



POLITICAL EMPOWERMENT OF WOMEN UNDER INDIAN CONSTITUTION: CHANGING SCENARIO

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ABSTRACT

Social divisions are a depiction of every human culture. Segregation based on sexual orientation is one example of such activism. Historically, this has been fairly transparent in progressively more hierarchical societies. Needs-based dealings came as a surprise to the people. Their status and roles were downgraded accordingly. Traditionally, men were responsible for providing for their families and reassuring their female counterparts. Women were responsible for the procreation of recipients and domestic production. But, changes in the status of Indian women were recorded in various historical sources according to historical accounts. Women's position in early Indian society was steadily deteriorating. In 1950, when India's new constitution took effect, which provides to "ensure about to all of its residents' equities, social, financial, and political" and "correspondence of status and chance," in its Preamble. Although the Indian Constitution prohibits sex and class-based segregation and also reveres fundamental rights to all citizens. Women in practice have only de jure rather than accepted access to these rights. To this end, the current research study attempts to chart the shifting landscape of women's political participation and the legal safeguards provided to them under the Indian Constitution.

Key Words: Women, Indian Constitution, Political Empowerment, Participation, etc.

INTRODUCTION

According to the International Encyclopaedia of the Social Sciences, citizens' ability to give or withhold their consent and hold their government officials accountable, is central to a democracy's functioning. It represents activities like casting a ballot, conducting research, engaging in debate and conversion, going to meetings, making a financial contribution, and corresponding with elected officials. A genuine sense of empowerment for women can be achieved through an interest in politics, as well as an interest in dynamic procedures or increased dynamic force. Regarding "the fight for gender justice." The total population in 2020 is estimated to be 1.36 billion, based on demographic data out of which, 71.7% are males and 66.3% females i.e., almost half of the total population. When compared to the male proficiency rate (82%), the female proficiency rate (65.4%) has been lower. While there are noticeable differences between people in each of these groups, the political arena displays the most striking disparity. Men make up nearly 90% of India's administrative bodies. Women in India are finding it, especially challenging to hold positions of authority because of this power gap.

Researchers have found a two-way relationship between empowerment and participation i.e., those who feel more in control of their lives are more likely to get involved in group activities, and those who feel more involved in those activities, are more likely to feel empowered.

HISTORICAL DEVELOPMENT OF WOMEN'S POLITICAL PARTICIPATION

Political participation of women in India can be divided into the following stages.

Women were leaders in the home, the community, and even the political sphere in Rig-Vedic times. The young women needed to go through the Brahmacharya period in which they were taught the same as the young men. Women's relationships used to peak at age 16–17, when they were considered mature. Religion taught that females were to be treated the same as males. Both young men and women were allowed to participate in the "upanayana" (sacred thread) ceremony that marked the beginning of their formal training. They participated in the deliberations of Vidhatha (the earliest people gathering of Indo-Aryans) and Sabha alongside men. The malice of various shades, including the killing of young girls, the marriage of minors, and the practice of sati, emerged as social norms in Hindu society at this time.

It is generally agreed that the periods of Jainism and Buddhism were relatively minor historical moments, in the long history of Indian culture. For women, a glimmer of possibility and a shot in the dark was always welcome, especially when it came to matters of the fantastic and fantastical. As of this period, education for women was encouraged. It was plausible for women to enter the teaching profession and remain single. Buddhism's 'Jataka' literature portrayed women as various shades of evil, including being dishonest, irrational, and wildly erratic. Although women can achieve enlightenment in Buddhism, they are still considered inferior to men. Historiographic sources agree that the status of women declined even further during the Muslim era, beginning in the eleventh century and continuing into the present day. In every way, the 'pardha' structure held firm. Premarital cohabitation, legalized single parenthood and the arduous demands of schooling were all in place. Uma Chakravathy argues that the traditional work on the status of women in India has always been confined to the context of Hinduism and is occupied with rigorous and legitimate questions. Women's status as socially marginalized members of open congregations and their right to education is ignored. The position of wives and their relationships with their husbands was a major concern for traditional thinkers. Further, the Brahmanical sources that reflect the statutes of Brahmanas have a far greater impact on the status of women than do the social deeds of individuals. Reforms and a social renaissance in the nineteenth century laid the groundwork for elevating women's position in society.

Institutions such as the Arya Samaj, Rama Krishna Mission, the Prarthana Samaj, etc. promoted social aid, instructional and change activities favouring women elevate while spreading awareness and pride in indigenous cultural traditions. Thus, according to feminist historians, developed as a result of nineteenth-century collaboration between imperialism and patriotism and there is sufficient evidence, even from Brahmanical sources alone, to show that the structure of establishments that guaranteed the subjection of Women was completed long before the appearance of Muslims as a strict network. Within the framework of male-dominated relationships, women were only given limited recognition in the roles of wives and mothers. In the face of the political issues of the nineteenth century, a particular historical image of Indian womanhood from the illustrious Vedic period emerged.

A review of historical records reveals that women in ancient India were not in a position of equality with men. Men and their children were seen as primary roles, while women were seen as secondary. They were considered to be men's inferiors. Several later developments, including Buddhism, Jainism, Vaishnavism, Veerashaivism and Sikhism, made efforts for the betterment of the position of women. Women were given more freedom to try out challenging physical activities, for this thanks to the Bakhti movement. The eighteenth century is remembered as a low point for women because that was when they were first subjected to male dominance in every arena of society. The first two received more focus in the 19th and early 20th centuries, while women's political rights were not recognized until the final stages of the independence movement.

Women's involvement in legislative issues can be traced back to a sea change that occurred in the nineteenth century. Many social reformers in the middle of the nineteenth century initiated social changes and

educational projects to address the widespread social disasters of the time. The academic processes that led to modern-day India, view the evolution of society as pivotal. Educating Women and introducing active enactment, was how they imagined social change to begin. We can eradicate social shades of malice by increasing awareness and sensitizing people to unfairness done towards Women.

PROVISIONS UNDER INDIAN CONSTITUTION

When it comes to economic, educational, and political opportunities, women in India, have historically been at a disadvantaged stage. However, the country's constitution changes that by giving the state the authority to take positive discrimination measures in their favour. If you want to know how to use the Constitution, look no further than its preamble. In it, the people's ideals and hopes are reflected in the Constitution as its essential principles. We, the people of India, give the Constitution to ourselves, as stated at the beginning of the Preamble. Thus, the Constitution can be traced back to its original authors the men and women of India. The founders of the United States wanted more than just a unified country. Social, economic and political justice, should serve as the cornerstones of the newfound unity if it is to endure. All people should be treated equally under the law. The Preamble states a goal for the promotion of legal and social parity for all citizens. This objective was included to ensure that women and men enjoy the same legal protections and opportunities. In the Directive Principles of State Policy, social justice is emphasized and addressed in greater depth. To a limited extent, Article III of the Constitution of India defines the primary rights-the fundamental human privileges of its citizens. The privilege of being treated fairly is one such right, and it is protected by Articles 14 through 18. The most important provision in this section is Article 14. These normative frameworks are reflected in the arrangements made. It covers everything that isn't covered in paragraphs 15-18. This write-up may be split into two parts as it ensures everyone in India is treated fairly and is afforded the same legal protections wherever they may be. This Article represents the absence of bias in the application of laws and policies.

First, fairness under the watchful eye of the law, and second, legal certainty on an equal footing. Although both "able" and "it" sound like they could be used interchangeably but they have different meanings. The term "law" in the first expression, is used in a certified sense, a philosophical one, while "laws" in the second expression, refers to legally binding statutes.

The concept of balance under the watchful eye of the law is negative because it implies the absence of any benefit for any individual and the equivalent coercion of all classes to customary law. However, the concept of equal protection under the law is generally regarded as a good thing because it implies that everyone should be subject to the same rules and regulations. Therefore, everyone should be treated fairly according to their reasonable portrayal. Each ascent to legal authority should be treated the same and subject to the same constraints. For significant just as procedural laws, the guarantee of equivalent insurance applies.

Article- 14, of the Constitution of India, precludes class enactment, yet allows sensible order. The characterization of the two trials is as per the following:

1. **Ineligible Differentia:** The order must be established on a coherent differentia that recognizes those that are gathered from others. Discretion is an enemy of postulation to the correct top uniformity. Subsequently, there ought to be no extent of intervention in an arrangement.
2. **Discerning Connection:** The Article Differentiation Requirement, which states that the differentia must have a reasonable relationship to the article, appeared to be met by the Demonstration. There must be some connection between the premise of the characterization and the object of the demonstration, for the grouping to be valid. Legislation labeling something as prejudicial may be deemed necessary only when there is no rational basis for the order in question.

Landmarks judgment of the “E.P Royappa v. Province of Tamil Nadu and Another¹, in which the Supreme Court of India held that Article- 14, is one of the most important Articles of the Indian Constitution which can't be limited by a tight and firm understanding. Article- 14, should in this manner be given the largest

¹ [1974] 2 SCR 348

understanding conceivable, which additionally incorporates sensibility and discretion of specific arrangements of the enactments.

In the case of *Maneka Gandhi v. Association of India*², Supreme Court held that Article- 14, of the Constitution of India, guarantees equal treatment, so the Incomparable Court ruled out any room for discretion. Article- 14, is "swarming with an agonizing ubiquity" of references to the standard of sensibility, which is legitimately just as insightfully a fundamental component of fairness or non-assertion. The Constitution of India is founded on the principle of rule of law, which categorically rejected, any form of outside interference. Whenever we encounter an assertion or an absurdity, we find a refusal of rule of law Workmanship.

Article-15, of the Constitution of India, mandates not to divide people by things like religion, race, class, gender, or place of birth. It's a guarantee against categorization in any form. Nothing will prevent the state from making special arrangements for the benefit of women and children as provided for in Article 15 (3). Accordingly, Article 15 (3) allows the State to implement special programmes for women and children. Because of this, the crucial correspondence tool needs to be relocated if they are to thrive. This correspondence model has as its overarching goal the elimination of negative demographic differences among the general population. The court while interpreting Article 15 (3), ruled that extraordinary measures may be enabling, protective, and therapeutic for women without being unjustifiable against them. However, there were still ways to switch between the two systems, so it wasn't a complete loss. Incredibly progressive equalization for women and children exists in ways beyond those outlined in Article- 15 (3).

Article 16 promotes equal opportunity for all state residents in matters of employment and appointments to state offices. Furthermore, no citizen will be qualified or he will be oppressed for any work or office under the state, based on religion, race, caste, sex, tolerance, place of birth, or place of residence.

Article 39, of the Indian Constitution, ensures the right to satisfactory methods for occupation for all residents.

Article-39-B protects parties by guaranteeing that they will receive comparable pay for similar efforts and that workers' rights, citizens' rights, and children's right to a healthy and productive childhood are not violated and that local are not compelled, out of financial necessity, to work in jobs that are inappropriate for their age or skill set.

Article 42 ensures just and other conscious states of work and maternity alleviation. This is as per Article 23 and 25 which includes an all-inclusive statement of Human Rights.

Article 51-A, Each Indian citizen should promote a common understanding and a sense of regular fraternity among all Indians that goes beyond narrow religious, linguistic, ethnic, and regional norms and rejects behavior that is harmful to women's dignity and safety.

WHETHER PROVISION OF RESERVATION, IS CONTRARY TO THE PRINCIPLE OF EQUALITY?

The Constitution of India was written to ensure that all Indian citizens, will enjoy the same rights and privileges and that they are given every possible chance to succeed in society. This includes protecting each citizen's dignity while also fostering national unity and trust. It raises doubts about whether or not individualized incentives can ever motivate improved performance. To be equitable, all people must receive the same treatment, otherwise, there will be a risk of reinforcing inequalities based on factors such as social status and gender. Because, male residents will be forced to withdraw or kept from challenging statutory bodies, and the electorate based on their gender that the discussion over the Women Reservation Bill, will violate the rule of correspondence and disregards the standards of the majority rules system and portrayal. It denies men, their inherent right to question authority. It is argued that it violates the constitutional guarantee of equal protection. Two-thirds of incumbents are consequently strongly unseated in every broad political race due to the revolution

² 1978 SCR (2) 621

of seats. In the meantime, the remaining 33%, will be in the dark until the very end, never knowing for sure whether or not their voters will have any influence over the composition of the 33% of seats that are not up for grabs. It means that they will have to scramble at the last minute to find a new seat. Two men and two women will be more likely to feel motivated to challenge the political decision as a result. Since women are not allowed to challenge themselves in the end, their representation will be falsely frozen at around 33%, reducing their right to equality. Meetings will be required to address whether or not women's presence is relevant to the overall party plan or the rest of the issues concerning all residents. In light of dealing with women, who are biased towards women's issues alone, or, as it were, one-sided against men, there are no safeguards in place to prevent the oppression of men. There should be no gender or racial barriers in a democratic system of representation. Residents should be able to choose between candidates based on their relative qualifications and commitment to addressing community concerns. Since gauge and duty do not discriminate based on a person's gender, limiting a resident's decision to only one sex is a violation of their rights. There is also the problem of the 15-year term limits placed on members of the State Legislative Assemblies and the reservation of seats for women in Lok Sabha. When that time comes, how quickly will women be shown? While there were 24 women elected to Parliament in the previous election of 1988, only four were elected that year. Nepal had eight women elected in 1991's general appointment and seven in 1994's midterm elections (under 4 percent). As a result of the loss of protected positions in 2001, six Bangladeshi women remained in the House in 2004. In light of this data, it's clear that reservations aren't a viable solution to the problem that how women are portrayed. Instead of focusing on a mandatory framework, why not encourage every woman in the country to approach a female member of parliament in her district?

OBSTACLES TO WOMEN'S PARTICIPATION IN POLITICS

The Constitution of India was written to ensure that all citizens would enjoy the same rights and privileges and for this, they are given every possible chance to succeed in society. This includes protecting each citizen's dignity, while also fostering national unity and trust. It raises doubts about whether or not individualized incentives can ever motivate improved performance. To be equitable, all people must receive the same treatment irrespective of risk-reinforcing inequalities based on factors such as social status and gender. Because male residents will be forced to withdraw or kept from challenging in saved bodies electorate based on their gender, it has been noted in the discussion over the Women Reservation Bill that it will violate the rule of correspondence and disregards the standards of the majority rules system and portrayal. It argued that it violates the constitutional guarantee of equal protection. Two-thirds of incumbents are consequently, unseated in every broad political race due to the reservation of seats following each broad appointment of the will. In the meantime, the remaining 33% will be in the dark until the very end, never knowing for sure whether or not their voters, will have any influence over the composition of the 33% of seats that are not up for grabs. It means they will have to scramble at the last minute to find a new seat to challenge from. Two men and two women will be more likely to feel motivated to challenge the political decision as a result. Since women are not allowed to challenge themselves in the end, their representation will be falsely frozen at around 33%, reducing their right to equality. Meetings will be required to address women, whether or not their presence is relevant to the overall party plan and the rest of the issues concerning all residents. In light of dealing with women who are biased towards women's issues alone, or, as it were, one-sided against men, there are no safeguards in place to prevent the oppression of men. There should be no gender or racial barriers in a democratic system of representation. Residents should be able to choose between candidates based on their relative qualifications and commitment to addressing community concerns. Since gauge and duty do not discriminate based on a person's gender, limiting a resident's decision to only one sex is a violation of their rights. There is also the problem of the 15-year term limits placed on members of the State Legislative Assemblies and the reservation of seats for women in Lok Sabha.

CONCLUSION

It is estimated that approximately a total of 181 women could be elected to parliament and even more to State governing bodies, based on the quality of the portion framework if seats were reserved for them. New desires among women would also emerge as a result of this. However, the bigger question, is whether or not the higher levels of female officials have any effect, and whether or not they can communicate with women and

enable traditional women residents. As a result of the unique representation that comes with having women in the legislature, there may be a difference in the level of interest and participation that women have in politics. In other words, if women see more elected officials who can effectively communicate with them, they may be more likely to support and participate in those policies (in a distinct sense). Another effect would be a shift in the preferred approaches, as the presence of more women in the assembly might lead to policies that are more equitable for women. It is obvious, but it bears repeating, the standard does not address all issues facing women in legislative matters. Quantity and reservation won't solve the problem of public preference on their own. In any case, it could make it possible for women to overcome some of the barriers that prevent access to certain openings. The next part of the analysis looks at how well the selected delegates can communicate with women and how much quantitative and qualitative progress can be made for women's advancement based on the feedback of women delegates working at the local level.

