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ELECTORAL RIGHTS OF WOMEN IN INDIAN DEMOCRACY

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Abstract

People often talk about countries "becoming" democratic, once they start to have relatively free and open elections. But democracy includes far more than just elections, and it really makes more sense to think about the will of the people idea, rather than about institutional or voting structures, when we are trying to assess how democratic a country is. Democracy is better understood as something that we can always have more – or less – of, rather than something that either is, or is not. In other words, there is room to improve the "people" part of democracy, by including more people in decision making; there is also room to improve the "power" or "will" part of democracy, by giving the people more real power. Today, in most countries of the world, women do have the vote but the struggle has been won only relatively recently. Many countries have granted women the right to vote first of all, and only several years later, have allowed them to stand for elected office. The paper aims to focus on the women's electoral rights and their representation in elections.

The word democracy comes from the Greek words "demos", meaning people, and "kratos" meaning power; so democracy can be thought of as "power of the people": a way of governing which depends on the will of the people. The most obvious ways to participate in government are to vote, or to stand for office and become a representative of the people. Democracy, however, is about far more than just voting, and there are numerous other ways of engaging with politics and government. The effective functioning of democracy, in fact, depends on ordinary people using these other means as much as possible. If people only vote once every 4 or 5 years – or do not vote at all – and if they do nothing else in the interim, then government really cannot be said to be "by the people". It is hard to

say that such a system is a democracy.¹

Stay informed about what is happening, what is being decided "in the name of the people", and in particular, about the decisions and actions being taken by your own representative.

The connection between human rights and democracy is deep, and goes both ways: each is in some way dependent on the other, and incomplete without the other. Article 21 part 1, UDHR states that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives."

First of all, the values of equality and autonomy are also human rights values, and the right to take part in government is itself a human right. Article 21 of the Universal Declaration of Human Rights (UDHR) tells us that "The will of the people shall be the basis of the authority of government": so democracy is in fact the only form of government which is consistent with human rights.²

However, a "democracy" is also incomplete without a thorough-going respect for human rights. Taking part in government, in a genuine way, is almost impossible to do without people having other basic rights respected. Consider the following, as examples:

Every Individual has rights just by reason of being a human. These human rights cannot be taken away as they form an essential part of our lives. The rights provide us with basic human dignity and equal opportunities. Human rights have been codified in international, national and regional legal systems. Every country is under the obligation to respect, protect and provide for the human rights. The rights are framed in a such a manner which prohibits discrimination against race, colour, sex, language, political opinion, national or social origin, property or birth. These rights are universal. They are applicable to men, women and children equally. Women, for example, are entitled to the same rights to life, education and political participation as men However, we see violation of these rights in our daily lives. The struggle to realise the human rights of women have also been quite evident in the past. The struggle has been for almost all the basic rights, starting from social and

¹ *Democracy*. Retrieved April 10, 2023, from <https://www.coe.int/en/web/compass/democracy>.

² *Article 21*. Universal Declaration of Human Rights. Retrieved April 5, 2023, from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

economic rights to civil and political rights. In this paper, the researcher shall focus on the political rights of women.³

Women and Political Rights

Women for long have been excluded from political process. The first country to introduce women franchise was New Zealand in 1893. The United States followed in 1920 and the United Kingdom in 1928. In India, it was in the year 1928 that women got their right.⁴ In an ideal democratic set-up, every citizen is provided with equal voice in politics. The Indian constitution provides universal suffrage to both men and women with equal rights to participate in elections. It not only provides fundamental rights and freedoms but it also prohibits discrimination on the grounds of religion, race, caste, sex and place of birth. The constitution guarantees right to equality through Article 14 and 15. Article 16 provides for equality in terms of employment. Then Article 16(3) deals with reservation. Further, the Directive Principles of State Policy provide equality to women through Article 39(a) and Article 42. Article 325 and 326 guarantees equal rights to women in terms of political participation and the right to vote. Yet, one of the area's where women are inadequately represented is the political sphere, despite years of movements for women's rights. The women movements did make attempts to empower women but they largely focused on issues like dowry, alcohol, violence and economic opportunities rather than gender equality.

Studies have shown that the right to vote has still been exercised by increasing number of women when compared to other forms of political participation, which is still comparatively low.⁵ Women have been denied social, political, civil and economic rights in many spheres. In the past, women have had no place in the political system and even in the political parties as decision making partners. In India, it was in the year 1917, when women raised their concern about representation in politics. It was the basic demand for universal adult franchise and political participation.

Certain prevalent societal value systems and male dominance in political institutions stops women from exercising their electoral rights and in participating fairly in the elections. Further, the lower the

³ Gleason, Suzanne. (2001). Female Political Participation and Health in India. *The Annals of the American Academy of the Political and Social Science*, 573, 105-125.

⁴ Hussain, Faqir. (1999). Women's Representation in the Elective Bodies. *Journal of Law and Society*, 35-53.

⁵ Rama Chary, Maraju. (2012). Women and Political Participation in India: A Historical Perspective. *The Indian Journal of Political Science*, 73(1), 119-132.

women representation, the lower is the bargaining power of women during the allotment of key cabinet berths in India, such as finance, home, defense, health etc., which are usually allotted to men and are considered heavy weight ministries. The women participation in Indian politics is much discussed issue with different opinions and views. Some believe that the electoral process in India is full of male patriarchy and dominance that prevents women participation. While others have the view that increased women participation in the elections as voters since 1990's and sharing of political power in India is no more gender exclusive but it's quite inclusive.⁶

In India, both in the past and present, there have been powerful women in top political positions, known for their strong personalities and governance. While on the other hand, women in political parties and parliament have been very few. It has been alleged that the former has reached the position because they are either wives or daughters of well-known political leaders. We can see two features of dynastic succession in south Asian countries. The first feature is 'emergency dynastic succession', which is due to assassination or military coup, which has brought to power leaders like Bandaranayake, Benazir Bhutto, Corazon Aquino or Aung San Suu Kyi in Sri Lanka, Pakistan, Philippines and Myanmar, respectively and provided them legitimacy. The second feature is 'dynastic continuation of a family', including women over a number of generations, the congress party in India, giving an example.

However, in the recent years, we can see the trend changing, which shows women's role in politics a little different. There has been rise of political parties with leaders such as Mayawati, Mamata Banerjee or Late Jayalalitha, who were strong in their states.⁷ On 25th July, 2022, Smt. Droupadi Murmu was sworn in as the 15th Indian President. Before this, she was the Governor of Jharkhand from 2015-2021. She was the first women tribal Governor of a tribal-majority state and she had received appreciation from the society for supporting the rights of the tribal communities.⁸

⁶ Rai, Praveen. (2011). Electoral Participation of Women in India, Key Determinants and Barriers. *Economic and Political Weekly*, 46(3), 47-55.

⁷ Pai, Sudha. (2013) From Dynasty to Legitimacy: Women Leaders in Indian Politics. *India International Centre Quarterly*, 39 (3 / 4) 107-121.

⁸ *Profile of the President*. Retrieved March, 2, 2023 from <https://presidentofindia.nic.in/profile.htm>.

Factors Preventing women from entering Politics

Cultural Barriers

Despite the rights being guaranteed by the constitution and other statutes, the women are deprived of their rights because of various social and cultural barriers that are prevalent in their own families and the societies they live in. Many issues relating to women i.e., dowry, infanticide, discrimination in their own families, early marriage, feticide, deprive the women of their personal freedom and liberty and still prevalent in many parts of the world.

Economic Independence

Being independent financially is one of the most empowering for an individual. Economic independence is the first thing a women should aspire to achieve in order to succeed in any sphere. If we talk about politics, here as well, the women should be supported financially through different aids, resources and loans from the government and the parties the women are representing.

Limitation of Voting Rights for Women

Even though there exists universal adult franchise and women have been granted equal rights to men by the constitution, still women are not able to exercise their electoral rights in true spirit. When it comes to voting, women are often dictated and controlled by men in their families and influenced by the opinions of the leaders of the parties. Certain other factors that limit's a women's participation includes criminalization of politics through money and muscle power and different forms of abuse women face during elections.

Lack of Implementation of Constitution in Spirit

The constitution and other various legislations guarantee rights to women but their effective implementation is not present. Even though Article 324 and 325 guarantees political equality to all, yet the political space is male dominated. Women are not seen as a political entity but a means to meet their own rights by the political parties. It can be evidenced by the decrease in women participation. Even the women who are present in politics are sidelined and given light portfolios like welfare or education.⁹

⁹ Supra note 8.

Low Success Rate

One of the reasons contributing to low women participation to contest elections is the denial on part of the parties. It can be because of political party competitions, as the parties not only discriminate in terms of seat allotments but also in party rank, file and chain of command. The parties are reluctant to give tickets to women candidates as their ability to win the elections is low. Again, this can be attributed to the party competition structure in the Indian subcontinent which has male dominance and patriarchal mindset. This is a major reason despite the fact that four prominent political parties in India are headed by women leaders, namely Congress by Sonia Gandhi, Bahujan Samaj Party (BSP) by Mayawati, Trinamool Congress (TMC) by Mamta Banerjee and All India Anna Dravida Munetra Kazhagam (AIADMK) was head by Late Jayalalithaa.

Violence against Women

The violence against women in elections remains a barrier for them in exercising their electoral rights, which has become a specific category of violence against women. The violence has long lasting effects on individuals concerned and broader society. The reports of assault, intimidation and abuse directed at politically active women has been on the rise. A series of highly recognized incidents in the west have recognized and made violence against women in politics a global phenomenon. One was the famous “misogyny speech” given by Australian Prime Minister Julia Gillard in 2012 that highlighted the sexist attitudes and behavior of Tony Abbot, the opposition leader. The speech opened up conversations about sexism in Australian politics. The 2016 Presidential American elections, made misogyny and sexism the basic feature of the election campaign itself.¹⁰

To conclude, it can be seen from the past that many women have become Prime Ministers and Chief Ministers, yet the women in the parliament remain low. The major blocks that women face when it comes to their political participation are the social and economic disadvantages. In order to make increased women participation a reality, the need is to first achieve economic and social empowerment. Measures need to be made, to increase women employment through National Plan for Women, the reservation of 33% for women should be implemented at all levels of governance and not just government jobs, more of legal and political awareness should be spread among the women through political resource centers for women. These centers can provide information and training to women about political participation.

¹⁰ Krook Mona Lena. (2019) Global Feminist Collaborations and the Concept of Violence against Women in Politics. *Journal of International Affairs*, 72 (2), 77-94.