 unrepresented for women in respect of Scheduled Castes, and scheduled Tribes women will have no reservation in Andhra Pradesh and West Bengal. No reservation could be made for Scheduled Caste and Scheduled Tribe women in any of the Union Territory also. This is an anomalous situation. I would suggest therefore that this proviso should be substituted by two provisos to say that in these States and Union Territories, which I have mentioned, shall have representation for Scheduled Castes and Scheduled Tribes for less than three seats also. The proviso should be redrafted and it should say that if the Membership is less than three, one seat shall be reserved, and if it is only one, no reservation shall be made. That would satisfy the representation of seats. This is my suggestion in respect of Clause (2) proviso.

Now, I will come to Clause (3) where it provides for a general reservation. So long as the wording goes, it is all right in that one-third will be reserved from the seats devided to the State or Union Territory in the House of the People. I would only refer to the following:—

“Shall be reserved for women and such seats may be allotted by rotation to different constituencies in that State or Union Territory.”

How the rotation will be made, nobody knows. So, unless you provide for the guidelines for rotation in the Bill itself or an enabling provision specifying rotation to make, it will not serve the purpose. I suggest that a provision may be made in the Bill empowering Parliament to specify by law.

In the absence of that, this provision will be unworkable.

Then we will come to the proviso. Here also, as I had suggested earlier, there should be two provisos. One should be to provide for one seat wherever representation is less than three seats and another to say that no reservation will be made if the seat is one. This proviso should be substituted with the drafts I submit for the consideration of the Committee.

If you come to the next article 332A, all the amendments I have suggested to new article 330A above should be incorporated here also so as to make the proviso workable. The only difference here is that the proviso to new article 332A will have no meaning because no Legislative Assembly will have less than three seats. It is absolutely meaningless; it has to be omitted.

Though the word "House" in Clause 4 of the Bill may refer to the House of People, it is not referred to as House. It may refer to a House of State Legislature.

Here I would suggest that we repeat the words "House of People". These are my suggestions. I have prepared for the sake of convenience of Members, a draft Bill which can be circulated to the Members, if desired. A table of the amendments proposed and reasons therefor is also given for circulation to Members.

MR. CHAIRMAN: Please give the copies to the Committee.

SHRI SURESH PRABHU: You have proposed an amendment that in those States or Union Territories where the number of seats is less than three, at least one of the seats should be reserved. In that case the reservation in that particular State or Union Territory goes beyond 33 per cent.

SHRI S. RAMAIAH: Yes the provision is "not less than". It is only a minimum and it could exceed. I have gone through the arithmetic of it. I had worked it out depending upon the strength of the House of People and the State Legislative Assemblies and it comes to less than one-third only. It does not, in any case, go beyond one-third.

SHRI SURESH PRABHU: We can make a proviso to that Clause. As far as the total number of seats to be reserved in the House of People, we can mention specifically that it is one-third of the total number of seats in all the States and Union Territories.

SHRI S. RAMAIAH: That will not work, Sir, as most of the number of seats will not be divisible by three. Supposing we have 543 seats in the House of People representing all State Legislatures and supposing 70 seats are for Maharashtra, in that 70, one-third will be for general reservation. Supposing you have 20 and 10 for Scheduled Castes and Scheduled Tribes, even then it will not go beyond one-third. If you provide that it should not exceed one-third, that will not really work. After all it is for the Committee to decide. In the present legislation as it is worded, it will not satisfy your requirement of one-third reservation. It will be less than one-third.

SHRI SURESH PRABHU: Since you are already giving an elaboration through the amendment, you could elaborate on this also.

SHRI S. RAMAIAH: Even then, it will be less than one-third. At the present moment, the total number of seats of the House of People is 543. One-third of that number is 181. If you take one-third of the seats allotted to the States and Union Territories. It is 180. Likewise, for Scheduled Castes it will be less by three seats, and less by 2 seats for Scheduled Tribes, after my suggestion is incorporated. If you do not accept my suggestion, the reduction in Scheduled Caste seats will be about 7 and in Scheduled Tribe seats it will be about 4.

MR. CHAIRMAN: Thank you.

SHRI SURESH PRABHU: The Ministry of Law could also give comments on this.

MR. CHAIRMAN: I have already asked them to do so.

(The witness then withdrew)

**Shri Vaibhav Vishal, President,
Shri Ashok Srivastava
Delhi Pradesh Kayastha Sabha.**

(The witnesses were called in and they took their seats)

Direction 58 was read out

MR. CHAIRMAN: Before we proceed further, please introduce yourselves to the Committee.

(Introduction)

SHRI VAIBHAV VISHAL: Hon. Members, we have submitted a memorandum against the reservation. Our first point is that reservation on the basis of religion, caste and sex is not at all permissible in our Constitution. If we provide reservation to a particular caste or particular gender, it will go against the spirit of democracy and it will amount to distortion of the democracy.

Secondly, the Bill contemplates that not less than one-third of the total number of seats in parliament shall be reserved for women. It can be inferred that there can be 34 or more seats for women out of 100 Parliamentary seats. Women Parliamentarians can encroach upon men's unreserved seats. Men cannot share women's reserved seats. This can create an anomalous situation. The quantum of reservation is unwieldy. Supposing there is a 100-Member body. Minimum reservation for women is 33 per cent. If 50 per cent of the seats are taken over by women, what will happen to menfolk?

Level of literacy in women is very low. Cadre of politically conscious women is non-existent. Their social and family status warrant them to take active part in politics. Even so, women are required to occupy 180 reserved berths in Parliament under the proposed Bill. About 2000 women are to be fielded by all political parties for election for the reserved seats. It will be a formidable task to search for capable women contestants in the socially, economically and politically backward country. Compulsion of situation does not justify the proposed reservation.

We have got a data which were published by the NCERT regarding literacy:—

Women and Girls:— 11th standard—10, 80, 063

Menfolk:—11th standard—24, 29, 500.

These figures were published in 1986 after that NCERT did not publish any figure.

Fourthly, passage of the Bill in question can, however, be misused by political parties and capitalists' class. Politicians, especially those who are denied party tickets for election, may find it convenient to field their wives and women relatives to contest elections for reserved seats. They have the resources, and mass base to perpetuate their dynastic hold of parliamentary democracy. Similarly, business barons will exploit their women and wealth power to capture parliamentary reserved seats to influence and remote-control the Government machinery. The Bill will neither serve the cause of the women nor of the country but will serve the nefarious designs of the vested interests. As such, the Government should not proceed with this misadventure.

Scheduled Castes/Scheduled Tribes and OBCs will also claim share in Council of Minister. Besides, state-wise representation of women in Council of Ministers has to be taken care of. This will create a piquant situation.

Political Parties favour the proposed Bill but are not serious about its passage. No political party has even five per cent of women in their working Committees. The male-dominated political parties feel shy to oppose the Bill for being dubbed as prejudicial to the fair sex. On this premise, it is thoughtless to proceed with the Bill.

Objects and reasons of the Bill have laudable intention to allow country's women, (constituting a little less than fifty per cent of population) to share power in the governance of the country. Prevailing conditions and on-going political atmosphere in the country, do not provide congenial atmosphere for such an adventurism. Our Constitution has given enough safeguards to women in matter of social, economic and political justice and equality without discrimination on grounds of sex. The Bill, therefore, becomes infructuous.

Having provided reservation for women in Panchayats and Municipalities it is now proposed to provide reservation for women on the same lines in the House of the People. Institution of Panchayati Raj system can endure 33 per cent reservation for women because of limited area of operation, with thrust on development. The same principle can not be applied in respect of Parliament which is entrusted with the task of governance of the country, Defence, Foreign affairs and Legislature Business.

Basically, reservation concept promotes discrimination more than unity in the society. Its first casualty is aptitude and talent. This is vindicated by the recent elections conducted under the cloud of reservation and class distinction. It may not be irrelevant to refer to the outcome of these elections which have clearly established emergence of forces playing caste or class cards to win elections. Voting pattern tilts towards communal or

regional interests. National level parties were outsmarted by State level parties. This is woeful trend for the unity and integrity of the country. One month has passed since the UP Assembly election, yet the Government formation is still not in sight. The democratic process is reduced to mockery.

Lastly, we oppose all forms of Reservation and therefore, oppose the Bill as being mis-timed, and against the interest of the country as well as the women-folk.

SHRI SHARAD PAWAR: In paragraph 9 you have said that 'its first casualty is aptitude and talent'. We would like to understand what do you mean by this.

SHRI VAIBHAV VISHAL: I mean to say that by reservation talented people, students and other folk have gone to the back and other reserved classes have come up on the top.

श्रीमती सुमित्रा महाजन: आपका मतलब यह है कि महिलाओं में टैलेंट नहीं है?

श्रीमती रेणुका चौधरी: इनका मतलब यह है कि जो वास्तव में टैलेंटेड हैं, वे आगे नहीं आ पाते।

You have said in paragraph 8 'the same principle....Legislature Business'. मुझे आपकी यह बात समझ में नहीं आई है कि आप क्या कह रहे हैं?

श्री वैभव विशाल: छोटे-मोटे काम महिलाएं कर रही हैं और अभी आगे भी करती रहेंगी।

मेरे कहने का मतलब है कि टोटल पेरपुलेशन का प्वाइंट वन परसेंट अर्बन एरिया में रहता है।

They will go to urban areas and they will represent those urban women. Instead of representing them, they will themselves come forward and the poor women cannot come forward. I doubt that they can do something and come to the Parliament and look after the public at large.

श्रीमती रेणुका चौधरी: आपने कहा है कि रूल औरतें संसद में अपने के कम्बिल नहीं है। ऐसी स्थिति में आप समिति को क्या सलाह देंगे कि हम औरतों को कैसे आगे लायें?

श्री वैभव विशाल: सलाह यह है कि औरतों में लीडरशिप का रेट बढ़ाना चाहिए। जब आप इस रेट को बढ़ायेंगे, तो पढ़ी-लिखी औरतें आगे आयेंगी। मैट्रोपोलिटन सीटीज में आगे आयेंगी और काम करेंगी।

श्रीमती रेणुका चौधरी: क्या आप यह सोचते हैं कि जितने पुरुष हैं, वे कम्प्यूटेड अप्यारिटी हैं?

श्री वैभव विशाल: ऐसा नहीं सोचते हैं।

श्रीमती रेणुका चौधरी: इस देश को आन्ध्र हुए पच्चस साल हो गए हैं। संविधान सभी को एक ही नजर से देखता है। क्या जितने पुरुष हैं, वे सभी तब्यक हैं?

SHRI VABHAV VISHAL: That is why I have said that there should be no reservation at all. Let the women be educated and that they should themselves come forward instead of reserving seats for them. This reservation on the other hand will demoralise others.

SHRI R.K. KUMAR: This reservation, according to you, will benefit

only the upper classes. Even if you reserve the seat, ultimately the winability of the candidate is the concern of the political party. The tickets will be distributed by the party itself and the party will decide on the basis of caste and they will consider it.

कुमारी उमा भारती: आपको लगता है कि अभी महिलाओं की स्थिति ऐसी नहीं है, बल्कि वे पढ़ी-लिखी नहीं हैं और उनको पढ़ने-लिखने का मौका दिया जाए। इसके बाद ही उनको संसद में आने का मौका दिया जाए। मुझे लगता है कि पढ़े-लिखे कई बार उस स्तर तक नहीं पहुंच पाते हैं, जितने स्तर तक उनको पहुंचना चाहिए और वे मूर्खता की श्रेणी में आ जाते हैं। बिना पढ़े-लिखे भी ठीक-ठीक काम चला लेते हैं। इस आधार पर आप महिलाओं को आगे आने से नहीं रोक सकते हैं। मैं खयं छठे दर्जे पास हूं और मैं अपने आप को पढ़े-लिखों से कम नहीं समझती हूं। बुद्धिमता का लैवल संसद में कम काम आता है। दूसरी बात यह है कि राजनीतिक दल इस बिल को ला रहे हैं, इसका विरोध नहीं कर रहे हैं। इसमें चाहे किसी भी तरीके से हो, यह जो बिल आया है इसका कोई भी विरोध नहीं कर रहा है। आप जब बोल रहे थे उस समय मैं आप लोगों की बात को बड़े ध्यान से सुन रही थी। आप सोचते हैं कि कहीं सब महिलाएं आगे निकल गईं तो हमारा क्या होगा। आपने कहा कि सैक्स के आधार पर और जाति के आधार पर रिजर्वेशन न हो तो वह देश के लिए ज्यादा लाभकारी होगा। हमारे देश में सैक्स के आधार पर जो रिजर्वेशन है वह ठीक नहीं है। आपको महिलाओं की कैपेबिल्टी को लेकर संदेह है। आईएस में जितनी महिलाएं हैं वे सब अच्छा काम कर रही हैं। अगर महिलाएं पोलिटिक्स में आएंगी तो करपान कम होगा, माफिया लोगों का दबदबा कम होगा।

MR. CHAIRMAN: That is your reading. We can discuss it later on.

कुमारी उमा भारती: आपने अपनी सभा का नाम जाति के नाम पर क्यों रखा?

SHRI VAIBHAV VISHAL: हमारी सभा का नाम कुछ भी हो सकता है। As far as we are concerned, we are a social organisation. We are taking interest in the public meetings as well as in the Parliamentary Committee about the problems of women. I wish to point out that we are taking the problems of women and men folk very seriously.

श्रीमती जयवंती नवीनचन्द्र मेहता: मेरा प्रश्न यह है कि आप जब रिजर्वेशन के लिए यहां पर आए हैं और आपने अपना मेमोरेण्डम हम लोगों को दिया है। जब जाति और सैक्स के आधार पर रिजर्वेशन हो रहे थे तो उस समय आपने मेमोरेण्डम दिया था या आप पहली बार इसको लेकर आए हैं?

श्री वैभव विशाल: अभी हमारी उम्र बहुत छोटी है। हमने इन सब प्वाइंट्स को कंसीडर किया है।

श्री एस० के० बिसारिया: आप शब्द पर न जाएं। इसका मेम्बर कोई भी बन सकता है। आप चाहें तो आप भी बन सकते हैं, इसके लिए आपका भी स्वागत है। हम भी चाहते हैं कि महिलाओं का जो दर्जा है वह उन्हें मिलना चाहिए।

MR. CHAIRMAN: I think the point is clear that you do not want reservation.

श्री राम कृपाल यादव: इन्होंने अभी कहा कि हर जाति, हर वर्ग के लोग इनकी संस्था में हैं

लेकिन आप इनके नाम देखिये तो सारे कायस्थ नाम हैं। आप इसमें बतल सकते हैं कि दूसरी जति का कौन है?

MR. CHAIRMAN: He understands his organisation. Let us not go in for that.

KUMARI MAMATA BANERJEE: Madam, Chairman, you have the power. You can call anybody, Everybody has respect.

MR. CHAIRMAN: The point is very clear. Now, it is up to us to judge it. They have made their points very clear. We may agree and we may not agree also.

श्रीमती रेणुका चौधरी: मैं आपको एक बात समझाना चाहती हूँ। संविधान में लिंग-भेद नहीं है लेकिन इन 50 वर्षों में महिलाओं को मौका नहीं दिया गया। आप कह रहे हैं कि महिलाएं पढ़ी-लिखी नहीं हैं वे आएंगी तो देश की देखभाल नहीं कर सकेंगी। आप जानते हैं कि हमारे प्रजातंत्र में अंगूठा छाप के लिए भी जगह दी हुई है। प्रजातंत्र में हर इंसान को ताकत है जो अबाम के वोट से जीतकर आए। जब स्वतंत्रता मिली तो किसी ने यह नहीं देखा कि पुरुषों के पास क्या डिग्री है वह पढ़ा-लिखा है या नहीं। जनता ने यही देखा कि किसको देश से लागव है इसलिए उसको वोट देकर उसको सांसद बनाया। 50 साल में पुरुष यहां तक पहुंच गया। महिलाएं आराम से बैठी रहीं तो किसी ने यह नहीं कहा कि आधे हिस्से को यह अधिकार हमने नहीं दिया।

श्री वैभव विशाल: हमारे जनरल सैक्रेट्री ने अभी जैसे कहा कि महिलाओं को 60 प्रतिशत होना चाहिए। उनको अपने आप से आगे आना चाहिए तभी अच्छा होगा। इसके साथ-साथ मैं यह भी कहना चाहता हूँ कि कुछ दिन पहले मैंने अखबार में पढ़ा था कि किसी महिला सांसद ने कहा कि हम किसी चीज पर दस्तखत नहीं करेंगे क्योंकि हम तो पढ़ी-लिखी नहीं हैं, हम स्कैम में फंस जाएंगी तो क्या होगा। इसलिए हमारा कहना यह है कि महिलाओं का एजुकेटिड होना पहले जरूरी है।

MR. CHAIRMAN: Thank you very much.

(The witnesses then withdrew).