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Towards Gender Equality: Enhancing Women's Representation in the Indian Legislature

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ABSTRACT

Women's participation in politics has always been an issue concerning modern-day political experts. Traditionally, they played second-fiddle to their male counterparts for no fault of theirs. The role of women in the legislature is one of the most arduous and integral aspects of blooming democracy in its truest sense. But the Women's Reservation Bill lying before the Parliament provides limited scope for great improvements in the said arena. This article focuses on an alternate model of reservation for women with key amendments to the People's Representation Act. This paper aims to what are the government's pros and cons of women's reservation and why this bill was passed in parliament. The author of this research paper will present their finding in this regard, duly supported by secondary data.

Keywords: Gender Equality, Women's Reservation, Legislature

I. INTRODUCTION

The ugly scenes and stalemate over tabling the Women's Reservation Bill in parliament have had a very beneficial effect. They have finally brought the grim truth into sharper focus that politics has proven to be very inhospitable for women in independent India. What we are witnessing today is a worrisome phenomenon of further decline in the participation of women, not only in our legislatures but in many other of our political and public spaces.

The Indian Parliament has let the women of this country down time and again. The despotic scenes over the presentation of the Women's Reservation Bill in both houses of the Parliament at different times have had a serious cascading effect on women's lives in politics in this country. But as a blessing in disguise, it also has had a beneficial effect—the sad reality and the truth of present-day politics.

In India, the problem for women is more serious for several reasons:

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- A. While in many other countries, women are inching forward bit by bit, in India the participation of women in politics has actually declined since the days of freedom movement, both in quantity and quality.
- B. Government and politics are more important factors in the economic, social, and power structures in India than in most other countries with stronger civil societies, and so, the effect of women's marginalisation in politics is even more detrimental here.
- C. The increasing violence, sexual harassment and victimisation of women at the ground level in many of our political parties has made their participation extremely hazardous now.

In independent India, pervasive gender discrimination has resulted in sidelining even veteran women politicians. It is difficult for women to establish a foothold without patronage from powerful men in the party – that too through close personal relations, as wives, daughters and sisters. This is indeed a matter for serious concern because the level of political participation among women in any society acts as a reliable barometer of the health of its democracy.

A party may be tempted to nominate women from constituencies where it is weak. However, by making the unit of consideration the state or union territory for Lok Sabha, and a cluster of three Lok Sabha constituencies for the Legislative Assembly, this risk is avoided. Parties will be compelled to nominate women in all states and regions. No serious party seeking power can afford to deliberately undermine its own chances of election on such a large scale. It is also mandatory to nominate women in one-third constituencies because otherwise twice the number of male candidates of the party will lose party nomination.

(A) Literature Review

- (i) The Women's Reservation Bill pending before the Parliament of India was carefully analysed and found to be an ineffective tool to solve the issue of enhancing women's representation in legislature.
- (ii) Dr. Jayaprakash Narayan (Lok Satta, Hyderabad), Dhirubhai Sheth (Lokayan, Delhi), Yogendra Yadav (CSDS, Delhi) and Madhu Kishwar (Manushi, New Delhi) in Manushi's Issue 116 of 'India Together' argue strongly against having a Women's Reservation Bill in the present form hanging in the Parliament for over a decade now.
- (iii) Promilla Kapur's 'Empowering the Indian Women' publication also provides deep insight on the political upliftment of women in legislature of India. Few of the solutions expressed by the Kapur have been included as clauses of the alternate legislation.

- (iv) 'Merits and Demerits of Women Reservation Bill Passing in Parliament of India' authored by Brijeshkumar M. Patel and Kirit R. Chavda talks about Positive impact of women which is under scheduled Castes, Scheduled Tribes, Other Backward Classes, poor women and Muslim women would benefit from it and also women empowerment as whole increasing political participation in India.

(B) Research Methodology

The researcher followed a qualitative approach to find solutions to the problem of gender disparity in the Indian legislatures. After careful reading and understanding of the present bill under consideration in the Parliament, an alternate solution was carefully created and drafted, so in order to enhance the representation of women in legislatures in India. The ideas and views expressed by experts on the said issues were also taken into consideration over internet sources and videos. The researcher also contacted a few women in different political parties of India along with expressing using his personal views on the said issue of contention.

II. RESULTS/ANALYSIS

Women in India have made major inroads in various male-dominated professions, including the governmental bureaucracy. In the fields of business, medicine, engineering, law, art, and culture, women who were given opportunities to acquire the necessary skills and education have proven themselves capable of holding their own, without availing of any special measures to facilitate their entry. But they have failed to gain ground in the field of politics. Moreover, the agenda of women's empowerment seems to have lost the kind of moral and political legitimacy it enjoyed during the freedom movement, as was evident from the ugly scenes in the aftermath of tabling the Women's Reservation Bill in parliament. Such a response would have been inconceivable in the India of the 1920s to the 1940s.

All these trends indicate that women's representation in politics requires special consideration, and cannot be left to the forces that presently dominate our parties and government. Today, even the best of our female parliamentarians feel sidelined and powerless within their respective parties. The few women in leadership positions have not been able to encourage the entry of greater numbers of women in electoral and party politics, and are an ineffective minority within their own respective political groupings.

The very same male party leaders who compete with each other in announcing their support of special reservations for women have shown little willingness to include women in party decision-making, or even to help create a conducive atmosphere for women's participation in their own organisations. In fact, women's marginalisation is even more pronounced in the day-

to-day functioning of almost all political parties than in the Lok Sabha. Therefore, it is urgently required that we take special measures to enhance women's political participation in ways that help them influence decision-making at all levels of our society and polity. Our democracy will remain seriously flawed if it fails to yield adequate space to women.

Problems with the Present Bill

The 85th constitutional Amendment Bill, introduced in Lok Sabha in December 1999, includes the following key provisions:

- A. One-third of all seats in Lok Sabha and Vidhan Sabhas shall be reserved for women.
- B. Such reservation shall also apply in case of seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs).
- C. There shall be rotation of seats so reserved for women.
- D. Such rotation shall be determined by draw of lots, in such a manner that a seat shall be reserved only once in a block of three general elections.

This Bill is seriously flawed, insofar as it mechanically provides for entry of women members to fill one-third of vacancies in Lok Sabha and Vidhan Sabhas. Such mechanical reservation and rotation suffers from serious defects:

1. One-third seats are reserved, and such reserved seats are rotated in every general election. This rotation will automatically result in two-thirds of incumbent members being forcibly unseated in every general election; the remaining one-third will be left in limbo until the last moment, not knowing whether or not their constituency will form part of the one-third randomly reserved seats and thus require them to scramble at short notice to find another seat to contest.
2. There is already resentment about reserved seats for SCs and STs being frozen in the same constituencies over a long period of time. Inevitably, there will be vociferous and justified demands for rotation of seats reserved for scheduled castes, and in some cases scheduled tribes, where their population may not be very large. This will trigger off further instability in our polity.
3. The population of scheduled casts and scheduled tribes is now estimated to be around 16 percent and 8 percent respectively, on an all India basis. In certain states, their combined population is much higher, reaching 35 percent or more. In the event of rotation of all reserved seats (women plus SCs, STs) with one-third seats reserved for women, every single

seat will be rotated in every general election. This means that practically every member of a legislature will be unseated in every single general election.

4. Such compulsory unseating violates the very basic principles of democratic representation. It jeopardizes the possibility of sensible planning to contest and nurture a political constituency for both male and female candidates.
5. If seats are reserved exclusively for women in every election through territorial constituencies, voters in such reserved constituencies would have no choice but to elect women only, violating the basic principles of democratic representation.
6. In such a situation, there is likely to be greater resentment against women, undermining the very objective of the Bill. Those men who get pushed out of their constituencies or who see their allies sidelined will either sabotage female contenders in revenge, or spend much of their political capital helping their own female relatives in cornering these reserved seats. Such proxies would be expected to keep the seat "safe" for the men until the next election, when they would again try to reclaim their seats. Such women would lack legitimacy in the eyes of the voters.
7. Women elected in reserved constituencies will be contesting against other women only, and will lack the legitimacy and opportunity needed to prove their ability and acceptability. Leadership acquired in such a manner will be seen as unnatural, artificial and foisted.
8. Women legislators, when elected, will not be able to nurse their constituencies on a long-term basis, and thus will be deprived of a strong political base and will forever be regarded as lightweight politicians. This in effect will make their presence in legislatures ornamental, and will not lead to a more effective participation in politics.
9. This Bill does not address the more fundamental issue of inadequate participation of women in politics and their much greater marginalisation within the political parties.
10. The experience of fixed quotas in a few countries where it has been tried, such as Nepal, the Philippines, and the erstwhile Soviet Union, has not produced very successful results for women's political participation.
11. While this Bill provides for election of SC and ST women as legislators, it does not adequately address the issue of participation of backward castes (BCs) and minorities. As parties have no choice about the seats reserved for women, they will be unable to nominate women candidates from these under represented sections in constituencies where they stand a reasonable chance of success.

12. Even though there will be no legal bar on women standing from general constituencies, it is highly unlikely that any women will obtain party tickets to run for office outside the reserved constituencies. This same pattern is evident with SCs and STs who have been permanently ghettoised to fixed reserved constituencies.
13. This Bill is completely silent about women's representation in Rajya Sabha and Legislative Councils. Given these serious infirmities, it is necessary to design better models for enhancing women's representation in legislatures. Therefore, I present an alternate model which will address many of the flaws listed above.

III. WAY FORWARD AND SUGGESTIONS

The important provisions of the proposed Alternative Bills are as follows:

1. A law should be enacted amending The Representation of the People Act, 1951, to make it mandatory for every recognised political party to nominate women candidates for election in one-third of the constituencies.
2. Each party can choose where it wishes to nominate women candidates, duly taking local political and social factors into account.
3. Among seats reserved for SCs and STs also, one-third of the candidates nominated by recognised parties shall be women.
4. To prevent a party from nominating women candidates only in states or constituencies where the party's chances of winning election are weak, and to ensure an even spread of women candidates, the unit for consideration (the unit in which at least one out of three party candidates shall be a woman) for the Lok Sabha shall be a state or union territory; for the State Legislative Assembly, the unit shall be a cluster of three contiguous Lok Sabha constituencies.
5. In the event of any recognised party failing to nominate one-third women candidates, for the shortfall of every single woman candidate, two male candidates of the party shall lose the party symbol and affiliation and all the recognition-related advantages.
6. A law amending Articles 80 and 171 of the Constitution should be enacted providing for women's reservation of one-third of the seats, elected or nominated, to Rajya Sabha or Legislative Councils. Corresponding amendments need to be made in the Fourth Schedule of the Constitution and, the Representation of the People Act, 1950.

Amendments to The Representation of People's Act – 1951 (New Section 34):

Notwithstanding anything contained in this act, every recognised political party shall nominate women candidates on behalf of that party, as nearly as may be, in at least one-third of the constituencies in which the party is contesting, in every general election. Provided that for an election to Lok Sabha, the State shall be the unit for such nomination, and for an election to Legislative Assembly, a cluster of three parliamentary constituencies shall be the unit as nearly as may be. Provided that for Lok Sabha election, in case of States with less than 3 seats, a cluster of States to be defined by the Election Commission shall be treated as a unit. (For removal of any doubt, these provisions will apply in all States and union territories for recognised national parties, and in the respective State or States for recognised State parties) Provided that in respect of seats reserved for scheduled castes and scheduled tribes, the State shall be the unit for nomination of women for all general elections; and one-third of all candidates nominated for the reserved constituencies shall be women. Provided that in case of by-elections, the party shall nominate as nearly as may be one-third women candidates for the Lok Sabha and Legislative Assembly, with the nation as unit for Lok Sabha and State as unit for Legislative Assembly. Provided further that, in respect of State parties, this provision will apply for State as unit for Lok Sabha.

In the event of a recognised political party not complying with these provisions, for the shortfall of every woman candidate while nominating candidates for elective office, two male candidates of the party in the State or cluster of parliament constituencies, as the case maybe, as decided by the party shall be deemed to be Independent candidates for all purposes including allotment of symbols.

The Election Commission or the officials authorised by it at the State or Union Territory level shall determine the compliance or otherwise of these provisions after the completion of withdrawal of nominations. Provided that the candidates so disqualified shall be from reserved vacancies in case the shortfall is in reserved vacancies.

IV. CONCLUSION

At the end part of the paper I conclude that there was positive as well as negative impact on society. Indian society is a male dominant society where women consider as a low as compare to men. Since last few decades the ideas of reservation come in to mind but the true reservation would be if we were able to change the mindset of people and ensure security and safety of women. Unless there is change in the mindset of men, nothing can happen. The proponents of the bill claims that increased representation will lead to empowerment of women.

Ever since the existing Women's Reservation Bill was first made known to the public, some of us have been pointing to its serious flaws and appealing that it be improved, if women are to actually benefit from reservations (See manushi Nos. 96, 97 and 107). Unfortunately, even well meaning suggestions for improvement have not been heeded before the Bill got tabled in parliament during the winter session in 1999.

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