

FOCUS

One of the most important issues raised in this year's Human Development Report deals with political empowerment of women. An effective way of doing it, in our case, would be to enlarge women's representation in the Parliament, and also to make them directly elected. Today we publish a detailed study on the subject by the Centre for Analysis and Choice (CAC).

We invite readers' reactions and suggestions on this vital issue of gender equality and empowerment of women.

— Editor

30 Women Seats

True Representation or a Balance of Power?

WOMEN have played a remarkable role in the democratic history of South Asia. From the early days of the Indian struggle for freedom, the War of Independence of Bangladesh and the movement for democracy of 1990, women have been in the vanguard of every political move. The fact that women have headed the governments of all the four countries that emerged in this sub-continent, namely India, Pakistan, Sri Lanka and Bangladesh, is however, a quirk of history rather than a natural evolution of the emancipation of women. In spite of the fact that women constitute half our population, they continue to be an underprivileged section of our society.

The framers of our Constitution recognized this fact, and hence the articles we have quoted above. The Constitution of Bangladesh, as adopted in 1972, had provision for 15 reserved seats in Parliament for women, to be elected by the Members of Parliament. This provision was for a period of 10 years. The 1st Parliament that was formed in 1973 had fifteen women Members of Parliament. The Second Martial Law Proclamation Order IV of 1978 increased the number of reserved women seats in Parliament to 30 and increased the time frame from 10 to 15 years. The 2nd Parliament, which was constituted in April 1979, had 30 women Members of Parliament (in addition to two women who were directly elected). In 1987, reserved seats as a Constitutional provision lapsed on the expiry of 15 years, and as such the 4th Parliament did not have any reserved women seats.

In 1990, the 10th Amendment to the Constitution reinserted clause (3) to art 65 providing for 30 reserved women seats for a further period of 10 years from the first sitting of the next Parliament (i.e. from 5th April 1991), which was first day of the 5th Parliament. As a result 30 women were elected on March 30, 1991 to the 5th Parliament.

Theory and Practice

The Constitution of the country recognizes all citizens as equal before law and undertakes to give them equal opportunities. However, it is also accepted that in reality all sections of society are not equal and therefore the need for special provisions. These provisions are usually for a specific period in which it is hoped that the disadvantaged sections of the society will come of age. The purpose of the provision for reserved seats as envisaged in our Constitution was to ensure a minimum representation of women in Parliament, and to ensure a wider participation by them in national politics. The fact that this provision has not succeeded in its objective is apparent by its two extensions, and one of the main reasons of its failure is in the method of election to these reserved seats.

The present provision is that the Members of Parliament will elect candidates to the 30 reserved seats. In practice this means that the winner takes all, i.e. the party that can muster 151 votes can take the 30 additional seats. The majority party nominates thirty women candidates and since election is a foregone conclusion, other parties do not bother with nominating anybody.

The candidates elected do not really represent anyone except the party which has selected them. Though they have a national geographical constituency, they have little link with it. They also cannot be said to represent women in general, as the women of the country have no role in their election. As these women Members of Parliament have not gone through a competitive election process, they are taken less seriously by their directly elected colleagues who actually consider them more as a vote bank.

A Vote-bank

The crucial importance of this 30 women's seats in the power equation in Parliament is best illustrated by two situations, one in 1986 and the other in 1991.

1986
In the election to the 3rd Parliament in 1986, the Jatiya Party of H M Ershad won 153 of the 300 parliamentary seats. The Awami League won 76, the Jamaat-e-Islami 10, the CPB 5, NAP 5, Muslim League 4, JSD (R) 4, JSD (Siraj) 3, Baksal 3, Worker's Party 3, NAP (Muzaffar) 2 and independents 32. The eight-party alliance led by AL had a total of

94 seats. President Ershad desperately needed to bring a constitutional amendment to ratify his illegal usurpation of power from a legally constituted government, and the wrongs and arbitrariness of four years of Martial Law. To do this he would have needed 200 votes in a normal 300-member Parliament, but even with independents he would not have been able to achieve this without support from other parties. If one presumed that all 32 independents would be won over, the Jatiya Party would have been short of 15 votes and given the party positions at that time, it would have been difficult to have achieved the required majority. However, in a 330-member Parliament, the JP, with 151 votes took all 30 women seats taking its total to 183, and with independents to 215, just five short of 220 votes needed for an amendment. As it happened, the 7th Amendment, which ratified Martial Law and all actions under it, was introduced in the second session of the 3rd Parliament on 10th November 1986. The session lasted just five hours and the amendment was passed by 223 votes to nil amidst opposition boycott.

President Ershad was so paranoid about winning the 30 women seats that he did not trust even his own party members in voting for the party women candidates. He promulgated a special Ordinance (No XLVII of 1986) which said that if the returning officer receives a nomination paper proposed and seconded by more than half of the eligible voters (MPs), the candidate would be declared automatically elected. In other words 30 candidates nominated and seconded by 151 Members of Parliament would be considered elected without there being an actual election. Thus did President Ershad nominate thirty women to be Members of Parliament.

1991
President Ershad's 10th Amendment to the Constitution was his gift to the future Parliament, the beneficiary being the BNP. This amendment reintroduced 30 reserved women seats in

it not been a 'vote-bank' system, the BNP would have had to have some power sharing agreement with other parties if it were to form a government.

Present System

The present system does

constituency. The map on the back page (Chart 1) gives a visual picture. If we were to follow a system of one person two ballots, women candidates could be directly elected by the people to the women seats. Each political party would nominate candi-

the party candidate in the general seats. Whereas a candidate in a general seat would campaign at union and village levels, these women candidates would campaign at thana levels with projection meetings at major centers. The advantage of this method

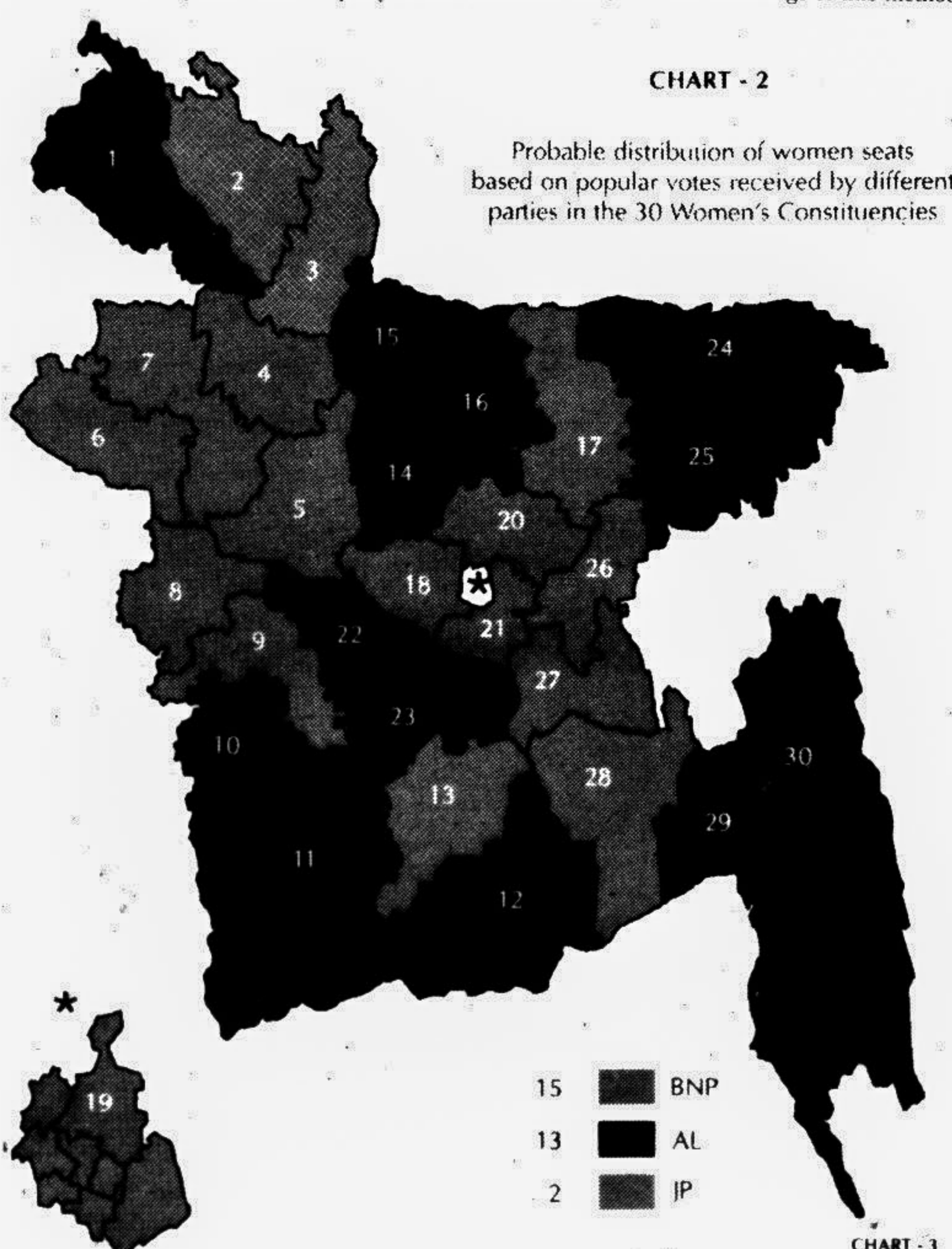


CHART - 2

Probable distribution of women seats based on popular votes received by different parties in the 30 Women's Constituencies

TABLE - 1
CONSTITUENCIES OF RESERVED SEATS FOR WOMEN
(As per Election Commission notification of 9 March 1991)

Women Seat No	Name of Constituencies	General Constituency Nos	Total No of General Seats
1	Panchagarh, Thakurgaon & Dinajpur	1-11	11
2	Nilphamari, Lalmonirhat & Rangpur	12-24	13
3	Kurigram & Gaibandha	25-33	9
4	Joypurhat & Bogra	34-42	9
5	Sirajgonj & Pabna	61-72	12
6	Nawabganj and Rajshahi	43-45 & 52-56	8
7	Naogaon & Natore	46-51 & 57-60	10
8	Kushia, Meherpur & Chuadanga	73-80	8
9	Jhinalda, Magura & Narail	81-84 & 91-94	8
10	Jessore & Shalakhira	85-90 & 105-109	11
11	Bagerhat & Khulna	95-104	10
12	Patuakhali, Barguna & Bhola	110-120	11
13	Barisal, Pirojpur & Jhalakathi	121-131 & 132	12
14	Tangail	133-140	8
15	Jamalpur & Sherpur	141-148	8
16	Mymensingh, Mymensingh & Netrokona	149-159 & 160	12
17	Netrokona & Kishoreganj	161-171	11
18	Manikgonj & Dhaka-1, 2, 3, 12 & 13	172-175, 180-182 & 191-192	9
19	Dhaka-4, 5, 6, 7, 8, 9, 10 & 11	183-190	8
20	Gazipur & Narshingdi	193-201	9
21	Narayanganj & Munshiganj	176-179 & 202-206	9
22	Rajbari & Faridpur	207-213	7
23	Copalganj, Madaripur & Shariatpur	214-222	9
24	Sunamganj & Sylhet	223-233	11
25	Maulvibazar & Habiganj	234-241	8
26	Brahmanbaria & Comilla-1, 3, 4 & 6	242-248 & 250, 251 & 253	10
27	Comilla & Chandpur	249, 252 & 254-265	14
28	Feni, Noakhali & Lakshimpur	266-278	13
29	Chittagong	279-293	15
30	Cox's Bazar, Khanchari, R'mati & Bandarban	294-300	7
Total			300

Parliament. The result of the 1991 election gave the BNP 140 seats, AL and allies 100, the JP 35, the JI 18 and others 7. This did not give any party an absolute majority (166). Due to wins by some candidates from multiple constituencies (Begum Khaleida Zia 5, H M Ershad 5, Tofael Ahmed 2 and Abdur Razzak 2) the electoral college for women's reserved seats comprised 290 Members of Parliament of whom 136 belonged to BNP, 98 to AL, 31 to JP, 18 to JI and 7 others. To elect 30 women MPs, a party required 145 votes which the BNP with support from JI was able to manage (136+18=154). The BNP took 28 women seats and the JI 2. This gave the BNP a total strength of 165 members in a 320-member Parliament (there were 10 vacancies) or just four more than absolute majority (160) for forming a government. After the bye-elections to the 10 vacancies the BNP had 169 out of a House of 330 members or a majority of two.

Had there been no reserved women seats, or had

not allow for any meaningful method of selecting women candidates. Nominations by the majority party are a gift given to selected women who are not required to go through any election process. The absence of a contest restricts the number of women entering the political arena, and can never lead to achieving the primary objective of the Constitutional provision that was framed for this purpose. How then, can these reserved seats become truly representative?

Options

Alternative One: Direct Election

Among the various ways of electing representatives, direct elections are considered the most democratic. Clause 3 of the Representation of the People (Seats for Women Members) Order 1973 says that the Election Commission may 'divide the country into thirty zones to be known as women seats'. Table 1 shows the geographical division of the thirty seats along with the corresponding number of general seats in each women

constituency. The map on the back page (Chart 1) gives a visual picture. If we were to follow a system of one person two ballots, women candidates could be directly elected by the people to the women seats. Each political party would nominate candi-

One argument against this method would be that the constituencies would become too large and it would be difficult for women candidates to mount an effective campaign. The other argument would be that in practice, only major party candidates could contest. The answer to these arguments are that in any case, 88% of the voters in 1991 voted for the four major parties. General elections are based on party lines and modern democracies are based on the party system. If we take this premise as a base, then women party candidates would be supported by the party organization and

would be that:
i) all major parties would nominate candidates to the thirty seats and therefore more women would be in the electoral process.
ii) this would ensure better selection of candidates.
iii) they would be exposed to an effective electoral campaign.
iv) general voters would see women on the campaign hustings and would be more amiable to future women candidates in general seats;
v) the distribution of seats to political parties would not be distorted and would reflect more accurately the popular mandate.

vi) gradually, more women could enter the general electoral process so that this particular constitutional provision would succeed in its objective.
If we presume that the voters who voted for a particular party candidate in 1991 elections would also have voted for the party's women candidates, then Table 2 gives the vote patterns in each of the 30 reserved constituencies, and Chart 2 shows the party positions

that would have emerged from the election as regards the women seats.
Alternative Two: Proportional Representation.
A second alternative to electing members to the reserved women seats could be through proportional representation. There can be two ways of doing this. One could be based on the total popular votes obtained by political parties in national elections. Each party would nominate 30 women candidates, and these lists would be published in order of priority. Seats would then be appropriated to the parties based on the votes gathered by them. Chart 3 shows the possible distribution of seats based on the votes obtained by the political parties in 1991 elections. The total votes obtained by AL and their allies (contesting with the boat symbol) have been grouped together. In that case, the AL would have got 10 seats, the BNP 9, the JP and JI 4 each and 3 others would have gone to other parties. The top 10, 9 and 4 in the party lists would have been considered elected. But

Women on the Move

- Article 10 : Steps shall be taken to ensure participation of women in all spheres of national life.
Article 28(2) : Women shall have equal rights with men in all spheres of the State and of public life.
Article 28(4) : Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.
Article 65(3) : ... there shall be reserved thirty seats exclusively for women members, who shall be elected according to law by the members aforesaid.

— The Constitution of Bangladesh

TABLE - 2
POPULAR VOTES CAST IN AREAS OF 30 WOMEN RESERVED SEATS

Women Seat No	Constituency Name	BNP	AL	JP	JI	Others
1	Panchagarh, Thakurgaon & Dinajpur	2,37,678	5,52,328	2,36,090	2,53,509	76,089
2	Nilphamari, Lalmonirhat & Rangpur	99,622	4,56,251	6,17,818	2,34,998	4,14,294
3	Kurigram & Gaibandha	73,064	2,42,295	3,66,847	1,76,447	35,959
4	Joypurhat & Bogra	5,17,638	4,95,634	48,082	2,87,575	2,10,497
5	Sirajgonj & Pabna	5,25,811	2,83,632	38,437	3,09,975	70,377
6	Nawabganj & Rajshahi	4,80,892	3,29,545	68,174	2,91,288	66,361
7	Naogaon & Natore	4,85,822	4,76,077	77,033	2,78,694	95,293
8	Kushia, Meherpur & Chuadanga	3,60,220	2,62,467	70,136	2,02,142	75,950
9	Jhinalda, Magura & Narail	4,87,424	3,73,045	30,045	1,75,278	1,40,020
10	Jessore & Shalakhira	2,93,532	5,84,589	1,16,149	4,08,674	1,21,684
11	Bagerhat & Khulna	2,96,403	4,72,263	94,735	2,21,260	1,14,705
12	Patuakhali, Barguna & Bhola	1,78,750	3,82,812	1,02,952	31,208	89,672
13	Barisal, Pirojpur & Jhalakathi	3,85,776	3,64,813	1,75,658	87,647	1,57,642
14	Tangail	3,76,936	3,83,077	1,25,034	1,515	1,46,655
15	Jamalpur & Sherpur	2,78,855	3,13,316	51,252	57,008	2,13,549
16	Mymensingh Mymensingh & Netrokona	3,54,908	3,71,823	1,50,978	68,994	1,46,372
17	Netrokona & Kishoreganj	4,94,748	4,63,052	80,061	37,354	1,74,832
18	Manikgonj & Dhaka-1, 2, 3, 12 & 13	5,51,118	3,22,779	88,702	19,296	39,291
19	Dhaka-4, 5, 6, 7, 8, 9, 10 & 11	4,63,123	3,13,115	24,069	30,263	79,057
20	Gazipur & Narshingdi	4,99,850	3,58,488	47,317	38,565	1,65,832
21	Narayanganj & Munshiganj	5,22,117	3,56,401	66,267	24,399	1,36,584
22	Rajbari & Faridpur	1,88,558	3,25,183	72,315	1,23,258	1,52,591
23	Copalganj, Madaripur & Shariatpur	1,87,993	5,71,574	45,728	62,645	1,43,498
24	Sunamganj & Sylhet	1,71,857	4,86,769	2,23,436	86,655	2,41,165
25	Maulvibazar & Habiganj	1,74,255	3,65,822	2,94,254	22,288	2,06,754
26	Brahmanbaria & Comilla-1, 3, 4 & 6	3,66,542	3,12,167	1,93,147	25,314	89,505
27	Comilla & Chandpur	4,64,599	3,86,948	1,96,195	1,16,677	46,469
28	Feni, Noakhali & Lakshimpur	3,68,708	2,79,888	1,38,626	1,75,201	1,40,950
29	Chittagong	5,93,309	6,06,984	45,070	1,01,546	1,18,185
30	Cox's Bazar, Khanchari, R'mati & Bandarban	1,60,375	2,21,084	24,123	1,08,494	1,57,354
Total		15	13	2	-	-

TABLE - 3
GENERAL SEATS WON BY DIFFERENT PARTIES
(Within women reserved seats)

Women Seat No	Women Constituency Name	General Constituency Nos	Composition of Electoral College
			BNP AL JP JI Others Total
1	Panchagarh, Thakurgaon & Dinajpur	1-11	1 9 0 1 11
2	Nilphamari, Lalmonirhat & Rangpur	* 12-24	0 4 5 0 9
3	Kurigram & Gaibandha	25-33	0 1 8 0 9
4	Joypurhat & Bogra	* 34-42	7 0 0 1 8
5	Sirajgonj & Pabna	61-72	9 1 0 2 12
6	Nawabganj & Rajshahi	43-45 & 52-56	5 1 1 1 8
7	Naogaon & Natore	46-51 & 57-60	4 4 0 2 10
8	Kushia, Meherpur & Chuadanga	73-80	5 2 0 1 8
9	Jhinalda, Magura & Narail	81-84 & 91-94	5 3 0 0 8
10	Jessore & Shalakhira	85-90 & 105-109	0 6 0 5 11
11	Bagerhat & Khulna	95-104	3 5 0 2 10
12	Patuakhali, Barguna & Bhola	* 110-120	1 7 0 0 IND (2) 10
13	Barisal, Pirojpur & Jhalakathi	121-131 & 132	6 4 1 0 WP (1) 12
14	Tangail	133-140	5 1 1 0 SD (1) 8
15	Jamalpur & Sherpur	141-148	3 4 1 0 8
16	Mymensingh Mymensingh & Netrokona	149-160	6 5 1 0 12
17	Netrokona & Kishoreganj	161-171	8 3 0 0 11
18	Manikgonj & Dhaka-1, 2, 3, 12 & 13	172-175, 180-182 & 191-192	9 0 0 0 9
19	Dhaka-4, 5, 6, 7, 8, 9, 10 & 11	* 183-190	6 0 0 0 6
20	Gazipur & Narshingdi	193-201	7 2 0 0 9
21	Narayanganj & Munshiganj	176-179 & 202-206	9 0 0 0 9
22	Rajbari & Faridpur	207-213	1 5 0 1 7
23	Copalganj, Madaripur & Shariatpur	* 214-222	0 8 0 0 8
24	Sunamganj & Sylhet	223-233	1 5 4 0 IND (1) 11
25	Maulvibazar & Habiganj	234-241	0 4 4 0 8
26	Brahmanbaria & Comilla-1, 3, 4 & 6	242-248 & 250, 251 & 253	7 0 2 0 IND (1) 10
27	Comilla & Chandpur	249, 252 & 254-265	10 2 2 0 14
28	Feni, Noakhali & Lakshimpur	266-278	10 2 1 0 13
29	Chittagong	* 279-293	7 5 0 1 NDP (1) 14
30	Cox's Bazar, Khanchari, R'mati & Bandarban	294-300	1 5 0 1 7
Total			136 98 31 18 7 290

* Four seats vacated by H M Ershad
* One seat vacated by Begum Khaleida Zia
* One seat vacated by Tofael Ahmed
* Two seats vacated by Begum Khaleida Zia
* One seat vacated by Tofael Ahmed
* One seat vacated by Begum Khaleida Zia

CHART - 3
Probable 30 Reserved seats based on percentage of Total Popular Votes

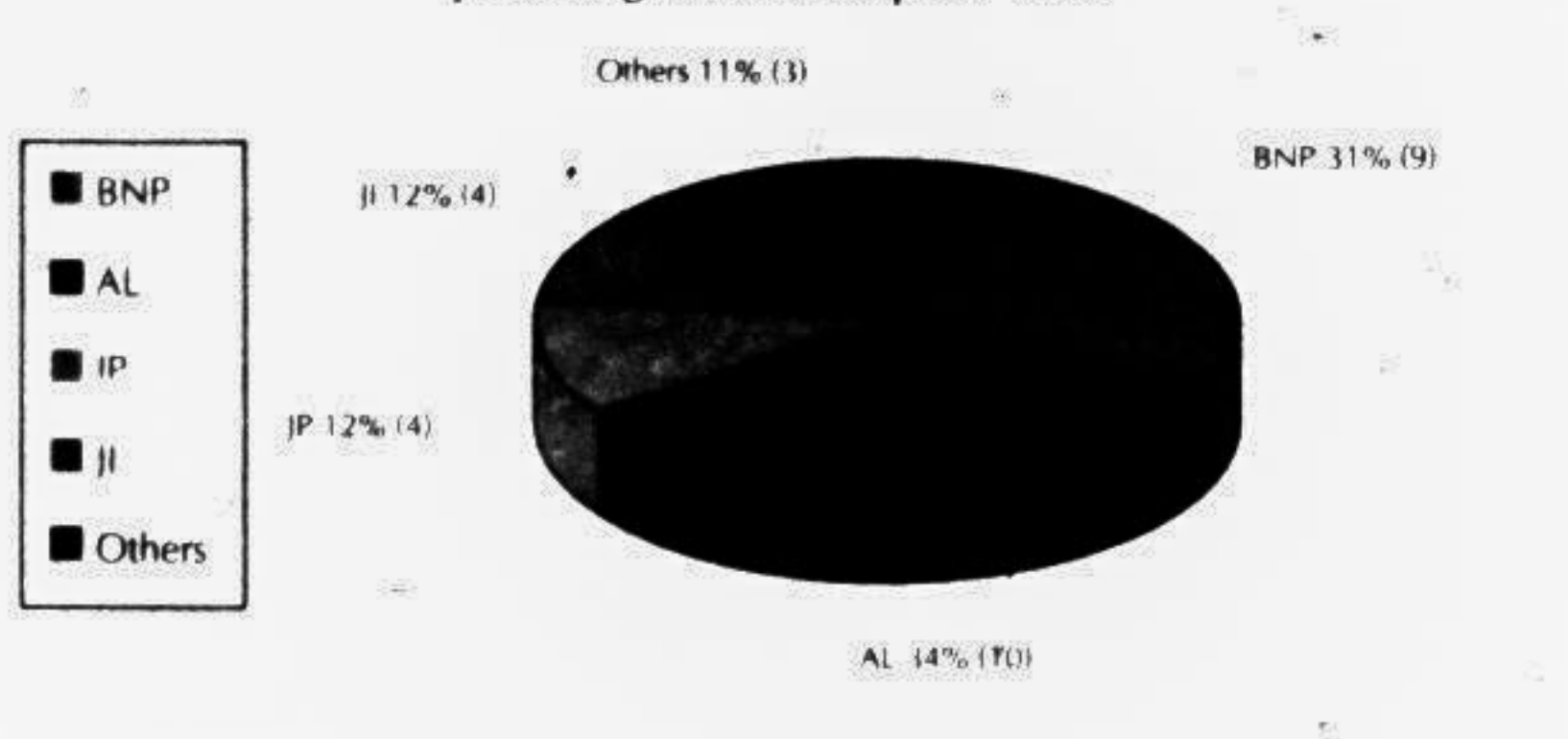
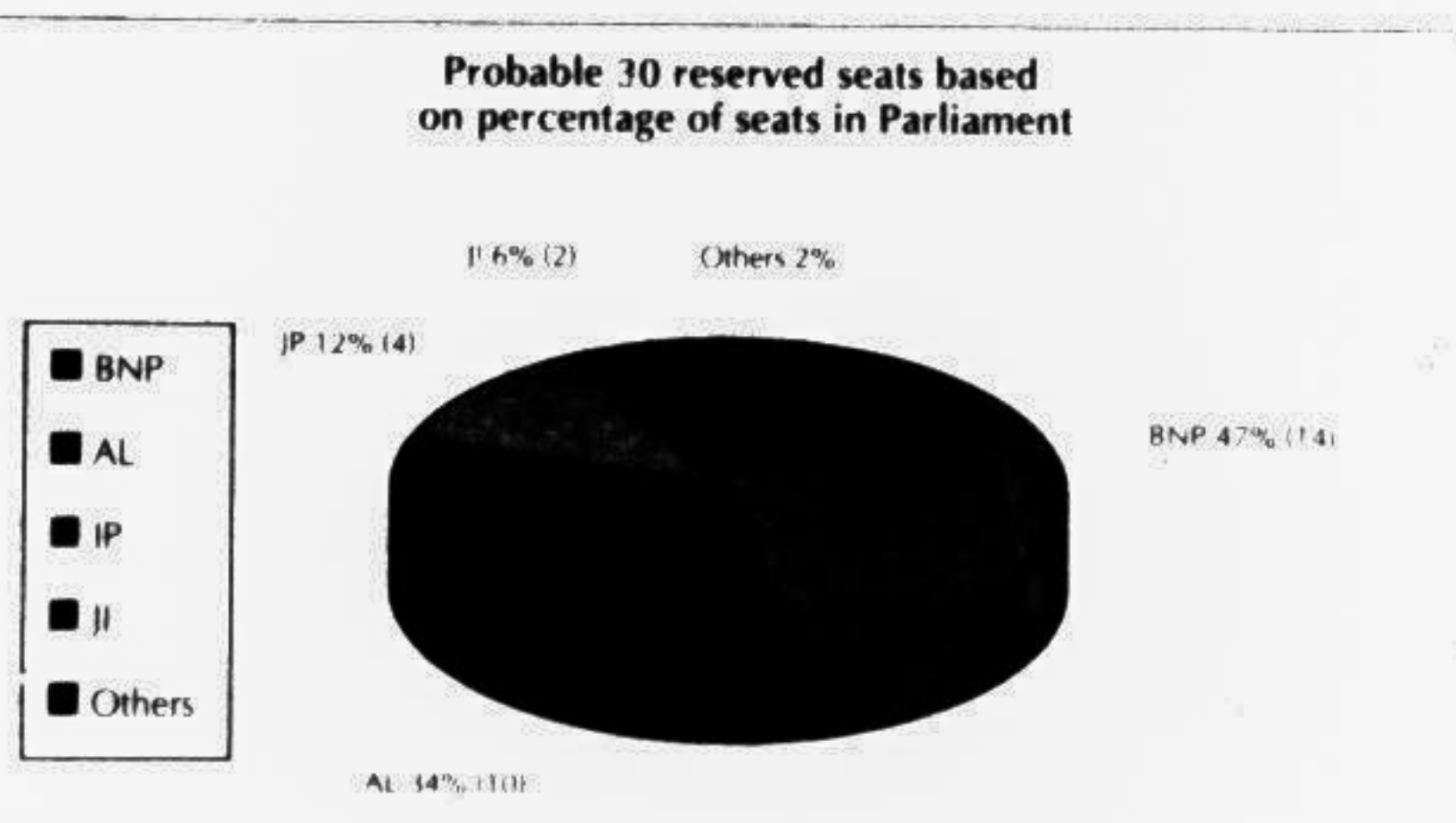


CHART - 4
Probable 30 reserved seats based on percentage of seats in Parliament



the provision for 'other parties' would create a problem. Therefore, there would have to be a proviso that a party must get at least 3% of the overall votes cast to qualify for a seat. All unproportioned votes (below 3%) would again be appropriated to the parties in proportion to the votes obtained by them. In that way the total 30 seats would be more equitably distributed among the parties obtaining more than 3% of the popular vote. The advantage of the method is that, as the political parties would have to list their candidates, a larger number of women would be exposed to the political field. The selection process would be prior to the election, and not gifted later. However since the lists would be on a national basis, there would not be any particular women's constituency, and therefore it would lack geographical representation.

A second method of proportional representation would be to allot seats to parties in relation to their strengths in the Parliament. Chart 4 shows the probable distribution based on the 1991 elections. In this scenario, a party would have to have at least 10 seats in Parliament to qualify for a reserved seat. The total number of seats for parties with less than 10 members would be appropriated to the larger parties in proportion to their representation in Parliament. Here also the members elected would not represent a geographic area and would not really fulfil the purpose for which for which the constitutional provision has been provided.

However, while the above options are possible, the Constitution says that the 30 reserved seats will be elected by the Members of Parliament and hence none of the above are immediately implementable.

Alternative three: Election by MPs of the general seats comprising the geographical women constituencies. The election laws provide for 30 women constituencies with geographical areas. The law also says that a candidate would have to be nominated for a particular women's seat and elections would be seat-wise. In other words there will be elections to 30 seats.

This paper is by Nazim Kamran Choudhury, Director, Centre for Analysis and Choice; Research assisted by Kumkum Akhter.

The Centre for Analysis and Choice is a non-government, non-profit organization working towards strengthening democratic institutions and ideals in Bangladesh.

by 300 voters. For instance women's seat No 1 comprises Panchagarh, Thakurgaon and Dinajpur districts. All 300 Members of Parliament would be voting for candidates to this seat. On the other hand, this seat comprises 11 general seats (1 to 11). If the election to women Seat No 1 was restricted to Members of Parliament of that women's constituency, then the party positions would be different. In that case the seat would have been won by the Awami League. Table 3 gives the probable outcome based on the 1991 elections (with an electoral college of 290 members). In twenty-three cases there would be an outright winner, while in seven constituencies (7, 11, 15, 16, 24, 25 & 29) an electoral adjustment would have to have taken place. In case of a tie, the result could be decided by a toss as in the UK.