

ISSN : 2347-503X

Research Chronicler

International Multidisciplinary Research Journal



Vol II Issue VI : September 2014

Editor-In-Chief

Prof. K. N. Shelke

www.research-chronicler.com

Research Chronicler

A Peer-Reviewed Refereed and Indexed International Multidisciplinary Research Journal

Volume II Issue VI: September – 2014

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**Continued Deficient Representation of Women in Legislatures:
Analysis and Possible Solutions****Eira Mishra***Law Student, National Law Institute University, Bhopal (M.P.) India***Abstract**

The present century has seen an enormous amount of transformation and improvement in the status of women both in the public and private spheres. Higher literacy and education rates, increased per capita income of women have been achieved. They have also achieved greater parity in professional and political spheres. Women's concerns are being positioned on the global agenda which has further catalyzed the creation of legal and institutional mechanisms to address these concerns. Globally, nations have laid great emphasis on improvement of status of women by rendering institutional changes. India's position in relation to the other developed and under developed countries of the world, however does not seem to be commendable. This paper is an attempt to locate women's status in political sphere in India and suggest possible solutions for the continuing dismal participation of women in the governance of the nation.

Key Words: women's participation, legislation, gender parity, affirmative action

Research Aim

With this research paper, an attempt is made to study challenges women face for rising up the political ranking in India and the critical need for inclusion of women in the higher positions in the arena of politics i.e. the union and state legislatures. Women comprise nearly half of the total population of the country and yet are ill-represented in legislatures. The primary object of a representative democracy is to guarantee equal representation of all sections of society. However, women's representation remains a dismal 10.8% of the total Parliament membership (Women in Politics, 2010). Several studies illustrate that women face numerous hindrances in attaining political representation. A few of the numerous reasons which impede women's participation and suppress them include gender inequality, inequitable division of labour, cultural attitudes,

electoral systems, etc. Equal participation of women in politics is critical to promote inclusive and equal growth and to ensure that women's voices are heard and concerns addressed. It is also an important facet of universal programme of gender equality as confirmed by the Millennium Development Goals and the Beijing Platform for Action.

Gender empowerment and equal opportunities are essential features for creation of an egalitarian society and for development. Affirmative actions, in form of gender quotas, have been adopted by several nations to encourage and increase women's political participation. Most of the highly prosperous and developed nations show high levels of women participation in politics. It is believed that structural intervention in form of gender quotas are a practical solution to the issue of gross under-representation of women.

20th century has witnessed an extraordinary transformation of women's opportunities and outcomes both in and outside the household. By many measures, the status of women and girls has improved significantly over the last 50 years. They have achieved higher rates of literacy and education, increased their per capita income, and risen to prominent roles in professional and political spheres.

Moreover, the networks of women at national and global level have succeeded in putting women's concerns on the global agenda and catalyzed the creation of legal and institutional mechanisms to address these concerns. As a result, there has really been a boost in the status of women and the world has observed women rising in every field. This paper is an analysis of the need of women politicians and possible solutions to enhance their participation. The paper begins with a brief introduction to the issue of gender disparity in society in India and its impact on women's representation on political participation of women especially in legislatures.

A global commitment has been made in present times by our international community to redress the issue of gender imbalance in politics as women have always been excluded from structures of power. In an Inter-Parliamentary Conference on "Towards Partnership between Men and Women in Politics" organized by the Inter-Parliamentary Union, New Delhi, India on 14-18 February 1997, the Conference President stated:

As politics is deeply rooted in society and reflects dominant values, our discussions highlighted clearly that developing a partnership in

politics necessarily depends on the degree of partnership as a social mode in general. This is undoubtedly why the Inter-Parliamentary Union asserts that what has to be developed, in modern democratic societies, is nothing less than a new social contract in which men and women work in equality and complementarity, enriching each other mutually from their differences. (...) What is basically at stake is democracy itself.

This paper is an attempt to explore the presence or absence of women in politics of pre and post independent India. The women's political role in India will be compared to their counterparts in other developed nations. The paper will analyze strategies adopted around the world to promote women's political representation and investigate the external and internal causes and circumstances that facilitate or hinder the positive environment for women's political empowerment. The paper would also delve into the proposed Women Reservation Bill, its relevance in the current scenario and make some policy recommendations. Gender quota can into existence in the 1970s and 1980s when United Nations stressed upon greater participation of women in public life through initiatives as the first UN Conference on Women organized in Mexico in 1975 and then UN Decade for Women. The first Commission on the Status of Women in India was established in 1972. It recommended the constitution of statutory all-women panchayats to develop and ensure women welfare. This recommendation was not, however did not see light of day then. The National Perspective Plan for Women (1988-2000)

recommended the reservation of at least 30 percent of the total seats for women in the local government institutions. Under the 73rd and 74th amendments to the Indian Constitution provision for reserved seats in local government for women was made. It proved to be a key initiative. Then in 1995 the Women's National Commission was established.

Section 1

The Vedic period may boast of women scholars like, Ghosha, Lopamudra, Maitreyi and Gargi but their numbers have been few and far between. The argument for women's emancipation by pointing to pre-modern eras is on slippery ground. Our democracy, though not the only one, is built on the foundation of our culture that divides the society into exclusive public and private domains. While men as active, independent and rational beings are mobile in public sphere, women as passive and dependent beings are restricted to private domain. This attitude is reflected even in politics where women if participate, play a puppet's role. They are confined to traditional notions of femininity. Patriarchal articulations, such as 'bahus', 'betis' and 'behenjis' are frequently used and internalised by women politicians. Tokens like organizing 'samuhik vivahs' (collective marriages) by government and offerings of saris and mangalsutras build on the traditional notion of womanhood in India.

Political leaders need to realize that free education, scholarships and safe boarding houses in educational institutions would empower women and enrich nation in human resource. Politically, the woman in India is a free citizen with a right to vote, but economically and socially she is hardly

independent. The diehard patriarchal structure of society is almost strangulating. Though Indian mythology, older literary classics and oral histories have raised women on elevated platform but the real situation have been contrary. Tradition's stamp on current customs is empathetically patriarchal. Denial of property rights to women, dowry, lowly status of widows, preference for male child, girls drop out numbers in schools are enough proofs to state that all is not well with this nation. Tradition has to a large extent sanctioned this gender inequality. Modern constitution, laws and customs recognize the full equality of women and address the issue of their equal rights. Mere participation by women in politics does not ensure equality and justice to women in country. Active and substantial contribution by the women leaders would lead to gender equality and enable them to share development gains. According to Human Development Report (UNDP, 2011) women feel more responsible towards environment, international environmental policies and treaties. A study of 25 developed and 65 developing countries shows that nations with higher representation of females in parliament are more likely to protect land areas (MDGs Report, 2011).

Discussing history of women's political movement is important to evidence the need for greater participation of women in politics. This section traces their struggle for voicing their needs since the struggle for independence leading to the present demand of women one-third reservation of women in the Union Parliament and state assemblies.

The national movement saw first-time mass participation of women, transcending

class and educational disparities, who displayed increased willingness to political participation and leadership. They picketed shops selling liquor and foreign clothes, held marches and broke the salt law. They formed their own groups and were instrumental in non-violent Satyagraha devised by Mahatma Gandhi. The issue of women's reservation in politics was first raised in 1920s during the nationalist movement. The primary reason for opposing the proposal of reserved seats was that it deflected from the demand for universal adult franchise and to stand for elections on the same terms as men. Reservation was seen as a way of yielding to the British policy of 'divide and rule' and causing division in the national movement. Most women's organisations of the period supported this. They were opposed to all kinds of reservations; communal, gender, religion, caste and sect.

However, the nationalist movement finally paved way for affirmative action (reservations) for depressed classes and made special provisions for 'scheduled castes' and 'scheduled tribes', making special provisions for them in the Constitution of India in 1950. Article 15(4) of the Constitution states: 'Nothing in this article...shall prevent the State from making any special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes'. Similar exception to the fundamental right to equality is given under Article 15(3) which allows the state to make special provisions for women and children.

Women comprise only 11% of the total membership of the fifteenth Lok Sabha ([http://164.100.47.132/Issnew/Members/w](http://164.100.47.132/Issnew/Members/women.aspx)

[omen.aspx](http://164.100.47.132/Issnew/Members/women.aspx)) and 10.26% of Rajya Sabha making India fall in the lowest quartile in the world. This is a substantial rise from the first Lok Sabha where only 5% of total MPs were women (<http://parliamentofindia.nic.in/ls/lok01/women/01women.htm>). But the increase is not adequate. The scantiness of women's representation in legislatures becomes more perceptible when juxtaposed with the fact that 33.3% of seats at the rural and urban levels (Panchayats and Municipalities) are reserved for women following the 73rd and 74th constitutional amendments. Even more important than legal changes are the changes needed in society's values and mores. Traditions need to be reviewed and the valuable aspects retained and the rest being reworked at. In the whole process men's role, whose dominance would be challenged should not be alienated but actively involved into a new politics of emancipation and more real democracy.

This draws attention to the bigger question of future political participation of women. More than six decades after independence the country is still not willing to give an opportunity to women to freely step out of the domestic sphere and create a full-fledged political career for oneself. Patriarchal inclination of society is the begging point of discrimination. The concept of gender was first developed by Jill Matthews in 1984 in her study of the construction of femininity (Matthews, 1984). According to Mathews, the concept of gender gives recognition to the fact that every known society distinguishes between women and men. Therefore the concept of gender is a systematic way of understanding men and women socially

and the patterning of relationships between them.

Shulamith Firestone in her book, *The Dialectic of Sex* (Firestone, 1970) suggests that patriarchy exploits women's biological capacity to reproduce as their essential weakness. She explains that the only way for women to break away from this oppression is to use technological advances of free themselves from the burden of childbirth. Women are perceived as weaker persons who are ill-adept to handle public life and the complicacies of a political career.

Women with a constitutional stage to position themselves could raise their voice on issues concerning women oppression, subjugation and related issues. This would provide them with an identity in an orthodox male dominated socio-political set-up, in addition to providing a much needed forum to seek redressal of problems directly affecting them. Empowerment is a result of participation in decision-making. It is a multidimensional social process that helps people gain control over their own lives and ensures healthy society.

Section 2

Women have always been victims of gender inequality and injustices all over the world. They face discrimination, female foeticide, infanticide, malnutrition, illiteracy, honour killings, rape, child marriages, domestic violence, dowry deaths, eve-teasing, lower salaries, differential treatment at work, trafficking in women and girls for forced sexual labour, etc. The problem of women's inadequate participation can be traced to a number of factors which include historical experiences, traditions, patriarchal societal

structure, social conditioning of genders and the way the government functions etc. These factors can be divided into three types: cultural, political and socio-economic. To combat such widespread problems, social workers work to promote gender equality where women are empowered to defend their rights. "Gender equality is not only a basic human right, but its achievement has enormous socio-economic ramifications. Empowering women fuels thriving economies, spurring productivity and growth" (UNIFEM, 2011). Goal three of United Nations Millennium Development Goals is "to promote gender equality and to empower women".

Largely, it is noted that the discriminations and inequalities against women might be eradicated by women's participation in political systems. "Women's participation in democracy through politics is without doubt an important step towards social equality, economic development and national and international peace." (Kumari & Kidwani, 1998). The participation of women in macro level decision making is absolutely essential in order to ensure that policy making takes into account women's perspectives and experiences and is thus gender just. As Shvedova (2007) argues, the exclusion of women from decision-making bodies limits the possibilities for entrenching the principles of democracy in a society, hindering economic development and discouraging the attainment of gender equality. If men monopolize the political process, passing laws which affect society at large, the decision-making process does not always balance the interests of the male and female populations. As noted in the Millennium Development Goals, women's

equal participation with men in power and decision making is part of their fundamental right to participate in political life, and at the core of gender equality and women's empowerment. Women have to be active participants in determining development agendas.

Social workers, it is observed in many countries, work under and to implement public policies and enable individuals and communities to benefit from these policies. However, social workers should also consider it their role- formal or intentional, to critically analyse these policies they work to implement, to ensure whether these policies will lead to sustainable holistic development of society or not. If the focusing on the needs of particular marginalized groups is absent while formulating the policy or implementing it, it will only give rise to more inequality and disparity in society.

Sweden has developed a modern industrial culture based society founded on equality. It is ranked the highest in the number of women who are elected to the legislature, hold public offices and serve as cabinet ministers. Policies like gender quotas, maternity leaves for both men and women, excellent day care centres for children, etc create a positive image in the public's view. The public then views men and women as equals and are more willing to vote for women leaving all gender biases behind.

India is a large and diversified land with a population of approximately 1.2 billion people. The Indians predominantly adhere to a traditional hierarchal social structure with men dominating the public sphere and women engaged in the private sphere. In the colonial period this land suffered

politically and economically from imperialism. The political chaos and economic decline in India during this time period worsened as a result of heavy aerial bombardment due to its proximity to the Vietnam/USA engagement. After a long period of freedom movement, Indians, gained control of their country in 1947.

Many Indian women, traditionally reserved while relegated to a subordinate role in the family unit, became a major force in freedom struggle and of rebuilding the social and economic apparatus of this shattered society. They were called upon to fill non-traditional roles due to circumstances of necessity. Women were encouraged and trained to work in the manufacturing sector and participate in national associations. These women utilized untapped skills, gained experience and established their presence in the public sphere. The political landscape however changed once again in few years. This seeks to explore two questions. First, what are the challenges for and successes of women engaged political domain in India? Second, is women's involvement in politics contributing to a change in traditional gender regimes?

Section 3

Today, most of the major political parties have women leaders at the helm. An examination of the political careers of these women clearly shows dynastic support or political male patronage. More women in political leadership positions are not a mandate of misunderstood egalitarianism. Along with proposing or implementing gender quota in Indian politics to address the present gender imbalance in decision-making, it is high time to analyze the causes of the poorer

ratio of women in politics and still poorer state in leadership position. Female leadership influences policy outcomes. Equitable representation in policy-making is desirable; quotas are a good policy tool to achieve it.

Women constitute half of the population of India. A representative democracy implies proportional representation to all constituent sections of society. Hence women have the inherent right, being governed by a representative democracy, to half of the seats in legislatures. Such representation is quintessential as it has a direct impact on lives of women. Women are subject to different social and biological experiences giving forming varied perspectives and needs which ought to be represented in the legislatures. These experiences can be better addressed by elected women representatives as men may have partly conflicting interests. Greater numbers of women in politics inspire other women to venture into decision-making roles and take up greater political responsibility ensuring the creation of an improved and more equal society.

Women are and have been politically active throughout India, and the large and expanding mass of women's groups and advocacy efforts are testament to this. However, their participation has been within movements, not structural politics. The questions relating to women can neither be asked nor be answered by individual groups and need to be seen as matters of public interest and concerning the society at large. They must be raised and debated at all levels, with "women's issues" becoming public issues. At the same time, women will become visible as competent individuals capable of holding positions of power, enacting laws and

demanding accountability for their implementation within political spaces. There can be no equal society until women help to elect lawmakers and make laws.

"There is nothing so unequal as the equal treatment of unequals"- Aristotle

The representation of women in political leadership positions is very low in India. Appeals have done little to improve the situation. It is time for lawmakers to take action. Parity cannot be attained unless strong and effective steps are taken to rectify the under-representation of women. Gender quota can be a "fast track" mechanism for increasing women's representation.

Policies and laws have power to regulate and control society. Constructive leaders and women organizations need to work for changes in laws or for constitutional changes with objective to bring out the positive change in the structure of society. International organizations have been encouraging quotas since the 1975 U.N. First World Conference on Women. Twenty six countries of the world have implemented national candidate quota laws. These constitutional provisions or national laws make presence of women on party ballots mandatory to all political parties participating in legislative elections. Though substantial number of women have registered their presence in local self-governments in India, but their number in parliament (11%) is much lower than the global average of 20%. Quota Laws have existed in Nordic countries since the 1970s. Argentina implemented it in 1991. The women's political participation in the local bodies was implemented in the 73rd and 74th Constitutional Amendment in 1992-93, but

legislation to reserve 33.3% seats for them in Parliament and State Legislature introduced in 1996 is still awaited. There may be various causes behind this delay but the chief among them is lack of interest on the part of the large political parties that make it into parliament. India is a conservative land where conservative parties from their establishment promote the traditional role of women. Non-governmental organizations (NGOs) focused on women issues are unable to draw any serious attention from parliament of those in government or in opposition.

Section 4

According to UN's 2010 survey of women in politics, India falls in the lowest quartile with only 10.8% women in Parliament. Those who make it to the top jobs, either in the union or the state legislatures, attain then through family dynasties or through male political patronage. The few who get into the cabinet are given social service portfolios and confined to women's issues. The 15th Lok Sabha delivered a record 59 women Parliamentarians which is the highest since independence. But this is substantially low compared to 33% representation of women in local self-governance bodies. Some states, like Madhya Pradesh, Bihar, Himachal Pradesh and Uttrakhand, have increased the mandatory seats for women in local bodies to 50%.

The most effective way to change the much required society's values and mores would be to mobilize women as vote bank. Politically active women and men of national and international network may facilitate the change in attitude of political parties and make them women supportive. The Roundtable on Women's Participation

in Politics organised by the United Nations Development Programme strongly recommended political mobilization of women in India.

With Women's Reservation Bill more of the participation can be ensured. More women would come together and share their problems and experiences; they would learn and develop new strategies to be more efficient in governance. Our education system requires such reforms so as to create gender consciousness and do away with socio-cultural stereotypes, thus encouraging their entry in the political arena. As long as we fail to achieve this the development goals of new millennium would remain a distant dream. Women's organizations need to mobilize in a more structured and determined way and seek cooperation with social-democratic foundations and women's organizations from the countries with some success stories such as Austria, Norway and Sweden, and make themselves more visible in Indian political scenario. They may raise a call to back their public demand for a change of government policy on gender issues. Once the women leaders within any party realize the power of women voters and the importance of its gender equality policy in getting them on-board, they would target them in their campaigns and to give their women candidates a real chance of election. Even if such a national law is implemented its strong enforcement mechanisms will have to be ensured.

Such an attempt has been made by Act Now for Harmony and Democracy in a form of a nationwide campaign "Reservation Express" with women's organization across the country. EKTA in Madurai, Tamil Nadu has been working on

similar lines but for a significant change more of the active participation is required.

Endorsing gender equality needs instant structural interventions in form of quotas for women in legislatures. Gender quota should not be misunderstood as 'special or differential treatment' for women with aim

to assist them to compete and integrate and thus step out of their 'disadvantaged' position. It should instead be considered as an affirmative action to bring social justice and grant women their rightful representation, which has been long overdue, in the Parliament.

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