

QUOTAS FOR WOMEN IN ELECTIONS

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The case for reservations for women in elected institutions of government is less to give opportunities for a few women to get elected and exercise political power, and more than to improve the election process and upgrade the quality of government. The rationale is the belief that the currently prevalent male dominated political culture is essentially confrontational and conducive to violence in elections and non-cooperation in government. It is claimed that, in these circumstances, many women and, indeed, many men, who could do much to improve the quality of public life are deterred from entering the political arena. It is suggested that the few women who do get elected find that political survival is possible only if they successfully adapt to the prevailing political culture. It is also claimed that the guaranteed entry of large numbers of women into the political process (such as through reservations) could result in a lowering of the level of violence, an improvement in political agendas, and a raising of the level of government. These issues have been argued at many fora and, I believe, the desirability of greater participation of women in public life is not disputed.

Most election systems are based either on proportional representation or on single member constituencies. A disadvantage of the former is that it favours established political parties (nearly all of which are male dominated) and hinders individuals who are not members of such parties. A disadvantage of single member constituencies is that the votes cast for defeated candidates are wasted; this may result in the over-representation of those backing the dominant view on a range of issues and under-representation of others. Both systems distort the political will of the electorate in ways that systematically hinder the full participation of women and impede the consequences that would result from such participation. The only way to ensure greater participation of women in public life may be to provide for reservations.

In many countries, including Sri Lanka, the policy of reservations for women in elected political and local government bodies is gaining increasing acceptance, especially in respect of institutions at the lower levels (village, town, city and district). In respect of institutions at the higher levels too, such reservations have found broad acceptance in principle in some countries (e.g., in India, but not yet in Sri Lanka; all the major political parties are agreed on reservations for women in Parliament) but there have been serious difficulties in putting such schemes in place. The obstacles arise less from fundamental objections to the policy of reservations for women and more from difficulties in devising schemes that would neither contradict basic democratic principles nor undermine the interests of established political parties and individual male political leaders. Those concerned with establishing reservation for women into elected political and local government bodies at all levels may therefore need to focus attention on clearing these obstacles.

Proportional Representation System

Where the elections are on the basis of proportional representations, there should be little difficulty in working in such reservations into the existing scheme. There could be some minor complications where there are other reservations too (e.g., for youth, for handicapped communities, etc.) but these difficulties can be resolved. In Sri Lanka, there should be no problem in devising a sensible scheme of reservations for women in election to Parliament, Provincial Councils, Municipal Councils, Urban Councils and Pradeshiya Sabhas. Firstly, a decision needs to be made as to whether the proportion (say, 1/3) is to be applied to the total only or also to each reserved category (e.g., should a minimum of 1/3 of the youth also be women?). Secondly, a decision needs to be made on how fractions are to be resolved (e.g., if the total number of seats in an electorate is 8, should the number of seats reserved for women be 2 or 3?). Once such issues are resolved, the rest is an exercise in simple arithmetic.

The proposal has been made to either persuade or legally require political parties to include the required proportion (1/3) of women in their slates of candidates; but this will not ensure the election of that proportion of women candidates. Such proposals are also defective for another reason - the entry of women into the elected bodies in this manner may be seen as a spin off arising from a male dominated election contested by male dominated political parties. Those most committed to advancing women's concerns may not be included in the slates of these parties, and consequently women's issues may not surface in these elections.

In contrast, if the election scheme is structured to provide for the required proportion of women to be elected in each electorate on the basis of votes polled for them irrespective of party affiliation, the election may attract radical groups with women candidates. There candidates would benefit from what would, effectively, be a lower cut off point for the election of women. Women's concerns are likely to be critical issues in such elections. In consequence, even established political parties may feel compelled to incorporate such concerns into their political platforms and to look for candidates who can effectively articulate such issues.

First Past the Post System

The first past the post system of election, such as operates in India, poses other difficulties. For example, an unsatisfactory feature of the scheme of reservations for Scheduled Castes (SC) and Scheduled Tribes (ST) in India is that candidates outside the reserved category are deprived of standing for election to reserved electorates and, in consequence, voters in those electorates are unduly restricted

in the choice of their representatives. Although SC and ST electorates are selected to include concentrations of SC and ST populations respectively, in most of these electorates, especially those reserved for SC, the majority of the voters do not belong to the category for which that seat is reserved; this is unavoidable because, outside a few of the tribal areas, SC and ST populations are minorities in every electorate.

If, as proposed, this scheme is to be extended to cover reservations of seats for women, the problem would be even worse since there would be no basis for selection of seats to be so reserved other than a combination of a lottery (to select seats for reservation) and the rotational principle (all seats to be reserved in rotation). The rotation will surely disrupt any attempt to build up political bases. A likely outcome in respect of many electorates is the nomination of a female family member as proxy for the main political leader in the election in which that seat is reserved for women candidates. The net result may not be the empowerment of women but, rather, the reinforcement of a feudal patriarchy.

One option is a compromise system with the conversion of each set of three single member constituencies into a three member constituency in which one place is reserved for a woman. In the election to this three member constituency, the woman who polls the highest number of votes among women candidates will be allocated the reserved seat and the two others (male or female) who poll the highest number of votes overall would be allocated the two unreserved seats. This scheme will ensure that at least one woman is elected to every constituency in consequence and, at least one third of the total number elected will be women.

Parallel Elections

Another alternative is to have parallel elections, i.e., the present system of elections (whether based on proportional representation or first past the post single member constituencies) could continue to operate unchanged, but a parallel election process could be introduced to elect additional women candidates. The elections are distinct, with different slates of candidates, different ballot papers and boxes, but they could be conducted on the same day and use the same administrative machinery. This scheme will (in the short term perspective) be the least intrusive into the existing political power structure (bringing in women members without displacing or undermining the support base of established political parties and leaders) and, for this reason, may encounter the least opposition. A disadvantage of this alternative, however, is that the total number of seats will increase by the number of reserved seats, perhaps unduly expanding the size of the body.

A possible radical refinement of the above alternative (applicable to the parallel election only) is to restrict the voting for the seats reserved for women candidates to women voters only. This refinement could have profound impact on the composition of the slates of candidates and on their election platforms. Some of the consequences may be negative (e.g., men may feel excluded and alienated, and there could be a backlash), but there could also be a radicalisation of the elections from the perspective of women's concerns.

The Politics of Reservations

Interesting and valuable lessons could be drawn from the great debate of 1932 in India on the subject of reservations for dalits (Untouchables/Scheduled Castes) and tribals (Scheduled Tribes) that engaged Mahatma Gandhi and Dr. B.R. Ambedkar on opposite sides. They agreed that there should be seats reserved for dalit and tribal candidates, but whereas Gandhi wanted the electors for those seats to include all the registered voters, Ambedkar wanted the electors to be exclusively of the category (dalit/tribal) for which each seat is reserved. Gandhi feared that Ambedkar's proposal would lead to radicalisation of the elections for reserved seats and deepen divisions between dalits/tribals and caste Hindus. Ambedkar feared that Gandhi's proposal would, through compelling dalit/tribal candidates to seek caste Hindu votes to secure election, hinder the development of radical dalit/tribal political movements. For some time, both Gandhi and Ambedkar stood firm and the colonial government held up constitutional reform towards self-government pending resolution of the dispute.

In the event, Gandhi began a fast to death, a crisis developed, and Ambedkar eventually gave in on the main principle. A settlement was reached with the number of reserved seats increased but with the electors comprising all registered voters within those constituencies. Gandhi gave up his fast and constitutional progress towards self-government resumed. Gandhi did not lightly stake his life nor Ambedkar his political future. That momentous settlement affirmed the legitimacy of reservations and defined its contours in terms that have remained largely unchanged and virtually unchallenged ever since.

The case for reservations for dalits and tribals in India is, of course, different to that for women in India, Sri Lanka or elsewhere. Analysis indicates differences but also striking similarities in the likely impact of different kinds of reservations for different categories. For a more exhaustive discussion of the subject, see my book *Discrimination with Reason? The Policy of Reservations in the United States, India and Malaysia*, Oxford University Press (1997), especially pages 43 - 48 and 190 - 195 on the likely impact of different kinds of reservations in elected bodies, and pages 20-24, 53-56, 133-138, 160-161 and 286-287 on discrimination against and reverse discrimination for women.

Once women's groups have launched a concerted campaign for reservations at all levels, and one major party commits itself to such a policy, every other major party must rapidly follow suit or risk losing substantial electoral support among women. This has happened in India, but in Sri Lanka the two major political parties hesitate. Perhaps, in the course of 1999, one party will commit itself to reservations for women in Parliament and the other will quickly do the same. Whether the required legislation will be in place in time for the elections due in 1999 is difficult to predict, but the writing is on the wall. It seems likely that reservations for women at all levels will be an established feature of elections in Sri Lanka by the turn of the century.

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