

ILE JUDICIAL AND LEGAL REVIEW



VOLUME 1 AND ISSUE 1 OF 2023
INSTITUTE OF LEGAL EDUCATION



ILE Judicial and Legal Review

(Free Publication and Open Access Journal)

Journal's Home Page – <https://jlr.iledu.in/>

Journal's Editorial Page – <https://jlr.iledu.in/editorial-board/>

Volume 1 and Issue 1 (Access Full Issue on – <https://jlr.iledu.in/category/volume-1-and-issue-1-of-2023/>)

Publisher

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Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

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Participation of Dalit and Minority women in Legislature

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Best Citation – Shashank Saini, Participation of Dalit and Minority women in Legislature, *ILE JUDICIAL AND LEGAL REVIEW*, 1 (1) of 2023, Pg. 52-58, ISBN - 978-81-961120-0-4.

Abstract

Indian democracy has several supporting pillars that make its existence as one of the most successful and enduring ones in the democratic world. One such pillar is the power it bestows over its citizens to choose their representatives who will work in the citizens' interests for formation of a better and developing state. Our parliament, the national legislature has 543 (maximum strength 552)⁶⁹ members that are elected every 5 years by the eligible citizens of the country to represent them and take a direct part in the policy-making.

This paper lauds the approach that has been taken by the constitution makers to give our country such a method of political representation. It studies the current representation status of different categories in our legislature. Further on this article sets on to criticise some of the issues that hinder the success and effectiveness of this system especially for the marginalized groups and women. It further works on to look at a solution to the issue and try to analyze one of the existing solutions, i.e., Reservations for better opportunities, through a digital google forms survey. And finally, it concludes with summarising the points learned and with author's own ideas about how this long-living problem can be worked out with some alternative plans other than reservations.

Introduction

"WE THE PEOPLE OF INDIA having solemnly resolved to constitute India into a [SOVEREIGN

SOCIALIST SECULAR DEMOCRATIC REPUBLIC]⁷⁰."

The initials of the preamble of our Constitution hint upon the ideological approach that was undertaken by its makers and the power they wanted the citizens of our country to enjoy in the newly formed independent nation. It was the citizens who brought the constitution, and in future it would be the citizens who would lead the nation via their representatives who will be obliged to work in their interests. While the system has been appreciated by all the political and ideological spheres around the world, practically it comes with its own setbacks. First among them is the still dismal performance of women in the legislature. Second and even more distressing is the condition of the historically marginalized groups and minorities who lack the number strength and as a result suffer a loss as far as putting their interests on the table is concerned. As we move ahead in the article it is analysed what makes these groups suffer more in the majoritarian based democracies and what are the ways by which people from all the sections can enjoy the role they were provided with: the right to choose their own leader with the voting right, the power to affect the decision making at the top level, and the duty of being a watch dog to the ruling parties and reviewing them in the elections every 5 years.

Representation

A. Women in legislature: The following table shows us the representation of women in the parliament during the last three elections as a

⁶⁹ INDIA CONST. art. 81

⁷⁰ INDIA CONST. Preamble to the Constitution

percentage to the total elected seats for the same⁷¹.

Year	Total elected seats	%tage of women elected
2009	543	10.8% (59)
2014	543	11.2% (62)
2019	543	14.4% (78)

Although it is seen that the participation of women in politics has been on a rise in the recent years, with the seventeenth election (2019) showing the highest representation in parliament since its inception, but it still falls well behind the ideal 33% representation⁷² demanded, which in itself looks discriminatory considering the role played by women in politics and society (the author feels that the ideal representation should be something around 50% of the total seats in legislature for women).

The stats and figures look even more distressing when we look at the state legislatures. A summary has been given through the following points. (As of December 2022)⁷³

1. Only 11 states have a representation of women higher than 10% in their legislature.
2. Rest 19 legislatures show a dismal performance with the participation falling below 10%.
3. Since 1963, only 16 female Chief ministers have taken oath in the country, with West

⁷¹ Women representation in parliament and state assemblies, PRESS INVESTIGATION BUREAU OF INDIA (accessed on 02/03/2023 03:45 pm) <https://pib.gov.in/PressReleasePa ge.aspx?PRID=1809217>

⁷² Women's Reservation Bill [The Constitution (108th amendment) Bill, 2008], PRS INDIA (accessed on 2/03/2023 03:52 pm) <https://prsindia.org/billtrack/wom ens-reservation-bill-theconstitution-108th-amendmentbill-2008-45>

⁷³ 19 state legislatures have less than 10% women members: Centre, THE HINDU (accessed on 02/03/2023 04:02 pm) <https://www.thehindu.com/news/ national/19-state-legislatureshave-less-than-10-womenmembers-centre/article66252443.ece>

Bengal CM Mamata Banerjee as the only incumbent⁷⁴.

Following are the 3 best performing states that still fall a miles distance behind the ideal performance.

S.No.	State	%age of women
1.	Chhattisgarh	14.4%
2.	West Bengal	13.70%
3.	Jharkhand	12.35%

After looking at the national and state legislatures, the focus now shifts to the panchayati raj institutions and municipalities, the ground level and third tier⁷⁵ of our legislative system. For this I would like to bring up the example of my own village.

"My father is the newly elected Sarpanch of the village that lies in the periphery of Delhi NCR in Haryana. With regards to the voting population of the village, it has been divided into 9 wards with a panchayat member elected from each ward to represent it in the meetings. Quite surprisingly, in the newly elected panchayat, other than my father, there are 9 members with a female to male ratio of 5:4. It becomes even more concrete as I survey other village panchayats, as the representation of women in them too has been quite high as against the general trend followed at the upper levels."

Certain part of it can be owed to the reservation of 1/3rd of seats to women⁷⁶ as provided by the constitution. But as we can notice, the

⁷⁴ List of female Chief Ministers of India, WIKIPEDIA (accessed on 03/03/2023 09:30 am) https://en.m.wikipedia.org/wiki/List_of_female_chief_ministers_in_India#:~:text=Mamata%20Banerjee%20of%20West%20Bengal,incumbent%20chief%20minister%20in%20India.

⁷⁵ INDIA CONST. Part IX and IXA (73rd and 74th amendment act 1992)

⁷⁶ INDIA CONST. art 243D

representation of women in my own village, even when it is considered as a radical and conservative one, goes well beyond 33% to 55% of the total panchayat member seats.

Therefore, it can be said that the tier 3 governance structure of our country provides a positive affirmative result with regards to women representation in the legislature, even though the same can not be said about the national and state legislatures.

B. Representation of Dalits in legislature:

Moving from women, another community that has been socially marginalized over the past, and that too on the basis of the inhumane caste-based order, is the group of Scheduled castes, known as Dalits. The condition at the time of formation of our constitution was so miserable that it led to scepticism in the minds of our constitution makers, especially personalities like Dr.BR Ambedkar, Dakshayani Velayudhan (the only Female Dalit member of Constituent Assembly⁷⁷) and as has been mentioned by K.J. Khanderkar in his speech, "We were supposed for thousand of years ... suppressed... to such an extent that neither our minds nor our bodies and now even our hearts work, nor are we able to march forward. This is the position."⁷⁸ Considering the arguments of Dalit members of constituent assembly it was decided that untouchability would be abolished and their would be reservation provided to people belonging to scheduled castes in legislature and jobs. Owing to this, the parliament today has 15.4% of seats (84) reserved for Dalits in the house of people⁷⁹, and similar reservations have been provided in state legislatures with regard to the percentage population of such groups there.

Similar representation is possible at the panchayati raj institutions too, where a fraction of seats have been provided for these marginalised communities (for eg. two out of

nine wards in my village are reserved for scheduled castes).

C. Representation of Minorities in Legislature:

India has a diversified population with a lot many disparities between individuals based on their faiths, religions, ethnicity, etc. Hindus form the predominant majority population with their share as 79.8% in the total, and Muslims form the biggest minority and second majority with 14.2% of the total⁸⁰. There are other religious groups as well that include Sikhs, Christians, Jains, Buddhists, etc. In a democratic system where majority has a specific influence over the policy making and formation of leaders, it becomes important for minorities to have an appropriate representation, so that their interests are not suppressed by those of majorities. When we analyze the results of 17th Lok Sabha on the representation of different religions by the Member of Parliaments we get⁸¹,

1. 90.4% of members are Hindus.
2. 5.2% of members belong to Muslim community
3. Rest about 4% belong to Sikhs, Christians and other minorities.

As it is clear from the data mentioned above that although the religious minorities do have a representation in legislature in India, they still do not have an appropriate say in the matters because the representation is not proportional to their share in population.

D. Intersection of the marginalized groups:

The above mentioned stats make it clear that how difficult it is for individuals from marginalized groups to come up the political ladder and represent their communities at the legislature and bring their interests forward. Women, Dalits and Religious minorities make up these marginalized communities. But what about they all intersecting to form a group that is

⁷⁷ Are women from minorities welcome in Indian Politics?, SheThePeople (accessed on 02/03/2023 08:30 pm) <https://www.shethepeople.tv/blog/minority-women-politics-indiafemale-politicians/>

⁷⁸ NCERT, Themes in Indian History Part III 422 (NCERT 2019)

⁷⁹ INDIA CONST. art. 330

⁸⁰ Hindu-Muslim population in India, census2011.co.in (accessed on 03/03/2023 11:35 am) <https://www.census2011.co.in/religion.php>

⁸¹ 17th Lok Sabha, WIKIPEDIA (accessed on 03/03/2023 11:39 am) https://en.wikipedia.org/wiki/Lok_Sabha

sociologically even worse and in a more miserable condition, i.e., women from Scheduled castes and other minorities. It can be guessed that the representation would have been even worse there. Well, the answer is a bit counterintuitive⁸². Women that are elected from marginalized communities are in a higher percentage as compared to the women that belong to general categories.

Another point that catches our notice is that where there is a reservation, we see a higher representation of the communities, as can be seen in panchayati raj for women and SCs and STs in Lok Sabha. But can reservation be considered an exclusive measure to remove all the problems? What do people consider reservation is for (as the final power in a democracy like ours is in the hands of public)? And does only getting a representation removes all the disparities in the socio-political lives of these communities?

The subsequent sections try to figure the answers to these questions with a survey conducted to know about general perception of people about reservations and flagging off certain issues that occur other than representation challenge, trying to come out with solutions to the same.

Reservation: People' perspective

It has been mentioned above that Reservation helps in providing representation to otherwise marginalized communities in our country by preventing them from competing with the so called "better off groups". But as has been discussed that in a democracy the power lies with people and they can affect the policymaking via different means, it becomes imperative to understand what general public thinks of Reservation, its nature and does it work for the purpose it was meant to?

For the same I used a google form⁸³ floated on social media to grasp people' responses. I got about 90 responses in this google form, mostly by individuals who belong to the teenage group of 18-22 years and have seen reservations affecting their lives at some point. There were 3 questions, I had put my focus on,

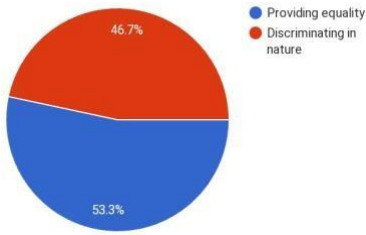
1. What do they think about reservation, providing equality or discriminating in nature?
2. As we know that Dr. BR Ambedkar didn't want Reservations to continue forever, but they have continued for a long time now. I asked for their views on why did this happen, to fulfill the purpose of equality, or just for a bit of political benefit?
3. Lastly, after the general perception I came to the specific question of Reservation in political representation, does it help to bring up the interests of people of those communities to a bigger level, or it discriminates with more capable individuals?

The results

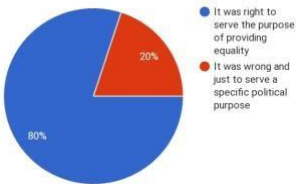
For the first there was clash of views with only a slight majority of individuals believing that Reservations help in providing equality in society.

⁸² Women and minorities in the lok sabha, theasiadialogue (accessed on 03/03/2023 12:05 pm)
<https://theasiadialogue.com/2019/04/15/women-and-minorities-in-the-lok-sabha-intersectionality-in-the-indian-elections>

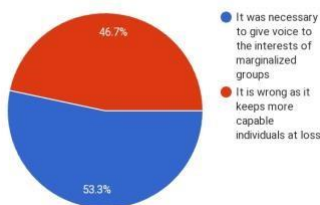
⁸³
https://docs.google.com/forms/d/e/1FAIpQLSd7g0904tLh09spRWLpzUVClInqojhPMKP eYTnrrNP54yxZ_1w/viewform?usp=sf_link



For the second however it was believed by majority of people that the continuance of this system was for fulfilling the purpose of providing equality rather than benefits politically.



With the third and main question, the clash of ideas again took prevalence and only with a slight majority it was decided that political reservations are for better representation and for giving voice to the interests of those communities.



Therefore, it can now be concluded that people do believe in the effectiveness of the Reservation system in providing equality and giving voice to people's interests and bringing them to the upper stratas of political hierarchy.

Challenges beyond Reservation

"17th Lok Sabha elections set to confirm Ambedkar's fears: no vocal Dalits in Parliament."⁸⁴

"Reservations take SC/STs to Parliament but not to a position of influence."⁸⁵

⁸⁴ 17th Lok Sabha set to confirm Ambedkar's fears: no vocal dalits in Parliament, ThePrint (accessed on 03/03/2023 01:20 pm) <https://theprint.in/opinion/17thlok-sabha-looks-set-to-confirmambedkars-fears-no-vocal-dalitsin-parliament/232383/>

"Punjab bans Sarpanch proxies: Male kin of female Sarpanch can't attend the meetings on behalf of her."⁸⁶

The above-mentioned newsitems flag off an even graver issue as compared to the problem of representation, i.e., even after getting representation, do these individuals from marginalized sections have a particular influence on the decision-making? Are they able to completely put forward the interests of their communities or it is just a formal representation planned by several political parties? For e.g., "In my own village again, despite wholesome efforts by my father to bring the women members out and take part actively in the meetings, it is seen that most of the times the meetings are attended by the proxies (or male kin of the members) as has been the tradition, and that is still considered lawful." Similarly in case of minorities even the members although elected don't experience a particular influence in the legislature, as some popular dalit leaders had earlier shown, like Kanshi Ram, Mayawati and Ram Vilas Paswan. So beyond representation too, there is an issue of influence that needs a serious notice of the policy makers to help these communities grow and put their interests to the mainstream.

Some ideas that can be incorporated for a more holistic solution to the problem

As has been proved in the course of this article, the author believes that there is an imperative need of individuals from marginalized groups to come forward, represent their communities and give voice to their interests. It certainly needs their hard work and dedication to be achieved, but there are certain things that can be incorporated in the policies to improve the condition of these communities and also to

⁸⁵ Reservations take SC and STs to Parliament but not to a position of influence, BusinessStandard (accessed on 03/03/2023 01:45 pm) https://www.businessstandard.com/article/economypolicy/reservations-can-take-scsts-to-parliament-but-not-in-keypositions-121061600147_1.html

⁸⁶ Punjab Bans SARPANCH PROXIES: Male kin of female Sarpanch can't attend meetings, The INDIAN EXPRESS (accessed on 03/03/2023 02:12 pm) <https://indianexpress.com/article/cities/chandigarh/punjab-bans-sarpanch-proxies-male-kin-of-women-cant-attend-meetings-8121753/>

encourage them to come out the social exclusion they suffer.

1. First and the foremost one is to follow what was done by Punjab, and ban the Sarpanch, or zila parishad proxies at the panchayati raj institutions.

2. Awareness campaigns have proven to be effective in getting rid of social exclusion suffered by people, therefore there needs to be an increase in such campaigns at the grass root level.

3. Political parties should try not only to provide representation to individual, rather should focus more on their growth and training to become a more effective leader, who can voice the interests of his/her group.

4. Bringing into force the pending bill for 1/3rd representation of women in legislatures can be a step ahead to give better opportunities to women to participate in the decision making.

Conclusion

Through the course of this article we learn that historically marginalized sections still have a difficulty in finding their prominent places in the legislative system of the country, and underperform a lot as shown by stats and figures. The article sheds light on how reservations provide an opportunity to these individuals to move to the upper strata in legislative hierarchy giving them a representation, but it also flags off certain concerns regarding their inability to find a position of influence, and lastly we get some ideas that can be worked upon by the policy makers and even the general public to improve the miserable conditions in which the communities were historically pushed off.

Therefore, for the marginalized groups it is still a long march ahead but the hardwork, perseverance and dedication will surely lead them to the place they have always deserved to be in.

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