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**REPRESENTATION OF WOMEN IN THE INDIAN POLITICAL ARENA: A
POLITICAL LEGAL ANALYSIS**- Merrya Ginto & Rosmi Biju¹**ABSTRACT**

If a woman is strong enough to give birth, she can wield a sword just as well as any male. There are incredibly less women compared to men in the Indian legislature. It is unreasonable to expect women to stay at home when a battle needs to be fought. Reservation facilitates the ability for women to participate directly in public decision-making for policies and laws and provides a way to ensure that women are held more accountable, the system is made more efficient and the lack of women representation is decreased to an extent where reality can truly equate to equality. The current research determines why there is a lack of female representation in the Indian parliament and why women need a reservation. The research methodology used is purely doctrinal and according to the study's findings, men hold the majority of parliamentary seats, and despite the reservation bill's repeated initiation, there was insufficient support from all of the members. Political parties should implement internal modifications to make it simpler for women to join political parties, even if the policy is further blocked. It can hence be concluded that any society that silences its women has no future.

Keywords: Women's Reservation Bill, Indian Parliament, Patriarchy, Gender Equality, Political Representation, Public policy

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1. INTRODUCTION

In all of its incarnations, women are the universe's creative energy. Life begins in her womb, and it is in her guiding hands and delicate love that it finds shape. She flawlessly juggles her many roles—mother, wife, daughter, friend, and counsellor—all at once. She is unquestionably superhuman, a goddess, and nothing less. She encourages you to stay focused on your objectives as she leads you there, and when you succeed, she stands in your shadow, basking in the glow of your accomplishment². She still has a long way to go before she can bust through this shadow's bars. She still experiences hardships and sacrifices as she transitions from supporting the patriarchy to the protagonist. It's time to consider how to make this route easier for her and discuss what prevents women from occupying positions in which they would undoubtedly flourish. Parliament is the supreme law-making body of the Republic of India. It comprises the office of the President, the Lok Sabha, and the Rajya Sabha. The members of the Rajya Sabha are nominated by the state legislatures and the members of the Lok Sabha are elected by the public themselves. The State Legislative assemblies are also directly elected by the people. Women have very little representation in these highest legislatures. India has seen many strong female politicians, and the people of India have never been hesitant to elect efficient and strong female leaders. Still, India ranks 98th in the world in terms of the number of female parliamentarians³. Only two of India's 15 presidents were women, and only one of the 15 prime ministers was a woman. Is it truly because women lack competence, or is there a force determining the limit of their dreams?

2. THE WOMEN'S RESERVATION BILL

The Constitution (108th Amendment) Bill, also known as the Women's Reservation Bill proposes to modify the Constitution of India to reserve one-third of all seats in the Lok Sabha

²Sangeetha Dutta, *Short Essay on Woman*

,<https://www.shareyouressays.com/essays/short-essay-on-woman/84364>

³*Women Rsquo;s participation in politics: India ranks 98th*, The Hindu, March 8 2011, <https://www.thehindu.com/news/national/Womenrsquo-s-participation-in-politics-India-ranks-98th/article14939176.ece>

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and all state legislative assemblies for women. On September 12, 1996, HC Deva Gowda of the United Front Government introduced it in Parliament for the first time. The bill proposed rotational seat reservation by draw of lots so that a seat would be reserved only once every three consecutive general elections. Other features of this bill include the reservation of one-third of seats reserved for SC&ST communities to women from that group and also this reservation will exist for only 15 years after which it will be revoked. The bill was supported by the Vajpayee government, but it had no effect. It was reintroduced in 2008 by the UPA government, but was only passed by the Rajya Sabha in 2009 and is still pending in the Lok Sabha. The 73rd constitutional amendment that was passed in 1993 served as the inspiration for the initial version of this bill. According to the amendment, women should hold 33% of the total village council leader (Sarpanch) positions in the gram panchayat. As a long-term strategy to expand this reservation to the Lok Sabha and state legislative assemblies, the Women's Reservation Bill was introduced.⁴

One of the bills that have been pending the longest in the Indian Parliament is the Women's, Reservation Bill. The absence of political consensus is the key reason why the bill's status is still uncertain. Every time the bill was up for debate or passage throughout these 25 years in the Indian parliament, there was great drama and strong opposition. It took about 15 years for the bill to get the assent of the Rajya Sabha alone which is evidence of the constant opposition it faced from a variety of groups. The bill has witnessed everything, including offensive remarks against women, physical altercations, and argumentative discussions. In light of the numerous ways that women are discriminated against and denied equal rights, the denial of political representation is one of the most crucial grounds. A 33% female representation quota in legislatures has the potential to significantly transform the political atmosphere. This explains why there is such strong hostility to a constitutionally required minimum of 33% representation for women in legislatures. Therefore, patriarchal ideology, not particular parties or leaders, is the main obstacle

⁴India Today, *Women's Reservation Bill: All you need to know about the bill which will bring 33 per cent reservation for women in Lok Sabha*, March 7 2020 <https://www.indiatoday.in/education-today/gk-current-affairs/story/women-s-reservation-bill-all-you-need-to-know-about-the-bill-which-is-yet-to-be-passed-in-Lok-sabha-1653451-2020-03-07>

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in the way of the bill. This aspect must be made clear before we examine the politics around the bill in more detail⁵.

3. CURRENT STATUS OF THE WOMEN'S RESERVATION BILL

India comes in the bottom line of nations of the world when it comes to the representation of women in legislative bodies. The representation of women has never held more than 5% of seats in the State Assemblies and has always been less than 10% in the Lok Sabha. Out of the 543 members of the current Lok Sabha, there are 81 female members (14.92%), and the remaining 462 seats are filled by males, which is a better level compared to the previous years⁶. Despite the increased representation of women in the 17th Lok Sabha, they still have not yet attained a certain level. India still has fewer women in parliament than 140 other nations. The percentage of women in parliaments around the world stands at 24.6% on average. When it comes to the representation of women in state legislative assemblies, Chhattisgarh leads the nation with a percentage of 14.44, whereas Mizoram and Nagaland have 0% female participation⁷. At this rate, equal representation in India's legislative bodies is still a long way off. A reservation bill for women will therefore be a solution to this issue.

The National Federation of Indian Women (NFIW) filed a PIL before the Supreme Court to reintroduce the Women's Reservation Bill, 2008 before both houses of Parliament. The Supreme Court heard the request on 3rd October 2022 and instructed the petitioner to give notice to the Union of India, noting that it is a significant matter. Though the Government portrays itself to be an advocate of women's empowerment they are hardly taking any initiatives for putting forth the bill. Parliamentarians who have been supporting this bill claim that the bill is not digestible for many members. The Women's Reservation Bill could be passed in a half-day if the administration so desired. All major parties are in favour of this Bill, which has been approved

⁵Prasenth Bose, *Women's Reservation in Legislatures: A Defence, Economic and Political Weekly*, APRIL 3-9, 2010, Vol. 45, No. 14 (APRIL 3-9, 2010), pp. 10-12

⁶Sumant Sen, 17th Lok Sabha has the highest proportion of women, *The Hindu*, 27 November 2021 <https://www.thehindu.com/news/national/representation-of-women-in-17th-lok-sabha/article28769003.ece/amp/>

⁷Women Reservation in Parliament and State Assemblies, PIB Delhi, 24 March 2022 <https://pib.gov.in/PressReleasePage.aspx?PRID=1809217>

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by the Rajya Sabha and is supported by a sizable majority in the Lok Sabha. But bringing the Bill, passing it and giving women their due share and place in decision-making is still a question.

4. POLITICAL LEGAL ANALYSIS

In India, Women and Men are almost equal in numbers but men exercise a slight advantage over women. Women need to have representation in the entire spectrum of society, as they are generally treated as the weaker section. There is a gender disparity in political decision-making, therefore women leaders need to come up in more numbers to influence decisions about their positions and to encourage teenage girls to contribute to the nation-building process. It is believed that there is a more humane touch to policies when women play the role of decision-makers.

When it comes to women-centred bills, the parliament's male members, who make up the majority with very less female members won't be able to produce the appropriate opinions, whereas, women will be able to consider all possible angles and, as a result, will be able to give a much more veracious opinion. For instance, On June 24, 2022, the nine judges—six men and three women—voted to overturn the Roe v. Wade decision, which set the foundation for women's ability to choose whether to have an abortion. Abortion rights were abolished by a margin of 6 votes, 5 male and 1 female. Three judges provided the dissenting opinions (2 women, and 1 man). The new change was criticised by many people. In addition to overturning a precedent, the supreme court left the most deeply personal choice up to the whims of politicians and ideologues who were threatening the fundamental liberties of millions of Americans. There were numerous claims that a male-dominated bench was used to judge cases of this nature. The decision was harshly criticised by the President, Democrats, dissenters on the bench, and numerous women's, reproductive health, privacy, civil liberties, and human rights organisations. They described it as an unprecedented assault on a woman's freedom of choice, autonomy over her own body, health, and the more general right to privacy. If there had been an equal number of men and women on the bench instead of a male predominance, then everything would have

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been at least somewhat different. Women are therefore much more able to handle these kinds of situations and are the best judges at those times.

There are specific privileges that are reserved for women in the Indian Constitution. Art.14 of the Indian constitution deals with equality and is classified as one of the best in the Constitution⁸. It seeks to attain equality by uplifting the weaker sections of people. Women as a group are a weaker section in the male dominant society. This male domination has been in practice for a long back. Women folk have been oppressed by their counter gender either knowingly or unknowingly. This oppression is contributed by other factors like lack of proper education, social and religious customs, engagement in household activities, physical weakness, lack of political awareness etc. The concept of a welfare state is a condition where all its people are getting equal opportunities in matters of administration, legislation, education, job opportunities, and socio-economic affairs. In other words, a prudent society is always looking into the achievement of equality amongst its people. Similarly, other Article 15(3)⁹, 16, and 19 provide women with specific rights and benefits, and it is the state's responsibility to ensure that these are being followed. Article 15(3) in The Constitution of India 1949: -makes it possible for the state to create special provisions for protecting the interests of women and children. Article 16 ensures that there is equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.¹⁰

The Indian Parliament is recognized as the country's top legislative body and the primary spokesperson of its citizens. If female members are permitted to represent it, they will be able to successfully voice their opinions and fight for their rights in the patriarchal society. Once they have an effective representation, they will be more motivated, energetic, and engaged in all issues of public importance. Therefore, it is long due for legislation to establish a specific level of female parliamentary reservations in India. In almost 20 Indian states, women were given a 50% reservation in the local administration. On the administrative structure, this had a significant

⁸ INDIA CONST. art 14

⁹INDIA CONST. art 15

¹⁰INDIA CONST. art 16

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effect. A 2010 study found that having more women on village councils enhanced female engagement and awareness of issues like clean drinking water, infrastructure, and roads without alienating other underprivileged groups. Female crime reporting and female political representation are positively correlated. Women serving as village council presidents help other women advance their property rights which is essential for lowering the gender gap in Indian land ownership. Public policy choices and spending habits shift as political governance becomes more female-dominated. Women's reservations and gender-balanced budgeting may be very important for India's future progress towards gender equality. Studies have also shown that such inclusion favours women's preferences in fiscal policymaking. According to research, gender parity in politics encourages gender parity in the workforce, which has the potential to quadruple global GDP growth by 2025.

Evidence showing that women's leadership in political decision-making processes enhances them is both well-established and accumulating. According to a study on panchayats (local councils) in India, the number of drinking water projects, for instance, was found to be 62% greater in areas with women-led councils than in those with men-led councils¹¹. In Norway, it was discovered that having women in municipal councils directly correlated with having access to daycare¹². However, the benefits of female political participation are not just felt in rural areas. According to research by the United Nations University, female legislators improved their constituents' annual economic performance by 1.8 percentage points higher than their male counterparts¹³. According to the same study, female legislators are less likely than their male counterparts to use their positions for personal advantage. Neonatal mortality has also been linked to female political representation in state legislatures, indicating that this strategy is underutilized for tackling health issues.¹⁴

¹¹Niharika Rustagi, India's female representation bill is still seated, EASTASIAFORUM, 20 April 2022, <https://www.eastasiaforum.org/2022/04/20/indias-female-representation-bill-is-still-seated/>

¹² id

¹³<https://www.unwomen.org/en>

¹⁴supra note at 9

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Cultural and socioeconomic constraints, such as violence, prejudice, and illiteracy, greatly influence the degree and types of engagement of women in politics. The ability of many women to actively engage in various forms of social and political relationships, speak in public, and be acknowledged as persons of dignity with equal value to others is affected by violence and the threat of violence. Discriminatory attitudes are demonstrated by the obstacles that Indian women must overcome, including their limited access to resources and knowledge. Women rely on their male family members or community members for knowledge. In addition, women lack leadership experience because they are tasked with domestic responsibilities. Women have fewer opportunities than males to join groups and develop their leadership abilities. Since men have long dominated Indian politics, there is little public space for them. When compared to men, who have a literacy rate of 82.14%, Indian women's literacy rates are substantially lower at 65.46%. Women's understanding of politics and political concerns is hampered by illiteracy. Illiteracy prevents women from exercising their political rights, which has been linked to exploitative issues such as women being omitted from voter lists.

The condition and state of women have significantly altered over the years. They are gaining more prominence and the role that they play in society is changing day by day. Earlier, women were considered full-time homemakers, their duties were to take care of the family. This is not the condition now. Today, more women are engaging in higher education and are becoming more literate. It creates opportunities for them to work and participate in family decision-making as well. Women no longer remain at home all day. Women are becoming more actively involved in outside work. This helps them to socialize more and to be aware of the problems and issues that they face on a wider scale. They are also able to come up with suggestions for certain problems. Women now hold professional positions. Like males, they too provide for their families by earning. Today, more women are also entering male-dominated fields including law, politics, and the judiciary. The number of women in senior executive roles is increasing. In contrast to earlier, women today have a voice. Male dominance in families has changed. Women also make important life decisions just like men do. They have opposed dowries and marital abuse. They fight against sexual misconduct and equality even at work. Women today fight all

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forms of oppression and torture. There have been numerous movements focused on gender-related issues, and many social organizations today defend the rights of women. Even in rural regions, women are gaining power. They are currently in control of the state in numerous nations. Women are now independent and no longer rely on males to take control of their life, thanks to education.

They won't sit back silently like how they used to. They can now be as strong as males and receive equal opportunities everywhere. As a result, they are the subject of several problems, arguments, and controversies today. And the number of these cases is rising daily. They recognize their powers and are coming forward to enforce them. Therefore, it is true to conclude that the time has come. Once they get an effective representation, definitely it will boost- their morale and energy and involvement in all matters of public importance. Hence, it is high time to have legislation for a certain percentage of reservations for women in the Indian Parliament.

5. CASE STUDY: NEW ZEALAND AND RWANDA

In New Zealand, women went from political insignificance to being treated equally under the law in 150 years. In the middle of the 19th century, women who were married to foreign nationals were not permitted to vote, run for office, serve on juries, sit as judges, or maintain their New Zealand citizenship. Women gained the right to vote in the late 19th century, and in the 20th century, they also gained the ability to run for office in Parliament, keep their nationality after marriage, serve on juries, and act as justices of the peace and judges. In 1986, the Ministry of Women's Affairs was founded. Although women still had a long way to go before equality in the 21st century, it was possible. The most diverse government in New Zealand's history is led by Prime Minister Rt. Hon. Jacinda Ardern after the elections in October 2020. More women, persons of colour, LGBTQ+, and indigenous MPs are in office today than ever before. The 20-member Cabinet, which includes eight women, five Mori, three Pasifika, and three members of the LGBTQ+ community, reflects this diversity. New Zealand's government is now more representative of the diversity of its people, and it is paving the way for other countries to follow. At present with 48.3% of the vote, up ten points from the previous election, New Zealand now

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ranks fifth in the world for the percentage of women in parliament. Expanding the participation of women in politics propelled Rwanda to the top of the world rankings. The first nation to elect a parliament with a female majority was Rwanda in 2008. A gender quota system put in place in 2003 helped women attain this success in major part. In addition to attaining gender parity in the legislature, Rwanda has passed a number of legislation since 1995 that advance and strengthen the protection of women's rights. These laws have made domestic rape, genital mutilation, and other forms of gender-based violence crimes made women's rights to land ownership and wives' rights to have their names appear alongside their husbands on deeds, and listed sexual violence committed during the genocide among the most serious genocide crimes. They have also given girl children equal inheritance rights.

6. CONSTRAINTS FACED BY THE WOMEN'S RESERVATION BILL

Despite the advantages of having more women in politics, the 1996 bill's passage was hampered by a lack of agreement among the major political parties. It was later reintroduced with the same intent in 1998, 1999, and 2008, but despite being approved by the upper house in 2010, the lower house never had the opportunity to vote on it. The Bill eventually became expired after the lower house was dissolved in 2014. During the United Progressive Alliance administration, the Indian National Congress (INC) was constantly accused by the Bharatiya Janata Party (BJP) opposition of having second thoughts about passing the Bill. Even after assuming power, the BJP government did not perform much better in advancing gender equality.

Many allegations have been levelled against the bill, preventing it from being passed. It is claimed that in a deeply male-dominated society such as India, the women's reservation bill would eventually lead to men's rule by proxy. Male politicians will end up nominating puppet women to legislatures, ensuring that the final decision will fall on them. There was also criticism of the rotational reservation of seats, claiming that it would make it more difficult for existing male members to be elected on merit and continue with the policies that he was already implementing. The reservation policy also results in women receiving a very small number of general seats because parties refuse to give them party tickets because they already have them. Another disadvantage of the bill is that it may benefit only the privileged class of women, so a

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33% reservation within the prescribed women quota is required to ensure equal representation for women from Scheduled Castes and Tribes. Women are also speaking out against the bill. They consider this reservation to be discriminatory and argue that strong women do not require such reservations.

7. SUGGESTIONS

In contrast to the Western paradigm, where quotas are practically frowned upon, in India it has become a critical tool of societal influence. They are redistributive tools designed to alleviate centuries of tyranny. No political party operating within the Indian political system or elsewhere can assert that it is completely immune from the traces of patriarchy. Even after they sit at the same political table as men, women may still encounter the aforementioned challenges. Institutional, social, and behavioural reforms must be put into place to make a difference.

The first and foremost action to take is to provide a space for women to rise into the political arena and encourage them to stand up for their rights. This can be achieved by eliminating the institutional and legal barriers that prevent any girl or woman from participating in politics or making decisions, and hold those who do so accountable, encouraging the participation of women in all levels of leadership and decision-making, especially at the negotiating table for peace and during humanitarian crises, providing training programmes on political systems, women's and girls' rights to participate, women's responsibilities in decision-making, unconscious bias training, and inclusion for young people, women, and men, ensuring that female legislators and decision-makers have equal exposure, and encourage greater diverse leadership representation, encouraging community and sports initiatives that develop girls' and women's leadership abilities and advance gender equality and supporting community-based groups that enable girls and women to actively participate in social, economic, political, and public life on an individual and collective basis¹⁵. Another efficient way of creating competent women leaders is by initiating intra-party reservations. This will help politics broaden and shed its cliched "male" stigma. Parties can establish various funds to assist mothers who require

¹⁵<https://womendeliver.org/investment/strengthen-womens-political-participation-decision-making-power/>

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assistance caring for their children while working on the party, among other things¹⁶.The problem of gender disparity in politics cannot be solved in a generalised way. However, there is a lot that can be done to make sure that women's views are heard.

8. CONCLUSION

Less representation in Indian parliament and legislatures have been oppressing women for centuries, making it difficult for them to voice their concerns. It has been going on for a while, but society still hasn't recognized how crucial it is to include more women in India's parliamentary decision-making process. Cultural and socio-economic factors, like illiteracy, poverty, lack of political awareness etc, are the problems which restrict women from participating in politics and even casting ballots. Women now represent a large percentage of parliaments in several nations. India lags significantly behind them. To improve this condition, a change must be implemented. A reservation bill can therefore be a solution to this issue. Even though the bill was introduced, it is one among the many bills that have been pending in the Indian Parliament for a long period of time. Its inability to reach a political agreement can be attributed to this. In short of it, no political party operating within the Indian political system or elsewhere can assert that it is completely immune from the traces of patriarchy. But what counts is their intellectual stance, combined with their political stances and day-to-day behaviour, and whether or not they are pro-grammatically committed to women's empowerment and emancipation¹⁷. And why waver on supporting the women's reservation law if a political party, or anyone for that matter, is dedicated to gender equality and women's empowerment? What restricts women from participating should be eliminated. They should be in a position to raise their voice against the patriarchal society. Reservation empowers them for their upliftment, and until it is given to them, equality cannot be achieved. When will the government take this issue into account if it does not do so now?

¹⁶UNDP,<https://www.undp.org/ukraine/news/five-effective-ways-involve-women-politics>

¹⁷Prasenth Bose, *Women's Reservation in Legislatures: A Defence, Economic and Political Weekly*, APRIL 3-9, 2010, Vol. 45, No. 14 (APRIL 3-9, 2010), pp. 10-12

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