

Empowerment of women and reservation in Indian politics: A viewpoint

Navdeep K. Sasan, Pallvi Mahajan

University in Jammu, Jammu, Jammu & Kashmir, India

ARTICLE INFO

*Correspondence:

navdeepsasan.law@gmail.com

University in Jammu,
Jammu, Jammu &
Kashmir, India

Dates:

Received: 27-09-2022

Accepted: 16-11-2022

Published: 28-12-2022

Keywords:

women's rights,
empowerment, gender
inequality, reservation
bills, women's
reservation in politics.

How to Cite:

Sasan NK, Mahajan P.
(2022) Empowerment of
women and reservation
in Indian politics: A
viewpoint. DME Journal
of Law, 3(1), 21-26.
doi: 10.533361/dmejl.
v3i01.04

Abstract

Women comprise approximately half of India's population. But they do not represent equally in all spheres with their male counter parts. Despite the country's economic and technological development, they face gender inequality in different spheres. They exhibit their ability, skill, and knowledge in every walk of life, whether social, cultural, or economic. It is quite disappointing that though they display administrative, entrepreneurial, innovative, and creative skills, yet fail to attain the expected degree of respect and participation in the political sphere. Even after overcoming social constraints, not many women succeeded in stepping out of the four walls of their homes. Yet, they have been successful to an appreciable degree in establishing their independent identities in the world. Gender discrimination, however, has not afforded equal opportunity to prove their mettle in politics. The purpose of this paper is to discuss the role a woman can play in contributing to nation-building if she gets an equal opportunity to act as the people's representative in the legislature. For that reservation of seats to change the mind-set regarding her ability to walk equally with men in politics is needed. Keeping the importance of the need for women's representation in politics, the reservation of 33 percent seats for them at the grassroots level was established by the 73rd and 74th Constitutional Amendments. These Amendments encouraged the proposal of a 33 percent women's quota in state legislatures and parliament. Consequently, the 108th Constitutional Amendment Bill also referred to as the Women's Reservation Bill was introduced to reserve one-third of the seats in the Lok Sabha and state legislative assemblies for them, which has still not seen fruition. The paper deals with the need for reserving women's political seats as the sine qua non to establish gender equality in the sphere in which men dominate.

INTRODUCTION

Empowerment implies the creation of an enabling environment where individuals can fully use their capabilities to take charge of their lives. Women remain no exception to it. Thus, creating a conducive environment for women to use these competencies to address society's fundamental problems at par with their male counterparts would create an equal platform for women. In many fields, women have demonstrated that they are energetic, sincere, and perfect. They make up a crucial portion of the population all over the world. they have shown that they are not inferior to males in any manner through their efforts and

contributions to the growth of a country. No wonder, in recent times, women all over the world have come to a positive focus. They are strong and determined enough to overcome all challenges, odds, and barriers and demonstrate their brilliance in a male-dominated culture. Educated and modern women have let go of their worries and fear. They have demonstrated to the world how well-equipped they are to compete in both the personal and professional spheres. Women should be valued and empowered on par with their male counterparts to contribute significantly to their nations' transformation. They are successful as homemakers and professionals, academicians, bureaucrats, and politicians. Men should understand the power of women, and women should understand their own power and what they can do for themselves, their families, and their country. They serve as the foundation for building nations. Their significance can be seen in both the traditional and modern sectors. In addition to playing a crucial role as mothers and housewives in society, they also improve the standard of daily life. They thus occupy a crucial position, and their influence on the country's future must be acknowledged and honoured. Due to the fact that women have more sustained and extensive mental and physical interaction with life than males, women have a significant role to play in the development of our nation.¹ The goal of the government should be to end widespread illiteracy. Women's empowerment can be significantly aided through education. An educated woman is a benefit to the nation and the foundation of constructing a nation. The growth of women and the establishment of a society that values equality between the sexes depend on their empowerment in all domains, particularly in politics. It is essential to the pursuit of peace, progress, and equality. Without the equal and proportional participation of men and women at various levels of decision-making, there cannot be a true democracy or true public participation in governance and development. The advancement of women depends on women's participation in politics. Women have played an equally significant

role in the history of human evolution as men. In reality, a country's success as a whole can be gauged by the position, employment, and job that women undertake in society. A nation's social, economic, or political development will halt if women aren't involved in national affairs. In reality, most women combine their household responsibilities with economic endeavours and use their labour and expertise to generate additional cash for the family, enabling them to live decently. They share a lot of responsibility and carry out various tasks related to managing the family, taking care of household chores like raising children and feeding, attending to farm labour, caring for domestic animals, and other similar tasks. However, the most significant role women now need to play more responsibly is their active political participation. One of her top goals should be her political empowerment, and the government and society must take action in this direction to encourage women to enter politics.

Reservation as a means of allowing backdoor entry to the less capable, in reality, acts as a means to provide protective discrimination to the vulnerable, including women. It should be welcomed as a means of promoting the less fortunate class of people, who need extra care, extra attention, and additional space to grow because they are "special" in nature.² The 'Modern Women of The Millennium' have demonstrated that they possess the necessary skill, strength, and courage; thus, the time has come to empower the 'women' by providing reservations for them in all sectors of life, including in parliament and the state legislative assemblies.³ Politics has long been considered a male-dominated field. So reservation for women in politics will become a crucial component of their voices in the political sphere to improve their status. The allocation of seats to women in political organisations has been viewed as a tool for empowering women and ensuring their fair participation in politics. The most effective way to put women in an equal position is to give them equity through appropriate forms of representation, giving them a strong place within this patriarchal social structure.

¹ Women-in-Nation-Building, *available at*: <https://qsstudy.com/contribution-of-women-in-nation-building> (last visited on Aug. 2, 2022).

² Piyush Mathur, "Women Reservation is Women Empowerment" *Times of India*, Nov. 26, 2019.

³ *Ibid.*

Political empowerment of women at the international level

Women's empowerment and political involvement are key indicators of the condition of women around the world. Women are still notably underrepresented in positions of decision-making. It is asserted that to facilitate women's empowerment, they must be given more influence in political decision-making. Despite making up half the population, they are still subject to political discrimination, regardless of their location, ethnicity, or status. The subject of women's political empowerment has garnered attention on a global scale. It is a human right for women to participate in politics. Citizens have the right to participate directly or through representatives in the management of public affairs and governmental activities, as well as to cast their votes in valid periodic elections based on universal suffrage and the secret ballot. Both the 1948 Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) contain a commitment to it.⁴ After the UN General Assembly enacted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979, women's political involvement was included in it. The state parties are obligated under article 7 to take appropriate action to end discrimination against women in both the political and social spheres by guaranteeing that men and women enjoy equal rights to vote, to be eligible to hold public office, to participate in the creation and implementation of public policy, and to join non-governmental organisations. However, CEDAW wasn't fully implemented until the Beijing-based Fourth World Conference on Women in 1975, which listed women's access to authority and decision-making as one of its Platform of Action's twelve crucial areas.⁵ The Platform of Action requires that states make a commitment and take action to establish and ensure that the goal of gender

balance in governmental bodies and committees, public administrative entities, and the judiciary is achieved by setting specific targets and putting forth strategies to significantly increase the number of women to achieve equal representation of men and women. The UN Economic and Social Council (ECOSOC) approved an objective of 30% female involvement at decision-making levels in 1995.⁶ A gender policy and institutional framework were recommended by the Southern African Development Community (SADC) for the African continent.⁷ These recommendations were later published in the "Declaration on Gender and Development" and approved by the SADC Heads of Government in November 1997 in Blantyre.⁸ A commitment to having 30 percent of women in political decision-making bodies by 2005 was made in the Declaration, which recognised gender equality as a fundamental human right. The UN adopted the Convention on the Political Rights of Women in 1952 where it provides equal political rights for. State obligations under this Convention include ensuring that women have an equal opportunity to vote in elections, be elected to publicly elected bodies, and occupy public office. When exercising these rights, women have a right to be treated equally.⁹ UN has organised four World Conferences on Women. The fourth was held in Beijing in 1995. It provides that equal representation of women in decision-making is not simply a demand for basic justice or democracy but may also be considered a fundamental prerequisite for women's interests.¹⁰ It further said that women ought to hold at least 30%

6 United Nations Equal Opportunities Commission, "United Nations targets for proportion of women in leadership and decision-making positions." Information Paper 556 (2003).

7 SADC Gender Policy, *available at*: <https://www.sadc.int/fr/file/3728/download?token=kqCSpXid> (last visited on Aug. 2, 2022).

8 *Ibid.*

9 Convention on the Political Rights of Women, Adopted by the Seventh Session of the General Assembly, December 20, 1952, 7 *University of Wisconsin Press* 173-75 (1953).

10 The United Nations Fourth World Conference on Women, *available at*: <https://www.un.org/womenwatch/daw/beijing/platform/decision.htm> (last visited on Aug. 3, 2022).

4 Universal Declaration of Human Rights, art. 21 and International Covenant on Civil and Political Rights, art. 25.

5 The effect of women's representation in parliament and the passing of gender sensitive policies, *available at*: <https://www.aeaweb.org/conference> (last visited on Aug. 3, 2022).



of the positions of decision-making.¹¹ The increasing significance of women's political participation was further recognised by its inclusion in the Millennium Development Goals goal 5 which says that achieve gender equality and empower all women and girls.¹²

Reservation at the national level beginning from grassroots: Indian approach

Women significantly influence the fate of a country. Therefore, they must receive proper social recognition and actively engage in socio-economic and political concerns. In India, the democratic process to give women the right to political participation began for the first time with their reservation at the grassroots level in the Panchayati Raj institutions (PRIs). Even though women have some reservations in the political structure of today's local bodies, this has been abused by some, where women are made to act as only rubber stamps. Their male family members are the ones who make decisions. Under the Panchayati Raj system, women may have overrun the male stronghold, but in many instances, their husbands or other male family members are still in charge. It is necessary to examine this de facto male rule system and give women in PRIs the respect they deserve. It is widely acknowledged that without women's involvement in grassroots politics, or Panchayati Raj, we cannot see women participating in state or national politics. At this point, the 73rd and 74th Constitutional Amendment Acts were passed by the Indian government. Since then Indian women actively involve themselves in local politics. The reservation policy for women has been seen as a key strategy to increase their involvement at the local level. The 73rd and 74th Constitutional Amendment Acts of 1992 have given Constitutional status to local governments famously known as Panchayath Raj and Nagarapalika System. These Amendment Acts added two additional Schedules to the Constitution, i.e., XI and XII Schedules. They gave 33% reservations to women in local governments. It added Articles 243(D) and 243(T) of the Constitution. Conceptually, ¹¹ *Ibid*.

¹² United Nations, Department of Economic and Social Affairs, available at: <https://sdgs.un.org/goals/goal5> (last visited on Aug. 5, 2022).

giving women representation in Panchayati Raj Institutions could be seen as a key planning strategy for minimising the traditional perceptions of people regarding the status of women in our society, especially in terms of keeping women under the control of men, placing restrictions on them by the household, and other forms of gender inequality.¹³

With the introduction of PRIs in our nation, women now have the chance to demonstrate their worth as administrators, decision-makers, or leaders. In this regard, the 73rd Constitutional Amendment Act of 1992 constitutes a turning point. It gives women a chance to speak up. This experiment is proving to be a huge success, especially by giving women the chance to leave their homes and get involved in the political and administrative spheres. It must be taken into account that including highly qualified women in local Panchayat at the outset of the institution's operation in rural regions would be a crucial step in the planning for raising the social status and empowering women. In our nation, women make up 50% of the population. In the largest democracy in the world, it is our responsibility to support women. Government, NGOs, and universities must all play significant roles in this area to give women an appropriate position. If given representation at the village Panchayati level, this group of women may effectively manage matters for the betterment of women, play a dominant role in the decision-making process, and make appropriate recommendations for enhancing the status of women in the meeting. It gives women a greater say in how services are designed, delivered, and managed to utilise resources to their advantage.¹⁴

The 73rd amendment had the tremendous revolutionary potential to establish true democracy at the village level. It marked a meaningful chance to transform rural India's appearance. The amendment calls on the federal government to transfer resources, responsibility, and decision-making authority to rural grassroots people through Panchayati Raj Institutions.

¹³ Ajit Pal Singh " Women's Participation at Grass Root Level : An Analysis", 47 *Mainstream* (2009).

¹⁴ Political Empowerment of Women and Panchayat Raj, available at: http://yोजना.gov.in/public-account_2016sep.asp (last visited on Aug. 4, 2022).

Constitutional Provisions and Gender Equality

The Preamble, fundamental rights and duties, and directive principles of state policy all place a high priority on the subject of gender equality. In addition to guaranteeing women's equality, the Indian Constitution allows states to enact laws that discriminate positively against women. The Indian Constitution guarantees all citizens equality, freedom of thought, and social, economic, and political justice. It guarantees women's equality and urges the states to take action to eliminate the socio-economic, educational, and political disadvantages that women experience.¹⁵ In recent years, women's empowerment has been recognised as the central issue in determining the status of women. Article 14 relates to equality and equal protection of laws, whereas article 15 prohibits discrimination on certain grounds. Article 15 (3) contains protective discrimination in favour of women and children. Article 16 provides equal opportunity in matters of state jobs without discrimination on various grounds. Besides, Article 39 (a) speaks about adequate means of livelihood for all citizens. The provision of equal pay for equal work under Article 39 (d), though not a fundamental right, yet can be widely used to infer no gender pay gap between the incomes of men and women working at the same level. Article 39 (c) directs the state to secure the health and strength of workers, men and women both. Article 42 further provides maternity relief and just and humane working conditions to all. Article 42 is in accordance with Articles 23 and 25 of the Universal Declaration of Human Rights. Articles 325 and 326 guarantee political equality, equal right to participate in political activity, and the right to vote.

The participation of women in politics has not greatly increased despite the aforementioned constitutional guarantees and directions to the government as objectives to achieve social and economic equality.¹⁶ Certainly, the status of women will not alter overnight due to the rise in female representation in the legislature. However, continued

15 M. Ameen Nisha & Dr. D. Vezhaventhan, "Political empowerment and participation of women in India" *120 International Journal of Pure and Applied Mathematics* 4721-4736 (2018).
16 "Constitutional Law: Constitutional and Charter Provisions: Right of Women to Vote." *16 Michigan Law Review* 125.

efforts in this regard would help her attain political equality on day.

Further efforts to provide political representation to women in India

After the women have been ensured reservation at the grassroots level, several efforts were made to get them reservations in the Parliament and the State Legislative Assemblies in the years 2010, 2014 and 2019. Today, it is necessary to make special political interventions to include equal representation of women in Indian politics because even the most renowned female politicians feel excluded inside their parties. In electoral and party politics, many women politicians are a powerless minority within their political parties, while men politicians control how the political party is run.¹⁷

Women's Reservation Bill, or the Constitution (108th Amendment) Bill, which lapsed, proposed the reservation of 33% of all seats in the Lok Sabha, India's Lower House, and state legislatures for women. In March 2010, this Bill was adopted by the Upper Chamber of Parliament's Rajya Sabha. The Lok Sabha and at least 50% of all state legislatures had to ratify it, which did not happen. If women got 33 per cent coverage, they could take the next move forward with their male counterparts to get on a similar representation. The political view behind women's reservations was to promote competition for all their citizens. The claim was that social standards strongly favour males and thus reservation for women should allow men and women equal opportunities. The Bill was expected to offer certain advantages, such as greater women's participation in politics and culture. It was anticipated to alter society and grant women equal rights.

Women are actively involved in local self-governing bodies, which shows that many can lead and invest more time and effort in them. The violence, discrimination, and inequities that women encounter can be combated with increased political participation by women. More female MPs in Parliament and female MLAs in our state assemblies would be great if the Women's Reservation Bill becomes a reality. As a result, more women will serve in state legislative assemblies and the parliament. Thus there is a need to introduce

17 Dr. Byshtetty kavitha, & Dr. Koppula Malleshham, "Women Reservation Bill – A Study" *1 Telangana State Journal of Social Sciences* 61-73 (2022).



the Bill again. The introduction of the Bill will support gender equality in the legislature and affect overall women's empowerment. Women's managerial abilities will improve parliamentary leadership. It will end discrimination against women in parliament and alter perceptions of women in society. Because the elected female representative will be directly connected to women's social issues, it will be tremendously advantageous to society. If the Bill is passed, there will be many benefits for women, but there will also be some drawbacks. For example, it is not certain that the socially backward and underprivileged women who most need help would get it. Most MLAs and MPs who attend parliamentarily and state gatherings also try to persuade their wives and other family members to fill their seats. The Rajya Sabha Women's Reservation Bill's approval is a positive development for India and a global boost for women's empowerment. In a male-dominated society, women's quotas will act as a catalyst for change in India. It can only start to change, but progress will come if society changes its attitude towards women. Women's political empowerment is a powerful and essential tool to combat discrimination and gender inequality.

Constraints for the participation of women in politics

Lack of Education and Awareness

The barrier to women participating in politics is a lack of education and awareness. While girls are more useful in the home, boys are urged to attend school. Most women are unaware that they are not obtaining all of their rights due to the denial of basic education. When a student cannot read, it is challenging to teach them, and when a student cannot write, it is challenging for them to speak for themselves.

Patriarchal standards and values

The patriarchal nature of society is the primary cause of women's poor political engagement. According to our traditions and culture, the participation of women in politics and the public eye is against the generally accepted role of women. According to our traditions and culture, the participation of women in politics and the public eye is against the generally accepted role.

Wrong social and cultural values

It is generally accepted by a majority of people, both male and female, that the women's role is in the home. Women are considered ignorant when it comes to matters of any real importance. When they are constantly being told that they are not intelligent enough to participate in politics it is no wonder that they do not believe in themselves. Women are generally encouraged to believe that politics is much too complicated for them to understand and so it is best left to men. They should stay at home, cooking and cleaning and having children. Women who do have a slight inclination to achieve something in life might be encouraged to be a nurse, midwives or school teachers as these are jobs in their league.

CONCLUSION

There is a larger need to boost the representation of women in politics. Without more women in leadership positions at all tiers of the political power structure, no policy change will be able to be made. Women should educate themselves about politics, including its negative and beneficial effects. They must be aware of the significance of their vote. Women's voices strengthen democracy and lead to a peaceful, developed and equal society. More women should join politics, and political parties should support this. They should be encouraged to participate in politics and not just be utilised to cast votes. Women's involvement in politics is crucial for securing women's place in society, giving them the power to control their fate, and fostering a real and lasting democracy. Their individuality will be enhanced, paving the road for social and economic emancipation. Their involvement in public life will help to solve numerous societal issues. Thus, the democratic process may expand and flourish successfully when everyone is encouraged equally to utilise their democratic rights and when women can get the same rewards as their male counterparts. Various efforts made at the international level signal an understanding that women deserve equal treatment in all spheres of life. Besides, the goals enshrined in the Constitution of India are to make efforts to bring social, economic and political equality for the real empowerment of women. And political empowerment would help establish a level playing field for both in the political affairs of the country.