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Reservation for Women in Elected Bodies

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ABSTRACT

The paper deals with the status quo and the evolution of representation and reservation of women. This project work traces the evolution and development of participation of women in the political scenario-with a particular focus on reservation for women in elected bodies in the rural and urban local bodies; it also emphasizes the factors that led to these developments and the impacts and consequences of the same. The period taken into consideration is 1992(73rd amendment) to 2008(the Women's amendment bill). Various existing grievances in the functionality of the bills mentioned above have also been discussed. Finally, the future of women of India and the scope of representation in various law-making bodies has been delved into.

I. INTRODUCTION

In this world that claims to be developing and progressing at exponential rates with businesses turning multi-millions of profits, technology running far ahead of its human developers and men finding comfort in these gold-plated victories and achievements of the accumulating genius and application of generations, many issues are so often brought to notice and ignored all the same that it becomes a mundane routine and the reaction to them stays the same every time. Women Empowerment and participation is one such issue, often tabled in Parliaments all across the world-since times immemorial-suppressed and liberated with a fluctuating lifespan. If lifespan was to be evaluated, we could say most of these efforts were on their last breath ever since their inception.

Like many other social inadequacies and evils plaguing the Indian society, the gravity of non-participation of women in the legislative, executive and administrative spheres is rampant yet skilfully and subtly neglected by the political parties and scholars alike. If reform begins at home, then politics is the standing testimony of the failure of any severe reform as it has failed to bring the women away from the smoke of chimneys and out of their houses at a large scale.

Various reforms have been attempted at both lower and upper levels, but utter grievances and lack of redressal are still sewn deep and wide into the fabric of our nation. The Global Gender

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Gap Reports have successively claimed that the widest gender disparity in India is in the field of political empowerment.

Most of what the scenario has presently evolved into can be traced back to the prevalent social setting of a country like India, where women have traditionally been viewed as the “homemakers” or an entity limited to mere household chores of cooking, cleaning, washing, raising children. It is tough to embrace and evolve in a country where liberated women are viewed as “far too ahead of their times”. A step like the reservation for a community that forms almost 50% of the population has never escaped the shadow of the dispute with such revolutionary decisions. This paper’s scope shall explore the focus on Indian aspect of Women Participation in elected bodies, focusing on the reservation.

II. POLITICAL PARTICIPATION OF WOMEN IN INDIA: A HISTORICAL PERSPECTIVE

When we speak of the term “political freedom”, it entails the right to vote and the right to run for public offices uncurtailed. However, the latter aspect of political freedom is significantly lacking from the Indian social scenario. Not to deny that there have been considerable changes, improvements, and in some cases revolutions, and the same shall be dealt with here as we skim through the historical perspective of women participation in the Indian political scene and the role that they have come to play presently.

Women’s questions were initially brought up in the 19th century by social reformers like Raja Ram Mohan Roy, who stood for women’s education and the abolition of the evil practice of Sati, and he also played a crucial role in the passing of the Widow Remarriage bill in 1856. Then, however, the clause of denial of the husband’s property for the woman took to flames, and the revolution became a stepping stone for women reformers like Manorama Majumdar and Pandit Ramabai.

Further, into the 20th century, the Swadeshi movement in Bengal that eventually spread to the rest of the country marked the beginning of women’s participation in nationalist movements and revolts. However, this participation was restricted mainly to women from the Nationalist political families or the inherent political sword. Middle-class women contributed in their way by arranging small boycotts and contributing minimally. The question of women suffrage was also raised, and in 1917, this right was demanded and tabled in front of Mr Montague by a group of women led by the vibrant Annie Besant. Gradually, a plethora of women-led organisations was founded and comprised of women from all social strata.

Women now wanted change and more so demanded it and went after it themselves. Right to Vote was granted to them in 1950 and initially benefitted the elite primarily due to access to

awareness and education. “Political participation” in the milder sense did grow. However, positions for women in public offices were still a little above nil, even if some made it to the seats in Parliament or States legislatures. They were primarily women who had family dynasties in politics or were under male patronage.

Upon Independence in 1947, the country adopted a Constitution far more progressive than its drafted society. The Constitution enshrined universal adult suffrage, preceding several robust democracies in the West, and by 1966 Indira Gandhi was elected as the first female head of state, an achievement yet to be realised in the US.

However, these singular achievements do not reflect broader trends. The political arena might have “settled for” and “accommodated” women. However, it has never warmly “welcomed” them even today. After 73 years of Independence, several attempts at reform and two existing successful passed laws providing for reservation in the elected bodies at the grassroots levels of local-self government.

The 73rd Amendment Act

In 1959, the Balwant Rai Mehta Committee opined that there must be an “implementing agency” at the village level so that the community could be well represented and so that the developmental efforts of the government can be accessed at each tier of administration. These efforts included steps to achieve women empowerment. The Asoka Mehta Committee suggested that this “implementing agency” be converted into a public institution. The discussions took almost over a decade to materialise but were defeated in the 64th Amendment Act in the Rajya Sabha. Finally, in 1992, another bill was passed, and the 73rd Constitutional Amendment Act was a concrete reality.

Its provisions were as follows:

1. They are strengthening gram Sabha as a foundation level institution and maintaining and streamlining the organisation and functions of the three tiers of the Panchayati Raj System.
2. Direct election of members of Panchayats, Panchayat Samities and Zila Parishad and their heads(sarpanches). However, chairpersons of Panchayat Samities and were. To be elected indirectly.
3. Reservation of seats in Panchayati Raj institutions for SCs, STs, women and women belonging to SCs and STs(1/3rd seats were reserved for women)
4. Responsibility for conducting elections to Panchayati Raj institutions was to be with State Election Commissions.

5. Panchayats would be given more functions, additional finances and definite sources of revenue.

Effects of the Amendment:

Though reservations were in place for SCs and STs in other elected bodies (national and state legislative assemblies), the 73rd Amendment was the first in India to require women's reservations in the election of local bodies. Article 243D of the 73rd Constitutional Amendment Act covers how reservations are to be granted to women and others belonging to the SC/STs at all three levels in the local Panchayat elections.

This Amendment had several positive consequences. First, the political scenario experienced a revolution that stemmed right from the bedrock of governance- the reformation of the local self-government with an extended focus on women representation and participation.

Many women were elected to the local government bodies, and there was an urge for change amongst them despite the comparative lack of knowledge and awareness primarily due to lack of education as it was traditionally mostly a dream for a large chunk of the women population in India.

Before reservation, the percentage of women candidates fielded in the local government institutions was merely 4.5 per cent, but after reservation, it shot up to 40%. The voter turnout increased in the case of assembly elections, but the widespread awareness spread to the domain of general elections. A considerable increase was visible there in the upcoming years.

This move also gave an impetus and encouragement for the women voters to come forward and support the women candidates to show solidarity with their cause-they stood for better formulation of women-centric policies focusing on women education, social security, maternity issues, access to primary healthcare etc.

The first general election after the adoption of the PRI was held in 1996. The simple difference in means indicates that women fared worse in these elections, garnering a lesser aggregate vote share even as the proportion of female candidates contesting increased significantly by 48.29%. While this is a naive estimate and does not control many factors, it is telling that the number of female candidates fielded could increase significantly within one election cycle. This result seems to agree with both the role model effect – female candidates are inspired by seeing other women in strong leadership and are motivated to contest elections – as well as the backlash effect – even as more female candidates contest, they can amass even less of the popular vote share. Over time, the female vote share percentage increased significantly. It was up 1.7

percentage points by the 1998 general elections, thus showing that lower rungs of governance reform affected voter behaviour all across the political ladder.

The 74th Amendment Act,1992

While the 73rd Amendment revved up storms at the rural level, the 74th Amendment offered the same in the Urban Local Bodies. The reformation phase was slowly spreading to successive tiers of administration. The rapidly growing urbanisation made it necessary to manage resources and ensure efficient functioning of governance at the Urban level. Moreover, the enthusiasm amongst women across all social settings to participate and achieve their potential in the political sphere predominantly belonging to the male community was desperately raging. However, there was still a lack of recognition of urban local bodies for the first five decades after Indian Independence. The focus was primarily on rural governance. The Directive Principles of State Policy too pointed majorly towards the importance of rural governments and their efficiency. More autonomy had been given to them by the 73rd Amendment. The spotlight was now on the Urban local governance and its issues-there was no constitutional recognition of Urban local bodies, unlike Rural local bodies. Some efforts were directed in this area. For instance, the 65th Constitutional Amendment Bill in 1989 passed in the Lok Sabha but did not get through the Rajya Sabha. The 74th amendment act was built on the provisions suggested by this Bill, with some modifications.

The 74th Constitutional Amendment Act-1992 were similar to those of the 73rd Amendment Act but were applied to the Urban Local Bodies. The act allowed for reservations for seats of public offices for women along with SCs and STs.

Operationalisation of 73rd and 74th Amendment Acts

By April 1994, all states of India completed enacting the new legislation for strengthening the local and urban institutions as envisaged in the 73rd and 74th Amendments. As a result, the Panchayati Raj became operational in most of the States of the Union. The enforcement of the Acts marked the beginning of the process of devolution of power, and decentralisation of the same-this strengthened the democratic Independence and awareness among the women significantly.

There were, however, issues in its implementation concerning the home community:

1. Women candidates were still mere “proxy candidates of their husbands”. The seats were utilised to bring the men into power. The woman who won the seat was a mere puppet in powers of representation, thus fading into the background.

2. Issues of social presence and safety remained unaddressed, and many female candidates were subject to harassment and discouragement by the male community or sometimes their families-fathers, husbands etc.
3. The power to vote was realised deeply by women. However, some aspects remained conventional: the male members of the family decided whom to vote for, and the family usually went along with that rationale.
4. There was a growing need for a dialogue between women organisations and the government institutions to facilitate for women who were now wanting to be prominent in the field of local governance, but that was not achieved seriously.
5. Education was a significant factor to unlock the full potential of the candidates who had won the seats; it took time for them to familiarise themselves with the workings and principles of governance at all.
6. There was a lack of uniformity in implementation. The States never really took the organisation of Panchayat elections seriously, causing long, empty spells with no elections and the same candidates holding undue power while greatly misusing the State funds for their pleasures.

The Women's Reservation Bill,2008

Even as the country celebrates 73 years of Independence from British rule, some aspects have remained unchanged or ever so slightly displaced-one of them being women representation in higher rungs of governance and decision making spheres. The Lok Sabha(2019)victoriously jeered at India's highest number of women MPs in the Lok Sabha-even if it is just 14%.

This is much below the already low global average of 24%. Ironically, in 1950 the women formed 5% of the total candidature of the Parliament; thus, India has come just 9% ahead of o where it was 73 years ago. Moreover, in 1950 itself, women formed 5% of Parliament. These figures should serve as a humble yet startling reminder of how the progress is not as epic as it appears by the looks of it.

The Women's Reservation Bill,2008 or the proposed 108th Constitutional Amendment Act, was introduced by the UPA-I government in May 2008 in the Lok Sabha and the state legislative assemblies. It aims to reserve one-third of all seats for women. It also specifies that one-third of the seats reserved for the Scheduled Castes and Scheduled Tribes must be reserved for women belonging to those classes. Similar bills were introduced three times before but lapsed with the dissolution of their respective Lok Sabhas in the late '90s.

The Bill's Highlights

1. In the Lok Sabha and state legislative assemblies, the Constitution (One Hundred and Eighth Amendment) Bill, 2008 seeks to reserve one-third of all seats for women. Such authority shall decide the distribution of reserved seats as prescribed by Parliament.
2. One-third of the seats reserved for the Scheduled Castes and Scheduled Tribes shall be reserved in the Lok Sabha and the Legislative Assemblies for women of those classes.
3. Reserved seats can be assigned to various constituencies in the state or union territory by rotation. Reservation of seats for women shall cease to exist 15 years after the commencement of this Amendment Act.

Like all its predecessors, the Bill has come under intense scrutiny from the Governments and the opposition-yet somehow, its relevance remains wholly ignored. It was passed by the Rajya Sabha but has not even been discussed in the Lok Sabha despite attention being drawn to it by speakers like Mrs Meira Kumar.

The proponents say that it is the demand of the times and is necessary to ensure adequate representation of the nation's women, now that they have embraced the social sphere and stepped out of their traditional circle of being mere "homemakers". On the other hand, the opponents of the Bill contend that if the Bill is passed and enforced as an act, then the powers and seats therefore resulting, might only be restricted to the upper-class women, thus encouraging "elitism". In contrast, the condition of the poor and backward women deteriorates only to worsen.

Though representation and candidature of women for local elections have shown a chromosomal trend over the years, the trend does not remain similar for the higher governing and law-making institutions like the Lok Sabha and Rajya Sabha. Even as of the current composition, the Lok Sabha has 78 women members out of 545 elected members at a meek 14.3% (and the highest still date) of the total number of seats, whereas the Rajya Sabha has only 27 women members out of a total strength of 241 members comprising a mere 11.2% of the Upper house of the nation.

III. FUTURE OF WOMEN IN THE INDIA POLITICAL SCENARIO

Given the prevailing scenario and the trends in participation, the future of women in Indian politics might appear a far-fetched dream but is not an unattainable one. While the country could internally take inspiration from states that have been successful in an authentic

implementation and their efforts on this front, internationally, the nation might learn from other countries that have given access to the top positions of their countries to the women.

When it comes to the representation of women in legislative bodies, India is among the bottom group of nations in the world. Women's representation has always been less than 15% in Lok Sabha.

On the other hand, the situation is different in the case of local government bodies. As one-third of seats in local government bodies (panchayats and municipalities) is reserved for women, there are more than 10 lakh elected women representatives in rural and urban local bodies.

While increasing representation could help the one million of those that gain power and the women electorate because their kind in power will ensure women-focussed reforms and laws and address issues regarding existing ones. World Gender Gap Report has, since 2018, claimed that the gender disparity in India is gaping in terms of political empowerment, whereas even world wide-this chasm may take 95 years to heal.

Political representation could not only forge women in the decision making sphere but also determine economic security(the economic disparity in India is more significant than the political one, and India is the only country to exhibit this trend), enhance social standing and give them their due respect in all other related fields of presence.

The fact that a political party is an authentic institutional voice in a democracy cannot be ignored. The role of political parties in elections, mobilising public opinion, and governance cannot be over-emphasised in a multi-party democracy, such as India. Therefore, a political party must support a candidate's success in elections. This pattern is now clear because, relative to individual candidates, women contestants fielded by political parties won in more significant numbers. However, some of the leading parties must open up their leading positions and higher posts to be taken up by women candidates- one of the reasons some major political parties like the Samajwadi Party and the Rashtriya Janta Dal oppose the Women's Reservation bill is because it will decrease the number of "influential" male candidates fielded on the same seats.

States should take up the job of implementing the reforms at a progressive pace. Especially in the case of rural local bodies, the sections should be held timely and efficiently so that proper functioning and smooth success of the amendments and laws are ensured in all cases. Many states even have independent legislation. We can derive inspiration from the 20 states, including Assam, Maharashtra, Odisha, Punjab etc., that provide 50% reservation in Panchayati Raj Institutions.

The issue of women representation must go beyond being a political frivolity and should extend to serious implementation and concerted efforts at every level of governance. Their presence and suggestions must be incorporated in the law-making process because it is not possible to ensure actual development by ignoring or not paying heed to the efforts of almost half the population of any nation. Women have proved their worth and competence in every field (the latest instance being the COVID 19 pandemic where almost 48% of the work force (across various professions) fighting the virus worldwide comprised of women) and have stood eye to eye, shouldering every responsibility thrust upon them. It is time to give them what they deserve in the political domain too. The sooner, the better, as it might help India shine as a beacon of hope globally and remain a frontrunner in the fight for women's rights and representation.

IV. CONCLUSION

The reservation for women in decision making and administrative bodies and the quota system has positively impacted the growth of women as a political force, in more ways than one, despite all its laggings.

These reservations have been active in empowering oppressed communities, which have gained valuable expertise and political representation. Through their strong ties with society, many of them have effectively taken on the challenge of governance and brought about lasting social change. (Women have provided priority to health, education and access to essential services and, in some cases, have been able to bring about a significant improvement in the living standards of the whole community). In Maharashtra, Gujarat and West Bengal, the efforts and work of many women leaders in the Panchayats have been widely acclaimed. However, while India achieved the feat of electing its first woman Prime Minister in 1966, even before the United States of America, the comparative growth is not up to the mark of its expectations at other levels.

Implementing gender quotas by reserving a certain number of leadership positions for women has been the most impeccable technique of ensuring political participation. In Afghanistan, Lesotho, and across 24 states in India, a study of eleven random think tank studies showed that reservation quotas affected women's political engagement and policy outcomes and increased the provision of public goods aligned with the desires of female voters. In addition, quotas strengthened the views of women as leaders among men, increased girls' expectations, and helped women get elected even after quotas were abolished. Much of the extensive analysis that this perspective draws on comes from India.

Some significant findings that may reflect on India as an accommodating nation for women leaders are:

1. By tapping their ability and providing the expertise that would otherwise have remained unnoticed, the quotas may act as an effective tool to shift attitudes about women as leaders.
2. Women who have demonstrated their leadership and progressive change at their level may continue to be elected even after the dissolution of the reservation.
3. If more women in power bring about changes related to women, women's economic, social, and socio-political status will increase.
4. Political fluidity may help women become active in community governance, even supporting non-government roles such as NGO leaders, women's self-help groups, etc.

India must realise that with a female force so huge, we have the opportunity to explore untapped potentials in all spheres of participation, but beginning with the political arena will instil the much-needed confidence and poise that will not only liberate the nationally but will also forge a place for them in the international rungs of governance and decision making, the increasing trend must not only be maintained, but efforts should be employed to introduce reforms and laws to encourage the same.

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