

Survey Analysis of Women's Extra Rights Including Quota- How Far It is Truly Needed or Asked from Job Seekers Whether It is Constitutionally Approved or Not

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Abstract: The research article reflects upon the most talked about topic regarding Women's Empowerment and how it relates to the concept of Women's Quotas in Job Seeking Sectors. The Paper includes the debate or argument that today's youth comprise while looking for a job, points out the standard against women quotas and views of the general public regarding the issue. The research report shows us the perspective of different gender and whether they want the women quotas to be abolished or reformed or not. The article shows the successes of women empowerment through quotas and their clashes, constitutional justifications of women empowerment in different countries, focusing on the alternative solution that the government can make. It concludes with the theme of whether Women's Empowerment can be enshrined without women quotas or not.

Keywords: Constitution, Law, Quota, Right, Trend Analysis, Women Empowerment.

I. INTRODUCTION

Bangladesh's National Poet Kazi Nazrul Islam said, "Whatever great creation in the world is eternally beneficial, half of it is done by women and half by men." Spontaneous participation of women in the workplace is essential for the overall development of a nation. A country will prosper only when the men and women of that country participate equally in the country's progress. In the developed countries of the western world, the participation of women is remarkable. If a large part of the country's population is not functioning, it is normal for the government to fall behind. The country will move forward only when the country's entire population can move forward. According to World Population Review, "The current population of Bangladesh is 167,528,706 based on projections of the latest United Nations data." [1] And the ratio of males to females is 100.25:100. So, the position of women in the workplace is critical.

In its continuation, the position of women in the workplace is ensured, and special arrangements or rights can be reserved for women in getting jobs. Which will help the backward women of society move forward and through which the country's economy and overall development will be possible. In many cases, the discretionary laws or regulations, including quotas are called special rights. The system is now standard in many countries. In the mentioned system, women have a

special request to get a job. In the particular system, institutions are forced to employ a certain percentage of women so that the backward women can come forward through the system and contribute to the country's GDP by being functional and helping the country move forward.

In addition to the system's advantages, some disadvantages are also observed. To ensure the participation of women, incompetent people are often hired, which makes it difficult for the organization's management and often causes loss to the organization. Also, educated and skilled men in society are deprived of jobs, forcing men to lag in education. In the mentioned case, the men must ask for a job considering their qualifications and will work to ensure that no unique benefits are kept. But the government wants to move towards progress and take the country to a better stage.

A few years ago, Women in Bangladesh lagged far behind in employment, but now they have made progress. The government has been working tirelessly to eliminate gender inequality and empower and is now very successful. Bangladesh is a developing country. If women's work is ensured here, the government will go further. The progress of Bangladesh in the last decade is commendable. At present many women of Bangladesh are working in different professions, a result of which the country's GDP has increased a lot, and the government is moving towards progress. UNDP is helping a lot in the field of women's empowerment.

While there are no quotas for women in Private Job Seeking Sector in Bangladesh, there are quotas in the Public. In South Asia, almost every developing country like India, Pakistan and Bangladesh has unique Acts of Law for girls, such as The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986), Protection of Women from Domestic Violence Act, 2005 etc. in India, The Acid Control and Acid Crime Prevention Act (2010), The Protection Against Harassment of Women in the Workplace Act (2010), etc. in Pakistan & Women and Child Abuse Prevention Act, 2000, he Dowry Prohibition Act, 1980, etc. in Bangladesh. These countries are moving towards prosperity and transformation into developing countries by accelerating the country's economy by increasing the empowerment of women and empowering women in backward countries.

The Constitution of Bangladesh has given special rights to girls in getting jobs. Similarly, Pakistan and India also have special requests for girls to get jobs. Through these constitutional rights, girls will be able to go further in becoming functional and contribute to the country's overall development.

The paper has tried to present the issues through a research paper along with tried to analyze where women have extra rights and how much they need. The paper is attempting to determine those rights' legal nature and legitimacy. The research is also based on the expressions of job-seeking women and men. The research paper carries comprehensive information on the subject & the particular point is focused on how the Government can carry out actions through the recommendations- the survey has discussed that whether the government needs to reform the quota system for women or not.

II. METHODOLOGY

The study has been conducted based on primary data and secondary data. In the first stage of the paper, the statistics are gathered on different issues relating to the Women Empowerment, Constitution of Bangladesh, and Quota system through survey forms from 16 foreign Bangladeshi university's 36 undergraduate, postgraduate, and passed out students whose age is between 20-25 years. The second half of the Constitutional justification of Women's rights data was gathered from secondary sources like the Constitution of Bangladesh, the Constitution of India, different cases on women empowerment and constitutional issues, renowned journal articles, and web information. With the evaluation of Both parts, a conclusion is provided on people's desire for reforms. A recommendation section has been added to show how the reform can be taken.

III. TREND ANALYSIS of VIEWS on THE WOMEN EMPOWERMENT ADDITIONAL OPPORTUNITIES in JOB SEEKING

Trend analysis is the study of historical data in determining a trend in society or any particular area. [2] The research's primary objective is to determine the trends in Women Empowerment thoughts in the eyes of the youths. From the gathered preliminary data, it had the views of 36 university students where the male-female ratio was 7:11. The section will show the trend in the society's job-seeking types based on their age and gender. As the quota plays a significant role in achieving public sector jobs in South Asia, the study will also determine the current thought process on the quota system and whether the youth justify the laws and system of having women's extra rights or privileges. Lastly, the section will provide a simple Trend analysis of how much legal knowledge each gender has in their opinion.

A. Trend Job Seeking Type Based on Age and Gender

In the job seeking analysis, the survey provided them with the option picking one among four types jobs selections-

Internship, Permanent, Remote, and Temporary. Research shows that Females are more interested in Internships, Permanent and Temporary jobs than men. According to the Economist, "At 27%, the share of Indian women who work, for instance, is less than half the level in China or Brazil (and also in neighboring Bangladesh, although slightly higher than in Pakistan)." [3] But the trend is changing; as the research team thought that women might seek remote jobs, more males are more into remote jobs. The mentioned change of trend can be affected due to the skills required for remote jobs. When the survey interviewed the remote job seekers, males and females both answered the one type of similar thing: they want a remote job because they want to balance the work and study and save time.

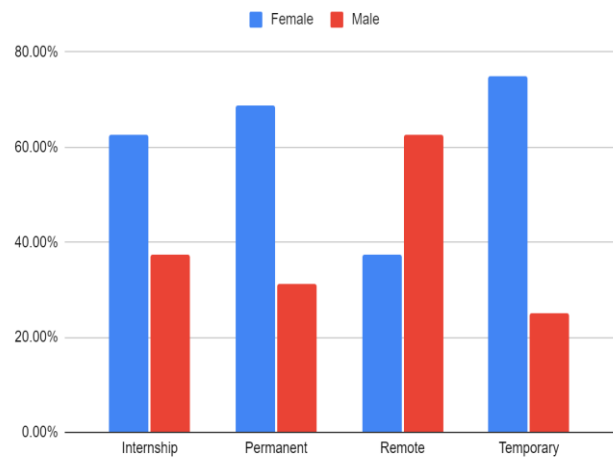


Fig. 1 Job seeking trend among youth

B. Trend Analysis of View on Quota System

According to Bangladesh Public Service Commission, "56 percent of government job entry positions are reserved for specific "entitled" classes: 30 percent for children/grandchildren of 1971 "freedom fighters," 10 percent for women, 10 percent is for districts based on population, 5 percent for ethnic minorities, and 1 percent for people with disabilities." [4] But in 2022, through the survey, it's found that 72.22% of the general public said no to any quota, including males' 63.71% and females' 63.64%; Other, 27.78% said they wanted the quota allocations and these responses were female-dominated, with 36.36% contributing among girls. The view can still be present because of the women's quota's benefits they are getting as privileges. But the majority of the females have significantly opposed the quota system and empower equality rather than women empowerment. (See figure 2)

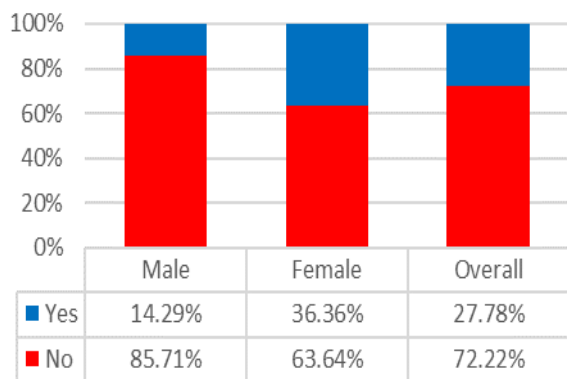


Fig. 2 Ratio of quota wants from the general public

C. Trend Analysis of Women's Extra Rights

Women's extra rights derive from the quota, special legislation with constitutional protections. When it was asked to the general public if it is allowed for women to hold additional rights from their personal views? Surprisingly, where the general public stood against the women quota, 58.33% answered that women are allowed to have extra rights. Here, the male and female contribution was relatively equal, with 59.09% of women and 57.14% of males contributing to the affirmation. (See figure 3)

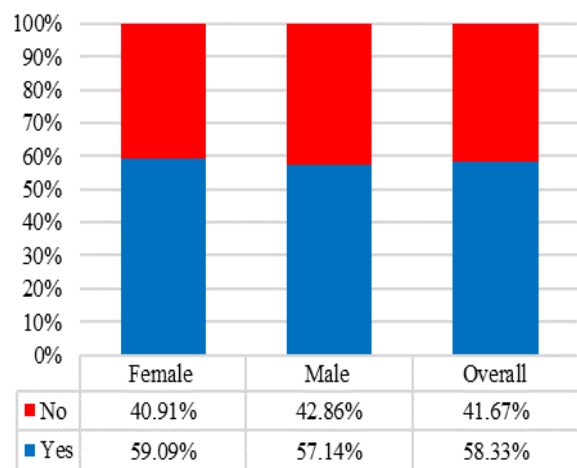


Fig. 3 Opinion analysis of do women are allowed to have extra rights.

However, when they are asked if they had to leave their job seat to women for their quota, will they allow it? They vehemently denied with 86.11% saying- no, they won't leave their deserved seat. 13.89% said they would leave the seat to women, but 80% of women contributed to the answer, and 20% were male. Therefore, men strongly deny leaving the job opportunity for a women's quota. (See figure 4)

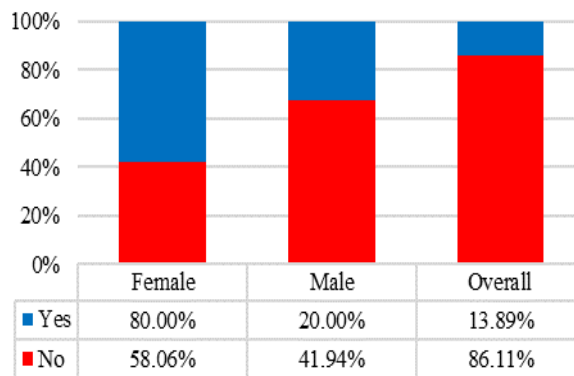


Fig. 4 Men's comfortableness with leaving the job seat to women due to quota

Figure 5 showed the strong denial from the male side about quota when quota offered to the male that if he gets the same types of separate act or percentage to give privilege to themselves, will they take it? 92.9% of the males vehemently denied it and said they didn't want any separate act or quota. (See figure 5)

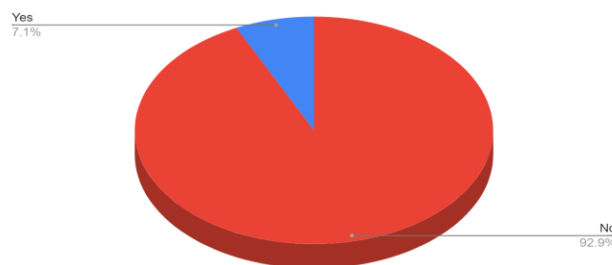


Fig. 5 Do men want separate unique acts or quotas for them?

D. Trend Analysis of Legal knowledge

Legal literacy is always a concern for a state because people can't achieve their fundamental legal rights if people aren't legally literate. As they had provided all the opinions from their perspectives, the survey put the determination in their legal literacy. If the legal literacy is high, they also mention facts with legal justifications. So, the survey asked a simple question how much knowledge do people have on the constitution of Bangladesh as it's the fundamental base of every right. 58.33% said they have partial knowledge about the body where females were dominant. 33.33% said they have total or above-average practical or theoretical knowledge about the constitution where males showed dominance. Minor 8.33% said they didn't know about the body, while 100% were female. So, it can be said most at least 91.66% had given their opinion with any legal facts, and a minor 8.33% mentioned their practical experiences only.

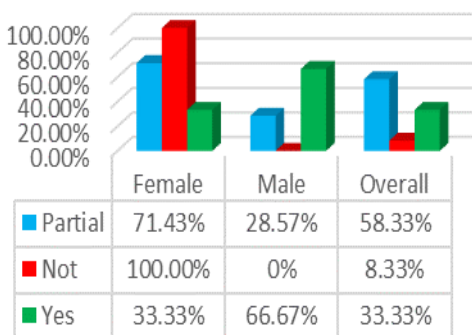


Fig. 6 legal Literacy Analysis

IV. WOMEN EMPOWERMENT'S CONSTITUTIONAL JUSTIFICATION

Whether or not Women's Empowerment should be constitutionally justified, there is a strong stereotype built up for a long time now to believe women are not strong enough. It has become a belief to give them free chances where other halves are fighting. But the mentioned topic doesn't mean that the extra powers and rights that the women are given are not necessary. Because, unlike today, people have all passed through the time when women couldn't join anywhere other than some ritual programs. By the time it became necessary for the society to take the women out of the house and get them into working for the benefits when that wasn't accepted because of the still dominating power of the other halves, it became a custom to save up seats for women to work. Many countries have laid down laws just for women's empowerment.

The research work is based on Bangladesh, so it can be found out how it justified Women's Empowerment if having a look at Bangladesh's Constitution. According to Article 28(4) of the Constitution of Bangladesh, "Nothing in this article shall prevent the State from making special provision in favor of women or children or for the advancement of any backward section of citizens." The neighbor country India is focused on ensuring the Right to Equality for empowering women. [5] Article 15(3) of the Constitution of India says the same thing Bangladesh Constitution has in article 28(4). On the other hand, China's constitution doesn't include special provisions for women but equal rights same as men in Article 48, which ensures equal pay for similar work and protection of women's rights. Germany also provides Equality before the Law in Article 3 of the Constitution.

By looking at some landmark judgments, different steps in valuing Women's Empowerment can be seen. In the case of Lata Singh vs. the State of Uttar Pradesh, 2006, Lata Singh filed a writ petition under Article 32 of the Constitution of India to enforce her right to marry anyone of her choice & the case proceeded in her way. [6] According to Infoplease, "in the case of Muller v. Oregon (1908), U.S. the Supreme Court

upheld an Oregon state law limiting women to working no more than ten hours a day. Three years earlier, in Lochner v. New York, the Court ruled that a state could not restrict men's working hours because doing so would infringe on their right to make their working arrangements with employers. In the mentioned case, it held that the right was outweighed by the state's interest in protecting women."

As the survey done with the 20-25 years of young people, most agreed that they don't want any additional rights regarding quotas for any specified gender. Thus, the term proves that the ideology behind the job-seeking sector of having some quotas for women is becoming narrow in the minds of youth. Everyone is currently looking for competitions rather than saving up seats for anyone. The analysis also shows that there are people who want quotas for women in the job-seeking sectors because if it is completely abolished, there might be a chance of men starting dominating like in the past.

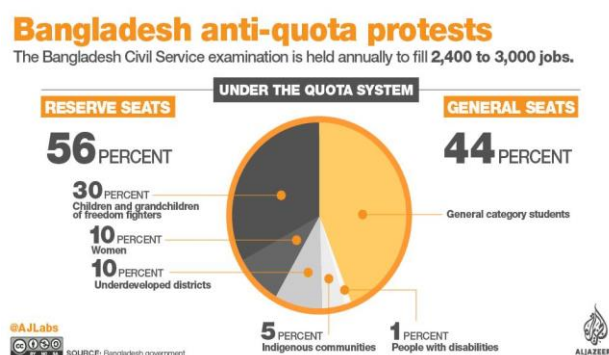


Fig. 7 Analysis of Ani-quota Protest by ALJAZEERA [7]

As mentioned here, Bangladesh already has 46 percent reserved seats; adding 10 percent for women makes it hard for the general people. A country with more than 50 percent reserve seats for Civil Service Examination cannot imply much better scope to available people. In a sense, supporting the constitutional view, women should exercise their extra rights and opportunities. Because the inequality still exists, it became a custom for people to think Women cannot do much.

Society is indeed changing its thoughts, and it has developed and crossed a particular historical process about Women's Empowerment. But unequal thoughts are alive, and it is pretty much a reality in most countries. In countries where women do not have equal and proper access to the essentials such as education, healthcare, safety, work, or political decision-making. Reserve Seats or Quotas help women to take up courage and go for a respected position; in a sense, the matter encourages other women to be better and ensure their rights within themselves; quotas ensure it is entirely normal for women to take up the leading managerial roles in the political, economic, and academic systems. [8]

According to the European Institute for Gender Equality, “Women quotas are defined as an instrument aimed to accelerate the achievement of gender-balanced participation and representation by establishing a defined percentage of positions, which are allocated to women, generally under certain rules or criteria (European Institute for Gender Equality, 2019).”

Quotas are indeed increasing women’s participation in leadership and much broader outcomes. Quotas are influencing women to be part of the policy matters as well, as well as it’s reducing the gender discrimination in the long-term. [9]

Constitutions provide powerful weapons for gender equality campaigners to confront women's historical and ongoing experiences of discrimination in the courts, jobs, families, and other facets of their life. In addition, including gender equality clauses throughout a constitution sets an essential symbolic norm for the state and its representatives, the general public, and civil society groups' activities. Given the difficulty of amending constitutions (typically requiring a special majority in the national legislature, a referendum procedure, or both), enshrining gender equality rights in forms can provide them with long-term protection. [10]

In addition to granting equality to women, the Constitution empowers the State to adopt advancement measures in favor of women when it is needed. The Constitution is the supreme law of the nation, which for the most significant achievement for the country. Thus, there are already some results of the developing country's development perspectives by empowering women. It is justified that the concept of women empowerment encourages them to grab their chances for their liberty & personal dependency. It is to make them stable at their own feet in all perspectives by leaving all the old customs & social limitations.

V. CONCLUSION

As coming through the discussion above, an issue is clear that Women’s Empowerment is constitutionally valid & justified. From the survey report, it’s evident that people are okay with providing extra rights to women. But regarding quota issues, none wants it to continue anymore. After the Quota Reform Protest in Bangladesh, political damages have been seen. General people are being left out at the same stage the Government Jobs because of the massive Quota System.

Some critics are misinterpreting quota-related phrases in the Constitution to support quotas. The Constitution has no provision for allocating a precise percentage of quotas to minorities. There aren't any figures. Instead, it grants the government the ability to impose quotas if necessary to preserve the welfare of socially disadvantaged persons. Quotas are tools that the government can utilize at its discretion; they are not required. The Constitution, unlike religious superscripts, is susceptible to change based on the needs and realities of the period. [11]

If left unchecked, quotas would grow like viruses, ultimately obscuring the open space for merit-based competition. The trend will continue regardless of the minimal number of allocations that remain in the name of reform. The categories and numbers will continue to grow inexorably, frequently without notice. Some critics are concerned about ethnic minorities, physically challenged job candidates, and women's welfare. The article doesn’t argue the importance of women’s empowerment or the successes through the women quotas our nation has witnessed in recent years. Sometimes the particular more excellent representation is inferred in politics without proper guidelines or knowledge. It’s simply making the country’s politics weak.

VI. RECOMMENDATIONS

To safeguard women, some laws are fundamental & but the article doesn’t argue with the necessary laws. Examples include the Women and Child Abuse Prevention Act, 2000, the Dowry Prohibition Act, 1980, The Family Court’s Ordinance, 1985, The Married Women’s Property Act, 1874, The Child Marriage Restraint Act, 1929, etc. these laws are so much needed for a woman living in Bangladesh. But the term Opportunity, any regulations, rules, or rights on the matter should be terminated or altered by any better ideas.

The survey shows that most young people don’t want there to be any quota specifically for women, and a more significant part of them are women. The debate on women quotas will always be the unless it is abolished or limited to a lower certain percentage. A proper regulation or plan structure should be developed. Since everyone is claiming a fine selection in the job-seeking sector, the Government should find an alternative solution to the women quotas. According to data, the number of government posts won by applicants from these three groups is high. Is there any assurance that 10% will solve the unemployed problems? Is there any assurance that the 10% won't develop into 56% in the future if history repeats itself? And in such a scenario, interim troubleshooting is pointless. Bangladesh is a developing economy, where institutions must be strengthened to achieve long-term sustainability and justice. [11]

The government must guarantee that political objectives and long-term economic advantages are well-aligned. The declaration on eliminating quotas will be a testament to women’s ability to envision a sustainable and equitable future for the rising number of young job applicants and a more robust public administration.

The strategic option which can be followed as a recommendation is targeting absolute gender equality with no gender quota. If the research shows women not getting into the job sector more than or equal to them for years, it can be adjusted later. But first, the government should push the competition with the beneficial process to the general public. If fewer women were in a more major sector in the big-time attention, the whole issue would be unavoidable. The Government would have to simplify the situation by training

females from the first stage as needed in the country's development. So later, the competition would be fair and justice for both genders.

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