Democratic Governance and Women's Rights in South Asia

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Contents

Executive Summary

This paper focuses on gender and democratic governance in the five largest states of the South Asian region, namely, India, Pakistan, Bangladesh, Sri Lanka and Nepal. Beginning with a general introduction to the region, the first section highlights the shared historical and cultural heritage of South Asia and delineates the challenges confronting individual states in the region. The second section explains the difference between Western/European and South Asian understandings of democracy and goes on to highlight the region's gender deficit with reference to women's rights and political participation. The concepts of democracy, governance and women's rights are discussed and the importance of gender equality as one of the core guiding principles of democratic governance emphasised.

The third section examines the demand for reserved quotas for women in local and national governance institutions in all five contexts. It delineates the historical and political context against which the demand for reserved quotas for women in governance bodies emerged and highlights the role of women's movements towards facilitating women's political participation. The necessity of bridging class inequality and effecting distributive justice is underlined and women's participation in South Asian parliaments assessed. The fourth section discusses and analyzes the debate on reserved quotas for women. It examines trends in women's participation in governance bodies in each national context and highlights cross-national examples of collaborative activism. The advantages and limits of reservations for women are analysed and summed up.

The fifth section argues for an inclusion of the family within the domain of governance; it proceeds to assess the individual record of South Asian states towards meeting their international obligations vis-à-vis the elimination of gender discrimination within the family. By way of conclusion, the paper delineates the inextricable link between democratic governance and women's political participation in South Asia, identifies areas of further research and potential research partners.

1. Introduction

Democracy in South Asia: An Overview

A study of democracy in South Asia must begin with a delineation of the region's geographical and political contours. Initially, the term South Asia was coterminous with the Indian subcontinent including Afghanistan on the west and Myanmar to the east – a province of British India till 1935. The idea of South Asia as a distinct geographic and political entity is a recent, roughly six decade old construct formalised by the adoption of the South Asian Association for Regional Cooperation (SAARC) Charter by the heads of state of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan and Maldives in 1985. These seven member states constitute the geographical and political entity presently referred to as South Asia. For reasons of scope and analysis, the term South Asia in this paper is restricted to the five largest states of the region, namely, India, Pakistan, Bangladesh, Sri Lanka and Nepal encompassing a vast geographical area bound by the world's highest mountain ranges to the north, to the Indian Ocean in the South, and from the Indus Valley in Pakistan in the west to the Himalayan range in Nepal to the east.

Despite a shared sub-continental cultural heritage, post-colonial South Asian nation-states charted rather different political trajectories. Approximately a century after the British assumed sovereignty over India – the region's largest and pre-eminent state achieved independence in 1947. Upon adopting a constitution in 1950, India become a republic with a parliamentary form of government and constitutionally guaranteed fundamental rights. The federal arrangement in the constitution was based on a strong central government with mechanisms for facilitating centre-state and inter-state cooperation. The decline of the post-independence secular-nationalist consensus paralleled a fragmentation of the polity, regional and ethnic rebellions against the central government, and increasing demands by newly politicised social groups on the state. These challenges coincided with the rise of Hindu nationalism and a weakening of India's secular fabric. The return of Congress-led governments at the centre in the 2004 and 2009 national elections, and the concomitant decline of Hindu right-wing forces restored a centrist polity. India's emergence as an economic power, however, parallels the persistence of high levels of poverty and human deprivation. Much remains to be achieved in terms of ensuring equality, liberty and justice for a large number of Indian citizens.

The state of Pakistan was an outcome of the 1947 partition of the subcontinent. The Muslim majority provinces of Punjab and Bengal of united India were partitioned on confessional lines as a result of which the new nation-state of Pakistan was divided into two territorial halves: its western (present day Pakistan) and eastern (present day Bangladesh) wings separated by a thousand miles of Indian territory. In 1956 Pakistan adopted a constitution to become a republic based on Islamic principles. After a period of political uncertainty and martial rule, a new constitution (1962) established a presidential form of government with two provinces (East and West Pakistan) and a single National Parliament (Assembly). The country's first elections resulted in an absolute majority for the East Pakistan based Awami League party. The refusal of West Pakistan to respect the electoral mandate precipitated Bengali resistance culminating in the secession of East Pakistan and the establishment of the independent nation-state of Bangladesh.

A new constitution (1973) provided for a federal form of government, a bicameral legislature, and constitutionally guaranteed fundamental rights. Pakistan was plagued with ethnic tensions during the 1970s in the province of Sindh, violence in the city of Karachi, the weakening of civilian institutions, and a contested election result in 1977 – all of which culminated in a decade of martial law. Civilian rule was restored in 1988 but corruption and authoritarianism by mainstream political leaders squandered a popular mandate to culminate in yet another period of military rule (2001–2007). National elections in 2008 restored a civilian government with high public expectations. As Pakistan battles to consolidate civil authority within, and defend its borders against extremists without, it has a long way to go towards providing security and justice for its beleaguered citizens.

Bangladesh is South Asia's youngest nation-state. Colonial rule in British India ended in a Muslim state of Pakistan on India's eastern and western flanks. Unwillingness on the part of West Pakistan's leadership to accommodate Bengali (East Pakistani) aspiration and its suppression of a democratic mandate in favour of the Awami League in the 1970 elections culminated in the establishment of independent Bangladesh in 1971. The country plunged into political turmoil soon thereafter with the assassination of Prime Minister Sheikh Mujib and an extended period of martial law. Bangladesh's drift towards an Islamic state was in contradiction to its original self-identification as a secular country. The use of religion by the military and Islamist forces precipitated violence against Hindu, Christian and Buddhist minorities. Opposition to martial law began with student protests in 1983 ending with the restoration of democracy. National elections in 1996, 2001 and 2007 voted in civilian governments whose democratic record has been marred by allegations of violence, corruption and authoritarianism. One of the poorest countries in the world, Bangladesh faces enormous challenges in terms of protecting the democratic rights of citizens and minorities, and ensuring equitable development.

The island of Sri Lanka lies at the southern tip of the Indian peninsula. After a period of colonial dominance by the Portuguese, Dutch and British, Sri Lanka gained full independence from the latter in 1948 to adopt a constitution providing for a parliamentary form of governance. The rise of Sinhalese nationalism, its repudiation of Tamil (Sri Lanka's largest minority) concerns, and its opposition to moves for political decentralisation precipitated a brutal civil war between government forces and Tamil rebels led by the Liberation Tigers of Tamil Eelam (LTTE). A new constitution (1972) privileging Buddhism and Sinhala identity further alienated the Tamil minority. In 1978 Sri Lanka's bicameral parliamentary democracy was replaced with a presidential form of government headed by a powerful President, the replacement of a federation by a unitary state, and the abolishment of crucial safeguards for minorities. Relations between the Sinhala majority and Tamil minority worsened. An ill-fated attempt by India to maintain peace between Tamil rebels and the Sri Lankan government, and the failure of peace talks between the LTTE and the government, led to full-scale war between both parties during the 1990s; peace talks on a possible federal solution to the crisis eventually stalled. The civil war drew to a close in 2009 with the defeat of the LTTE and widespread allegations of indiscriminate killings of civilians by Sri Lankan security forces and by the LTTE. Sri Lanka's ethnic conflict undermined its notable achievements in social and human development. Much depends on the present regime's willingness to address the concerns of Tamil and other minorities, and uphold citizens' democratic rights before Sri Lanka can emerge from its war-ravaged past.

Historically, Nepal was a monarchy since the eighteenth century when Gorkha King Prithvi Narayan Shah forged the warring kingdoms of the Kathmandu Valley into a single political entity, thus laying the foundations of modern Nepal. An Anglo-Nepalese war involving the British East India Company ended in a 1923 treaty affirming Nepalese sovereignty and its present territorial borders. Nepal came to be subsequently dominated by the *Rana* dynasty that ruled as hereditary prime ministers with the King as titular head. Popular discontent and opposition to the *Rana* autocracy began to be articulated during the 1930s and 1940s. The Nepali Congress and the Communist Party of Nepal led a successful struggle against the *Ranas* who were eventually overthrown. An interim constitution invested considerable executive, legislative and judicial powers with the King. In the wake of electoral victory by the Nepali Congress in the 1960 general elections, King Mahendra suspended the constitution and party politics in favour of a non-party council under his sole discretionary powers. Amidst political opposition and unrest, Mahendra's successor held a referendum endorsing a parliamentary form of government and subsequently agreed to a new democratic Constitution with a bicameral Parliament and fundamental rights. A new Congress-led government was established in 1991 after Nepal's first democratic elections, subsequently replaced by a Communist regime. Parliament was dissolved in 1995 as Maoists began an insurrection aimed at abolishing the monarchy and establishing a people's republic. After a prolonged civil war, Nepal became a secular and democratic republic in 2006 with a Constituent Assembly (CA) voting to abolish the monarchy. Maoists joined the government yet political tensions continue in the wake of Nepal's remarkable transition to democracy. In 2009, the government was replaced by a coalition containing all major political parties except the former. Nepal struggles to maintain its fledging democracy in the face of internal fragmentation.

The political record of South Asian nation-states presents an ambiguous picture. India and Sri Lanka have retained their formal democratic systems since independence, albeit with restrictions on human rights and civil liberties. Pakistan and Bangladesh, on the other hand, have witnessed frequent and prolonged disruption in civilian rule by the military and restrictions on civil rights. Nepal's struggle for democracy that began in the last decade of the twentieth century was realised in 2006 after an extraordinary mass popular mobilisation. Notwithstanding these divergent histories and trajectories, South Asian nation-states share certain paradoxes and challenges that also distinguish them from Western democracies.

Presently, all five states are democracies with elected governments. At the same time, however, South Asia is one of the world's poorest, least developed, and profoundly unequal societies.[i] The disjuncture between constitutionally guaranteed formal equality and socio-economic inequality is an enduring contradiction underpinning South Asian democracies. Integral to and symbolic of this great contradiction is the condition of South Asia's female citizens for whom inequalities across class, caste, ethnicity and region overlap with those of gender. With the exception of Sri Lanka[ii], South Asia fares poorly with reference to the UNDP Gender-related Development Index (GDI) and Gender Empowerment Measure (GEM) that measure gender inequality. A report on gender equality in 2009 ranked India – South Asia's pre-eminent democracy – 114th among 134 countries; behind Bangladesh, Sri Lanka and Nepal.[iii] The South Asian region is also home to the world's largest number of poor and illiterate citizens – a majority of which are females – with notable gender gaps in primary development indicators such as health, education, employment and political participation.[iv] The marginalisation of women in politics and policy making, and in

structures of power and governance flows from, and is influenced by, the structural inequalities of gender across South Asia. For the majority of economically underprivileged and politically marginalised women in region, the formal rights of citizenship are yet to translate into access to basic social services or the availability of social and economic opportunity so crucial towards forging a broad political constituency for transformative change.

In addition to the gender and class gap in human development, South Asian states share a poor record towards the protection of the rights of ethnic, linguistic and religious minorities. In India, powerful dissident movements by ethnic minorities in Kashmir, Punjab, Assam, Nagaland and Mizoram in support of greater autonomy have been subject to coercive repression by the state; Muslim, Christian and Sikh religious minorities have been targets of violence by right-wing forces – in many instances with the consent or active collaboration of state agencies. The period of state-backed Islamisation in Pakistan, on the other hand, coincided with violence against *Ahmediyya* and *Shia* religious minorities, and coercive repression of popular demands for greater provincial autonomy in the province of Baluchistan. In Bangladesh, resistance against the forcible resettlement of non-tribals on tribal land in the Chittagong Hill Tracts (CHT) prompted organised violence against the latter, even as the rise of right-wing Islamist parties coincided with violence against Bangladesh's Hindu minority. Sri Lanka's failure to protect its Tamil minority precipitated a brutal civil between state forces and the LTTE that ended with grave breaches of human rights by both sides. In Nepal, the long-drawn struggle for democracy that began in the 1990s claimed thousands of lives with hundreds of disappeared citizens and a deeply damaged social fabric.

South Asia's domestic crises and civil wars had far reaching effects on state, politics and society. They have weakened the moral authority and secular credentials of the state and eroded the federal mechanisms so crucial for governing South Asia's diverse societies; they have also damaged the socio-cultural fabric, exacerbated grievance among social groups; and legitimised political consolidation through extra-constitutional means. The nature of violence is deeply gendered: the disappearance of male kin members, an increase in widows and female-headed households, displacement, women's vulnerability to sexual violence, and increased levels of poverty among female survivors of war are some of the common features of South Asia's crises of governance. Bereft of the traditional protection of men in the family or by the state, and subject to social ostracism within family and community, female survivors of direct and indirect violence, sexual abuse and dispossession exemplify the gendered contours of South Asia's poor record of governance. Moreover, women are poorly represented or altogether absent from decision-making bodies within anti-state militant movements: cultural notions of gender, fear of violence by state and non-state agencies, a militarised and masculinised social environment, rising incidence of rape and sexual abuse, together with the instrumental relationship of women vis-à-vis militant/anti-state groups, are among the major reasons that explain absence of women in peace negotiations.

If South Asia's record of poor governance and absence of distributive justice is cause for concern, women's increasing political engagement is cause for cautious optimism. The rise of feminist movements and their greater albeit fraught engagement with political parties is a sign of democratic consolidation in a region that, by and large, falls well short of its potential for democratic governance.[v] Women's movements in South Asia are part of wider civil society

mobilisations that emerged at a moment of collective disillusionment with the state and its inability to administer democratic and secular governance. The women's movement in India was forged around the issue of state violence against women – an awareness that informed its 1970s and 1980s campaigns against dowry deaths, domestic violence, and the rape of women by state forces. The electoral arena was not a site for struggle until later. The engagement between women/feminist groups and political parties in India around the specific issue of reservation for women in local legislatures and the national parliament has yielded partial albeit important gains.

The women's movement in Pakistan emerged at a particularly difficult moment of martial law in the 1970s. The repressive nature of military rule and its detrimental implications for women was the reason why the movement's initial focus was the state. The issue of women's representation in governance bodies initially surfaced during the 1970s with the provision of reservation of ten seats and ten per cent seats for women in parliament and provincial assemblies respectively – a marginal gain subsequently neutralised during ensuing periods of military rule. The fragility of civilian regimes, together with the pressing economic and political crises in Pakistan relegated the issue of women's rights and representation into the background. Women's mobilisation in Pakistan is part of a wider civil society mobilisation on a range of issues including child marriage and polygamy, feminist interpretations of Muslim laws, female literacy and health, and minority and human rights.

Much like Pakistan, the energies of the women's movement in Bangladesh during the 1980s were initially focused on opposing military rule and state-sponsored Islamisation. The exigencies of martial law in Bangladesh were not, however, as explicitly women-centred as in Pakistan. Among other issues, the women's movement in Bangladesh critiqued development policy, campaigned for rights of women workers, quotas for women in employment, and against domestic and dowry-related violence. The reservation of seats for women in local bodies and the national parliament is among the major issues addressed by the women's movement, with women's groups mobilising for an increase in the number of reserved seats for women at both levels.

Compared to neighbouring states, Sri Lanka has a notably higher Gender Development Index (GDI) – a singular achievement greatly undermined by its tragic civil war that has been especially detrimental for women.[vi] The diversion of resources for war led to a general deterioration in women's health, educational levels and in the quality of life for women and their families.[vii] The direct and indirect influence of war on women altered women's relationships within family and community in negative ways. It also had the effect of polarising women on ethnic and ideological lines making it that much more difficult to forge a collective vision and struggle for women from different ethnic and religious groups. "The armed conflict…forced women to think and act in terms of their ethnicity and this polarisation made it difficult for civil society women's activists to work or bring together women of the various communities".[viii] The 1990s witnessed a greater engagement of women's groups with political parties symbolised by the demand for enhancing participation of women in politics and calls to political parties to address gender concerns. The civil war has, understandably, been the primary focus of feminist groups that have mobilised around the issues of minority and human rights, militarization, and peace-building between government and the LTTE.

Generally speaking, South Asia's feminist movements that emerged during the 1970s and 1980s in response to state violence and authoritarianism sought to advance the goals of gender equality and women's democratic rights. The class dimensions of this struggle cannot be underestimated: a large majority of South Asian women are poor, illiterate, undernourished and unemployed. Democracy has heightened public awareness of rights; it is yet to alter the socio-economic and political realities of this large underclass. Against South Asia's great cultural and ethnic diversity, and the multiplicity of challenges confronting individual states, these cross-cutting factors are part of the wider context against which the issue of women's rights and democratic governance must be framed and analysed.

2. Concepts and Critical Issues: Gender and Democratic Governance

Concepts

Democracy

The normative meaning of democracy derives from the Western liberal tradition with an emphasis on its procedural dimensions, namely, competitive electoral politics, the rule of law, institutional accountability, the protection of civil rights, and the freedom of speech and information. In the South Asian context however, greater public awareness of political rights and popular rule has blended with cultural notions of dignity, community rights and well-being understood more in terms of freedom from want, fear and violence, and the delivery of social goods and services, than in terms of constitutionally guaranteed individual rights. In a broad sense, democracy in South Asia combines a heightened awareness of political rights at the individual and community level with demands for the basic necessities of life such as the provision of public services; it is associated principally with people's rule, political freedom, equality of outcomes and community rights. [ix]

One of the limitations in normative understandings of democracy is that the term 'citizen' masks inequalities between citizens. Democratic consolidation in South Asia has not bridged class (or caste) disparities between citizens; nor has it translated into an equal distribution of power between men and women. With the emergence of the concept of human development and civil struggles for distributive justice and equitable development, democracy has been re-defined as a *citizen-centric* process informed by the values of equity, justice, civil liberties and human rights. The idea of substantive or "full democracy" offers citizens

> means of access to governmental processes and a real say in collective decision-making, via elected representatives in national and sub-national legislature…Those traditionally lacking power – for example, the poor, minority ethnic and religious groups, women, young people – would have a say in the direction of the nation. [x]

A citizen-centric concept of democracy affirms the ethical principle of gender equality and an egalitarian distribution of power between men and women. The idea of a gender-just society expands the idea of democracy as a representative, participatory, accountable, and transparent

process involving the active participation of a constituency that has been historically and politically marginal. Gender equality, accordingly, is not an 'addition' but an essential *condition* of democracy. This point has special salience for South Asia where the practice of democracy co-exists with high levels of gender disparity.

<u>Democratic Governance and Women's Rights</u>

The term governance, in its normative sense, refers to the manner in which national and international (such as the UN, WTO and so on) institutions 'manage' a country's economic and social resources for development. This particular construct does not accord any value to the role or agency of citizens in the *practice* of governance, nor does it take into account the fact of gender inequality. The denial of women's political agency and their marginalisation as a social group pre-empts the possibility of inclusive development, democratic power-sharing between women and men, and, by extension, the creation of an egalitarian society. As Yasmin Tambiah notes:

> Such marginalisation circumscribes women…in attaining the best possible quality of life for themselves [and] their family and communities. In the broader perspective, it compromises the promise of equal development for all citizens within a state and the possibility of meaningful governance undergirded by (gender) justice and peace.[xi]

The concept of gender-just governance is concerned with what Niraja Gopal Jayal appropriately terms as the content or "substance" of governance".[xii] It is based on the understanding that the formal legal, legislative and administrative processes of the state must be informed by, and be responsive to, the fact of gender inequality in public life *and* also to the ways in which non-state institutions such as the family inhibit and constrain women's engagement in politics and public life.[xiii] If *democratic* governance is to be realised in *practice*, it should combine institutional accountability and transparency with the incorporation of policy measures that address the empirical fact of gender inequality. Gender equality is an integral aspect of struggles for social justice. States' record of governance must accordingly be assessed in terms of advancing *in practice* the inter-related goals of social justice and gender equality. As Maitrayee Mukhopadhyay explains:

> 'Engendering' the institutions of governance means ensuring that they are accountable to women as citizens; changing rules, procedures and priorities that exclude the participation of poor women and the incorporation of their interests in the development agenda; and mobilising and organising women's voices in civil society.[xiv]

Critical Issues

<u>State</u>

An overview of gender and democratic governance in South Asia blends regional similarities with the different political context of individual states. As mentioned already, with the exception

of Sri Lanka, much of South Asia is characterised by widespread poverty and socio-economic deprivation. At the turn of the new millennium South Asia had the most distorted sex-ratio[xv] in the world and was identified as the world's least gender sensitive region.[xvi] The disparities of class that flow from poverty and socio-economic inequality overlap with gender inequality: the outcome for underprivileged women is particularly severe. South Asia's paradox of democracy and deprivation validates the need for active and concerted public intervention to redress this incongruity. At the same time, even as women need greater access to, and representation in, public institutions and an interventionist role in policy formulation, the struggle for greater political presence must not obscure differences in location among women themselves. Policy formulation must integrate the interests and needs of poor, underprivileged and/or minority women who lack power and influence, and for whom access to governance institutions may be that much more difficult to realise.[xvii]

Civil Society: Women's Movements and Political Parties

The retreat of the state accentuated by the forces of globalisation paralleled the rise of civil new social movements including the women's movement. Widespread disillusionment against the state, the degeneration of political parties, increased levels of corruption, and the threat of violence inhibit women's participation in electoral politics in South Asia. Political parties, on the other hand, are reluctant to yield women the institutional space and resources for political participation – a reluctance informed by social constructions of gender, fears regarding potential erosion in male power and patronage networks, and an implicit rejection of the principle of gender equality. The cultural notion that men are better equipped to enter politics and public life has much resonance across the South Asian region making it that much more difficult for women – especially in rural settings where patriarchy is more entrenched – to breach the status quo. Right-wing nationalist parties, on the other hand, have mobilised women to advance their respective agendas: the Bharatiya Janata Party (BJP) in India, and the Jama'at-e-Islami (JI) in Pakistan and Bangladesh being prime examples. Chauvinist militant organisations such as the Liberation Tigers of Tamil Eelam and the Janatha Vimukthi Perumana (JVP) in Sri Lanka on the other hand have recruited women to advance agendas inimical with women's rights and interests. Women in South Asia have nevertheless engaged with political parties on the issue of reserved quotas for women in local and national governance bodies – an engagement that yielded important outcomes in terms of women's presence in governance bodies even as it indicated the limits of a strategy based on numbers. Given South Asia's paradoxical record of having the largest number of female heads of state than any other region in the world,[xviii] an analysis of women's representation in local and national institutions of governance in the region is in order.

3. Women's Representation in Governance Institutions

India - South Asia's largest and pre-eminent state – is a parliamentary, multi-party democracy. With the deepening of democracy and the entrenchment of a system of competitive electoral politics, political parties in India have increasingly sought the support of women and included women's concerns in party manifestos. Women have thus transformed into a distinct constituency or 'vote bank' in electoral politics. The first wave of civil society activism in India emerged during Mrs. Gandhi's rule (1975-1977) characterised more by authoritarianism than

gender-sensitivity. Focused initially on the issue of violence against women, a cross-section of the women's movement subsequently worked with political parties on the issue of reserved quotas for women in local and national bodies of governance. The outcome of this engagement has been mixed. The 73rd Constitutional Amendment in 1993 reserved one third of all seats for women in local council of governance (*Panchayats*), drawing close to a million women into structures of local governance.[xix] In contrast, opposition to the 81st Amendment Bill that guarantees 33 per cent reservation for women in parliament has been particularly severe. At the same time, caste-based political parties such as the Rashtriya Janata Dal (RJD) and Samajwadi Party (SP) oppose reservations for women in parliament on the grounds that it reinforces upper-caste hegemony and demand a sub-quota for lower caste and minority women.

India's record is also paradoxical in that 16 of the last 50 years were occupied by a female in the executive office yet women hold 11 per cent seats in parliament and 10 per cent ministerial level positions.[xx] India's female politicians owe their political eminence to powerful political families or kinship links with male politicians: they lack power in their own right. There is an absence of cross-cutting political alliances between female politicians while differences in social class, political backgrounds and party positions prevent India's female politicians from forging a collective vision for Indian women. Other reasons behind women's low participation in representative structures is the reluctance of political parties to nominate women or their tendency to field women from constituencies where they are likely to lose, or where male candidates are reluctant to contest. Female parliamentarians often have to toe the party line with little freedom to formulate or implement their own agendas. While the women's wing of some political parties does interact with the party leadership, there is no channel linking non-party women with members of parliament (MPs) or political parties that focus on women's rights.[xxi]

The women's movement in Pakistan emerged soon after independence with the establishment of the welfare oriented All Pakistan Women's Association (APWA) and the Democratic Women's Association (DWA). There was large-scale political mobilisation of women during the 1971-1977 period when the Pakistan's People's Party (PPP) was in power; during this time Shirkatgah and the Aurat Foundation – two well known women's groups - were established. The period of martial law (1977-1988) was a great setback to the women's movement: having dispensed with democracy, General Zia-ul-Haq used Islam to assert state legitimacy – a policy that undermined civilian authority and institutional integrity, polarised the country on religious, ethnic and ideological grounds, legalised discrimination against minorities and women, and reinforced the power and authority of Islamist right-wing. The passage of legislation[xxii] such as the Hudood Ordinance[xxiii] and the Law of Evidence[xxiv] pandered to patriarchal authority and reinforced a wave of social conservatism. Benazir Bhutto's ascent to power (1988) was imbued with symbolic and political significance for women. Yet, even as Benazir pledged to empower women and end gender discrimination, her regime was unable to implement the party (PPP) manifesto in any substantive measure – a failure that had much to do with the contradiction between the party's commitment to women, the poor and the disenfranchised, and interests of a large number of PPP party members – mainly (male) feudal (to which Benazir herself belonged) and wealthy elites.[xxv] The weakness of political parties, prejudice against women, a patriarchal and feudal environment, and opposition from family and local male elites explain the marginalisation of women in politics in Pakistan. Women have been restrained from casting their vote in the provinces of Baluchistan and North West Frontier Province (NWFP) even as they have been

made to vote in cases where the contest is close. In general, political parties have tended to treat women as a passive vote bank subject to the dictates of men in the family or clan.[xxvi] The 1970 Constitution reserved ten percent of seats for women in Pakistan's parliament as a result of which several women were given positions in government – a trend that was subsequently reversed during the period of martial law. The women's wing of provincial parties like the Mohajir Qaumi Movement (MQM) and the Sindhiani Tekrik was used by parties to consolidate their own political base rather than address women's interests.[xxvii] In the 1997 elections, the People's Party of Pakistan (PPP) nominated 9 candidates for the 161 seats it contested, while its principal rival the Pakistan Muslim League (Nawaz) PML(N) nominated 6 women among the 171 seats contested by the party; in 2002, women held three out of the 21 central executive posts of the PPP and five out of 47 in the PML(N).[xxviii] Presently, Pakistan has the highest proportion of female parliamentarians in South Asia though, as mentioned earlier; most parliamentarians are drawn from the upper-crust of society.

At the local level, the barriers for rural/poor women are greater. Women are discouraged from entering electoral politics[xxix] and often forced to stand as independents in the absence of nomination from political parties; elected women councillors at the local (village) are frequently obliged to depend on influential male members, forced to defer to men in order to receive funding, and are often not in a position to oppose policy set by men. Women's presence on local councils is poor; more often than not women are obliged to follow the party's mandate and are unable to exert any influence on local governance.[xxx] Local bodies, however, as a Shirkatgah report notes, "are the best training ground for women if they are to play an effective role in the politics of the country"; it is here that politicians gain confidence and are trained to take decisions and formulate policy.[xxxi] A notable example of women forging a common front to advance women's political participation is a special training programme spearheaded by the Aurat Foundation for women in local governance in anticipation of the 2001 elections at the local/rural level where 33 per cent of directly elected seats were reserved for women. The campaign symbolised the promise and potential of an activism aimed at subverting male dominance in mainstream politics and bridging the class, ethnic and urban-rural divide.[xxxii] The training programme covered 7000 Union Council (village level) constituencies; its outcome in the province of Baluchistan was rewarding: as one of Pakistan's most backward and conservative provinces, a fair number of female councillors (17) were elected with an increase in overall female participation rates.[xxxiii]

Although Sri Lanka has a better record of gender equality than other South Asian states, this has not, however, translated into greater political participation of Sri Lankan women. The regimes of Sri Lanka's two female heads of state – Srimavo Bandaranaike (1970-1977) and Chandrika Kumaratunga (1994-1999) are not known for gender sensitivity. Much like in India and Pakistan, the political pre-eminence of Sri Lanka's female presidents derived from their association with male political leaders than from any real opportunity afforded by Sri Lanka's political class to female politicians. Apart from gender, class plays an important role in the selection of political leaders in Sri Lanka: male leaders are preferred to females unless the latter are from prominent and influential political families. In 2000, Sri Lanka's parliament had nine women out of a total strength of 224; the cabinet had 42 men and 2 women; the number of women elected to national office is low: below 4 percent in 1977, 5.3 percent in 1989, and 4.3 percent in 2004.[xxxiv] Women are under-represented in the executive/decision-making positions in Sri Lanka's mainstream

political parties: the United National Party (UNP) had 5 percent women and the Executive Committee 8 per cent. The Sri Lanka Freedom Party (SLFP) has 10 percent, the Socialist Lanka Samaj Party (LSSP) 2 percent, and the Communist Party (CP) 4 per cent.[xxxv] Studies indicate that the gendered norm of male leadership; women's domestic and childcare responsibilities, lack of adequate resources, and the threat of violence are the principal constraining factors behind women's poor political participation in Sri Lanka.[xxxvi] In addition to these factors, the lack of access to resources, cultural prejudice surrounding women's political participation, and the lack of family connections inhibit women's participation in politics.[xxxvii] Women and feminist groups have lobbied with political parties on the issue of including women's interests in party manifestos: an engagement that produced significant shifts in party positions vis-à-vis women.[xxxviii]

Women's groups in Sri Lanka have increasingly mobilised around the issue of women's poor representation in governance bodies: they have demanded 25-30 percent quota of nominations by political parties for women as a means to redress the gender imbalance in politics. On the eve of the 2010 national elections, women's groups and NGOs shared a platform with political parties to voice concern at the under-representation of women in politics (11 women in Parliament out of a total strength of 225) and suggested the likelihood of a less violent and less fractious politics with the entry of a greater number of women in local and national governance bodies[xxxix]. In general, women's engagement with political parties around the issue of political participation remains paradoxical: political parties are known to have co-opted the women's movement to advance their own interests;[xl] only future elections shall indicate whether there is any shift towards a greater role of women in Sri Lankan politics.

The women's movement in Bangladesh emerged during the national liberation struggle (1970-71) and was subsequently part of a larger civil society response to political developments in the 1980s not the least of which was the politicisation of Islam and the subversion of democracy by the military. The women's movement played a key role in opposing martial law and attempts by General Ershad and the Islamist right-wing to alter the secular identity of the state: there was a high turnout of women voters in the 1996 national parliamentary elections that ended martial rule. During the 1980s, a group of 20 women's organisations demanded, among others things, the ratification of the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) and an increased female quota in the civil services.[xli] Bangladesh has had two female prime ministers who have dominated national politics in the post 1991 period: both Khaleda Zia (Bangladesh National Party or BNP) and Sheikh Hasina (Awami League, current prime minister) owe their political prominence to their close links with male political leaders; their respective regimes are not known for advancing women's rights or gender friendly governance.[xlii] One of the areas of mobilisation for the women's movement has been around the issue of representation in parliament. A constitutional provision provided for 15 reserved seats for women in the national parliament, a quota that was doubled to 30 in the second national assembly (1979-1982) and eventually lapsed in 2001.[xliii] By confining women to reserved women-only quotas, political parties reinforced their monopoly in the electoral field; such a policy also left political parties with little incentive to field women candidates in the open/general category. The women's movement in Bangladesh has opposed the policy of reservation and mobilised in favour of a greater number of reserved seats for women to be open for direct election because "Instead of contributing to women's agency and autonomy, [quotas]

accentuated [women's] dependence in politics and reinforced their marginality".[xliv] Contrary to these demands however, and in the face of opposition from women's groups, a 2004 constitutional amendment increased the number of reserved seats for women from 30 to 45 to be filled by indirect election and distributed among political parties based on their respective strengths.[xlv] The number of women contesting general seats has, accordingly, remained low. In the 2001 election there were less than 5 per cent female candidates nominated for election.[xlvi] Presently women there are 45 women out a total of 345 members of parliament (13 per cent of total parliamentary strength).

At the local level, there have been efforts by the government to include a greater number of women in governance bodies. The 1997 Local Government Second Amendment reserved three seats for women in the Union *Parishad* (village council) through direct election. The number of women candidates, however, has remained disappointingly low; successful women candidates are known to have faced threats by male opponents. In general, restrictive gender roles within the home and community; gender stereotypes regarding the role of women; discrimination within existing institutional structures, limitations on mobility and lack of resources to contest elections intersect to considerably limit women's political participation at the local level in Bangladesh.[xlvii]

After a prolonged civil war and the abolishment of a 240 year-old monarchy, Nepal became South Asia's youngest democracy in 2008. Women were crucial to the movement for democracy during which they were victims of rape and sexual abuse, and deprived of the benefits of education, health, access to productive resources, and reproductive rights. Women's active political participation in the struggle for democracy and their formal status as equal citizens is yet to translate into equal representation for women in governance bodies. With support from the United Nations (UN) and other international agencies, women's groups in Nepal succeeded in securing a reserved quota of seats for women in the newly established Constituent Assembly (CA) where women constitute just over 33 per cent of the total number of seats – a huge jump from the previous figure of 6 per cent.[xlviii] At the local level, the Act on Local Election mandates representation of women at the district and village level as a result of which more than 100,000 women stood as candidates for Village Development Committees (VDCs) with more than 36,000 elected to Village Assemblies.[xlix] In 2007, a women's NGO alliance promoted a list of 3000 rural and urban women for peace and electoral processes including the CA even though there was no direct participation of women in the 2006 agreement between political parties.[l] There exists a high degree of political awareness among Nepali women with the potential for carving out a greater political role for women in collaboration with women's groups.

The struggle for greater representation of women in governance bodies in South Asia has been a hard one, albeit not without success. Women's share in South Asia's national parliaments has increased over the decades though women are still far from achieving equal representation in governance bodies – so crucial towards effecting transformative change. As a ten year review of human development in South Asia notes:

> Women's political participation is a key to change in society…[yet] women's participation in politics is very limited…In South Asia women's share in the national assembly has increased from 7 percent in 1996 to 11 per cent in 2006…While some countries have taken affirmative action to promote

participation of women in national and local governments, yet in no country are women proportionately or meaningfully represented in national or local governments.[li]

Two key points emerge from the discussion so far. First, gender inequality in politics is inextricably linked with South Asia's great class inequality that needs to be bridged if the goal of gender equality is to be realised. The struggle for gender equality in politics, in other words, is inextricable from the struggle for class equality and social justice. This point has special salience for the bulk of poor, underprivileged and politically marginalised South Asian women for whom the possibility and potential of political representation is inextricably tied with access to basic social services (literacy, health, education) and the availability of social opportunity. South Asian states have failed, so far, to provide basic services to constituencies that need them most. For precisely this reason, the importance of the state in South Asia cannot be overstated: it has the resources, the institutions and the mechanisms to realise the democratic aspirations of citizens i.e. freedom from want, hunger and fear, and the provision of basic social services to *all* citizens that shall, in turn, invest women with the skills, capability, confidence and opportunity to compete for electoral office. A caveat is in order here: greater socio-economic equality between men and women may not necessarily guarantee political gender equality – as is evident in the case of Sri Lanka. This does not, however, dilute the case for social justice: an egalitarian social order is an essential pre-requisite for a gender-just polity. The majority of South Asian citizens are yet to realise the substantive rights of democracy i.e. social equality, freedom for violence and deprivation, equal access to institutions, and the protection of civil rights and liberties. Policies to consolidate democratic governance in South Asia must therefore focus on not just the gender gap between women and men in political institutions; they should simultaneously redress the inequality of class and the absence of distributive justice that reinforce the gender gap in politics.

Second, as borne out by the above discussion, the role of the women's movement in South Asia has been crucial towards advancing women's representation in governance bodies. The number of women in South Asian parliaments, as the table below indicates, remains low.

Proportion of seats held by women in the national parliament (%)[lii]

South Asia	2000	2003	2007
India	9.0	9.0	8.3
Pakistan	2.0	22.0	21.3
Bangladesh	9.0	2.0	15.1
Sri Lanka	5.0	4.0	4.9
Nepal	6.0	6.0	17.3

Source: World Bank Gender Statistics South Asia

The gender gap in representative politics is attributable to a combination of historical, cultural and political factors. Women in South Asia have been historically marginalised from politics and public life; in the post-colonial period women's marginalisation in politics has been shaped by political developments within the state and by state policy even as cultural notions regarding gender roles, discrimination within the family and community, greater domestic responsibilities for women, ignorance of electoral procedures and family/patriarchal/religious constraints on mobility are among the major cross-cutting factors inhibiting women's political participation. Women's mobilisation around CEDAW and other international declarations[liii] pressured governments to pay more attention to the inclusion of women in public decision-making. Although there has been an overall increase in women's representation in South Asian parliaments and local bodies, the struggle for gender equality in public life is far from over. Mobilising for reserved quotas for women in governance bodies is one of the strategies adopted by feminist and women's groups towards this end. While women's *access* to governance institutions is the first step towards this goal, of equal if not greater importance is the need to effect change *within* these institutions and ensure the entitlements of women affected by lack of rights and influence.[liv] Given South Asia's paradoxical record of having the largest number of female heads of state than any other region in the world[lv] an analysis of the debate regarding reserved quotas for women in governance bodies, and its implications for gender equality and democratic governance in the region, is in order.

4. The Reservation Debate

Trends

Pakistan's reversion to democratic rule and Nepal's overthrow of its monarchy consolidated democracy in the region. The picture in terms of women's representation in governance bodies, however, is not very positive: collectively, the number of women in national/state legislatures in South Asia has been lower than 9 percent.[lvi] India – the region's pre-eminent democracy – has consistently returned a small number of women to the national parliament; women's presence in the parliament or the presence of influential female politicians like Sonia Gandhi at the national level or chief minister Mayawati at the state/provincial level has not made any discernible difference to the policy agenda of the incumbent regime or a forceful articulation of women's concerns. A proposed Bill reserving one third of seats for women in the Indian parliament has been repeatedly stalled for years. At the time of writing, India's upper house of parliament passed the 108th Amendment Bill reserving 33 percent of seats for women in the national parliament and state legislatures; it is expected to be placed before the lower house for approval.

By way of contrast, in response to growing demands for decentralisation and for greater representation and participation of women in politics, the passage of the 73rd and 74th Amendments in parliament in1993 was relatively easy. The legislation ensured one-third reservation for women in local village councils (*panchayats*), and one third of the offices of chairpersons at all levels in rural and urban bodies for women.[lvii] Against reports of lower caste women *sarpanchs* (village council heads) with little political experience who were subsequently dominated by upper-caste men, there are hopeful instances whereby women have resisted pressure by male constituencies and taken up vital issues such as water-management and fuel

conservation.[lviii] Women have prioritised issues of health, education and access to basic services, and have often been able to effect a significant change in living conditions for the entire community; women *panchayats* in the states of Gujarat, Maharashtra and West Bengal have performed exceptionally well.[lix] Women have used their numerical strength to facilitate gender-sensitive development.

India presents a mixed picture: at the national level, there is no notable increase in the percentage of women parliamentarians (8 per cent in 1984 and 8.3 % in 2009 being the highest). Female members of parliament and state assemblies are drawn from different political parties and subscribe to divergent ideologies: as a result they do not share a common politics or common vision for Indian women. There is almost a complete disconnect between women's groups and female parliamentarians due to which gender issues rarely figure in party politics or parliamentary debate. Women MPs lack the power to set their own agendas; in many cases they need to defer to male authority. The continued stalling of the 108st Amendment indicates that much more is at stake at the national level for male politicians and mainstream political parties. The struggle for reserved quotas for women in higher governing bodies (parliament and state assemblies) has proved more difficult as it threatens male dominance at the policy-making (parliament), rather than policy implementing (village and local council) level.

Pakistan's first constitution (1956) provided for 3 percent reserved seats for women in national and provincial legislatures: there were ten[lx] reserved seats for women for a period of ten years, a provision that was utilised as and when the political situation permitted with a total of 6 female legislators in Pakistan during 1956-1972. After the establishment of Bangladesh, the 1973 constitution provided for ten reserved seats for women in the lower house of parliament, later doubled to 20 (out of a total of 237) in 1985. During 1988-1990 out of a total of 24 female legislators, four were directly elected; all came from entrenched elite feudal backgrounds. In 2000, the reserved quota for women in parliament was increased to 60 (17.5 percent) out of a total of 342 member house: a majority of reserved seats were given to close female relatives of powerful male politicians. In the 2008 elections, in addition to the reserved seats, 13 women were elected through direct open election. Although the number of directly elected women in Pakistan's parliament has increased and women parliamentarians have voiced their opinion on gender and national issues, they remain beholden to their respective parties for their political position and the indirect manner of their election. The reserved quota (17.5 percent) for women was extended to the state/provincial assemblies[lxi] though it fell well short of the demand for 33 percent demanded by women's groups. A 2000 legislation provides for 33 percent reservation for women in local government (in urban areas and districts) allowing women the opportunity to assert political agency and build local alliances.[lxii]

Sri Lanka is the only country in South Asia not to have reserved quotas for women at any level. The number of women running for electoral office has increased over the years but this has not translated into a greater number of women being elected. In 2004, there were 10 women parliamentarians in Sri Lanka, 90 percent of whom owed their political eminence to kinship ties with male politicians; most of those elected belonged to the majority Sinhala community. Patriarchy and class are the key determinants of women's participation in governance. There are increasing demands by women's groups and civil society organisations to mobilise support for women's quota in representative bodies. Women in Bangladesh confront a paradox whereby an

increase in reserved seats for women through indirect election in parliament has not translated into political advantage because women-only quotas do not enhance women's autonomy or agency. The lack of reserved seats for women for open/direct election serves to reinforce male monopoly and women's political marginalisation. Nepal's interim constitution (2007) provides for 33 percent reservation for women in governance structures. In the 2008 elections, there were 32.8 percent women (197 out of 601)[lxiii] in Nepal's national parliament: parties nominated 167 women while 30 were elected directly. Women parliamentarians formed an inter-party alliance and have pressured the government for 50 per cent reservation for women in all policymaking positions. Women's lobbying forced the government to pass bills decriminalising abortion, allowing women to inherit property at birth, and women's right to give their children citizenship rights. At the same time however, it has been difficult for women to voice other gender-related issues through parliamentary channels because these issues not deemed important.[lxiv] Patriarchal attitudes and a lack of experience and training are among the main factors inhibiting women's political participation in Nepal.

Some common features can be identified from the above trends. Notwithstanding democratic consolidation in the region, women's presence in governance bodies in the region is far from ideal. In such a context, a 'politics of presence' is invested with powerful symbolism: by gaining *access* to governance bodies women subvert male dominance in political institutions; a gender inclusive polity imparts greater legitimacy to South Asia's male-dominated democracies. The experience of women in local governance bodies can therefore be viewed as a step towards women's greater political engagement at the national level. The argument for reservation for a historically marginalised constituency is based on the understanding that

> …quotas for women are needed to compensate for the social barriers that have prevented women from participating in politics and…making their voices heard...That in order for women to be more than 'tokens' in political institutions, a level of presence that cannot be overlooked by political parties is required, hence the demand for a 33 per cent quota.[lxv]

The emergence and entrenchment of multiparty democracy in South Asia coincided with parties' attempts to cultivate new constituencies including women that, in turn led to a greater political consensus around reserved quotas for women. Yet, even as a greater presence of women in representative bodies subverts gender hierarchy, the demand for reservations is simultaneously fraught with multiple dilemmas for women. The term 'women' is not a homogenous or self-evident category. Women's ability to avail of the advantage of reservation is mediated to a great degree by their class and caste location. The majority of women MPs in India are from upper class/caste backgrounds; most female parliamentarians in Pakistan are from elite/feudal backgrounds as are those from Sri Lanka. For those critical of reserved quotas for women therefore, the engendering of parliament "achieves little more than the engendering of elites".[lxvi] A second concern relates to the *articulation* of women's interests: important and necessary as women's access to governance institutions is, a greater numerical presence may not translate into effective *representation* of women's interests. Women MPs are not known to prioritise women's interests over the party agenda;[lxvii] nor are gender concerns a cross-cutting issue across party lines. Further, even as women's movement mobilisation has played an important role towards

enhancing women's role in governance, there exist genuine fears about political parties co-opting feminist demands.

Notwithstanding the arguments for and against reserved quotas for women, what is clear is that women's greater political presence in national and local governance bodies is an essential first step towards subverting the gender imbalance in politics. It opens up the possibility of challenging established policy-making and reorienting development agendas. The privileging of gender, however, must not be at the cost of South Asia's great class disparities. The inclusion of women in political institutions process is an important yet insufficient condition for challenging the political status quo; the class disparities flowing from socio-economic inequality must be addressed simultaneously. As Shirin Rai asserts:

> If development agendas are to be re-articulated, if transformation of the lives of women has to take place in tandem with that of the gender relations within which they are enmeshed, then the issues surrounding economic and social class relations have to be addressed.[lxviii]

Since the academic and institutional focus is primarily on gender, the importance of equality between not just women and men but equally among women themselves tends to be understated. Women's activism in South Asia demonstrates the radical potential of a collaboration that transcends the boundaries of gender, social class and caste. A few empirical examples highlight the point.

The Significance of Women's Movement Activism

In 1996 members of a women's organisation, the *Mahila Jagriti Sangathan* (Women's Awareness Organisation) in the state of Madhya Pradesh established that liquor was the root cause of four successive rapes. Women from various communities attempted to close down the liquor shops but failed as they were licensed. Their subsequent campaign against liquor vendors were joined by 40,000 women from the adjoining state of Chhattisgarh who signed a joint memorandum demanding a ban on liquor. Faced with an unresponsive administration, women joined forces with local *panchayats* (village councils) in their struggle to achieve prohibition in the state.[lxix] The *panchayats* used their numbers and political presence to make the struggle a success.

In Pudukkottai, a backward district in Tamil Nadu, minority Muslim women's collaboration with STEPS – an NGO – facilitated the establishment of a female *jama'at* (a traditionally male religious gathering) where women used the space to create a Women's Community Council to educate women about Shari'a law, set up legal cells to address cases of violence against women, and work with men in order to sensitise them about violence against women and women's bodily integrity. Members of the Council interacted with the media, academia and other civil society institutions to discuss issues concerning Muslim women. The organisation has approximately 6000 card holding members spread across ten districts in the state. Minority Muslim women thus "created a uniquely indigenous feminism that is vibrant, flexible, and constantly adapting to new challenges …[and] forcing political parties, local self-government bodies, and the state legislature to engage with them on their own terms".[lxx]

The Bangladesh Mahila Parishad (Women's Council) (BMP), a women's organisation committed to gender equality and democracy developed support groups for three women representatives (one from an urban council and two from rural village councils). Each support group consisted of 15 women from the representative's constituency including BMP members trained to provide support to the elected representative. Together they organised constituency meetings, built alliances with political leaders, and linked representatives with women leaders that in turn, helped women representatives attend council meetings, question the allocation of resources and procedures, and succeed in getting development project for their areas, engage with gender issues, and set up an autonomous women's cell. Women's collective organisation invested them with the authority and legitimacy to shape and facilitate gender-sensitive governance.[lxxi]

In Pakistan, the Women's Action Forum (WAF) was established during a period of martial law during the 1980s. With the end of martial law and the establishment of democratic rule, women from WAF engaged with parliamentarians and politicians, authored policy papers, and established links with international institutions and organisations. WAF's focus and engagement broadened with an emphasis on education and electoral participation in the 1980s to campaigns for the rights of landless peasants during the 1990s.[lxxii] An important initiative was the collaboration between WAF - an urban-based autonomous women's group – with the *Sindhiani Tehreek*, a rural, lower-class women's group in Sindh province, working on women's issues that are insufficiently addressed by mainstream political parties including women's representation in local bodies.[lxxiii] In general, feminist activism enhances the capacity of underprivileged women to access resources and political power and demonstrates that alliances bridging class and caste difference while sharing resources and skills have the potential to advance women's political participation.

Women's mobilisation and struggle for a greater presence and role in the polity has tended to neglect the 'private' domain of the family – conventionally assumed to be beyond the realm of governance. Yet the family is one of the principal *sites* of gender inequality in South Asia; it is that arena of social power where the intersecting and mutually reinforcing confluence between public and private patriarchies is played out.[lxxiv] If governance is to be engendered it must address all sites of gender inequality including the family. The state has a crucial role in play in this regard. All five South Asian states are signatories to the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). A review of their record with regard to the implementation of CEDAW provisions (Article 5a and Articles 15 and 16 relating to the discrimination of women in the family) is therefore in order.

5. South Asia: Women, CEDAW and the State

After decades of mobilisation and lobbying by women's groups, the United Nations General Assembly unanimously adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979 – an international Bill of Rights for Women based on a recognition of women's rights as human rights. The Convention affirms the principle of equality by requiring state parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them

the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men".[lxxv] By 2006, a total of 183 countries had acceded to the Convention.[lxxvi]

India, Pakistan, Bangladesh, Sri Lanka and Nepal are all signatories to the Convention. While Sri Lanka and Nepal have signed and ratified the Convention without entering any reservations, the record of India, Pakistan and Bangladesh is ambiguous. India signed and ratified CEDAW albeit with two declarations and one reservation. The first permits a local interpretation of Articles 5(a) relating to the "elimination of prejudices and customary and all other practices which are based on the idea of inferiority or superiority of either of the sexes or on stereotyped roles for men and women" and Article 16(1) that affirms equal rights in marriage and family relations "in conformity with its policy of non-interference in the affairs of any community without its initiative and consent". The plea to defer to discriminatory customary laws and practices on grounds of 'non-interference' or respect for local interpretations legitimized state inaction with regard to women's subordination within the family. Pakistan entered a reservation to Article 29 with the general declaration that CEDAW would be implemented in accordance with the Constitution of Pakistan. Pakistan's Constitution stipulates that all laws must be in accordance with Islam. Although feminists have argued that it is not Islam but sexist interpretations of Islamic law and prevailing customary laws and practices that are discriminatory towards women, this reservation nevertheless provides a loophole for the Pakistani state to avoid repealing discriminatory Islamic laws. Bangladesh ratified CEDAW with four reservations. The reservation against Article 16 relating to equal rights in marriage and divorce was deemed to be in conflict with *Sharia* law and maintained.[lxxvii] In all three contexts, the reservations entered pertain to family laws relating to marriage, divorce, inheritance, guardianship and succession. The reluctance of South Asian states to dislodge institutionalised discrimination within the family contributes to the persistence of gender inequality within family and society.

6. Conclusion

Two broad issues emerge from the discussion. First, the issue of women's political marginalisation must be framed against South Asia's great paradox between democracy and socio-economic inequality that has particular salience for the bulk of poor, economically underprivileged women in the region. There is a clear class dimension to the issue of women's political marginalisation – unaddressed in most of the literature on gender and governance that focuses on institutions and numbers. The institution of the welfare state – so crucial towards developing a gender-just society – is presently in the process of being actively dismantled in South Asia. Poor, underprivileged women are far more vulnerable to the outcome of state withdrawal than their upper-class counterparts; state withdrawal is also a serious impediment to the struggle for social equality. Widening class disparity can only lead to greater gender inequality. Feminist groups need to forge greater links with the large constituency of underprivileged women in order to forge a collective front in favour of strong state intervention for the provision of basic services and the implementation of a gender-sensitive development policy.

A related issue concerns information regarding the experience of *Dalit*, *Adivasi* and minority women vis-à-vis national and local governance institutions. What is the subjective experience of

these women in terms of their engagement with female *panchayat* members/parliamentarians? Has it altered their material condition in any way? What are the barriers inhibiting poor and lower caste women from access to governance institutions? Are their concerns incorporated in policy? What are the possible strategies feminist groups could adopt in order to ensure that the interests of this constituency are addressed? Can gender concerns ever be a cross-cutting theme for political parties in South Asia? What can be the role of women's groups towards this end? These are some of the issues that require further probing in order to identify the impediments underpinning women's political marginalisation, the enduring and politically salient overlap between gender and class, and the formulation of potential strategies to ensure the inter-related goals of inclusive representation and equitable development.

Second, the above discussion indicates that women's access to structures of governance has been greatly facilitated by the engagement of women with political parties. Although this engagement is fraught with dilemmas for the women's movement in general, and feminists in particular, the empirical examples from Pakistan, Bangladesh and Nepal suggest that a feminist activism informed by a shared understanding of gender and class differences can effectively subvert male dominance at a local level. A cross-national comparative analysis of this engagement together with a documentation of some of the best practices/campaigns in the region would be valuable in terms of assessing its efficacy and potential. Shirkat Gah, the Aurat Foundation in Pakistan, and Ain-o-Salish Kendra in Bangladesh have done important work in this area and could be identified as potential partners.

Finally, even as the women's movement has addressed the under-representation of women in local and national decision-making bodies, it has been unable to exert much influence over political parties that seek women's votes but are largely indifferent to gender concerns. Women's and feminist groups need to deepen and broaden their engagement with political parties and female politicians in order to integrate gender concerns in party manifestos and government policy. The South Asian experience demonstrates that an increased presence of women in parliaments and legislatures, or indeed the election of female prime ministers or presidents is not necessarily coterminous with the advancement or realisation of gender equality. Rather, the interface between women's movements and political parties on the one hand, and women's groups and underprivileged women on the other, has the potential to transform into substantive political advantage for women. Democratic governance is not synonymous with the institutions of governance or a greater presence of women in them; rather, it is best advanced by an affirmation of women's *individual equality* with men, the realisation of distributive justice for *all* citizens, and public recognition and response to women's *difference* from men as a social group.

Endnotes

[i] *Human Development in South Asia 2007: A Ten Year Review*, Mahbub-ul-Haq Human Development Centre (Karachi: Oxford University Press), p. 2.

[ii] Post-independent Sri Lanka introduced a comprehensive welfare package including education and health services. As a result of these policies, literacy rates for women rose from 67.3 per cent in 1973 to 87.9 percent by 1994; life expectancy from 41.6 years in 1946 to 74.2 years in the 1990s. See Amrita Basu (2005). Women, Political Parties and Social Movements in South Asia. Occasional Paper (Geneva: United Nations Research Institute for Social Development), p. 6.

[iii] 'Gender Index: India near Bottom'. *The Hindustan Times*, November 10, 2009.

[iv] In contradiction to the global norm, in South Asian men outlive and outnumber women. According to the 2007 Human Development in South Asia report, there were 95 women for every 100 men in South Asia. The report estimated that 74 million women were 'missing' in South Asia due to systemic neglect and deprivation. Op cit. pp. 30-32 and p. 213.

[v] For a fuller discussion regarding both these dimensions see Amrita Basu, Women, Political Parties, 2005.

[vi] Two decades of war between government forces and the LTTE heightened defence expenditure, impeded economic growth and devastated the lives of millions. Women share a disproportionate burden as survivors: as female-headed households and caregivers in the absence of basic services such as food, education, health, means of livelihood and sustenance and the trauma of gender-based violence by state and non-state forces. *Women in Sri Lanka*, Asian Development Bank (1999), p. 29.

[vii] *Violence against Women in Sri Lanka* (Geneva: The World Organisation Against Torture) 2002, p. 15.

[viii] Ibid. p.16.

[ix] *State of Democracy in South Asia: A Report* (New Delhi: Oxford University Press), p. 26.

[x] Jeff Haynes (ed.) 2001. 'Introduction' in *Democracy and Political Change in the 'Third World'* (London: Routledge), p. 10.

[xi] Yasmin Tambiah, 'The Impact of Gender Inequality on Governance' in Nussbaum, Martha, Amrita Basu, Yasmin Tambiah and Niraja Gopal Jayal, *Essays on Gender and Governance* (New Delhi: UNDP), p. 60.

[xii] Niraja Gopal Jayal, 'Locating Gender in Governance Discourse' in Nussbaum et al, p. 98.

[xiii] Martha Nussbaum, Gender and Governance: An Introduction in Nussbaum et al. p. 5.

[xiv] Maitrayee Mukhopadhyay, 'Creating Citizens Who Demand Just Governance: Gender and Development in the Twenty-First Century' in *Gender and Development* 11(3): 45-56 (November 2003), p.52.

[xv] According to the 2000 South Asia Human Development Report, the sex ratio for South Asia was 940 females for every 1000 males – worse than sub-Saharan Africa. See *Human Development in South Asia 2000: The Gender Question* (Karachi: Oxford University Press, xvi).

[xvi] *Human Development in South Asia 2000: The Gender Question* (Karachi: Oxford University Press), p. 10.

[xvii] See Maitrayee Mukhopadhyay, Creating Citizens, pp. 47-55 for a fuller discussion regarding these points.

[xviii] Srimavo Bandaranaike and Chandrika Kumaratunga (Sri Lanka), Indira Gandhi (India), Benazir Bhutto (Pakistan), Khaleda Zia and Sheikh Hasina Wajed (Bangladesh) served as elected prime ministers.

[xix] Strengthening Elected Women Leaders in India: The Hunger Project. http://www.thp.org/what_we_do/key_initiatives/strengthening_elected_women/overview. Accessed October 18, 2009.

[xx] *The India Gender Gap Review* (Geneva: World Economic Forum 2009), p. 5.

[xxi] Amrita Basu, Women, Political Parties, p. 31.

[xxii] "In Zia's search for a basis of legitimacy, he implanted a religiously based code unparalleled in the modern history of Islam in South Asia. For the first time, the resultant laws regarded men and women as having different legal rights and paradoxically compromised the rights of women". Anita M. Weiss, 'Benazir Bhutto and the Future of Women in Pakistan'. *Asian Survey* 30(5) 433-445, p. 439 (May 1990).

[xxiii] The Hudood Ordinance was a highly discriminatory 'Islamic' penal code making women liable for harsher punishment than men for offences related to rape, adultery and extra-marital sex.

[xxiv] The law of evidence reduced the value of women's testimony to half that of a man; the family of a murdered woman was paid half the amount of blood money paid as compared to a male victim.

[xxv] A survey of the background of the members of Pakistan's parliament since 1970 shows that elected representatives are immensely wealthy and come from the ultra-rich elite of Pakistan. Many representatives are ill-

informed about Pakistan's social and economic realities. See S Akbar Zaidi 'Elected Representatives in Pakistan: Socio-economic Background and Awareness of Issues'. *Economic and Political Weekly of India*, 39(45): 4935-4941, p. 4935. 2004.

[xxvi] UNESCAP Report on the State of women in Local Urban Governance: Pakistan, p.7. Date unspecified. Available at http://www.unescap.org/huset/women/reports/ Accessed October 9, 2009.

[xxvii] Farida Shaheed, Asma Zia and Sohail Warraich, 1998. Women in Politics: Participation and Representation in Pakistan (Lahore: Shirkatgah Publications), p. 13.

[xxviii] All statistics and information in this para from Basu, Women, Political Parties, p. 14.

[xxix] For instance, in 1996, as many as 50,000 women stood to lose their vote in Thatta, Baluchistan, because of the reluctance of their male family members to allow their names to be registered on the voter's list. Shaheed et al. p.74.

[xxx] Shaheed et al, p. 13.

[xxxi] Ibid. p. 85.

[xxxii] Ibid.

[xxxiii] UNESCAP Report Pakistan. Op cit. p. 15.

[xxxiv] Amrita Basu, p.7.

[xxxv] Ibid. p.7.

[xxxvi] Sri Lanka: Country Gender Assessment. Asian Development Bank (Manila 2004), p. 5.

[xxxvii] Amrita Basu, p. 7.

[xxxviii] In the 1994 election, the United National Party (UNP) party manifesto pledged to provide for equal pay, women's right to government housing, safety for female factory workers, a revision of laws relating to sexual violence and the minimum age for marriage with smaller parties such as the Tamil United Liberation Front (TULF) and the People's Alliance (PA) endorsing the importance of gender issues. Amrita Basu, p. 7.

[xxxix] Ruana Rajpakse, Specific Quotas necessary in Sri Lanka to enhance women's representation in electoral politics. Transcurrents (February 21) http://transcurrents.com/tc/2010/02/specific_quotas_necessary_in_s.html Accessed February 30, 2010.

[xl] The Mother's Front was an independent women's organization established in 1984 to protest against the disappearances by security forces. By 1992 the Front had a membership of 25,000 mostly poor women and played a critical role in the defeat of the UNP regime by the SLFP. The SLFP incorporated the Front's agenda and two of its members who won parliamentary seats in 1994 ceased to be active in the movement that had brought them to power. The UNP later formed its own Mothers Front. Basu, p. 8.

[xli] Amrita Basu, p. 18.

[xlii] Bangladesh remains the only country to have women heading parliament and the opposition.

[xliii] *Bangladesh Gender Profile*. KfW Entwicklungsbank (Frankfurt: KfW Development Bank Asia Department 2006), p. 18.

[xliv] Najma Chowdhury quoted in Basu, p. 18.

[xlv] Basu, p. 19.

[xlvi] Unless otherwise stated, all statistics in this para from Pranab Kumar Panday: 'Representation Without Participation: Quotas for Women in Bangladesh'. International Political Science Review 29(489): 2008.

[xlvii] KfW Bangladesh Gender Profile, p. 18.

[xlviii] All information in this para from Global Monitoring Checklist on Women, Peace and Security: Gender Action for Peace and Security 2009. pp. 73-74.

[xlix] Women in Nepal, Asian Development Bank (1999), p. 44.

[l] Global Monitoring Checklist on Women, Peace and Security (Gender Action for Peace and Security: UK), p. 81.

[li] *Human Development in South Asia 2007: A Ten-year Review*, pp. 211-212.

[lii] Source: World Bank Gender Statistics: South Asia. http://go.worldbank.org/MR87UZQAJ0

[liii] The Universal Declaration of Human Rights and the declarations adopted at the Beijing and Cairo conferences.

[liv] Mukhopadhyay, Creating Citizens, p. 47.

[lv] Srimavo Bandaranaike and Chandrika Kumaratunga (Sri Lanka), Indira Gandhi (India), Benazir Bhutto (Pakistan), Khaleda Zia and Sheikh Hasina Wajed (Bangladesh) served as elected prime ministers.

[lvi] Khawar Mumtaz, Women's Representation, Effectiveness and leadership in South Asia. Fifth South Asia Regional Ministerial Conference, Celebrating Beijing Plus Ten. Islamabad, Pakistan, 3-5 May 2005, p. 10.

[lvii] Shirin M. Rai, 'Democratic Institutions. Political Representation and Women's Empowerment' in Anne Phillips (ed.), *The Politics of Presence* (Oxford: Clarendon Press, 1998), p. 115.

[lviii] Anurag Joshi, Women and Political Participation in India in Mohanlal Sharma, Olive Peacock and Krishan Gopal (eds.) *Globalisation, Democracy and Governance in South Asia* (New Delhi: Kalinga Publications, 2003) p. 90.

[lix] Kalyani Menon Sen and A.K. Shiva Kumar Women in India How Free How Equal? (New Delhi: United Nations, 2001), p.70.

[lx] Five each for East and West Pakistan respectively.

[lxi] The seats are allocated to political parties on the basis of their proportion of the general seats in the provincial assembly.

[lxii] Unless otherwise stated, all information in this para from Khawar Mumtaz, Women's Representation, Op cit. pp. 14-17.

[lxiii] IDEA Country profile: Nepal available at http://www.idea.int/countryProfile.cfm?CountryCode=NP. Accessed 10 March 2010.

[lxiv] Mallika Arya, Politics Nepal: Women Push for Gender Equality in New Constitution. http://ipsnews.net/news.asp?idnews=47937. Accessed March 10, 2010.

[lxv] Shirin Rai, Democratic Institutions, Op. cit, p. 121

[lxvi] Niraja Gopal Jayal, Locating Gender, p. 102.

[lxvii] In India for instance, most women MPs wanted to be on the powerful and influential committees relating to finance, international relations and trade. Shirin Rai, Class, Caste and Gender – Women in Parliament in India. International IDEA, 2002. Women in Parliament, Stockholm. www.idea.int.

[lxviii] Shirin M Rai, 'Democratic Institutions, Political Representation, p. 117.

[lxix] Ibid, p.150.

[lxx] Rosemary Bechler, 'Yes We Can'. Open Democracy. http://www.opendemocracy.net/blog/nobel-womens-initiative-2009/rosemary-bechler/2009/05/12/yes-we-can. Accessed September 21, 2009.

[lxxi] Pranab Kumar Pandey, 'Representation without Participation', p. 500.

[lxxii] For a fuller discussion see Khawar Mumtaz, Advocacy for an End to Poverty, Inequality, and Insecurity: Feminist Social Movements in Pakistan, *Gender and Development* (13)3: 63-69 (November 2005), pp. 64-66.

[lxxiii] Yasmin Tambiah, 'The Impact of Gender Inequality on Governance' in Nussbaum et al. p. 74.

[lxxiv] Ibid. p.101.

[lxxv] CEDAW Convention (New York: United Nations).

[lxxvi] Shaheen Sardar Ali, A Comparative Analysis of Application of CEDAW in Bangladesh, India and Pakistan, p. 2.

[lxxvii] All information in this para from *Human Development in South Asia 2000: The Gender Question*, p. 80.

Bibliography

Ali, Shaheen Sardar, A Comparative Analysis of Application of CEDAW in Bangladesh, India and Pakistan. UNIFEM South Asia. Date unspecified. http://www.unifem.org.in/cedaw.html.

Arya, Mallika, Politics Nepal: Women Push for Gender Equality in New Constitution. http://ipsnews.net/news.asp?idnews=47937.

Basu, Amrita, 2003. 'Gender and Governance: Concepts and Contexts' in Nussbaum et al. *Essays in Governance*.

Bangladesh Gender Profile. KfW Entwicklungsbank (Frankfurt: KfW Development Bank Asia Department, 2006).

Basu, Amrita, 'Women, Political Parties and Social Movements in South Asia' (July 2005). Occasional Paper 5 (United Nations Research Institute for Social Development UNRISD).

Bechler, Rosemary. 'Yes We Can'. Open Democracy. http://www.opendemocracy.net/blog/nobel-womens-initiative-2009/rosemary-bechler/2009/05/12/yes-we-can.

Brody, Alyson, 2009. Gender and Governance – Overview Report. (Bridge: April 2009).

Convention on the Elimination of All Forms of Violence Against Women (New York: United Nations, 1979).

Haynes, Jeff (ed.) 2001. 'Introduction' in *Democracy and Political Change in the 'Third World'* (London: Routledge).

Huber, Evelyn, Rueschmayer, Dietrich and John D. Stephens, The Paradoxes of Contemporary Democracy: Formal, Participatory, and Social Dimensions. *Comparative Politics* 29(3):323-342 (April 1997).

Human Development in South Asia 2000: *The Gender Question* (Karachi: Oxford University Press).

Human Development in South Asia 2007: A Ten Year Review, Mahbub-ul-Haq Human Development Centre (Karachi: Oxford University Press).

Global Monitoring Checklist on Women, Peace and Security: Gender Action for Peace and Security (United Kingdom, 2009).

Jayal, Niraja Gopal, 2003. 'Locating Gender in the Governance Discourse' in Nussbaum et al. *Essays on Gender and Governance*.

Joshi, Anurag, 2003. 'Women and Political Participation in India', in Mohanlal Sharma, Olive Peacock and Krishan Gopal (eds.) *Globalisiation, Democracy and Governance in South Asia* (New Delhi: Kalinga Publications).

Lal, Mohan, Peacock, Olive and Krishan Gopal, 2003. *Globalisation, Democracy and Governance in South Asia* (New Delhi: Kalinga Publishers).

Menon Sen, Kalyani and A.K. Shiva Kumar Women in India How Free How Equal? (New Delhi: United Nations, 2001).

Mukhopadhyay, Maitrayee. 'Creating Citizens Who Demand Just Governance: Gender and Development in the Twenty-First Century' in *Gender and Development* 11(3): 45-56 (November 2003).

Mumtaz, Khawar, Women's Representation, Effectiveness and Leadership in South Asia. Fifth South Asia Regional Ministerial Conference, Celebrating Beijing Plus Ten, Islamabad, Pakistan, 3-5 May 2005.

Mumtaz, Khawar, Advocacy for an End to Poverty, Inequality, and Insecurity: Feminist Social Movements in Pakistan, *Gender and Development* (13)3: 63-69 (November 2005).

Nepal Country Profile IDEA http://www.idea.int/countryProfile.cfm?CountryCode=NP

Nussbaum, Martha, Basu, Amrita, Tambiah,Yasmin and Niraja Gopal Jayal. *Essays on Gender and Governance* (New Delhi: UNDP, 2003).

Pandey, Pranab Kumar, 'Representation Without Participation: Quotas for Women in Bangladesh'. *International Political Science Review* 2008(29)4: 489-512

Phillips, Anne (ed.) 1995. *The Politics of Presence* (Oxford: Clarendon).

Rai, Shirin 2002. 'Gender and Multi-level Governance: Feasible and Transformative Politics?' in *Gender and the Political Economy of Development: From Nationalism to Globalisation* (Cambridge: Polity Press).

Rai, Shirin M. 1995 'Democratic Institutions, Political Representation and Women's Empowerment' in Anne Phillips (ed.) *The Politics of Presence* (Oxford: Clarendon).

Report on the State of women in Local Urban Governance: Pakistan (United Nations, UNESCAP). Date Unspecified.

Shaheed, Farida, Asma Zia and Sohail Warraich. Women in Politics: Participation and Representation in Pakistan (Lahore: Shirkatgah Publications, 1998).

State of Democracy in South Asia: A Report (New Delhi: Oxford University Press, 2007).

Tambiah, Yasmin, 2003 'The Impact of Gender Inequality on Governance' in Nussbaum, Martha, Amrita Basu, Yasmin Tambiah and Niraja Gopal Jayal, *Essays on Gender and Governance* (New Delhi: UNDP, 2003).

The India Gender Gap Review (Geneva: World Economic Forum, 2009).

Violence against Women in Sri Lanka (Geneva: The World Organisation Against Torture, 2002).

Waylen, Georgina 'Women and Democratisation: Conceptualising Gender Relations in Transition Politics' in *World Politics* 46 (April 1994).

Weiss, Anita M. 'Benazir Bhutto and the Future of Women in Pakistan'. *Asian Survey* 30(5) 433-445 (May 1990).

Women in Nepal (Manila: Asian Development Bank, 1999).

Women in Sri Lanka, (Manila: Asian Development Bank, 1999).

WorldBank Gender Statistics: South Asia. http://go.worldbank.org/MR87UZQAJ0

Zaidi, Akbar, S. 'Elected Representatives in Pakistan: Socio-economic Background and Awareness of Issues'. *Economic and Political Weekly of India*, 39(45): 4935-4941, 2004.