

## WOMEN PARTICIPATION IN ALL SOCIAL EVENTS A STEP TOWARDS STRENGTHENING THEM

**Dr. Naresh Kumar Vats<sup>1</sup>**

*Women in general have been suffering from agony, distress, discrimination, apathy in every walk of their life even in modern times. The tormentor turns out to none but their own family, friends and fellow humans. The outside world is a stranger to them, as much as a foreign land. This is very true that if we go deep into INDIA, we will find such glaring examples of discrimination against women that they are meant to be an item of decoration, child-bearing machine. There are a few temples in South India where women are denied entry. Women comprise 66 percent of the world's illiterates and 70 percent of the world's poor similarly suppression of women is very old and outdated trend of so called patriarchal society. Hindu Succession Act (Amendment 2005) has paved the way of equality which will be instrumental for upliftment and development of the status of women.*

**Key words-** *Agony, upliftment, Equality, Women, Reservation, Upnishad, muddy-politics*

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***“Yatra Nariyastu Pujoyante, Ramante Tatra Devta”***

### INTRODUCTION

*“Women constitute half of the world population, perform nearly two-thirds of works hours, receive one-tenth of the world income and own less than one hundred percent of world's property<sup>2</sup>.”*

The women are the considered to be ‘Janani’ producer of this universe. She is also known as ‘Ardhagni’ with her husband, who remain incomplete in her absence. It is rightly said that if woman is educated, the education will be for whole family. The woman has that

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<sup>1</sup> Associate Professor and Head Center for IPR Studies, National Law University, Assam, Guwahati, Assam, India, [E-mail-vatsnaresh@nluassam.ac.in](mailto:E-mail-vatsnaresh@nluassam.ac.in); [vatsnk2006kurukshetra@gmail.com](mailto:vatsnk2006kurukshetra@gmail.com).

<sup>2</sup> A Report of the United Nations published in 1980; see also Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) p.1.

endurance to feed the family, and change the society. Since the olden time Indian women are placed before the men. However, every nation has a sordid story of women discrimination behind it. Still it cannot be denied that the position and status of the women of today has improved quite significantly. However, the women are seemed to be deprived of some opportunities in social, economic and political realm.

Some of the social discrimination are where women who have not yet seen the light at the other side of the corner and some are unfortunate who have not stepped out of the boundaries of their homes, or their life is a life of agony, mistrust, depravity, and only loyalty to their family. “The outside world is a stranger to them, as much as a foreign land. This is very true that if we go deep into India, we will find such glaring examples of discrimination against women that they are meant to be an item of decoration, child-bearing machine. While performing religious rites women presence is considered auspicious but sometimes they are denied. However, the woman is that creation of God who is a mother, a sister, a daughter, a wife, and a companion you can easily bank upon. Still there the sin prevailing in society that infanticide cases are alarming in India, a place where she was worshipped once as Goddesses. A woman when comes to her utmost strength can break away all barriers and become a Durga to break the shackles of agony, pain and misery. A woman can be a savior<sup>3</sup>”.

The economic contribution by the women is “[W]omen play a dominant role in the Indian economy, undertaking a wide range of economic activities including farm operations and powering a high savings rate. However, changes in the employment scenario, rising inflation, social conditions and neglect by policy-makers have impacted adversely on women. India achieved a remarkable savings rate of 33 per cent of the GDP, of which 70 per cent comes from household saving and only 20 per cent from the private corporate sector and 10 per cent from public sector undertakings. There’s no denying that India is blessed with a “female economy”, in terms of savings, consumption attitude and tendency to recycle<sup>4</sup>.

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<sup>3</sup>. “Should there be reservation for women in India?” available at <http://hubpages.com/hub/should-there-be-reservation-for-women> accessed on August 16, 2016.

<sup>4</sup> “Women in Indian Economy”, P Muralidhar Rao available at <http://www.organiser.org/Encyc/2012/10/24/-b-Women-in-Indian-Economy--B-.aspx> accessed on August 16, 2016.

The researcher made his effort to know the political status whether participation of women in social intercourse is empowering them in every aspect. If women need to say that they need an equal place to men because both are born to be equal. It is considered in patriarchal society that males are born to dominate. But they need to understand that without equalizing women the entire life on earth would stop. Think once, 'The World without Women'. God never sent us for this discrimination. The fairer sex does not need reservation for marking its presence. Females, when got opportunities have shown that they are no less than males. Then, why such discrimination? Let us give our women equal opportunities as males. We have to break the shackles bounding us and not bound ourselves further in chains. Women are today fighting for mere 33% reservation<sup>5</sup>, rather they should fight for 50% (i.e. equal representation).

Women comprise 66 percent of the world's illiterates and 70 percent of the world's poor<sup>6</sup>. In view of the Supreme Court as observed in *Madhu Krishnan v. State of Bihar*<sup>7</sup>, women form half of the Indian population. Women have always been discriminated against men, having suffered denial and are suffering discrimination in silence. Self sacrifice and self denial are their nobility and fortitude, and yet they have been subjected to all kinds of inequities, indignities, incongruities and discrimination.

The Constitution of India, 1950 has certain provisions relating to women. It makes special provisions for the treatment and development of women in every sphere of life.

The preamble which is the key to the Constitution does not discriminate men and women but it treats them alike. The framers of the Constitution were well aware of unequal treatment meted out to the fair sex, from the time of immemorial. In India, the history of suppression of women is very old and long which is responsible for including general and special provisions for upliftment and development of the status of women. Certain provisions are specially designed for the benefit of women.

### **POSITION OF WOMEN IN PRE-INDEPENDENCE PERIOD**

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<sup>5</sup>. *Ibid.*

<sup>6</sup>. Anand A.S.: *Justice for Women*, (2<sup>nd</sup> Ed. 2003) p.5.

<sup>7</sup>. (1956) 5 SCC 148; see also Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) p.1.

**(1) Vedic period<sup>8</sup>:** Undoubtedly, the position of women during the Vedic period was glorious on account of the freedom and equality. During this period, the women participated in every walk of life. Women studied in Gurukuls and enjoyed liberty in every sphere. The great women like *Apala*, *Visvara*, *Yamini*, *Gargi* and *Ghosa* stole the lime-light and became front runners in society. They acquired efficiency in art, music and even warfare. In Upanishad, the wife has been regarded as a true companion of husband (i.e. *Ardhangini*<sup>9</sup>). The wife has been blessed to live as a queen in the husband's house in Rigveda which shows a high status of women. The wife had been called the root of prosperity, enjoyment and Dharma in Mahabharata. The man was not religiously competent to perform religious duties without his wife. There was no discrimination between a boy and girl. As a result, girls were permitted to undergo thread ceremony (i.e. *Upanayana Sansakar*<sup>10</sup>).

**(2) Post Vedic period<sup>11</sup>:** During the post Vedic period, the women had suffered drastic hardships and restrictions as propounded by Manu. He attempted to set up male dominated society by increasing the authority of man. The birth of girl child was treated as a disaster for the family. Girls were denied access to education. Girls were not allowed to undergo thread ceremony (*Upanayana Sanskar*). During this period, pre-puberty marriage system was originated, thus the marriageable age of girls was lowered to 9 or 10 years. However, girls belonging to ruling class were allowed to receive education, training in military science, administration and fine arts to some extent. Daughters were brought up under surveillance of her father, as a wife of her husband, as a mother of her son. On the other hand, Manu believed that where the women are respected, there all deities are pleased and where they are dishonoured there all religious activities become fruitless.

**(3) Medieval period<sup>12</sup>:** The Women's position was further more degraded during the medieval period with invasions of India by Alexander and the Huns. Society observed security threats with invading soldiers roaming countryside and consequently women were placed behind the veil. Women were deprived of education and participation in

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<sup>8</sup>. *Ibid.*

<sup>9</sup>. A Better half is remembered as legally wedded wife.

<sup>10</sup>. Similar ceremonies which are performed at the time of birth of male child.

<sup>11</sup>. Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) p.2.

<sup>12</sup>. *Ibid.*

community affairs. During the medieval period the social evil like child marriage, sati, female infanticide mushroomed extensively.

**(4) During British period:** Notably, in the British period the position of women had undergone for drastic changes mainly due to western impact on the Indian socio-cultural patter. The concept of equality, liberty and individual secularism, although arose but limited to the ruling class<sup>13</sup>. The liberal movement of feminism occurred during the 18<sup>th</sup> century by virtue of the enlightened period of Western movement. Mary Wollostone Craft was the prominent and ardent supporter of women's causes. A landmark work on the subject namely, 'Vindication of the Rights of Women'<sup>14</sup> was published by Mary Wollostone Craft in 1792 in which it was mentioned that one has to accept that women are human beings and not only sexual beings and if women are denied equal human rights, one has to prove that they have no rational capacity to claim equal participation and equal right. Another ardent supporter of liberal feminism John Stuart expressed the view that:-

*"The existing relations between the sexes, the legal subordination of sex to the other, is wrong in itself and now one of the chief hindrances to human improvement and that it ought to be replaced by perfect equality admitting no power or privilege on the one side nor disability on the other side"<sup>15</sup>.*

## FUNDAMENTAL RIGHTS

Part III of the Constitution of India deals with the fundamental rights. The provisions regarding fundamental rights have been enshrined in Articles 12 to 35, which are applicable to all the citizens irrespective of the sex. However, certain provisions protect the rights of women<sup>16</sup>.

The principle of gender equality is enshrined in the Preamble of Indian Constitution. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women<sup>17</sup>.

Within the framework of a democratic polity, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. From

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<sup>13</sup>. *Ibid.*

<sup>14</sup>. *Id.* at p.3.

<sup>15</sup>. *Ibid*; see also John Charret, *Feminism, Debt and sons Ltd.*, London 1982.

<sup>16</sup>. Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) p.5.

<sup>17</sup>. M.P. Jain; *Indian Constitutional Law*, (5<sup>th</sup> Ed. 2008), p. 907.

the Fifth Five Year Plan (1974-78) onwards a marked has been shift in the approach to women's issues from welfare to development. In recent years, the empowerment of women has been recognized as the central issue in determining the status of women. The National Commission for Women was set-up by an Act of Parliament in 1990 to safeguard the rights and legal entitlements of women. The 73rd and 74th Amendments (1993) to the Constitution of India have provided for reservation of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for their participation in decision making at the local levels.

Article 15(1) and 15(2) prevent the state from making any discriminatory law on the gender alone. The Constitution is thus characterized by gender equality. The Constitution insists on equality of status and it negates gender bias. Nevertheless, by virtue of Article 15(3), the state is permitted, despite Article 15(1), to make any special provision for women, thus carving out a permissible departure from the rigours of Article 15(1)<sup>18</sup>.

Article 15(3) recognizes the fact that the women in India have been socially and economically handicapped for centuries and, as a result thereof, they cannot fully participate in the socio-economic activities of the nation on a footing of equality. The purpose of Article 15(3) is to eliminate this socio-economic backwardness of women and to empower them in such a manner as to bring about effective equality between men and women. The object of Article 15(3) is to strengthen and improve the status of women. Article 15(3) thus relieves the state from the bondage of Article 15(1) and enables it to make special provisions to accord socio-economic equality to women<sup>19</sup>.

The Indian Constitution guarantees all the rights to women which are given to men. The special features of fundamental rights are as under<sup>20</sup>:

**(1) Right to Equality (Articles 14 and 15 of Indian Constitution):** It means the equality of opportunity, equality before law, equal protection in the laws, not discriminating against any person on grounds of sex, religion, caste and place of birth and no discrimination in the matters of public employment on the grounds of sex only as provided under Article 16 of the Constitution.

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<sup>18</sup>. M.P. Jain; *Indian Constitutional Law*, (5<sup>th</sup> Ed. 2008), p. 907.

<sup>19</sup>. *Ibid.*

<sup>20</sup>. Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) p.6.

**(2) Right to Freedom:** Article 19 to 22 of the Constitution deal with the right to freedom. It includes right to freedom of speech, protection in respect of conviction for offences, protection of life and personal liberty and protection against arrest and detention etc.

**(3) Right against Exploitation:** According to Article 23 of the Indian Constitution traffic in human beings and forced labour is prohibited.

**(4) Right to freedom of Religion:** Articles 25 to 28 of the Constitution deal with the right to freedom of religion for professing, practicing and propagation of religion freely.

**(5) Cultural and Educational Rights:** The interest of minority is protected under Article 29 and Article 30 provides the right of minorities to establish and administer their Educational Institutions.

**(6) Right to Constitutional Remedies:** Every citizen has been provided the right to Constitutional remedies. Articles 32 to 35 deal with the right to Constitutional remedies. Every citizen of India has the right to Constitutional remedies *i.e.* approaching Courts for enforcing fundamental rights.

There are some of the landmark judgments of Apex Court where the Supreme Court has specifically pronounced the judgment for making special provisions for women.

**(a). A Woman shall not be denied a job merely because she is a woman:** In its landmark judgment of the Apex Court in *Air India v. Nargesh Meerza*<sup>21</sup>, has held that a woman shall not be denied employment merely on the ground that she is a woman as it amounts to violation of Article 14 of the Constitution. In the present case, wherein air-hostesses of Indian Air Line and Air India have challenged the service rule which states that:

*“Air-hostesses shall not marry for the first four years of their joining; they will lose their jobs if they become pregnant. They shall retire at the age of 35 years, unless managing director extends the term by ten years at his discretion”.*

The Supreme Court suggested that first provision is legal, as it would help in promotion of the family planning programmes, and will increase the expenditure of airlines

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<sup>21</sup>. AIR 1981 SC 1829.

recruiting air-hostesses on temporary or *ad hoc* basis, but the second and third provisions to be declared as unethical, callous, cruel, detestable, abhorrent, unreasonable, arbitrary and unconstitutional which is an open insult to Indian womanhood. Thus, the above decision of the Apex Court has greatly elevated the status of working women<sup>22</sup>.

**(b). Denial of Seniority promotion on the ground of sex:** The rules regarding seniority and promotion in the Indian Foreign Service was challenged before the Apex Court in *Miss. C.B. Muthamma v. Union of India*<sup>23</sup>, where it has been held that the Rules relating to seniority and promotion in Indian Foreign Service which make discrimination only on ground of sex is not only unconstitutional but also a hangover of the masculine culture of having cuffing the weaker sex. In the instant case a writ petition was filed before the Apex Court wherein it was contended that she had been denied promotion to Grade I on the ground of sex, which violated Article 15 of the Constitution of India, 1950. The Apex Court allowed the petition and held that Rule 8 (2) of the Indian Foreign Service (Conduct and Discipline) Rules, 1961 which requires that an unmarried woman member should take permission of the Government before she marries. After marriage, she may be asked any time to resign if it is felt that her family life affects her efficiency as of right to be appointed to the service (I.F.S.) contravenes Article 15 of the Constitution. In view of the above decision, now these provisions have been deleted<sup>24</sup>.

**(c). Reservation of seats for Women in Colleges:** The Bombay High Court in *Dattatreya v. State of Bombay*<sup>25</sup>, has held that reservation of some seats in women's colleges is not unconstitutional. The court observed that establishment of educational institution exclusively for women is not hit by Article 15 of the Constitution<sup>26</sup>.

As held in the case of *Dr. Sathish Menon v. State of Madhya Pradesh*<sup>27</sup>, that women of this country, who for centuries were socially and economically handicapped to participate in the socio-economic activities on equal footing with men and to eliminate the backwardness of women, Article 15(3) provides that the State can make special provision for women. Such special provisions for women include reservation of seats in

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<sup>22</sup>. Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) pp.6-7.

<sup>23</sup>. AIR 1979 Sc 1868.

<sup>24</sup>. Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) pp.7.

<sup>25</sup>. AIR 1953 Bom. 311.

<sup>26</sup>. Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) pp.9.

<sup>27</sup>. AIR 2009 MP 185.

Educational Institutions or of posts in public employment in favour of women. According to Mr. Sanghi, however, no provision for reservation can be made of a single seat in an Educational Institution or a single post in public employment in favour of women as the law laid down<sup>28</sup>. But it has been held in *Toguru Sudhakar Reddy v. The Government of Andhara Pradesh*<sup>29</sup> that the decision of Supreme Court in *M.R. Balaji v. State of Mysore*<sup>30</sup> that the total reservation of seats in Educational Institutions under Article 15(4) should not go beyond 50% was confined only reservation under Art. 15(4) of the Constitution. In *Vijay Lakshami v. Punjab University*<sup>31</sup>, the Supreme Court relying upon *Toguru Sudhakar Reddy*, case has observed:

“Further, this Court in *Toguru Sudhakar Reddy v. Government of Andhara Pradesh*<sup>32</sup>, approved the reasoning of the HC of Andhra Pradesh wherein it was held that reservation beyond the Constitution that the ratio in *M.R. Balaji v. State of Mysore*<sup>33</sup>, was only confined to the reservation under Art. 15(4) and 16(4) of the Constitution of India”.

Hence, the decisions of the SC under Article 15(4) and 16(4) that reservations in favour of SC, ST and OBC categories cannot exceed 50% or cannot be 100% which do not apply to a special provision in favour of women under Article 15(3) of the Constitution.

**(d). Women’s Reservation in Election to Local Bodies, Employment<sup>34</sup>:**

Reservation of seats for women in local bodies and in educational institutions cannot be taken to mean as to discrimination on ground of sex. The Supreme Court in *T. Sudhakar Reddy v. Govt. of Andhara Pradesh*<sup>35</sup>, has upheld the constitutional validity of proviso to Section 316(1)(a) of the Andhra Pradesh Co-operative Societies Act, 1964 and of the Rules 22(c) and 22 A(3)(a) framed there under relying upon the mandate of Article 15(3) of the Constitution read with the said rules providing for nomination of two women members by the Registrar of the managing committee of the cooperative societies with a right to vote and to participate in the Committee’s meeting. The Supreme Court upheld

<sup>28</sup>. *M.R. Balaji v. State of Mysore*, AIR 1963 SC 649; *Deepak Sibal v. Punjab University*, AIR 1989 SC 903; *Dr. Chandradhar Paswan v. State of Bihar*, AIR 1988 SC 959; *Post Graduate Institution of Medical Education and Research Chandigarh v. Faculty Association*, AIR 1998 SC 1767

<sup>29</sup>. AIR 1994 SC 544.

<sup>30</sup>. 1963 Supp (1) SCR 439: AIR 1963 SC 649.

<sup>31</sup>. AIR 2003 SC 3331.

<sup>32</sup>. 1993 (4) SCC 439: AIR 1994 SC 544.

<sup>33</sup>. 1963 Supp (1) SCR 439: AIR 1963 SC 649.

<sup>34</sup>. *Tripathi S.C. and Arora Vibha: Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) pp.10.

<sup>35</sup>. 1993 Supp. (4) SCC 439.

the validity of these provisions on the ground that Article 15(3) of the Constitution permitted the making of special provisions for women<sup>36</sup>.

In 1992 by the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments the reservation of seats for women in Panchayat and municipality have been incorporated by inserting Articles 243(d) and 243(t). According to the mandate of Article 243(d) of the Constitution in Panchayat, not less than one third of the total number of seats is to be filled by direct election in every Panchayat by women. These seats may be allotted by rotation to different constituencies in a Panchayat which shall be not less than one third of total number of seats. The chair-person in the Panchayat at each level shall be reserved for women. Article 243(t) of the Constitution makes similar provisions regarding reservation of seats for women in the municipalities. Thus, the Government on the strength of the Constitutional powers made a successful reservation of 33% seats for women in the local bodies which is considered as a pioneer legislative endeavour<sup>37</sup>.

The government today on July 24, 2014 informed Rajya Sabha that the issue needs "deep study and careful consideration on the basis of consensus among all political parties before a bill for amendment of the Constitution is brought before Parliament".

Law minister Ravi Shankar Prasad<sup>38</sup> said in a written reply that it has been the endeavour of the government to provide for the reservation of one-third seats for women in Lok Sabha and the state legislative Assemblies.

The 15th Lok Sabha could not pass the bill and the Constitution (108th Amendment) Bill, which was pending in the lower House since 2010, lapsed following its dissolution. As per the law, any bill pending in Lok Sabha lapses with the dissolution of the House. Bills pending in Rajya Sabha are put in the "live register" and remain pending.

The 18-year journey of the Women's Reservation Bill has been marked by high drama and roadblocks in each outing in Parliament before the historic measure

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<sup>36</sup>. Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) pp.11.

<sup>37</sup>. *Ibid.*

<sup>38</sup> The Times of India, July 25, 2014 also see <http://timesofindia.indiatimes.com/india/Womens-reservation-bill-unlikely-to-be-tabled-soon-Govt/articleshow/38997254.cms> accessed on September 14, 2014.

cleared the first legislative hurdle in March 2010, when Rajya Sabha passed it during a sitting which saw marshals being used.

In view of the aforesaid Constitutional provisions, it can be said that India has moved a big step forward in empowering the women to participate in the political process at the policy decision making level.

In employment the reservation of seats for women has been provided by incorporating amendments, changes in existing statutes and also by passing special rules. In fact, it is the Constitutional obligation of the state to take statutory measures to bring women into the main stream by providing them service under the Government. It is to be noted that on many occasions the validity of the statutes regarding reservation of seats for women in service under the State has been challenged before the courts, but in most of the cases, judgment has been pronounced in favour of the women. For example, in *Union of India v. K.P. Prabhakaran*<sup>39</sup>, the Apex Court has upheld the decision of the Railway Administration to reserve the posts of Enquiry cum-Reservation Clerks in Reservation Offices in metropolitan cities of Madras, Calcutta, Bombay and Delhi exclusively for women and also the policy regarding separate seniority panels for promotion of such clerks. The Apex Court before arriving at this conclusion relied upon the decision in *A.P. v. P.B. Vijay Kumar*<sup>40</sup>, where it was held that the power conferred upon the state by Article 15(3) of the Constitution is wide enough to include the entire area of state activity covering employment under the State. In the above case, the Apex Court has held that the said decision of the Railway Administration is not constitutional and as such it is upheld<sup>41</sup>.

But, in *Mrs. Raghubans v. The State of Punjab*<sup>42</sup>, the Punjab and Haryana High Court has held that a Government order which declared women as ineligible for the post of warden in a men's jail is not violative of Article 15(1) for the reasons that if a woman was employed as a warden, her position would become worst and hazardous while ensuring and maintaining discipline over habitual offenders kept in the jail. It is

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<sup>39</sup>. (1997) 11 SCC 638.

<sup>40</sup>. AIR 1995 SC 1648.

<sup>41</sup>. Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) pp.12.

<sup>42</sup>. AIR 1972 P&H 117.

submitted that this decision seems to be reasonable because it involved with the physical safety of women<sup>43</sup>.

**(e). Article 243 of the Constitution and Reservation for SC/ST/BC/Women:**

Wherein Gujarat Municipalities (Reservation of Scheduled Cast/Scheduled Tribe/Backward class and women for office of President) Rules 1994; rule 2 and 3 read reservation of office of President of Municipality for SC/ST/BC when by roster, all the members of the municipality belonging to specific reserved category irrespective of whether they were elected as members from reserved seat or not would be eligible to stand for the office of president<sup>44</sup>.

By providing reservation for the office of the president this is to be filled from different categories of persons by rotation, the effect is that as per the roster point the office of the president is required to be filled from a specified or particular class e.g. the Scheduled Caste or Scheduled Tribe or Backward Class women and all other members of the municipality who do not fall under that category, are all excluded from contesting the election. The eligibility and the corresponding exclusion of other is determined on the basis of the candidate answering to the description of the category or caste for whom the post is reserved as per the roster and not the nature of constituency from which the person is elected. For example-when as per roster the candidate for the president's post has to be a Scheduled Caste then the Act and the Rules do not provide that it is only the Scheduled Caste candidate who has been elected from Scheduled Caste ward who can stand for election and the other Scheduled Caste candidates are not eligible even though they popular enough to get elected from unreserved wards<sup>45</sup>.

India has also ratified various International Conventions and Human Rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993.

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<sup>43</sup>. Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) pp.10-12.

<sup>44</sup>. *Id.* at pp.20-21.

<sup>45</sup>. *Kasmabhai F. Bhanich v. Chandubhai D. Rajput*, 1993(1) SCC 285; AIR 1998 SC 815; see also Tripathi S.C. and Arora Vibha: *Law relating to Women and Children*, (3<sup>rd</sup> Ed. 2008) pp.20-21.

The Women's Movement and a wide-spread network of Non-Governmental Organizations which have strong grass-roots presence and deep insight into women's concerns have contributed in inspiring initiatives for the empowerment of women.

### **UNIVERSAL DECLARATION ON HUMAN RIGHTS**

Since the adoption of Universal Declaration on Human Rights in 1948 a powerful influence both internationally and nationally has been exercised<sup>46</sup>:

*“The UN Declaration on Human Rights in 1948 was a public and indeed a global proclamation of ‘a common standard of achievement for all peoples and all nations’... it is the mine from which other conventions as well as national constitution protecting these rights have been and are being quarried”.*

As per article 1 of the Declaration, all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.<sup>47</sup>

### **CONVENTION ON THE NATIONALITY OF MARRIED WOMEN, 1957**

In 1949 the Commission on the Status of Women expressed the view that a convention on the nationality of married women should be prepared and concluded as soon as possible for it would assure women of equality with men, especially with respect to the right to a nationality, and prevent them from becoming Stateless upon marriage or at its dissolutions. Subsequently, the draft of the Convention was prepared by the Commission and in 1957, the General Assembly adopted the Convention on the Nationality of Married Women<sup>48</sup>.

### **COMMISSION ON THE STATUS OF WOMEN**

The Commission on the Status of women is a functional commission of the Economic and Social Council (ECOSOC) established by the Council in 1946. The functions of the Commission are:

1. To prepare recommendations and report to the ECOSOC on promotion of women's rights in political, economic, civil, social and educational fields and

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<sup>46</sup>. T.E.S. Fawcett: *The Law of Nations*, 1968, p. 156; see also Rao Mamta: *Law relating to Women and Children*, (2<sup>nd</sup> Ed. 2008 (Reprinted 2010)), at p.29.

<sup>47</sup>. *Ibid.*

<sup>48</sup>. S.K. Kapoor: *Human Rights under International Law and Indian Law*; see also Rao Mamta: *Law relating to Women and Children*, (2<sup>nd</sup> Ed. 2008 (Reprinted 2010)), at p.31.

2. To make recommendations to the Council on urgent problems requiring immediate attention in the field of women's right with the object of implementing the principle that men and women shall have equal rights and to develop proposals to give effect to such recommendations. Originally the Commission on the Status of Women was composed of 15 members. Subsequently the membership increased to 21 and then to 32 and finally to 45. Thus, at present, the Commission is composed of 54<sup>49</sup> representative of the UN members elected by the ECOSOC for three year terms. It meets biennially for its session of three weeks. As in the case of the Commission on Human Rights, the Commission on the Status of Women adopts its own resolutions and recommends draft resolutions and declarations for adoption by the ECOSOC. The Commission submits a report on each session to the Council<sup>50</sup>.

## CONCLUSION AND SUGGESTIONS

Every political party for the last six years has been assuring its support to the Bill which disarms women activists. And then a farce rather than a tragedy is played out by so-called radical politicians, jumping into the well of the House, tearing copies of the Bill and making impossible for proceedings to continue - the House gets adjourned, the Bill is thrown into the dustbin till it is revived in subsequent years with the same result. It is time this mockery stopped, considering that the Congress, the BJP and Left parties proclaim that they are for the Bill in the present form, and really want it to become a law<sup>51</sup>.

Women are not asking for grace and charity. Their contribution to the cause of nation-building exceeds that of men. An International Labour Organisation study shows that "while women represent 50 percent of the world adult population and one-third of the official labour force, they perform nearly two-third of all working hours, receive one-tenth of world income and own less than one percent of world property." Therefore, reservation for women is not a bounty but only an honest recognition of their contribution to social development.

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<sup>49</sup>. [http://en.wikipedia.org/wiki/United\\_Nations\\_Economic\\_and\\_Social\\_Council](http://en.wikipedia.org/wiki/United_Nations_Economic_and_Social_Council) accessed on November 20, 2010.

<sup>50</sup>. *Id.* at 42.

<sup>51</sup>. "PUCL Bulletin", By Rajindar Sachar (July 2003) available at <http://www.pucl.org/Topics/Gender/2003/reservation-bill.htm> accessed on August 16, 2016.

It is freely admitted by all parties that because of the inbuilt prejudice against women, male candidates will have an unfair advantage in elections. This aspect is freely admitted even by Left parties. Thus, parties will tend to allow women candidates to fight elections from their weak constituencies. Though, the Bill in its present forms, it is unwise to underestimate the opposition from the male constituency in Parliament. Given the present instability in political coalitions, and the material that is in Parliament, to expect one-third of the male members to accept political division to transfer the privilege is unrealistic. There is no Gandhians attitude who will give up his privileges so easily.

Article 82 of the Indian Constitution provides for the allocation of seats upon the completion of each census. As per the 1971 census, the population of India was about 54 crores<sup>52</sup>. Now, after the 2001 census, it has risen to about 102 crores. So the strength of the Lok Sabha can be easily increased by one-third to 750 well within the requisite formula. This will take away the fear of any male member to vacate the present seat. These extra seats could be dovetailed into double-member constituencies, which will ensure the reservation of one seat for women and, even permitting two to be elected, if the other woman candidate gets the maximum of the votes polled.

Keeping in view the previous promises the new Government has initiated its motion in view of National Mission for Empowerment of Women to strengthen overall processes that promote all-around Development of Women. A step towards strengthening the inter-sector convergence; facilitate the process of coordinating all the women's welfare and socio-economic development programs across ministries and departments. The Aim of mission is to provide a single window service for all programs run by Government for women under aegis of various ministries. In light of mission named 'Mission Purna Shakti, implying a vision for holistic empowerment of women.

## **SUGGESTIONS**

(i) In the matter of the fight against injustice and discrimination, women as a class should not be weakened by dividing them on caste lines. Reservation for women would check the muddy politics that the men folk have brought about. It would bring social consciousness to political life. It will also help in brushing the criminal-politician nexus - the real danger to our democracy.

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<sup>52</sup> Article 82 of the Indian Constitution.

(ii) Strategy of holding seminars or lobbying political leaders in their offices or on television will not help. All women's organizations, irrespective of political affiliation, should form a common platform with a single agenda. It must become a mass social movement and send out a message to all political parties, warn them that women will withdraw their backing in the next election if they do not support the Bill now.

(iii) Women do not need merely 33% reservation but to be brought on at par with their male partners, no matter what. However, seeing the state of affairs in India, researcher thinks reservation is a step toward women emancipation, as it will become mandatory for the fairer sex to represent the country in parliament. This will mean that women representatives will be required to be part of parliament, facilitating the revival of women empowerment.

(iv) Indian Government must take pride of getting this bill assented from President and empower the women folk who are the equal partner of the societal development. However sadly stated that till today, the Bill has not been voted in Loksabha. It is a fact, because only educated or literate mothers understand the importance of educating their kids, who will be the cheerleaders of tomorrow, with the rein of the country in their hands.

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