

## GENDER QUOTAS AND WOMEN ELECTORAL REPRESENTATION

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### Abstract

The question of women equal political representation and gender equality in electoral politics in India is still very far. To reach up to there, the extended pending bill of women reservation is needed to be passed in the Parliament. The current 17th Lok Sabha which contains a total of 78 women members of parliament (MP) has the highest percentage of women MPs since Independence. But India is still far behind the global average of 24 per cent when it comes to sending elected women political representatives to the Parliament. Amongst the eight SAARC countries, India's position is 5th. Nepal has an average representation of 29.5 per cent, Afghanistan 27.7 per cent and Pakistan and Bangladesh 20 per cent each.

To increase women's participation through legislative measures gender quotas are being implemented at an outstanding rate all over the world. Gender quotas are increasingly viewed as an imperative policy measure for increasing women's access to decision making bodies.

Women's participation in electoral politics reveals that there has been a marked increase in local governance in India and it has been possible after the 73rd and 74th amendment of the constitution of India, which provided 33 per cent reservation. But females continue to be under-represented in national level and state level politics. The Indian Constitution enshrines the proposition of gender parity in its Directive Principles, Fundamental Duties, Fundamental Rights and the Preamble. The constitution of India grants equality of women and empowers the women to adopt measures of positive discrimination in support of women. Articles 325 and 326 of the constitution of India guaranteed political equality, equal right to participation in political activities and right to vote respectively, while the voting rights have been accessed and exercised by a large number of women, the right to equal political participation is still far away.

**Keywords:** Electoral Representation; Elections; Quota; Gender Equality; India; Politics; Women; Feminist; Jurisprudence; Gender equality; Political Participation; Reservation; Women Empowerment.

## Introduction

Feminist scholars raised the concept of the “Critical Mass” to explain the importance of providing quotas to women in the legislature. They also stressed the significance of the concept of the critical mass because if women become a significant number in the legislative body, they will bring considerable changes in the overall business of the legislature. “They reason that, as the number of women grows, women will not only be able to work more effectively together for women-friendly policy change but also influence their male colleagues to a greater extent to accept and approve bills promoting gender equality. (Dahlerup, 1988)”.

Women’s representation in the Parliament of India and state legislative assemblies is very low. In the initial general election of 1951–52, there was only 4.4 percent female representation in the first Lok Sabha. From the first Lok Sabha to the 17<sup>th</sup> Lok Sabha elections in India, women’s representation had slightly risen from 4.4 percent to just 14 percent. According to the Inter-Parliamentary Union, the global average for women in parliament stands at 24.6 percent. India is still behind in achieving this number and stands worse than 140 countries. While Europe surpasses the global average at 25.2 percent, Sub-Saharan Africa has an average representation of 22.6 percent, Asia at 19 percent, and the Arab states at 18 percent. The Nordic countries alone have a 41.5 percent average of women MPs. 42 countries in the world have 30 percent or more women MPs in their Parliament. India stands at 13<sup>th</sup> position out of 18 Asian countries, while the Philippines with an average representation of 27.2 percent, Vietnam 25.3 percent and Cambodia with 20.3 percent are doing much better than India. So, the story of women’s representation has to achieve a long journey.

Delhi is a metropolitan city and capital of India which makes it a more crucial place. Since the 2012 municipal election of Delhi, fifty percent of seats are reserved for women in all three municipalities. With the introduction of reservations to women and weaker sections in the local political bodies, the new generation of women has been the beneficiaries of the process of political empowerment.

In independent India, there were 15 women among the 299 members of the assembly, who were there to represent their provinces and left their mark on the making of the Indian

constitution. It was a platform from which women could assert their equality and craft a politically balanced republic. Srilata Batliwala has defined women's empowerment as, "the procedure by which females gain better control over material and intellectual resources, and face the ideas of patriarchy and gender-based unfairness against women in all institutions and structures of society. Political equality, equal access to political involvement, and the right to vote are all guaranteed by Articles 325 and 326 of the Indian Constitution, respectively.

When a woman reaches a position of such importance, it is expected to empower her by giving her a say in policy decisions, but it also leaves an impact on other women who acquire self-confidence, get motivated to participate in political activities, and fight for their right to equality.

Some women members of the constituent assembly debated the issue of women's representation and empowerment at the time of the drafting of the Indian constitution itself. Hansa Mehta stated in her speech that there are some women like Sarojini Naidu who have received the highest status and honour that any man can receive, but these women are very few, and they cannot give us a real picture of the position of Indian women in our country. Purnima Banerji expressed her views very clearly, saying that seats vacated by women in the constituent assembly should be filled by women only because those belonging to the Sikh or Muslim communities will be represented by members of those communities.

Women attempted to liberate themselves from the shackles of exploitation and challenged patriarchy on global platforms as well as within national boundaries. The term "celebration" refers to the act of putting on a show for the public as well as the act of putting on a show for the sake of displaying the work of others. The term "celebration" refers to the act of displaying the work of others. Article 15 (1) of the Indian Constitution states that the state shall not discriminate against any citizen and that the state has the authority to make any special provision in favour of women. (Srivastava, 1990)

Every human being has inherent dignity and rights that begin from birth. Everyone has the same freedoms and privileges regardless of their race, colour, sex, language, religion, or place of birth. What is most unfortunate, though, is that women have been relegated to subordinate roles in practically every society on this earth. In ancient India, women and men were treated

equally in all areas of life. Later eras between the middle and modern centuries have deprived women of their proper position of dignity.

At the international level also, on women's issues, women's political empowerment was at the centre 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. The Indian Constitution undoubtedly upholds the idea of gender equality. The Indian Constitution ensures adult suffrage and gives women the opportunity and structure to actively engage in politics. But it is pity that the decades following independence witnessed a decline in the participation of women in politics. The Women's Reservation Bill has been a political ball for a very long time. It has always triggered heated debates within Parliament and outside. The bill has been introduced in Parliament several times, but it could not be passed because of a lack of political consensus.

In practice, the planned efforts to emancipate women in the areas of education, the economy, and especially politics did not produce the desired results over the decades following independence, despite the fact that our Constitution, numerous other legislative enactments, and various Commissions established for women periodically made numerous efforts to achieve the goal of gender equality. The demand for women's political and economic empowerment has arisen as a result of their subordination and oppression, as well as affirmative discrimination against them generally. Now it is time 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.

Empowerment is a multi-faceted process that includes many aspects like enhancing awareness and increasing access to economic, social, and political systems. It is a process of responsiveness and capacity building that leads to greater participation, greater decision-making power and control, and transformative action. Inclusion of women in democracy and empowerment allows women to take control of their own lives, set their own programs, organise to help one another, and make demands on the state for sustainability and on society itself for change.

### **Constitution of India**

Both men and women are guaranteed the Fundamental Rights under the Indian Constitution. According to Article 15, discrimination on the basis of race, sex, religion, or place of birth is prohibited. It provides protection from all types of prejudice. Nothing will stop the State from implementing special measures for the benefit of women and children, as stated in Article 15(3). The right to equality of opportunity in things pertaining to public employment is granted by Article 16. Second, no citizen shall be denied the opportunity to hold any office or employment under the State on the basis of religion, race, sex, decent, place of birth, residency, or any combination of these.

Therefore, our Constitution's Directive Principles and Fundamental Rights have established numerous protections for women. Grandville Austin asserts that the "Directive Principles and Fundamental Rights are the conscience of our Constitution." In light of numerous regional and international accords, the Indian Parliament has also passed a number of laws addressing women's issues. Several significant pieces of law were passed to protect women's rights both before and after independence.

### **Implementing Quotas**

Quotas may be applied in three stages of the electoral process. There may be quotas at the "aspiration stage," which is the first phase of the election process where candidates are evaluated for nominations. Most frequently, this is accomplished through voluntary party quotas, whereby political parties designate the minimum proportion of female nominees. Countries like Germany and the United Kingdom have these quotas.

In the "candidate stage," when political parties choose which candidates to include on their ballots, quotas are also helpful. Legal candidate quotas are established by central government legislative and/or constitutional decisions. These regulations control the ballot's makeup by requiring a specific proportion of candidates to be female. In a proportional representation(PR) system, when political parties submit a list of candidates and seats are distributed to parties according to the percentage of votes they receive in an election, this is most effective. Then, starting with the name at the top of the list and sending only as many candidates as the popular vote allots, the parties send the candidates on their list to serve in parliament. Countries like Mexico and Indonesia have these quotas.

The "election stage," the last phase of the electoral process, is where quotas may be applied.

A constitutional or legislative regulation that reserves a specific percentage of legislative seats for women is often created by the national government. Countries like China and Rwanda have these quotas.

In actuality, each country has a varying level of success with these various mandates. From 1992 to 2012, researchers examined the efficacy of various quotas in a range of systems in a study involving 167 countries. In affluent nations, voluntary party quotas proved to be more successful. However, in the absence of an all-party mandate, these quotas had little effect.

The candidate quotas might work in every nation, but only in three specific circumstances. Placement requirements had to be included with quotas to guarantee that women were listed on PR lists in jobs that could be won. For instance, if the party believed that women would only receive roughly 10 seats, they could not be at the bottom of a list of 50 persons. Non-compliance has to have consequences, including fines or a party list being revoked. Additionally, women's thresholds have to be at least 30%. For instance, France had no party mandates and a lax punishment system for non-compliance, which led to very few more women being elected to public office.

Only in the least developed nations—like Rwanda, Uganda, and Tanzania—were reserved seat quotas important. Actually, this kind of quota system was absent from all industrialised nations. The World Bank Index, which groups nations according to their Gross Nation

al Income per capita, is used in the study to distinguish between developed and developing nations. This discusses a nation's industrialisation and infrastructure in relation to other countries. Compared to nations with more established economies, developed nations tend to have more recent and developing economies. This trend could be explained by pressure from international organisations or a desire to elect more women soon in order to achieve credibility.

Women's seat reservations in Panchayats were intended by the Constitution (73rd Amendment Act 1992). This change was made to give women more opportunities in the political sphere by improving their status, particularly at the village level. Furthermore, the Constitution (74th Amendment) Act of 1992 adds Part IX-A to the Constitution. It allows for the formation of three different kinds of municipal corporations. At least one-third of the total

seats (including those set aside for women from Scheduled Castes and Scheduled Tribes) that will be filled by direct election in each municipality must be set aside for women. These seats may be distributed by rotation among various municipal constituencies.

India's subnational government is required by the Constitution to operate on a quota basis. India's 73rd amendment, which established Gramme Panchayats (GPs), the country's lowest official authority, was passed in 1992. Residents of five to fifteen contiguous communities make up the approximately 250 thousand GPs. GP representatives are chosen by the electorate via a proportional representation (PR) system after being nominated by parties. The Pradhan is the chief of each GP. GPs have a significant role in people's daily life by managing the public infrastructure of their villages, such as the supply of water and sanitary facilities.

The Minister of Urban Development presented the Constitution (One Hundred and Twelfth Amendment) Bill, 2009 to the Lok Sabha on November 24, 2009. The Department-affiliated Standing Committee on Urban Development was tasked with reviewing the bill and is anticipated to report back in three months. By amending the article, this bill aims to increase the number of seats reserved for women in a municipality from one-third to half. This also holds true for chairperson positions and seats designated for Scheduled Castes and Scheduled Tribes. Article 325—Promotes voting rights for all citizens, regardless of gender.

### **Literature Review**

Hickey and Mohan (2004) examined participation as a legitimate method to development. They try to expand the critical conversation on changing participatory theory and state the implicit goals of participatory praxis and discuss the circumstances and techniques that may help or hinder their realisation.

The asymmetrical technology transfer principle as well as "top-down" planning, information flow, and decision-making are rejected. In opposition to this, "bottom-up" techniques are put forth, in which aid recipients are regarded active, not passive, participants in development.



Kishwar (1996) argues that in India, women are not getting proper support from political parties, even the best women parliamentarians feel sidelined and powerless within their own political parties. The few women leaders remain an unproductive minority who are unable to smooth the progress of the entry of more women in electoral and party politics. She suggests that parties be forced to give women at least one-third of the tickets by modifying the Representation of the People Act of 1951. According to Hasim (2006), female policy actors are more sensitive to the needs and preferences of women and may be more inclined to devote resources to addressing those needs and preferences. Women citizens are less able to hold governments responsible when they are under-represented in legislatures.

The 2011 United Nations General Assembly resolution on women's political participation also called on the UN Member States to take a number of actions, such as reviewing the disparate effects of their electoral systems on women's political participation; encouraging politically active parties to remove any obstacles that discriminate against women's participation; raising awareness and acknowledging the importance of women's political participation; looking into claims of violence, assault, or harassment against female elected officials and political office candidates, ensuring accountability, and taking the necessary actions to prosecute those responsible; and encouraging greater participation of women in decision-making and politics at all levels.

Women's participation in electoral politics reveals that there has been a marked increase in local governance in India, and it has been possible after the 73rd and 74th amendments of the constitution of India, which provided 33 percent reservation. But women continue to be under represented in national and state politics. The idea of gender parity is enshrined in the Preamble, Fundamental Duties, Fundamental Rights, and Directive Principles of the Indian Constitution.

With the introduction of reservations for women and marginalised groups in local political bodies, a new generation of women has benefited from the process of political empowerment. It is evident that the political process has been undergoing great changes according to the needs of the time. The socio economic and political awakening among the women of the study area has paved the way for their participation in local political bodies for greater and more meaningful female representation. Women's exposure to active developmental programmes and their involvement in these programmes helped them articulate themselves.



They must, however, overcome obstacles such as domestic and household responsibilities, subordinate positions within the family, a lack of knowledge and skills, and assert their rights, as well as all those who stand in their way of overall empowerment.

Empowerment is a complete transformation of the processes and structures that contribute to women's lower social status. It is related to the need to change women's positions in such a way that the progress will be sustained. Individual empowerment leads to broader political perspectives, and collectively, it leads to individual empowerment (Kate Young, 1993).

## **Conclusion**

An individual has a sense of empowerment in their mind. The nation's soul will become traditionally strong and men and women will be born empowered if they are raised equally in the home, society, and country. A developed and prosperous nation will be created for both the current and future generations if all citizens participate and contribute equally in social, economic, and political spheres. Therefore, it makes sense that the proportion of women in the workforce increases with a nation's level of development. The workforce grows as a country's level of development rises. Equal representation, gender equality, leadership caliber, and the manner in which they operate at all governmental levels are all critical to democracy and development.

The Indian Constitution ensures adult suffrage and gives women the framework and opportunity to actively engage in politics. However, it is unfortunate that a number of cultural, social, and political limitations prevented women from significantly utilising the Constitution's provisions. As a result, women's political participation decreased in the decades after independence. According to recent election data, nearly equal numbers of men and women have cast ballots at polling places over the past 20 years. Nonetheless, women only make up a small portion of the number of candidates that submit nomination papers in any state or national election.

## **Suggestions**

The following are additional recommendations that can be made:

- 1) Gender equality should be institutionalised within the party structures, processes and practices.
- 2) Training centres at the community level should be established to train women about the skills required to take part in politics and elections and other legal documents required.
- 3) There is a need to implement women's reservations in all political parties themselves.
- 4) There is a clear need of a gender specific development model in all the areas of policy making and planning so that the needs of women could be met and their participation would be ensured.
- 5) To impose strict measures to prevent political corruption, criminalisation, and communalisation.
- 6) By giving them significant portfolios and restricting their duties to social welfare and women's and children's development, they may make sure that women are treated with respect in their elected positions.

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