

POLITICAL PARTICIPATION OF WOMEN: A CASE STUDY IN INDIA

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Abstract: All human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion,.....birth or other status. However, it is the most unfortunate that women have suffered inferior position to men in almost all societies of world. In ancient India, the woman enjoyed equal status with men in all spheres of the life. Women of later periods spanning between the middle and modern ages have been denied their rightful place of honour and a vortex of innumerable caste and communal combinations, has paid scant regards for the education and welfare of women culminating in child marriage, sati, ban on widow marriage, and divorce, to name a few atrocities on them. The ability to challenge the subordination was seriously affected by the omission of women from positions of power in all its manifestations. The leaders of both pre and post independent India paid nothing but lip service to the upliftment of women in various walks of life including rightful representation in the legislatures, both at the centre and in the states, with the result that even now women do not enjoy place of pride in the power centres of legislation, administration and party leadership. At the international level also, on women's issues, women's political empowerment was at the center stage of all the discourses, but still, in any political system, participation of women is very low as compared to men right from the developed to developing countries. No doubt, the principle of gender equality is enshrined in the Indian Constitution. The Constitution of India guarantees adult franchise and provides full opportunities and framework for women to participate actively in politics. But it is pity that the decades following independence witnessed a decline in the participation of women in the politics. The state and society seem to be lagging behind in offering them political reservations that were long overdue. Of late, the

Women's Reservation Bill has been a political ball for nearly a decade and half. It has always triggered heated debates within Parliament and outside. The proposed legislation to reserve 1/3rd seats in the Parliament and State Legislatures for women was drafted first by the H D Deve Gowda-led United Front government. The Bill was introduced in the Lok Sabha on September 12, 1996. Although it has been introduced in Parliament several times, the Bill could not be passed because of lack of political consensus. Though our Constitution and various other legislative enactments and different Commissions established for women from time to time have made a number of efforts for the achievement of the objective of gender equality, yet in actual practice, the planned efforts to emancipate women educationally, economically and particularly politically did not yield the desired results over the decades after independence. This paper deals with the women emancipation through its political participation. Realizing women's subjugation and subordination and affirmative discrimination against women in general there has emerged the need of their empowerment – both political and economic. The objective of this paper is to support and encourage the enactment of the Women's Political Reservation Bill. Additionally its aim is to stimulate the initiatives for stopping corruption, criminalization and communalization of politics, for enforcing stringent ceiling of funding expenses incurred for election campaigns and creating awareness in the society in order to inculcate the values of gender equality and gender justice. In order to achieve these objectives, the present work is based heavily on United Nations reports, International norms and conventions, Indian Constitutional provisions and other statutory enactments providing favourable laws rendering special privileges for the benefits of women, Government of India reports, NGO reports and important works by modern jurists who contributed a

lot towards the evolution and growth of feminist jurisprudence and studies.

Keywords: Feminist Jurisprudence; Gender equality; Political Participation; Reservation; Women Empowerment.

Introduction

Woman is the companion of man, gifted with equal mental capacities. She has the right to participate in the minutest details in the activities of man, and she has an equal right of freedom and liberty with him.

-----Mahatma Gandhi

All human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion,.....birth or other status. [1] But it is the most unfortunate that women have suffered inferior position to men in almost all societies of world. The status of women in the family and society at large was no better than those of slaves and had been treated like ordinary chattels-incapable of enjoying any rights as human beings. They were condemned to perpetual subjugation to their fathers, husbands and guardians. Under the old Christian law, the woman was not even considered a 'person'. Thus, she had no right of a human being such as she could not join a college, she could not be enrolled as a medical practitioner or a lawyer for the same reason. [2] In any political system, participation of women is very low as compared to men right from the developed to developing countries. It is quite clear that voting is the most common and accepted political action in elections. Due to many reasons, large mass of women are kept out of political arena. However, until the twentieth century, women did not have any right to vote in the Christian countries. It means in the ancient law of the Christian countries, women labored under various disabilities and also their participation in civil life, in the work force, in the industries, in the education and administration was minimal. In many countries women had to wage long battles to get right to vote. Despite that in the arena of politics, they were not able to get rightful position. Because there was no serious attempt made for women's Political Participation.

Political participation has been defined in various ways. Political participation means not only exercising the right to vote, but also power sharing, co-decision making, co-policy making at all levels of

governance of the State.[3] Political participation is generally defined as being a process through which individual performs a role in political life of the social order, has the occasion to take part in deciding what the common aim of that society are and the most excellent way of achieving these goals. Political participation refers to actual participation in these voluntary activities by which members of the society share in the selection of rules and directly or indirectly in the formulation of public policy.[4] It means that by the process of political participation, the people actually take part in political activities. No doubt, one of the important political activities of the people is exercising voting rights during elections; however, political participation is not just casting vote rather wide range of other activities is also included in it—like membership of political party, electoral campaigning, attending party meetings, demonstrations, communication with leaders, holding party positions, contesting elections, membership in representative bodies, influencing decision making and other related activities. So, political participation may be defined as voluntary participation in the political affairs through membership, voting and partaking in the activities of the political parties, legislative bodies and/ or politically motivated movements.

The study deals with the empowerment of women who are lacking in power and position and are over represented amongst the poor. The concept of empowerment is based on the enhancement of their participation in the political arena. It deals with the totality of having decision-making power of the women. In the present scenario, the participation of women in the politics is very important for their overall emancipation and empowerment. The study reveals the past as well as the current political status of women at national and international level.

The impact of patriarchal structure can be seen during ancient, medieval and in the present era also. In the traditional society, Government and politics were concerns of narrow elite. However, even then during ancient times, the status and decision-making and power-sharing were much higher as compared to present times. At global level, a number of norms and treaties relating to empowerment of women through their political participation have been made which are of particular concern since majority of the nations have ratified these standards and made them an important part of their local laws aiming at the overall growth and development of women. As political participation is the hall mark of democracy and modernization but despite of all the efforts made

at national (Indian) level, Political Reservation Bill could not be enacted which would have far reaching impacts on the gender equality as well as empowerment of women which is main objective of Indian Government as a welfare State.

Historical Perspective

The roots of the present always lie in the past. So, the justification of the law relating to the political participation of the women can be appropriately scrutinized only by looking into the past history of any system. The way to shed some light on the women's right of political participation is to look at its past at national as well as global level.

International History of Women's Political Participation:

Having a glance at the history of equal participation of women in the political fields in certain countries, it can be observed that in ancient Greece and Republican Rome as well as in the few democracies having emerged in Europe, women were totally excluded from the voting rights by the end of the 18th century. Wollstonecraft's *A Vindication of the Rights of Woman* (1792) is a declaration of the rights of women to equality of education and to civil opportunities. [5] Today it is regarded as one of the foundational texts of liberal feminism.[6] However, despite of the extension of voting rights as it took place in the United Kingdom in the year of 1832, all the voting rights were denied to be vested in women folk. Only in the 19th century, on the issue of voting rights of women, began the struggle and especially in Great Britain and the United States. American women were the first at the world level for fighting for their rights to vote. Similarly, women won voting rights in most of the western liberal democracies after their systematic battle with the system. In United Kingdom, the right to vote was granted by the British Government on the basis of wifehood, property and education. It was only at the early years of the 20th century, women got the success in getting right to vote in the national elections in the countries of New Zealand in 1893, Australia in 1902, Finland in the year of 1906 and Norway in 1913. [7] Women had achieved voting rights in some local elections as far as Sweden and United States were concerned. The enfranchisement of the women particularly in the nations of Europe and elsewhere were speeded up during the period of World War I and its aftermath. On August 26, 1920, the 19th Amendment granted the right to vote to American women, is signed into law by Secretary of State Bainbridge Colby. In almost 28 countries, women won the battle of achieving the equal voting rights with men during the

period of 1914-1939. In many of these countries, initially women got the right to vote in municipal or other local elections or most likely in the provincial elections; only in the later phase, they were granted the equality right to vote in the national elections. And immediately after the World War II, some more countries like Italy, China etc. jointed this very group. The total number of countries had reached more than 100 in another decade which had provided its women equal rights to vote partly due to the reason that nearly all such countries had achieved independence after World War II and had granted such rights in favor of women in their Constitutions. In Switzerland, women are provided with the full and equal voting rights in federal and most cantonal elections by 1971 and in 1973 same rights were granted to women in Syria also. However, in a number of conservative Arab countries bordering the Persian Gulf, women continue to be denied the equal voting rights. So, in some Muslim countries, participation of the woman in different spheres of civil life was insignificant. [8] She still has no right to vote in these countries. Complete voting rights on equality basis for women were granted in the Constitution of India by its Government in the Year of 1949; in the country of Pakistan, full voting rights were granted in favor of women in the year of 1956 in national elections.

Indian History of Women's Political Participation

However, in India also women have a long history of suffering and exploitation. The women remained victims of violent actions and also they had to suffer various types of discrimination, exploitation and torture- both physical and mental not only in the men's society but also within the four walls of the family thereby disturbing the equilibrium in the society. In **ancient India**, the woman enjoyed equal status with men in all spheres of the life. Hymn XXI of the Rig-Veda extols the virtues of woman even greater than that of man. The description of the God's head as half of man and half of woman in the concept of Ardhanari-Swara itself depicts the story of the equality of woman in the Vedic period. The Shakti-cult is also centered on destructive strength and superiority of the woman.

But the status of women began to decline with the Smritis especially Manusmriti. There was a tendency to curtail religious rights and privileges of women. Women came to be regarded in the same lines as the Shudras. Their position continued to deteriorate apart from property rights to them. Sati became common among the warrior classes. Women were strictly

confined to the four walls of their home. Smriti period clamped down the freedom of woman which could be found out in his famous dictum such as; *"The woman does not deserve independence."*

Since a woman was begun to be considered to be an 'abala' (dependant), she was considered to be protected by either father or husband or son throughout her life. According to Manu ".....A woman must be her father's shadow in childhood, her husband's in her Youth and her son's in her old age."

Therefore, the historical analysis of the position of women in the ancient India shows that women did not share an equal position with men. Their position was subordinate to men.

When Muslims invaded India, the situation changed for the worst during the **eleventh century**. During that period, the woman folk was forcibly taken away and sold like chattels in the markets outside India. Therefore, the eleventh century could be termed as the darkest age, where after the woman never acquired freedom and equality of the Vedic-age. Thus, the historical analysis of the position of women in India reflects that the women did not share an equivalent position with men. Their position was as subordinate to men. The ability to challenge the subordination was seriously affected by the omission of women from positions of power in all its manifestations. In order to participate as women and to change the very nature of that power by which they were excluded, they had to be in politics.

In India, in the politics, the root for the participation of women can be traced back to 19th century reform movement. The condition of the woman was also in the sorry state of affairs at the dawn of the **Colonial Era**. The British believed in the policy of least interference in the religious sentiments of the natives. However, only during British era i.e., in early 20th century, the crusade for the political participation of women became a significant part of the movement of the Indian women. The women leaders were of the belief that only through the means of political participation of Indian women, they could achieve additional support for social reform legislations because achieving social reform was their main target. Certain efforts were made to improve the status of women by the later movements like Buddhism, Jainism, Vaishnavism, Veerashaivism and Sikhism. The Bakhti movement permitted women to undertake spiritual activities

independently. Various social reformers thought that the social reform can be initiated by educating women and bringing progressive legislation. By raising consciousness and by making people sensitive to injustice done to women, social evils can be eradicated. Their efforts resulted in Governmental resolution of 1829, banning the practice of sati and also in Hindu Widow Remarriage Act of 1856 as well as campaign against child marriage. No doubt these social reform movements were aimed at educating women, raising the age of marriage and remarriage of child widow etc., however, these were not serious efforts concerned particularly with the question of gender parity. Reforms did not take the cause of women emancipation seriously because they were restricted by value system. So, no drastic changes were brought in the position of women. But this movement is considered as the foundation for the women's movements that followed later.

Indian women participation in the political field started with the freedom movement. The membership was open to women with the establishment of the Indian National Congress. The Swadeshi Movement in 1905 observed the entry of women into the independence movement. Annie Besant who accelerated the process of women's association in 1914 with her entry into Indian politics, was the first woman to be elected as president of the Indian National Congress. Sarojini Naidu too became active in Indian National Movement. Mahatma Gandhi made serious efforts to arouse political consciousness in the poor, illiterate women in order to make them take part in the freedom movement from 1917 onwards. Large number of women plunged into national movement in response to Gandhi's call. His message "when we call abala became sabala, all those who are helpless will become powerful", reveals the importance he gave for the strength of women.[9] Gandhi ji was therefore, able for mobilizing large mass of women, cutting across caste and class lines, for playing an active role in the freedom struggle movement. Gandhiji's own position on women evolved over time and he finally urged women for fighting exploitation whether within the home or in the Congress Party.[10] According to Gandhi, the freedom struggle was an economic and social reform but not merely political. He urged men and women are equal but not identical. Women are equivalent to the male intellectually, mentally and spiritually and they can participate in every activity.[11] Thus, women were brought to the centre stage by the national movement. Against the colonial rule, from liberal homes and conservative families, urban

centers and rural district, women single and married, young and old came forward and joined hands. No doubt women actively participated equally with men in the Indian national freedom movement both in the moderate and extremist factions but the number of them who acquired positions of power or membership in the representative bodies were less compared to men.

In the 1937 election, 42 women were elected from the reserved constituencies and eight from the general constituencies and when the provisional cabinet was formed, they became ministers. In Uttar Pradesh, Vijayalaxmi Pandit became minister for local self Government and later in Madhya Pradesh and Sindh, Absuyabai Kale and J.T. Sipahimalchi were appointed Deputy Speakers respectively. In Bombay and Panjab, offices as Parliamentary Secretary were taken by Hansa Mehta and Begum Shah Nawoy respectively. There were 14 women members in the Constituent Assembly which met in December 1946.[12] However, as representatives or in power positions, there was no proportionate increase in women. For example, out of 350 delegates, only 16 were women in 1922 the All India Congress Committee (AICC) meeting, 13 in 1937, 5 members were women in 1940 and only 14 members were women in the Constituent Assembly. Additionally, women who were active in the politics and politically successful, majority of them were from wealthy and progressive families and were supported by husbands or family members who were active in Congress. This practice is being followed even after independence. At the same time, there were some clear drawbacks of the participation of women. It is also true that large number of women participated in the freedom struggle legitimizing and strengthening it but gender equity was no where the agenda of that movement. However, despite of this fact, the transfer of power from British to Indian hand provided Indian women an opportunity for participating in the democratic process.

Thus, it can be said that the campaign for equal political participation in favor of women was itself divided into two phases. The first phase was regarding achieving female enfranchisement and being eligible for entering into the legislature during the period of 1917 to 1928. From 1928 to 1937, there was second phase in which the issues were the liberalization of the terms of equality rights of voting for women and also the enlargement of their representation in the legislature. In India, the context of colonial situation created two sets of political authorities before whom the women had to make an

appeal—the British Government and the nationalist leaders in order to achieve their electoral demands. The right to vote was granted by the Government of India Act, 1935 for all women above 21 years of age by whom the conditions of property and education were fulfilled. In the year 1950, the Constitution of India granted adult franchise to all its citizens.

Objectives of the Study

The aim of the present study is to investigate into the dearth of law relating to political participation of women in the present scenario and then try to develop the concept of empowerment of women through the achievement of the following objectives: (a) To analyze equal access of women in the decision-making in order to participate in political and economic empowerment. (b) To help in removing deficiency in law in order to strengthen legal system aimed for elimination of all forms of discrimination against women. (c) To suggest measures for establishment of supporting platform for women by building alliances so that they achieve higher level of energy and commitment.

Methodology

The present works depend heavily on United Nations reports, International norms and conventions, Government of India reports, NGO reports and important works by modern jurists who contributed a lot towards the evolution and growth of feminist jurisprudence and studies. Help of various libraries located at Jalandhar, Delhi and Phillaur is taken. This paper studies various Constitutional provisions and other statutory enactments providing special privileges and favourable laws for the benefits of women. It also studies the dearth of law and its various shortcomings in real situations.

Significant Universal Norms and Regional Treaties

There exist a considerable number of internationally agreed norms and standards regarding leadership and political participation of women because United Nations Women's programmes on the political participation and leadership of women are guided by a history of worldwide commitments made for women's participation. With the United Nations Organization's founding Charter its support for the women's rights started. However, it was during 1970s that the International feminist movement started to gain momentum when the General Assembly declared 1975 as the International Women's Year and first World Conference on Women was organized to be held in Mexico City. At the urging of the Conference, the years 1976-85 were

declared subsequently as the United Nations Decade for Women, and also a Voluntary Fund was established for Decade.

In 1979, the General Assembly adopted the **Convention on the Elimination of All Forms of Discrimination against Women** which is often described as an International Bill of Rights for Women, included commitments under Article 7 on political and public life and Article 8 on representation upholding women's right to participate in the public life. In the year 1980, in Copenhagen a **Second World Conference on Women** was held five years after the Mexico City Conference calling for stronger national measures to be adopted for ensuring women's ownership and control of property, as well as for improving the women's rights with respect to child custody, inheritance and loss of nationality. In **1985, the World Conference** was held in Nairobi for reviewing and appraising the **Achievements of the United Nations Decade for Women: Equality, Development and Peace**. An early consequence of this conference was to transform the Voluntary Fund for the United Nations Decade for Women into the United Nations Development Fund for Women. (UNIFEM, now part of United Nations Women).

The **United Nations Economic and Social Council Resolution, 1990** had called on Governments, political parties, trade unions, and professional and other representative groups for adopting a 30 percent minimum proportion of women in the leadership positions in order to achieve equal representation for women. In **1995**, at the time of the **Fourth World Conference on Women held at Beijing** the issue of women's empowerment came to the forefront of the global debate for women's rights. It declared "women's equal participation in political life plays a pivotal role in the general process of the advancement of women. Women's equal participation in decision making is a demand for simple justice and necessary condition for women's interest to be taken into account." [13] In this conference, the importance of women assuming position of power and influence was stressed by the global community not only because of the requirement of their points of view and talents but also as a matter of their human rights. Moreover, increased involvement of women in decision making process with respect to social values, development directions and allocation of resources enables women to influence societal agendas and to help to set priorities. [14] To all Governmental and non-Governmental communities, a detailed set of recommendations were issued for enhancing the

political participation and decision making power of women. In the non-Governmental organization meetings of **South Asia Watch (SAW), Asia Pacific Women's Watch (APWW)**, the issue repeatedly came up as a priority issue. On the issue of political participation of women, the **Inter Parliamentary Union (IPU)** has also been focusing. From **24-26 March 1999** 'Women's Political Participation—21st Century Challenges' was also the theme for a meet organized by **United Nations Development Programme (UNDP) in New Delhi**. Women politicians and representatives of civil society from all regions were engaged by the meet in a dialogue for the promotion of sharing of experience and building alliances. It concluded that women cannot reach full equality with men in any sphere until gender parity is reached in governance. [15]

For the purpose of enhancing the representation of women, the Common Wealth likewise has also been addressing the issue and has been taking a number of initiatives. **Common Wealth Heads of Government** endorsed the Plan of Action on gender and development at their 1995 meeting which was utilized by the member nations for taking action for enhancing participation of women in political decision making at all levels. It was recommended by the **Common Wealth Ministers of Women's Affairs at their 1996 meeting** that a target of no less than 30% for women in political, public sector by the **year 2005** is to be achieved by the member countries. In political decision making and peace process in the Common Wealth, the need to increase women's participation was also a part of the agenda of the Common Wealth Ministers responsible for women's affairs, in their sixth meeting in New Delhi from 16-19 April 2000. The Millennium Declaration and the eight **Millennium Development Goals (MDGs)** collectively herald a vision for a more just and equal world. Social, political and economic equality for women is integral to the achievement of all Millennium Development Goals. The Millennium Declaration and eight Millennium Development Goals (MDGs), adopted by the international community in 2000, set targets for 2015 on eradicating poverty, achieving universal primary education, promoting gender equality and empowering women, reducing child mortality, improving maternal health, combating HIV and AIDS and other diseases, ensuring environmental sustainability, and providing financing for development. All eight MDGs touch essential aspects of women's well-being, and in turn, women's empowerment is critical for achieving the goals.

The **2003, United Nations General Assembly resolution on Women's participation** stipulated that steps should be taken by the member States including to: monitor progress in the representation of women; ensure that measures for reconciling the families and professional life apply at par to both men and women; develop training programmes and mechanisms encouraging the women to participate in the electoral process and improving their (women's) capacity for casting informed votes in the free and fair elections; promote the participation of the young people particularly women, in civil society organizations; to develop programmes for educating and training women and girls in using the media and information and communication technologies. The **United Nations General Assembly on July 2, 2010**, unanimously voted for creating a single United Nations body tasked with picking up the pace of progress for the achievement of gender equality and women's empowerment.

The **2011 United Nations General Assembly resolution on women's political participation** also called on the United Nations Member States for taking a variety of measures including to review the differential impact of their electoral systems on the political participation of women; to encourage strongly political parties for removing all barriers discriminating against the participation of women; to promote awareness and recognition of significance of women's participation in the political process; to investigate allegations of violence, assault or harassment of women elected officials and candidates for political office, to ensure accountability and to take appropriate steps for prosecuting those responsible; to encourage greater involvement of women in decision-making as well as participation in the politics at all the levels.

At the meeting of **United Nations Chief Executives Board for Coordination (CEB) on 13 April 2012**, a **United Nations System-wide Action Plan (UN SWAP)** on gender equality and women's empowerment was adopted to be applied throughout the system of United Nations.

Thus, it is quite evident that women's political participation has been the agenda of various international conferences and symposiums. In order to improve the participation of women in political decision making, various recommendations were made. At the international level, on women's issues, women's political empowerment was at the center stage of all the discourses. With respect to the representation of women, India is in no way an

exception from the rest of the countries. A number of initiatives were taken by Indian Government corresponding to this. It (India) has also ratified various international conventions and human rights instruments committing to secure equal rights of women including the Convention on Elimination of All Forms of Discrimination against Women in 1993.

The movement for emancipation of women and bettering their status in the social hierarchy picked up momentum in the twentieth century. In order to raise the status of women in India, **Indian Government** has taken large number of legal, social and economic measures. The Constitution framers of India tried to infuse a new confidence in women folk by providing special provisions for them which worked like a catalyst for the revolution against the misogynous attitude of the society. The Constitution of India is a National Charter for abolishing injustice and inequalities in respect of women who remained in abject slavery, suffered perpetual discrimination and age old injustice. No other Constitution of the world is so much sensitive to gender justice as the Indian Constitution. The major concern of the Constitution makers was to ensure equality. There are different weaker sections of the people in our country and the General Clause of equality in the Constitution would not have served this purpose. So, special Constitutional protection was necessary for the weaker sections of the society. The framers of the Constitution were well aware of the unequal treatment meted out to the fairer sex from the time immemorial. Therefore, the Constitution of India not only guarantees equality before law and equal protection of law to women but also confers certain affirmative and protective rights upon them. To secure to all the citizens of India equality of status and opportunity and to bring the women at par with men in every possible respect, our Constitution authorizes preferential treatment in favor of the women by way of protective discrimination. Protective discrimination is the policy of granting special privileges to the downtrodden and the underprivileged weaker sections of society, most commonly women. These are affirmative action programs and the practice is most prominent in India, where it has been enshrined in the Constitution and institutionalized. In consonance with the Constitutional scheme, the Preamble promise of providing equality of status and opportunity has been concretized and clothed with flesh and blood by the provisions of Articles 14, 15 and 16. Articles 14, 15 and 16 of the Indian Constitution constitute a code dealing with the goal of equality. Article 14

guarantees the principle of equality in general terms and this is exemplified and particularized in Articles 15 and 16. The concept of protective discrimination is embodied in Article 15(3). This concept in its very nature is an exception to the general rule of equality as enshrined under Article 14. But protective discrimination cannot be allowed to operate in such manner as to substantially destroy the fundamental concept of equality.

Provisions for Women under the Indian Constitution

In the preamble of the Indian Constitution, in the Fundamental Rights, Fundamental Duties and in the Directives Principles, the provisions of gender equality are enshrined in the Constitution of India. In the following provisions of the Constitution of India, reference to equality between men and women can be found:

Part III of the Indian Constitution guarantees the Fundamental Rights of men and women. (I) Article 14 guarantees the right to equality. This Article stands for absence of any discrimination by law or in their administration.[16] (II) Article 15 states that there shall be no discrimination on the ground of religion, race, sex or place of birth. It is a guarantee against every form of discrimination. According to Article 15(3), nothing shall prevent the State from making special provisions for the benefit of women and children.[17] (III) Article 16 confers the right of equality of opportunity in the matters of public employment. Secondly no citizen shall, on grounds of religion, race, sex, decent, place of birth, residence or any of them, be eligible for, or discriminated against in respect of any employment or office under the State.[18] (IV) Article 21 protects life and personal liberty.[19] (V) Article 23 guarantees right against exploitation and trafficking in human beings.[20]

Part IV of the Constitution deals with the Directives Principles of State Policy and the Directive Principles which are of the concern for the women directly and bear upon their status are: (I) Article 39(a)—Right to an adequate means of livelihood equally for men and women.[21] (II) Article 39(d)—Equal pay for equal work for both men and women.[22] (III) Article 39(e)—Protection of health and strength of men and women workers and the tender age of children. Protection is also provided under this Article that the citizens are not forced by economic necessity to enter occupations unsuited for their age or strength.[23] (IV) Article 42—Provision for just and human conditions of work and maternity relief. This is accordance with Article 23 and 25 of Universal

Declaration of Human Rights.[24] (V) Article 51(A) (e) of Fundamental Duties imposes a duty on every citizen of India to promote harmony and spirit of common brotherhood amongst all the people of India, transcending religious, linguistic and religious or sectional diversities, to renounce practices derogatory to the dignity of women.[25] This was inserted by 42nd Amendment to the Constitution of India.[26]

The Constitution (73rd Amendment Act 1992) envisaged the reservation of seats for women in Panchayats. This amendment was made in order to improve the position of women especially at the village level and thus, providing an opportunity to women in the political field. In addition to this, Part IX- A has been added to the Constitution by the Constitution (74th Amendment) Act, 1992. It provides for the setting up of three types of Municipal Corporations. Of the total seats (including the seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) to be filled by direct election in every Municipality, not less than one-third shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.[27] The Constitution (73rd Amendment Act 1992) has added following Articles to the Constitution providing reservation for women: (I) Article 243-(D) (2) states that not less than 1/3 of the seats reserved under clause (1) shall be reserved for women belonging to Scheduled Castes or as the case may be Scheduled Tribes.[28] (II) Article 243-(D) (3)-extends political reservation to women. It tells that not less than 1/3 of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats shall be allotted by rotation to different constituencies in a panchayat.[29] (III) Article 243-(D) (4)-extends reservation to elected offices as well. The office of the chairpersons in the Panchayats or any other level shall be reserved for Scheduled Castes, Scheduled Tribes and women in such a manner as legislatures of a State may, by law provide.[30] (IV) Article 243T- Article 243T of the Constitution provides that a minimum of one-third of the total number of seats filled by direct elections in every Municipality shall be reserved for women. The seats may be allotted by rotation to different constituencies in a Municipality. Also, a minimum of one-third seats shall be reserved for Scheduled Castes/Scheduled Tribes women within the seats reserved for Scheduled Castes/Scheduled Tribes in a Municipality. Offices of Chairpersons in Municipality shall be reserved for Scheduled Castes/Scheduled Tribes and women in a manner to be prescribed by the State Legislatures.

The reservation of Scheduled Castes/Scheduled Tribes shall be in proportion to the population of Scheduled Castes/Scheduled Tribes in the state.[31] (V) The Constitution (One Hundred and Twelfth Amendment) Bill, 2009-- The Constitution (One Hundred and Twelfth Amendment) Bill, 2009 was introduced in the Lok Sabha on November 24, 2009 by the Minister of Urban Development, Shri S. Jaipal Reddy. The Bill was referred to the Department related Standing Committee on Urban Development (Shri Sharad Yadav), which is expected to submit its report within three months. This Bill seeks to amend the article to enhance the quantum of reservation for women from one-third to one half of the total seats in a Municipality. This is also applicable to offices of Chairpersons and seats reserved for Scheduled Castes/Scheduled Tribes. (VI) Article 325— Guarantees the right to vote to all the citizens irrespective of sex.[32]

So, these Fundamental Rights and Directive Principles of our Constitution have made extensive safeguards in favor of women. According to Granville Austin, "*Fundamental Rights and the Directive Principles are the conscience of our Constitution.*"[33]

The Indian Parliament has also enacted variety of statutes dealing with the problems of women in the light of various international and regional agreements. A number of the important legislations are enacted for safeguarding the interests of women before[34] as well as after[35] independence.

In the post-independence period, the major periods of social movement activism preceded and then followed Indira Gandhi's declaration of a state of national emergency (1975-1977) and flirtation with despotism. Opposing deforestation, the violation of tribal land rights, the mistreatment of slum dwellers and the oppression of the lower castes, a wide range of movements came into emergence. Women and questions of gender inequality were at the forefront of these movements. During this same period, a number of urban feminist organizations were formed autonomously from political parties. However, these organizations worked closely with the courts and the bureaucracy while retaining their autonomy from the political parties and staying out of the electoral domain—barring the collaboration of some groups with the communist parties. The grassroots movements were those of the poorest and most marginal groups who usually had little electoral influence and no electoral targets. Likewise, the women achieved the most important gains in the

courts and bureaucracy, not in the electoral arena. The women were appointed by the Government to some key posts and created bodies to investigate women's conditions and then to make recommendations.

The demand for the establishment of a National Commission of Women was raised by the Committee on the Status of Women in India in 1974 by which first exhaustive report was brought out on the status of women in India after its independence. Not only the absence of women's perspective in the overall development process was noted by the report but also the indifference of planners and policy-makers was very forcefully documented. In view of this, in its 25th report, it endorsed the recommendation given by the United Nations Commission on the Status of Women for the establishment of a statutory and autonomous Commission "with a mandate to review, evaluate and recommend measures and priorities for ensuring equality between men and women in all sections of national life". Though the report was placed before the Parliament but no action was taken on establishing the Commissions for the next decade and a half. In 1981, Joint Committee of Parliament for reviewing rape and dowry laws among other things recommended both at the Centre and State level for the setting up of a National Commission for Women with statutory powers.[36] However, the then Government did not take any steps for the implementation of this recommendation. In fact, on this front nothing much happened for a number of years though the period did see some other initiatives like, the creation of the Department of Women and Child Development under the Ministry of Human Resource Development, New Education Policy, a Chapter on Women and Development in the Sixth Plan. In 1987, a National Commission on Self-Employed Women (NCSEW) was appointed by the Government and this Commission recommended for the appointment of a Labor Commissioner for women in the unorganized sector for looking into the problems of the women working in this sector.

In 1988, a proposal for Commissioner with the Department of Women and Child Development in the National Perspective Plan surfaced. The women's groups in their critique of the National Perspective Plan, very clearly made their position quite clear.[37] At this point of time the debates revolved more around "Commission v. Commissioner", and while in the form of a Commissioner for Women's Rights, an Apex Body was not acceptable. The demand for the establishment of an autonomous National Commission for Women's Rights began to gain

around. In the year of 1990, the Government decided for setting up a National Commission for Women. There were also some political factors in addition to national and international factors which motivated the creation of the National Commission for Women at this point of time. Due to successful politicization of women issues by the women's movements, it was no longer possible for the political parties to ignore women as a political constituency. Even the eagerness was showed by the Government for constituting such a Commission yet there were suggestions for reconsideration of this demand seriously. A process of consultation was started by the Government with the women's organization by holding a conference on the issue of the proposed setting up of the National Commission for Women on 5 February, 1990.[38] In May 1990, a hastily drafted bill was brought by the Government for constituting a National Commission for Women before the Parliament which unfortunately far from incorporating the propositions made by the 5th February meeting, in fact reproduced the earlier proposals made by the Department. On 22 May 1990 the Bill was placed before the Parliament and the desire to pass the Bill within a day was announced by the Government due to its anxiety to avoid any additional holdup. However, hectic lobbying was done by the women's organizations for ensuring that bill could not be passed within a day overlooking their recommendations. Thus, the Bill was redrafted incorporating some of the suggestions given by the women's groups and then it was again presented to the Parliament on 10 August 1990. Then the Bill was finally passed in 30 August 1990. After the passing of the National Commission on Women Act in August 1990, for the Central Government to actually set up the Commission it took almost one and a half years. In 1992, the National Commission for Women was set up in order to achieve the objective of empowerment of women and it was a land mark achievement in the social development providing a platform for actualizing aspirations of the nation for sustained development with gender equality.

Once more in order to improve the political status of Indian women, the Committee of Governors constituted by the President of India to 'Study and Recommend Strategies for speedy Socio-Economic Development and Empowerment of Women' recommended in its report of 3 February 2009 for setting up of a National Commission on Status of Women for looking into the current status of women and the outcome of various development programmes regarding empowerment of women. The groups of

ministers by which the recommendations of the Committee of Governors were examined, endorsed this proposal and recommended the setting up of a High Level Committee with an eminent expert as a Chairman. On 27 February 2012, the Ministry of Women and Child Development, on the basis of these recommendations approved the setting up of a High Level Committee on the status of women to undertake another comprehensive study to understand the status as well as to evolve appropriate policy interventions on the basis of a contemporary assessment of women's needs. In the light of the fact that last such effort was undertaken by a Committee constituted in 1971 for assessing the impact of the Constitutional, legal and administrative provisions on the social and economic status of women in India, this decision assumes special significance. This Committee's report, "Towards Equality" that was submitted in 1974 is a watershed in the struggle for the women in India for finding recognition and a status of equality.

The current, High Level Committee on Status of Women (HLCW) has been entrusted with the task of preparing a report on the current socio-economic, political and legal status of women in India and also for recommending measures for the holistic empowerment of women. The process has included an assessment of the major women centric programmes and to identify areas of intervention as well as recommend various measures for the affirmative action by the Government of India. The HLCW has been entrusted with the following key tasks: (a) To understand an intensive literature survey on the status of women in India.(b) To examine the overall status of women including the socio-economic, health and nutritional, legal and political status of women disaggregated by their geographic, economic and social position including their minority status where relevant. In the analysis cross-regional differences and inequalities both within and outside the household are to be focused on. (c) To assess the impact made by existing policies and legislative changes on equality, security and holistic empowerment of women and to identify inequalities in policy and legislation as well as gaps in implementation. (d) To prepare an integrated report on the current socio-economic, political and legal status of women in India that captures the interconnectedness of these issues and their impact on women. (e) To recommend measures for the holistic empowerment of women.

A Case for Political Reservation in Favour of Women in India

In India, the legal Constitutional framework appears a combination of Communitarian perspective on one hand and that of tolerant democracy on the other hand. The Constitution of India guarantees adult franchise and provides full opportunities and framework for women to participate actively in politics. But it is pity that women could not substantially avail of the Constitutional provisions due to a number of cultural, social and political constraints. So, the decades following independence witnessed a decline in the participation of women in the politics. The election statistics shows that for the last two decades almost equal numbers of men and women have gone to the polling booths to vote. However, the number of women filing their nomination papers in any election, national or State, is only a fraction of the corresponding number of men. The percentage of winning candidates has been below eleven in the Parliament in all the past elections. The State Assemblies too show the similar situation. Thus, it is clear that the number of women winning elections is so small that their percentage in the legislative body is nominal. A number of seats provided to the women have not been in proportion to women's strength in population. No variation has occurred in more than six decades. So, the politics has proved to be a very unreceptive terrain for women and continues to be the male realm where there is severe restriction on the entry of women.

The percentage of women in the Lok Sabha in relation to the total number of seats was 4.4% in the year 1952. In the year of 1957, it increased slightly to 5.4% and to 6.7 in 1962, and then fell again to 4.2% in 1971, 3.4% the lowest was in 1977 and again it increased slightly to 8.9% in the year 1984. Then it improved to 8.2% in 2004. So, it is clear from this analysis that the percentage of women representatives in the Lok Sabha has always been very low from the beginning onward after independence. Till date it has not crossed 11%. However, in comparison to Lok Sabha, in the upper house the presence of women has been observed to be slightly lower. It may probably because of indirect election and nomination of women members there. Similarly, since 1952, in the Council of Ministers that were formed, the representation of women has been very low and they were always provided with less important portfolios like, health, welfare, local Government etc. In the State Governments as well the case has been the same. The power of women MPs (Members of Parliament) is generally very restricted. They

(Women MPs) have been accorded low priority to issues concerning women because they are expected to support the party line rather than formulate their own agendas. Between women's MPs and women's groups, there seems to be very little regular contact. There is one exception that the women's wings of political parties act as a go-between with women MPs, who can, therefore, become conduits between the party's leadership and the women members. On the issues regarding the family and women's rights, they are also consulted by the party leadership from time to time. However, non-party women's groups do not seem to approach women MPs.

The number of women contesting elections is very low in comparison to the men in Indian society. Compared to the population also, the percentage of women contestants is very low. It increased from 2.3% in 1952 to 6.5% in the year 1999. In the year of 2009, of the total contestants, more than 93% were men. However, interestingly, the percentage of women winning elections has always been higher than men. In 1952, the percentage of men who won the elections was 26.05% whereas women winning elections were 51.16%. In the year, 1999, out of the total male contestants, 12.3% won the elections. And out of the total female contestants, 17.3% women won. 12.6% female contestants won the elections in the 14th Lok Sabha elections. From the above analysis, it is quite evident that percentage women winning elections are more than the percentage men winning even though political parties deny tickets to the women candidates on the presumption that they are not capable of winning elections.

Apart from political parties and Parliament, women are also seriously under-represented in other spheres of decision-making, in a country like India, there seems paradoxical-on the one hand, women have moved into the professions and civil services in far higher numbers than in other South Asian countries. They have made major inroads in various male dominated professions. Women are provided the opportunity for proving their skills even in the fields of business; art; medicine; engineering; law and culture. However, on the other hand, their entry into the upper echelons seems to be restricted by a glass ceiling. But beginning with 1980's began the effort of political empowerment as it was perceived to give women the needed fillip to an onward surge towards all round development and to a status of respectability and partnership in decision making. To make a political empowerment of women a reality, the issues of reservation of 1/3 of the seats for women at the grass-root level organization was taken by

women's organizations and social activists. It was also observed by the Committee on the Status of Women in India, 1974 (CSWI) that 'the rights guaranteed by the Constitution have helped to build an illusion of equality and power which is frequently used as an argument to resist protective and accelerating measures to enable women to achieve their just and equal position in society'. It was then the finding of the Committee that as voters, the participation of women was increasing at a faster pace than males but as candidates there was the opposite trend. 30% reservation for women in the local Governments and other decision making bodies was recommended by the National perspective Plan for Women, 1988 in order to encourage the participation of the women in grass root politics.[39] Finally this debate resulted in the passing of the 73rd Amendment Act, 1992.

In 1992, Seats and Pradhan positions were also reserved for the two disadvantaged minorities in India, Scheduled Castes and Scheduled Tribes, in the form of mandated representation proportional to each minority's population share in each district by the 73rd Amendment. Even though, this Amendment also provided that one-third of the seats in all Panchayat councils, as well as one third of the Pradhan Positions, must be reserved for women. It was expected that the Panchayati Raj institution would ensure political empowerment removing the social and economic discrimination against them. This legislation paved way for the entry of more than one million women into the local Governments, presidents and vice-presidents. It means it accelerated the pace of the participation of women in the policy-making decision only at grass root level. The reservation for women was implemented in all major States except Bihar and Uttar Pradesh (which has only reserved 25% of the seats to women). A sizable proportion of women representatives perceived enhancement of their self-esteem, confidence and decision-making ability.[40] However, the representation of women in the successive Lok Sabhas is concerned; it has never gone beyond 11 percent. In the same way, reality seems to be very disturbing that out of 117 members of the Legislative assembly of Punjab only 14 are women which are just about 12% of the total members. So is the case in other States and the percentage of women members is just 3% to 9%. Recognizing the fact of low political participation of Women in Lok Sabha and State Legislatures in India, the Bill seeking to reserve the seats in Lok Sabha and each of the State Legislative Assemblies was for the first time introduced in the

Parliament in 1996. Almost 17 years have been elapsed since its first introduction in the Parliament but the Women's Reservation Bill has still not been enacted as a law. Following is the chequered history of the Women's Reservation Bill which was moved in the Rajya Sabha on 9 March 2011 seeking to reserve 33 percent seats for women in the Lok Sabha and in each State Legislative Assembly: **12 September 1996** -- After prolonged deliberations, as a first step, in September 1996, the Deve Gowda Government introduced in the parliament the Women's Reservation Bill as 81st Constitutional Amendment Bill. But following opposition, the bill was referred to the scrutiny of the Joint Select Committee of Parliament. The report was produced in the Rajya Sabha and the Lok Sabha but nothing positive happened.

26 June 1998 -- The bill was re-introduced in the 12th Lok Sabha as the 84th Constitutional Amendment by the National Democratic Alliance Government headed by Atal Bihari Vajpayee. This time also, the bill lapsed as 12th Lok Sabha was dissolved prematurely with the Vajpayee Government being reduced to a minority. **22 November 1999** -- The National Democratic Alliance (NDA) Government re-introduced the bill in the 13th Lok Sabha. However, there was again failure on the part of the Government for gathering consensus on the issue. **2002** -- The bill was introduced in Parliament but failed to sail through. **2003** -- The bill was introduced twice in Parliament by the NDA Government but could not get it passed even though NDA had been assured by the Congress and the Left, constituting a majority, of their support. **May 2004** -- The United Progressive Alliance Government included it in the Common Minimum Programme (CPM). **6 May 2008** -- The Government tabled the bill in the Rajya Sabha so that the legislation did not lapse and then it was referred to the Standing Committee on Law and Justice. **17 December 2009**--The report was presented by the Standing Committee and the bill was tabled in both the Houses of the Parliament amid protests by Samajwadi Party, JD (U) and RJD. **22 February 2010**--resident Pratibha Patil in her address said that the Government was committed to early passage of the bill. **25 February 2010**-- Union Cabinet approved Women's Reservation Bill and cleared it (the bill) for taking it up in the Rajya Sabha. **8 March 2010**—The bill was moved in Rajya Sabha but after unruly scenes and threats of withdrawal support to the UPA Government by SP and RJD, voting on it deferred. **9 March 2010**—Women's Reservation Bill was passed by Rajya Sabha with overwhelming majority.

The Bill, having been passed in the Rajya Sabha in 2010, can become a law only if it is also passed in the Lok Sabha. Proposed to provide reservation for women at each level of legislative decision-making, the Bill ensured that one-third of the total available seats would be reserved for women in National, State and Local Governments. On 10 March 2010 the 14-year perilous political struggle to give women adequate representation ended with the Rajya Sabha finally debating the contentious issue and then voting 186-1 on the Constitution (One Hundred and Eighth Amendment) Bill, 2008 amid acrimony, political divides and ugly scenes of dissent. In the 245-member House with an effective strength of 233, the bill required the backing of at least 155 members. The reserved seats would be allotted by rotation to different constituencies and would be valid for 15 years after the commencement of the Amendment Act. The Bill seeks to reserve for women 181 out of the 543 seats in the Lok Sabha and 1,370 out of a total of 4,109 seats in the 28 State Assemblies.

Only the last step remained-of the Lok Sabha endorsing it. However, Lok-Sabha Speaker Meira Kumar had nothing positive to say as she emerged from over an-hour long meeting with known critics of the Women's Reservation Bill on 14 July 2011. On the 15-year old Bill, her second major attempt within a month to forge a consensus had failed as socialist and Muslim leaders rejected her advances and flagged their old "conspiracy" concerns. Leading Andhra Muslim leader from Asaduddin Owaisi of the Majlis-e-Ittehadul Muslimeen (MIM) told that Women's Reservation Bill would sound a death-knell for the representation of all Muslim Members of Parliament – male and female- in the Lok Sabha. The Rashtriya Janata Dal (RJD) chief Lalu Yadav was the most vociferous in his protest. [41]

For the Bill, these are sad bodings at a time when United Nations Women has revealed new worldwide proof supporting the merits of quotas as device to augment the presence of the women in the Parliament. Another prominent example of Costa Rica can be quoted here which approved the momentous Responsible Paternity Act 2001 for encouraging shared upbringing of the children, just five years after authorization of 40% representation for the women in its Parliament. Out of 28 countries with more than 30 percent women in the Parliament, several pulled out of clash, including the neighboring Nepal, which has 33 percent women in the Parliament. However, in India, even the monsoon session of Parliament didn't embrace much promise for the Constitution (one Hundred and Eighth

Amendment) Bill, 2008 which looks for reserving one third seats for the women in the Lok-Sabha and State legislatures. [42]

Even as the debate rages on the need for protecting women in the country, the long pending issue of the Women's Reservation Bill seems to have been put on the backburner. But why is that 12 years after its drafting, the Bill has still not seen the light of day? Why is it that a move to promote gender equality in decision-making bodies has not been allowed to get implemented? The efforts of successive Governments to amend the Constitution of India in order to provide for the reservation in country's legislatures are not being materialized because of insensitive behaviour towards gender equality of certain leaders who are supposed to be committed to the cause of social justice. Politicians camouflage their vested interests with the argument that the Bill would deny adequate representation for the backward sections of society. What they propose is a quota within a quota for certain classes. India ranks 109 in the world classification of Women in National Parliaments, with 11 per cent in the Lower House and 10.6 in the Upper House. Thus, in spite of the realization, gender sensitivity in administration is still struggling to get a foothold because of the general fear that women might surpass men in all spheres and also intrude in their political affairs, which is largely considered to be a male domain. Political parties are using this issue just to woo women voters. And it is quite obvious that there is a long way to go for the enactment of the Bill.

Current Status of Women's Political Participation from Global to National Level

No doubt today, there is considerable increase in the percentage of women as voters. The participation of women as voters is almost equal to men. But the political participation (as a whole) of the women is not equal to men and so they are still not able to get a share equivalent to men in organization that require decision making. Still politics is dominated by men at every level of participation and women have not been regarded as significant part of the political arena. The representation of women as policy formulators and decision makers in the legislative bodies is very low. In legislative bodies women have been demanding more space but most nations in the world have failed in providing due space as well as representation to women in their political system. Thus, from local level to global level, leadership and participation of the women in the political fields are always compromised. Women are always underrepresented in leading positions, whether in civil services,

academia, elected offices or private sector. Such kind of situation prevails despite their abilities and capabilities which has been proved as leaders and their right of participating at par with men in democratic governance.

Women are moving equally with men only in a handful of countries, like Germany, Sweden, Norway, Denmark and Finland. In these countries, substantial inroads are being made by the women into decision making process. Female presence in legislature remains small and relatively insignificant in the advanced countries like Western Europe and North America. It is indicated by the statistics (2010) that the world average of representation of women in legislature is 19.1%, in both the houses combined. It is 19.3% in lower house and 18.2% in upper house. As of 1 October, 2013, only 21.4 percent of national parliamentarians were women, a slow increase from percentage in 2010.[43] At the International Level, as on 1 October, 2013, there are only 37 States in which there are less than 10 percent of women parliamentarians in single or lower houses.[44] In 1 October, 2013, there were only 8 women who served as Head of State and 11 as Head of Government.[45] Only 17 percent of the Government ministers were women as of January 2012, with the majority managing the social sectors, like health and education. The regional variations are however significant.

There remained wide variations as far as average percentages of females as parliamentarians across single, and lower and upper houses in each region are concerned. Worldwide, the highest percentage of women in the parliament is in Rwanda. Women there in the lower house, have won 56.3 percent of the seats. As of October 1, 2013, there are: Nordic countries at 42%, followed by America at 24.8%, Europe (excluding the Nordic Countries) at 22.8%, Sub-Saharan Africa at 21.1%, Asia at 19.1%, **Arab States at 17.8%** and **the lowest in the Pacific at 13.1%** [46]. For representation of women in political arena, 30% is extensively considered the "critical mass" mark. This benchmark had been obtained by 37 countries including 11 in Africa as of 1 October 2013.[47] Some form of quotas had been applied by 29 countries out of the 37 countries opening space for the political participation of women.[48] 24.6 percent of the seats are held by women in countries with proportional electoral systems. Using the plurality-majority electoral system and a mixed system, this compares with 18.5% and 21.5% respectively.[49] Among the individual countries, the first rank was of Rwanda with 56.3% of women in the parliament,

followed by Andora at 50%, Cuba at 48.9% and Sweden with 44.7.0%.[50] Comparatively, our neighboring countries such as China and Pakistan are in much better position regarding representation of women in various legislatures with 23.4% and 20.7% respectively[51].

However, at parliamentary floor, the representation of Indian women is still far from satisfactory. India ranks 110th in the world according to the data released by the Inter-Parliamentary Union, an international group that works for the promotion of democracy, peace and co-operation in the world.[52] The above-stated statistics reveal that India lags behind many countries including its neighbouring countries Pakistan, China and Nepal, when it comes to women's participation in the politics.

Findings and Discussions

India as a welfare State is committed to the welfare and development of its people in general and of vulnerable sections in particular. Though Indian Constitution and various other legislative enactments and different Commissions established for women from time to time have made a number of efforts for the achievement of the objective of gender equality, yet in actual practice, due rights are denied to women and they continue to be the victims of male domination. [53] Violations of the rights of the women continue in practice. The women are lacking in position and power and are over represented amongst the poor. As a result, women lack in political participation, educational achievements thereby showing under-representation in employment spheres. It means that the planned efforts to emancipate women educationally, economically and particularly politically did not yield the desired results over the decades after independence.

For this sorry state of affairs, many other factors are also responsible. History of freedom movement indicates very clearly that there was participation of a large number of women in that freedom movement. However, after that it went on decreasing due to the disappearance of the ideology of the Nehru-Gandhian era. The sharp decline in juvenile sex ratio; continuing high maternal mortality rate and infant mortality rate; high gender gap in literacy at all levels; high rate of dropouts of girl students; and increasing incidence of crime against women; inadequate access of women to the property rights and employment opportunities; and their less political participation and undernourishment raises many questions about the role of institutional machinery to implement the law. In the present time, two types of

barriers are faced by women as far as their participation in political life is concerned. First, structural barriers, still a number of limitations are imposed on women's options to vote or to run for offices through discriminatory laws and institutions. Second, capacity gaps which mean that women are always less likely in comparison to men to have contacts, education as well as different resources required to becoming effective leaders. Therefore, in the women's participation in the political fronts, gender roles have become major obstacles. Besides, the traditional division of labor; economic barriers; the type of electoral system, lack of sufficient training and rampant violence against women in Indian society in the form of dowry deaths, sexual assaults, honour killings, acid attacks, domestic violence etc. are also some of the contributory factors to keep women away from every sphere of public life including politics. Apart from this, the process of elections has become a very costly affair. Women are not capable of generating large amount of money required for fighting elections. Most of them fail to take off due to improper planning at the grass root level. This distressing state of affairs is also an outcome of the continuous failure of women's welfare policies. Corruption and centralization of powers are the basic major obstacles for political participation of women in India because Corruption and nepotism threaten to eat into the little good that has been done for women's empowerment in this country.

Conclusion and Suggestions

Admittedly, there is need to remove the **dearth of laws (Constitutional provisions) and policies** guaranteeing a place of honour and equality to women because they are not enough to combat the menace of inequality. For the emancipation of women and conversion of their de-jure equality into de-facto equality, the educational, economic and political independence of the women is of paramount importance. This can lead to total development of the women. This goal of economic independence and empowerment of the women can be achieved only through gainful employment opportunities. Women's gainful employment especially in more rewarding occupations clearly will play a role in improving the lot of the women especially in increasing their status and standing in the society. The economic empowerment automatically follows political empowerment so it is quite clear that the socio-economic condition of women will improve only if they are also a part of the governing process is a fact that is widely accepted the world over. Therefore, it

becomes obligatory for the women's organizations as well as the Government of India to search for remedial measures to improve the political status of the women. The bill proposing quota for women is a step forward in mainstreaming women in politics by giving them representation in the highest elected bodies both at national and regional levels where they can discuss all the problems in order to seek their redressal and thereby to get an opportunity to highlight them on a national as well as regional platform. Without proper representation of women in the legislative bodies and political participation at all levels, issues concerning women would remain neglected.[54] Realizing women's subjugation and subordination and affirmative discrimination against women in general has emerged the need of their empowerment – both political and economic. In order to achieve this objective, Reservation Law for providing political participation to women is the need of the hour. Therefore, the individuals who oppose the Bill tooth and nail should be made to arrive at a consensus in the interest of the nation. The Government must be gutsy enough to ensure the Bill is passed even if it is at the cost of losing its allies because only a nation which has empowered its women to be a part of all forms of governance, can achieve true liberation and economic success. In India, this can come about only by enacting the Women's Political Reservation Bill.

Further **suggestions** which can be recommended are as follows: (1) To enforce stringent measures to stop corruption, criminalization and communalization of politics. (2) To ensure that women are taken seriously in their elected post by allotting important portfolios and limiting their functions to social welfare and women and child development. (3) To enforce stringent ceiling of funding expenses incurred for election campaigns. (4) Legal system aiming at elimination of all forms of discrimination against women should be strengthened. In addition to that, awareness level about laws should also be raised among women. (5) Women should be provided leadership and communication training. (6) The Representation of People Act, 1951 should be amended to compel political parties to provide for mandatory nomination of the women candidates for at least one-third of the seats to avoid de-recognition as a national party. (7) All the women organizations should come on a common platform with single target of pressing the political parties to either support the passing of Reservation Bill or face the anger of women voters in the next general elections because a critical mass of women is a pre-requisite

for the effective political participation of women. (8) The media both print as well as electronic can play an important role in creating awareness in the society. It can act as an agent of political socialization for inculcating the values of gender equality and gender justice.

At the end, it would not be out of place here to quote Robert Ingersoll [55],
"There will never be generation of great men until there has been a generation of free women of free mothers".

References

- [1] Universal Declaration of Human Rights adopted by General Assembly on 10 December 1948.
- [2] Burrell, Barbara (2004). Women and political Participation: a reference handbook. Santa Barbara (California):ABC-CLIO, Inc.
- [3] Singh, J.P. (2000). Indian Democracy and Empowerment of Women. *The India Journal of Public administration*. XLVI(4). 617-630.
- [4] Srivastava, Rashmi (2000), Empowerment of Women Through Political Participation, with special reference to Madhya Pradesh. In Niroj Sinha (ed), Women in Indian Politics: Empowerment of Women Through Political Participation (pp. 195-217). New Delhi: Gyan Publishing House.
- [5] Brody, Miriam (2000). Mary Wollstonecraft: Mother of Women's Rights. New York: Oxford University Press.
- [6] Ibid.
- [7] Inter-Parliamentary Union, Women's suffrage: A World Chronology of the Recognition of Women's Rights to Vote and to Stand for Election, (<http://www.ipu.org/wmn-e/suffrage.htm>).
- [8] Chaudhary, VKS (2002). The Ivory Tower 51 years of the Supreme Court of India. New Delhi: Universal Law Publishing Co. Pvt. Ltd.
- [9] Gandhi, M.K. (1982). Collected Works of Mahatma Gandhi Vol. VXIV (pp.165). Ahmedabad: Navajivan Mudranalaya.
- [10] Tracing the Path of the Struggle, Long March of Women. Third World Resurgence Issue, No. 61-62, Penamp, Sep-Oct, 1995.
- [11] Kamath, Jyotsna, "Gandhi and Status of Women", Excerpts from a lectures given at the Gandhi Peace Foundation, December/1998, available at <http://www.kamat.com/mmgandhi/gwomen.htm> (Last assessed 14 March 2013)
- [12] Mazumdar, Vina (1986). Women in the Political Process. in Maithreyi Krishnaraj (ed), *Women Studies in India. Some Perspectives*. New Delhi: Popular Prakashan. pp. 97.
- [13] Beijing, China - September 1995 Action for Equality, Development and Peace: Platform for Action, pp. 109.
- [14] United Nations Division for the Advancement of Women Department of Economic and Social Affairs, *Women and decision-making available at* <http://www.un.org/womenwatch/daw/public/Women2000%20-%20Women%20and%20decision-making.pdf> (Last assessed 14 March 2013)
- [15] Rajaput, Pam. "Women's Political Participation in India: An Agenda for Empowerment", in Pramila Kapur (ed), *Empowering the Indian Women*, Publication Division, Ministry of Information and Broad Casting, Government of India, 2000, pp. 227-228.
- [16] Bakshi P.M.(2013), The Constitution of India. 12th Edn. New Delhi: Universal Law Publishing Co. Pvt. Ltd.
- [17] Ibid.
- [18] Ibid.
- [19] Ibid.
- [20] Ibid.
- [21] Ibid.
- [22] Ibid.
- [23] Ibid.
- [24] Ibid.
- [25] Ibid.
- [26] Ibid.
- [27] Kumar Narender (2004). *Constitutional Law of India*, Faridabad : Allahabad Law Agency. 620.
- [28] Bakshi P. M. (2013), The Constitution of India. 12th Edn. New Delhi: Universal Law Publishing Co. Pvt. Ltd.
- [29] Ibid.
- [30] Ibid.
- [31] Ibid.
- [32] Ibid.
- [33] Austin, Granville. *Cornerstone of a Nation* (Indian Constitution), p. 75, as quoted by J.S. Pandy (2004): *Constitutional Law of India*, Central Law Agency, Allahabad, p. 350.
- [34] Regulation No. XXI of 1795 and Regulation No. III of 1804, Bengal Sati Regulation No. XVII of 1829, The Hindu Widow's Remarriage Act 1859, The Hindu Penal Code, 1860, The Converts Marriage Dissolution Act, 1866, The Indian Divorce Act, 1869, The Married Women's Property Act, 1874, The Power of Attorney Act, 1882, The Civil Procedure Act,

- 1908, The Legal Practitioners (Women) Amendment Act, 1923, The Indian Succession Act, 1925, The Child Marriage Restraint Act, 1929, The Bombay Prevention of Hindu Bigamous Marriage Act, 1946.
- [35] The Factories Act, 1948, The Special Marriage Act, 1954, The Hindu Marriage Act, 1955, The Hindu Succession Act, 1956, The Hindu Adoption and Maintenance Act, 1956, The Suppression of Immoral Traffic in Women and Girls Act, 1956, The Hindu Minority and Guardianship Act, 1956, The Dowry Prohibition Act, 1961, The Maternity Benefit Act, 1961, The Medical Termination of Pregnancy Act, 1971, The Equal Remuneration Act, 1976, The Child Marriage Restraint (Amendment) Act, 1976, The Contact Labour (Regulation) Act, 1978, The Criminal Law (Amendment) Act, 1983, The Family Courts Act, 1984, The Muslim Women (Protection of Rights on Divorce) Act, 1986, The Indecent Representation of Women (Prohibition) Act, 1986, The Commission of Sati (Prevention) Act, 1987, The National Commission for Women Act, 1990, The Hindu Succession (Amendment) Act, 2005, The Protection of Women from Domestic Violence, Act, 2005.
- [36] General Recommendations of the Report of the Joint Committee of the Houses of Parliament for examining the question of the working of the Dowry Prohibition Act, 1961, p. 341, dated 10th August, 1982.
- [37] Draft National Perspective Plan 1988-2000: A Perspective from Women's Movement.
- [38] F. No. 9-3/90-ww, Government of India, Ministry of Human Resource Development, Department of Women and Child Development, Government of India.
- [39] National Institute of Advanced Studies-Gender Studies Unit (NIAS), Women's Voice, National Alliance of
- [40] Women (NAWO) and Initiatives-Women in Development (IWID) Baseline Report on Women and Political Participation in India., pp. 8, available at http://www.iwraw-ap.org/aboutus/pdf/FPwomen_and_pol_pax.pdf (Last assessed 14 October 2013)
- [41] AC-Nielsen ORG-MARG(2008). Study on Elected Women Representatives in Panchayati Raj Institutions, Ministry of Panchayati Raj, Government of India, New Delhi.
- [42] Tandon, Aditi (July 15, 2011). More Trouble for Women's Reservation Bill: Socialist, Muslim Leaders Cry Conspiracy. The Tribune, Chandigarh, India,.
- [43] Ibid.
- [44] Inter-Parliamentary Union. 1 October, 2013, Women in National Parliaments: World Average. <http://www.ipu.org/wmn-e/world.htm>.
- [45] Inter-Parliamentary Union, 1 October, 2013, Women in National Parliaments: World Classification. <http://www.ipu.org/wmn-e/arc/classif011013.htm>
- [46] UN Women, checked monthly against updates from the United Nations.
- [47] Inter-Parliamentary Union, 1 October, 2013, Women in National Parliaments: World Average.
- [48] <http://www.ipu.org/wmn-e/arc/world011013.htm>
- [49] Inter-Parliamentary Union, 1 October, 2013, Women in National Parliaments: World Classification.
- [50] <http://www.ipu.org/wmn-e/arc/classif011013.htm> .
- [51] OECD Development Center(2012). Social Institutions and Gender index: Understanding the Drivers of Gender Inequality. Paris: <http://www.oecd.org/dev/50288699.pdf>
- [52] Inter-Parliamentary Union, 1 October, 2013, Women in National Parliaments: World Average. <http://www.ipu.org/wmn-e/arc/world011013.htm>
- [53] Inter-Parliamentary Union, 1 October, 2013, Women in National Parliaments: World Classification. <http://www.ipu.org/wmn-e/classif.htm> (Last assessed 17 October 2013)
- [54] Ibid.
- [55] Ibid.
- [56] Ahuja, Ram(1999). *Society in India: Concepts, Theories and Recent Trends*. New Delhi: Rawat Publications. pp.133.
- [57] Matthai.Raichel (23 December 2006), "political Status of Indian Women: Progress since independence", *Mainstream Weekly*, XLV(01). Retrieved from <http://www.mainstreamweekly.net/article105.html> Last assessed 22 October 2013)
- [58] Krishnaswamy, P(2010). V. R. Krishna Iyer: A Living Legend. Delhi: Universal Law Publishing Co. pp. 245

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