



Regional Workshop on The Implementation of Quotas: Asian Experiences

The Implementation of Quotas for Women: The Indian Experience

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Introduction

The paper attempts to situate the discussion of reservation (quotas) for women both in the wider historical and contemporary context of reservation for the historically disadvantaged groups in India.¹

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

Historical Background

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

The issue of separate political reservation for women came up during the course of the nationalist movement in the 1920s. The principal reason for opposing the idea of reserved seats was that it deflected from the demand for universal adult franchise and to stand for elections on the same terms as men. Besides, it was felt that there should be no hint of succumbing to the British strategy of “divide and rule” by referring to divisions within the national movement. “The public, official language of politics especially before a colonial government, had to be a language of equality and for fundamental rights of citizenship irrespective of sex, caste, religion or creed.”² This opinion was supported by the prominent and leading women’s organizations of the time (All India Women’s Conference, the Women’s Indian Association and National Council of Women in India) and by the Home Rule League, the Indian National Congress and the Muslim League. In 1932, a Joint Memorandum on the Status of Indian Women from the all-India women’s organizations to the Franchise Committee set up at the end of the Second Round Table Conference expressed their demand for universal adult franchise “irrespective of any property or literacy qualification, with no expedients such as nomination or reservation of seats”. The women’s organizations also endorsed the declaration of the Fundamental Rights to Citizenship in India made by the Karachi session of the Indian National Congress, 1931, which called for equality before the law, irrespective of religion, caste, creed or sex, universal adult franchise and women’s right to vote, represent and hold public office.³ However, in the face of opposition from the British, the women’s organizations agreed to a compromise which restricted the right to vote for women in the urban areas. The assumption was the urban women would be in a better position to represent the women of India. But the opposition to reservation remained and merit was to be the only criterion.

It is, however, important to note that the opposition to the idea of reservation was not restricted to the question of women alone. The All-India Women’s Conference (AIWC) in their resolution expressed their opposition to the British “Communal Award” of 1932 which sought to provide separate electorates and reserved seats to Anglo-Indians, Christians, Muslims and Sikhs, and for the “depressed classes”. The rationale behind such opposition was that divisions along the lines of religion, caste and sect would weaken the struggle against colonial rule and that legislatures must be filled by those who would rise above personal or communal considerations and think of the country’s best interests. There were dissenting voices: Begum Sakina Mayuzada felt that desiring the good of one’s community need not be at the cost of inflicting harm on others; and K.B. Firozuddin felt that the comparative educational backwardness of Muslim women might put them at a disadvantage in joint electorates. A separate resolution calling for the abolition of untouchability was adopted.

What is relevant to our present discussion on the issue of women’s reservation is that a certain definition of nationalism came to prevail, which claimed to be above the sectarian pulls of caste and community and which was quite different from that which prevailed till the early twentieth century, when, in fact, discrete religious communities were not viewed as inconsistent with an overarching national identity. The inclusive nationalism which gave space to different identities gave way to a homogenizing nationalism, in which identities based on caste creed and so on were seen as obstacles to an Indian nationalist identity. Women’s organizations like the AIWC shared these perceptions.⁴

It is important to note, however, that the nationalist movement did arrive at a consensus on the issue of affirmative action or reservation for the depressed classes and this was given a constitutional status in 1950, when special provisions for the “scheduled castes” and “scheduled tribes” were written into the Constitution of India. These groups were to be given reservation in the parliament, state legislatures, education and employment in proportion to their population. Thus, while Article 15(1) of the constitution prohibits discrimination on the grounds of religion, sex, caste, birth and a host of other factors, Article 15(4) states: “Nothing in this article shall prevent the State from making any special provisions for the advancement of any socially and educationally backward classes of

citizens or for the Scheduled Castes and Scheduled Tribes". Likewise, Article 15(3) lays down the basis for the state making special provisions for women and children.

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

The question of women's reservations came up once again in the Committee on the Status of Women in India (CSWI) in 1974. The Report noted that in spite of equal rights and universal adult suffrage guaranteed by the Indian constitution, women's presence in the state and central legislatures had been declining steadily over 25 years. While the Committee recorded arguments in favour of reservations, mainly by women activists, women legislators were of the opinion that women's reservation would be retrogressive and would contradict the principle of equality guaranteed in the constitution. Those who are against any form of affirmative action, particularly in public or government service, often take recourse to Article 15(1) or Article 16. The dominant opinion in the CSWI was against reservations, though there were two notes of dissent. The arguments in favour of reservations dealt with: (a) the difficulties of women to gain entry into male-dominated political parties and hence the necessity of reservations; (b) that reservations for women would ensure a significant presence enabling women to act as an important pressure group; and (c) the presence of a critical mass of women would heighten the sense of responsibility among women and this would ensure that women's interests would be adequately represented. The arguments against reservations were: (a) reservations for women would be a departure from the constitutional principle of equality; (b) women's interests cannot be isolated from the economic, social and political interests of groups, strata and classes in the society and linked to this was the notion that women are not a community, they are a category; and (c) systems of special representation for women may spiral into similar such demands from other groups and interests and thus threaten national integration.⁵ However, there was agreement on the need for reservations for women in the local bodies so as to ensure the interests of rural and poor women.

The two notes of dissent in the CSWI⁶ are very significant because they mark a shift in the perception of the "daughters of independence" generation and also because they raise questions about the way political representation has functioned. Sarkar and Mazumdar note with disarming and refreshing candour that as members of the pre-independence generation, they had never been supporters of special representation and that they had in academic discussions criticized the system of reservations for scheduled castes and scheduled tribes as "... a legacy of the colonial period which institutionalised the backwardness of certain sections of our population".⁷ However, the reality has forced them to take a fresh look at the question. The main reasons for dissenting with the majority opinion within the CSWI also arise out of and are consistent with the findings of the Committee; that is, despite progressive legal changes, the actual situation of the mass of Indian women has not changed significantly and the continuing under-representation of women prevents them from participating in the decision-making process of the country. The authors also draw attention to the narrow social base of women legislators, representing mainly the upper strata of society. The concluding paragraphs of the Note merit quoting:

When one applies the principle of democracy to a society characterized by tremendous inequalities, such special protections are only spearheads to pierce through the barriers of inequality. An unattainable goal is as meaningless as a right that cannot be exercised. Equality of opportunities cannot be achieved in the face of tremendous disabilities and obstacles which the social system imposes on all those sections whom traditional India treated as second or even third class citizens. Our investigations have proved that the application of the theoretical principle of equality in the context of unequal situations only intensifies inequalities, because equality in such situations merely means privileges for those who have them already and not for those who need them.⁸

Women in Local Self-Government

The recommendations of the CSWI remained in cold storage till the early 1990s, when the Indian Parliament passed the Seventy-Third Amendment to the Indian Constitution with near unanimity in December 1992 and the Amendment came into effect from 24 April 1993. The purpose of this amendment was to revitalize local self-governing village councils (which had been in existence in some states of the country even prior to this amendment). The Seventy-Third Amendment has been considered historic and one of the most significant attempts at transforming the Indian polity in the direction of greater democratization and decentralization of powers. It has also been regarded as an important instrument for drawing in the vast sections of marginalized people in the task of self-government.

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

The reservation is to be rotated among the various constituencies and panchayats to ensure the widest spread. Regular elections are to be held every five years and financial resources are to be devolved by the setting up of state finance commissions and central finance commissions. The states have been mandated to make the panchayats institutions of self-government and to give them responsibility for planning and implementation of schemes for economic development and social justice for which appropriate functions and responsibilities have to be devolved. The constitutional amendment was soon followed by state-level legislation, which brought their panchayat laws in conformity with the requirements of the constitution. The logic behind the system of reservations is that institutionalized inequalities require institutionalized countermeasures from above to ensure some semblance of genuine democracy.⁹

Women in Local Self-Governing Institutions

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

What has been the experience of women's participation for the first time in these institutions, both in terms of transforming these institutions and for the women themselves? This will have to be assessed in terms of India's traditional social structure, which is characterized by a socially legitimized hierarchy, based on the caste system, an integral element of which has been gender discrimination. The caste-based social order still holds its sway in India's society and politics, in spite of the fact that the Indian constitution is a democratic constitution which upholds equality of all and forbids discrimination on the basis of caste, class, creed or gender.

Women's marginalization is almost a given in the Indian social situation. Given this, has the formal change brought about a significant change in this situation? Evaluations done on women's participation in the PRIs have highlighted the following dimensions.¹⁰

1. Women have responded overwhelmingly and participated with full enthusiasm in the elections and in the proceedings of the PRIs, thus exploding the myth that women were uninterested in politics and public life. There is a near-unanimous opinion amongst the women that they would have been unable to get into these bodies were it not for statutory representation.
2. While there is a great degree of variation across the different states in the country, nonetheless one generalization can be made — approximately about 40 per cent of the women who have got into these bodies come from marginalized sections and communities, though the positions of chairpersons tended to be occupied by women from the more well-to-do sections of rural society, like well-off middle peasant families.
3. The women representatives generally got the support of the families during the elections and also in the performance of their new political roles. Marginalized sections like the scheduled castes and tribes saw the women from their groups as representatives of the interests of their group in the political arena, while the better-off sections saw the women from their own groups as helping to consolidate their positions.
4. The self-esteem of the women has gone up tremendously, and that is an observation that holds true across the board. The stepping of women into the public realm has long-term implications for gender relations in society and the family. There are already small but significant changes as men take over some roles within the family when women go to attend meetings.
5. While the presence of women in these institutions over the last eight to nine years has not transformed the power structure in the rural areas in any significant manner, and vested interests have tried to use the provision for women's reservation to consolidate their position, the overall experience has been positive. Thus women are engaging in power struggles that used to be dominated by men, sometimes as actors and at other times as pawns. However, participation in the public realm for women means that hitherto marginalized groups and communities are finding a legitimate space to articulate their interests and aspirations, and the women of these groups are getting politicized, although slowly.

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

Buch's study of the women in the PRIs in the three most backward states concludes that less than half a decade is too short a period to have a major shift in the dominant patriarchal structures reinforced by an equally patriarchal and paternalistic state apparatus. However, for a group long marginalized in politics, even small beginnings are giant steps. Moreover, one cannot ignore the powerful counter forces.¹¹

The Women's Reservation Bill

The Eighty-Fourth Constitution Amendment Bill meant to provide one-third reservation of seats to women in state and central legislative bodies and the current discussions and controversies around it mirror the contradictions of Indian society and the contestations in access to power and resources between those who have been traditionally excluded and the socially and politically dominant sections of Indian society. The Women's Reservation Bill once again throws up questions of certain kinds of identity, specifically caste and religious identity, the intermeshing of gender identity with caste and religion and their articulation in the public realm, in the field of politics. What is significant is the sea change in the attitude to the question of women's reservation among leading women's organizations and activists in key periods in the 1930s, 1970s and the 1990s.

The core questions to our mind relate to the hierarchy of Indian society and the manner in which this hierarchy operates in the field of politics and political representation. It also raises questions about the nature of representation.

The near unanimous support for the Bill among national level women's organizations is premised on a certain understanding of the patriarchal forms of oppression and exclusion that characterize Indian society and the undeniable reality of declining participation of women in political life, specifically in the legislatures. And historically the suppression and exclusion of women has been extremely important in maintaining a Brahmanical and caste-dominated social order, and affirmative action for women will undoubtedly contribute towards the democratization of society.

The protagonists of the Bill highlight the traditionally sanctioned exclusion of women from the public sphere as crucial. However, emphasizing the dimension of gender oppression at the expense of other oppressions (of caste, ethnicity, class, religion etc.) glosses over the complex and intricate ways in which gender oppression is embedded in these categories. Historically, women's suppression has no doubt been very important in maintaining upper-caste exclusivity and hegemony. Affirmative action for women would certainly play a role in undermining male and upper-caste dominance. Even so, certain recent developments suggest the need for addressing gender oppression in more subtle and nuanced ways, if access to power and resources to all categories of women is to be ensured.

The continued dominance of the upper castes in education, administration and structures of government is a reality that cannot be glossed over. This has been paralleled by an increasing presence and visibility of women from the upper-caste middle classes. On the other hand, the women (and men) from the subaltern communities and classes have largely been victims of "development". Besides the neo-liberal paradigm combined with the ideology of a right wing, majoritarian, Hindutva nationalism has only exacerbated the caste, class, religious, ethnic, regional and gender divides *with women being only more and not less embedded in their groups* leading to much greater differentiation among women, which in turn has also meant a more diverse and varied political articulation.

The opponents of the bill in its present form point out that it is likely to exclude women from the "other backward classes" (OBCs) and the minorities. Almost all the political parties except the Communist Party of India (CPI) and the Communist Party of India (Marxist) — CPI(M) — are deeply divided on this issue. The Hindu nationalist party in government, the Bharatiya Janata Party (BJP) leadership, is in favour of the Bill in its present form, although one of its women members of parliament had expressed reservations to the Bill on the ground that OBC women were likely to get excluded. Needless to say, there is also a strong resistance on the part of a considerable number of political leaders to "encroachments" into what has been a traditionally male preserve. The media has trivialized the debate by often characterizing it as a battle between "feminists" and "casteists". The

crux of the issue is whether indeed the generalized oppression and exclusion of women characteristic of society is a sufficient basis for transcending the divisions of caste, religion and ethnicity and whether indeed the women's movement is representative enough to effect such a unity. Unfortunately so far, the statements of leaders of women's organizations that support the Bill have not revealed enough awareness about the complexity of the problem nor even enough critical reflection about the variegated nature of gender relations among the OBCs and the minority communities. The tendency on the part of women's organizations has been to point to stronger patriarchal norms prevalent among the OBCs and the Muslims and the attitudes of the men of these communities as being particularly "backward" and "male chauvinist", thus focusing on the family as the principal site of patriarchal control and oppression and ignoring its wider social context.¹² The fact that the women and the men of these groups face the consequences of being at the lower rungs of a social hierarchy still principally dominated by upper castes and the reality and prospects of marginalization as groups must surely affect the texture of gender relations.

Recent analyses of the Women's Reservation Bill raise important though disturbing issues regarding the relative ease with which the question of women's reservation has been accepted by the ruling elites in the 1990s, as compared to the resistance to this in the 1970s.¹³ Menon points to two developments which could explain the shift. First, the challenges to the authority and legitimacy of the nation state from various movements from below in the wake of continued economic and political crisis in the early to mid-1970s; the resurgence of backward caste movements, regional movements and radical left movements challenged the nation state and its legitimacy. Second, women emerged as a significant force in politics from the 1970s onwards.

However, it is the changing composition of the parliament with a significant number of members from the backward castes, which challenges the hegemony of the upper castes and has made the question of women's reservation more acceptable. Thus gender has been pitted against caste. And it is not a coincidence that this is accompanied by the rise to political dominance of right-wing Hindu chauvinist forces. Besides, there is another dimension: the fact that the women's movement is no longer perceived as a threat to the social order is also a result of the cooption of gender issues both by the state and the NGOs.

There are other opinions from women activists and scholars who seriously question the efficacy of reservations as an instrument for the achievement of the goal of equality. These scholars focus on the fact that even the experience with women's reservations in the institutions of local self-government has not been entirely positive and that women need to traverse a long road before they reach the portals of parliament. They point out to the loopholes in the manner in which Panchayat Raj institutions have functioned; the crying need for training of women and the need for greater gender sensitivity among the administration. Besides, there is a feeling that if women want to be in national and state-level politics, they must fight their way up and as a first step they must fight for 33 per cent seats for women in the respective political parties. It is important to note that usually this reservation about quotas for women is also accompanied by a reservation about the whole question of quotas on the basis of caste. There is a fear that the question of women's reservations will raise the question of caste, religion and other divisive categories.¹⁴

What is happening to Indian society is a criss-crossing of movements of various oppressed sections. Often these movements pull in different and even opposite directions, thus defeating the process of democratization in the short run. It is a challenging task both for the leaders of these movements and social analysts to unravel the myriad oppressions that characterize Indian society and to draw out the major strand which will strengthen and contribute to the overall process of democratization of society. The levers of change have to be sought in an overall democratization of society. And this is even more so in a plural society like India where the political system has to ensure a modicum of equality between all groups if history's longest oppression is to be seriously tackled. This would imply

that the struggle for gender equality and justice will have to be woven into the struggle for emancipation of each of the oppressed groups and communities.¹⁵

Annex 1: Women in Decision-Making Positions in India

Table 1: Women's Presence in the Lok Sabha

	Seats	Women MPs	% Women MPs
1952	499	22	4.4
1957	500	27	5.4
1962	503	34	6.8
1967	523	31	5.9
1971	521	22	4.2
1977	544	19	3.3
1980	544	28	5.2
1984	544	44	8.1
1989	517	27	5.2
1991	544	39	7.2
1996	543	39	7.2
1998	543	43	7.9
Average	527	31	5.9

Source: Election Commission of India

Table 2: Electoral Candidates by Gender

Party	Women Contestants (as % of total contestants)	Women Elected (as % of women candidates)	Men Contestants (as % of total contestants)	Men Elected (as % of men candidates)
BJP	7.4	60.0	92.6	53.2
Congress	11.0	28.0	89.0	24.8
Other parties fielding women candidates	7.2	22.2	92.8	17.3
Independents	4.0	1.3	96.0	0.3

Source: Election Commission of India

**Table 3: Representation of Women in State Assemblies
(% of Women MLAs)**

	1952	1960–65	1970–75	1979–83	1993–97	1998–99
Bihar	3.6	7.9	3.8	3.7	3.4	--
Uttar Pradesh	1.2	4.4	5.9	5.6	4.0	--
Rajasthan	0.0	4.5	7.1	5.0	4.5	7.0
Kerala	0.0	3.9	1.5	3.2	9.3	--
West Bengal	0.8	4.8	1.6	2.4	6.8	--
Andhra Pradesh	2.9	3.3	9.1	4.1	2.7	9.5

Source: Election Commission of India

Table 4: Women in Decision-Making

	Women	Men	Women as % of Men
Executive bodies of political parties	--	--	9.1%
Cabinet Ministers	8	76	10.5%
High Court Judges	15	488	3.1%
Civil Services	--	--	6.8%
Executive bodies of trade unions	6	108	5.6%

Source: South Asia HDR, 2000

Table 5: Women in Decision-Making Positions in PRIs

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

Source: Government of India

GP Gram Panchayat
PS Panchayat Samiti
ZP Zilla Panchayat

Table 6: State-wise Break-up of Elected Women Members

S.No.	State	PRI	Total Elected Representatives	Elected Women Representatives
1.	Andhra Pradesh	GP	230,529	78,000 (33.8)
		PS	14,644	5420 (37.0)
		ZP	--	363 (33.2)
2.	Arunachal Pradesh	GP	5,733	86 (1.5)
		PS	1,205	39 (3.2)
		ZP	77*	NA
3.	Assam	GP	30,360	5,469 (18.0)
		PS	2,584	669 (25.8)
		ZP	845	NA
4.	Goa	GP	1,281	468 (36.5)
		PS	--	--
		ZP	35	NA
5.	Gujarat	GP	123,470	41,180 (33.3)
		PS	3,814	1,274 (33.4)
		ZP	761	254 (33.3)
6.	Haryana **	GP	54,159	17,928 (33.1)
		PS	2,718	807 (33.3)
		ZP	303	101 (33.3)
7.	Himachal Pradesh	GP	18,258	6,013 (32.9)
		PS	1,661	558 (33.5)
		ZP	252	84 (33.3)
8.	Karnataka	GP	80,627	35,305 (43.7)
		PS	3,340	1,343 (40.2)
		ZP	919	335 (36.4)
9.	Kerala	GP	10,270	3,883 (37.8)
		PS	1,547	563 (36.3)
		ZP	300	104 (34.6)
10.	Madhya Pradesh #	GP	314,847	106,410 (33.8)
		PS	6,456	2,159 (33.4)
		ZP	734	248 (33.8)
11.	Maharashtra	GP	303,545	100,182 (33.0)
		PS	3,524	1,174 (33.3)
		ZP	1,762	587 (33.3)
12.	Manipur	GP	1,556	576 (37.0)
		PS	--	--
		ZP	61	22 (36.0)
13.	Orissa	GP	81,077	28,595 (35.2)
		PS	5,260	1,870 (35.5)
		ZP	854	294 (34.4)
14.	Punjab	GP	87,842	31,053 (35.3)
		PS	2,441	326 (13.3)
		ZP	274	89 (32.4)
15.	Rajasthan	GP	119419	38,791 (32.4)
		PS	5257	1,740 (33.1)
		ZP	997	331 (33.2)
16.	Tamil Nadu	GP	9,7398	32,795 (33.6)

		PS	6,499	2,295 (35.3)
		ZP	648	225 (34.7)
17.	Tripura	GP	5,685	1,895 (33.3)
		PS	299	105 (35.1)
		ZP	82	28 (34.1)
18.	Uttar Pradesh	GP	68,2670	174,410 (25.5)
		PS	58,165	14,002 (24.0)
		ZP	2551	648 (25.4)
19.	West Bengal	GP	50,345	17,907 (35.5)
		PS	8,579	3,015 (35.1)
		ZP	723	246 (34.0)

Source: Mathew, G., ed., 2000. *Status of Panchayati Raj in the States and Union Territories of India, 2000*. New Delhi: Institute of Social Sciences, Concept Publication. Choudhury, R.C. and S.P. Jain, 1998. *India: Rural Development Report*. Hyderabad: NIRD.

GP Gram Panchayat

PS Panchayat Samiti

ZP Zilla Panchayat

* Scheduled tribes (SC)

** Revised figures

NA Not available

The above figures are for the new Madhya Pradesh as of 1 November 2000

% Figures in parenthesis are the percentages of the totals.

Notes and References

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