

# A Discourse for Her Fair Due

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## Abstract

Condition of women in India in Vedic period was very superior but afterwards it deteriorated enormously. During the British rule, many social reform movements were launched for emancipation of women. After independence of the country, democracy as a form of governance was adopted, ensuring equal status to women. Women comprise half of the population of the country. But a look at the electoral scenario exhibits a very dismal picture of their political representation. Not only their representation in House of the People is quite low but their registration as voter, allotment of tickets to women to contest elections is very feeble. Before 2019, their voter turn out was also very low in comparison to male voters. It's really mirthful to note that their winning percentage of in elections is very impressive. Even in 2019 elections they performed better than male voters in voters turn out. But still measures need to be undertaken to augment their presence in the governance. Then only the content of democracy and equality for women can be

accomplished. This is not an act of charity rather her fair due.

### **Article**

Men and women, a unique creation of the Creator, belong to the same stock of human beings. American Declaration of Independence in 1776 resonates and carries this spirit when it promulgates “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty, and the Pursuit of Happiness”. Both have the same right to existence and to enjoy their lives. History witnesses that treatment of women has not been fair. Even in the ancient Greek philosophy, the treatment of women oscillated. Plato advocated the right of women to become rulers in the Ideal State provided they qualify for that task. This prerequisite for rulers is equally applicable to men also, according to Plato. He believed in equal intelligence of men and women. But his disciple Aristotle, differed widely from his predecessor by advocating women to be confined to only house hold tasks and holding that women should be kept under the guardianship of the male master of the house.

But Indian scenario in this regard is a mixed one and has unfolded with the passage of time by taking various shapes.

Women were revered in India in ancient period, specially Vedic Period. In Manusmriti very famous saying goes “yatra naryastu pujiyante, ramante tatra devta” meaning thereby gods live at a place where women are revered. Female scholars Gargi and Maitreyi are remembered even today for their lofty knowledge and high level of competence for discourse. Indian

rituals were performed with the participation of both, husband and wife, in order to attain completeness. Women were free to move, to marry and re marry and also to accomplish their wish to obtain education. But by the time of later Vedic Period, this state of women began to deteriorate. Dharmasutra instruction for child marriage impeded the education of girls. Prohibition of remarriage of widow, arrival of polygamy and reverence of husband as a deity were the remarkable features of this time. In the medieval period, to protect women from eyes of alien invaders, strict practices like child marriage, Sati system etc. emerged. Altogether the dependence of women on men arose immensely. In modern period, many reform movements were launched to improve the condition of women. Brahm Samaj and Arya Samaj made remarkable efforts for the emancipation of women by advocating women education and women right in property and opposing Sati system and child marriage. Contribution of Keshav Chandra Sen and Ishwar Chandra Vidya Sagar in this regard is memorable for ever.

Constitutions of various countries contained provisions to ensure the dignity and rights of women. United Nations Universal Declaration for Human Rights 1948 also stood for equality of status of women and their dignity in the society. Its preamble uses the term “human family” for all individuals, and also recognizes their dignity and equal and inalienable rights to be the foundation of freedom, justice and peace in the world. Article 1 of this Declaration believes that “all human beings are born free and equal in dignity and rights”. Article 2 says that “Everyone is entitled to all the rights and freedoms set forth in

this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Article 3 mentions "everyone has the right to life, liberty and security of person". (Courtesy: U N website) Thus women found treatment of equality with their male counterparts at this world forum.

After independence, Constitution of India contained a host of provisions to ensure the well being and dignity of women in addition to championing their status of equality with men. Preamble of the Constitution talks of "equality of Status and Opportunity" and also assures "dignity of individuals", and thus provides equal footing to all individuals without any gender discrimination. Besides these many Articles of the Constitution, advantageous for women are as following:

Article 14: "Equality before Law and Equal Protection of Law"

This one is available to any person living in the territory of India.

Article 15: (1) prohibits the State from making any discrimination on the ground of sex etc. 15(2) ensures access to places and use of wells, tanks etc. by all without any discrimination.

Remarkably, article 15(3) provides for making special provision for women and children by the State. Article 16 stands for govt.

jobs to be available to all citizens without any discrimination on the ground of sex etc. Likewise article 19 (freedom of speech etc.),

20 (Protection in respect of conviction for offences), 21 (Protection of Life and Personal Liberty), 23 (Prohibition of

traffic in human beings and forced labour), 25 (Freedom of Conscience.....Practice and Propagation of Religion) 32

(Constitutional Remedies) all these rights are equally enjoyable

by men and women, both. Article 39(a) asks the State to secure that men and women equally have right to adequate means of livelihood, 39(d) to ensure equal pay for equal work for both men and women, 42(providing maternity relief) serve the cause of gender justice. Article 51- A (e) enumerates it as the fundamental duty of a citizen "to renounce practices derogatory to the dignity of women". Article 243(3&4) and 243T (3&4) provide for reserving 1/3 seats for women in Panchayats and Municipalities respectively. Moreover women are entitled to hold any high office like that of President, Vice President, Prime Minister, Minister, Judges, Governor or any other constitutional post.

Constitution of India in her Preamble provides for democracy to be the form of governance for the country. Thus under article 326 universal adult suffrage has been ensured. Women are equally empowered and entitled to vote in the elections for House of People and State legislative Assemblies, like their male counter parts. Article 84 makes no discrimination on the ground of gender for contesting the election of House of People and House of States. Men and women are equally qualified to contest elections of the Parliament. Article 173 lays down the qualification to contest the election for State Assemblies and Legislative Councils. Here again there is no discrimination between men and women as regards contesting the election to these two Houses. Anyone fulfilling other qualifications provided by the parliament, in addition to age prerequisite and citizenship of India, is free to contest elections. Thus Constitution treats women at par with men.

In spite of these loud proclamations in U N Declaration on human rights and in the Constitution of India regarding the equality of women, their representation in governance is dismal low. Besides, their participation and representation in elections is lamentable though their winning percentage is better than their male counterparts. It is especially mention worthy here that women comprise half of the population of India. But they are yet to get their fair due in governance and elections. Some feminists believe that the exclusion of women from political arena is due to the false distinction that has been created and continued by patriarchy between public and the private worlds.

The following table is very useful for the study at hand:

(Courtesy:<https://pib.gov.in/newsite/>

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[eci.gov.in/statistical-report/](https://eci.gov.in/statistical-report/).)

Electi on Year	Total Contest ants	Male Conte stants	Male Winn ers	%	Fem ale Cont estan ts	Femal e Winne rs	%	% of Male Conte stants	% of Femal e Conte stants
1952	1874	-	-	-	-	-	-	-	-
1957	1519	1474	472	32.0 2	45	22	48.8 9	97.03	2.96
1962	1985	1919	463	24.1 3	66	31	46.9 7	96.67	3.32

1967	2369	2302	491	21.3 3	67	29	43.2 8	97.17	2.82
1971	2784	2698	497	18.4 2	86	21	24.4 2	96.91	3.08
1977	2439	2360	523	22.0 8	70	19	27.1 4	96.76	2.87
1980	4629	4486	514	11.4 6	143	28	19.5 8	96.91	3.08
1984	5492	5321	500	9.4	171	43	25.1 5	96.88	3.11
1989	6160	5962	514	8.62	198	29	14.6 5	96.78	3.21
1991	8749	8419	496	5.89	330	38	11.5 2	96.22	3.77
1996	13952	13353	503	3.77	599	40	6.68	95.70	4.29
1998	4750	4476	500	11.1 7	274	43	15.6 9	94.23	5.76
1999	4648	4364	494	11.3 2	284	49	17.2 5	93.88	6.11
2004	5435	5080	498	9.8	355	45	12.6	93.46	6.53

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2009	8070	7514	484	6.44	556	59	10.6 1	93.11	6.88
2014	8251	7578	482	6.36	668	61	9.13	91.84	8.09
2019	8048	7322	465	6.35	726	78	10.7 4	90.97	9.02

### Analysis of the Table

1. Out of 17 elections, held so far for the House of People, highest number of total contestants was discerned in 1996. This year witnessed the highest number of male contestants. Highest number of FEMALE contestants is found in 2019, in 17<sup>th</sup> election for the House of People.
2. The least number of total contestants were seen in 1957. Also the least number of male and FEMALE contestants were found this year.
3. Highest number of male winners is seen in 1977. Highest number of FEMALE winners is seen in 2019.
4. In 1957, male winning percentage was 32.02% and FEMALES winning percentage was 48.89%. Moreover the winning %age of FEMALES is always higher in any election for the House of People in comparison to the male contestants.
5. In every election, %age of male contestants, is 90% plus. Thus male contestants dominated the election



scenario. In comparison to this, the %age of FEAMLE contestants remained always dismal low, below 10% mark. This is cause of concern. Being half of the population, their feeble is a question before Indian democracy. Obviously their representation in legislature cannot be raised if they contest elections in such low number.

6. The %age of FEMALES in the House of People has been ever below double digit (10%) with exception of 17<sup>th</sup> elections when it crossed this mark slightly 10.74%. Again the half of the Population of the country witnesses a poor representation.

In voters turn out, males had an upper edge over the females. From 1996 to 2004, the difference between male and female voters turn out was some 8% higher in favour of male voters. In 2014 election, it declined further, 67% male voter turn out against 65.54% FEMALE voters turn out. Thus female voters turn out improved a lot. But in 2019 a healthy and welcome signal appeared as the women overtook men (67.18% females against 67.02%) in voter turnout. This is a historic phenomenon to happen for the first time in the annals of Indian elections. It is really overwhelming occurrence for a conservative and patriarchal society like India.

As a matter of fact since the independence, voting has been a male dominated exercise in India, Political Parties did not bother much for the women electorates (voters) and contestants (candidates). Consequently representation of women remained very bleak in elections and governance.

Political parties need to distribute or allot party tickets to women candidates in greater number. As the performance of FEMALES contestants in terms of winning percentage is so remarkable, they should be fielded in the elections in higher number so that they can reflect the true composition of Indian society. The number of female contestants in any election is very dismal in comparison to male contestants. The number of female representatives in legislatures will rise when they contest elections in high number. Better if Political Parties themselves voluntarily decide to provide some 50% tickets to women. This is not a wild good chase because Model Code of Conduct is result of such a precipitation.

Registration of FEMALE voters must be encouraged by Election Commission of India as it is tilted in favour of males (908 female voters against 1000 male voters). Then one can anticipate their augmented representation. At Polling Stations, FEMALE voters need to be treated with special care, in case of being lactating, expecting, sick or old age. Adoption of public safety measures for females is likely to encourage their participation in the electoral process. Participation of women in economic activities is likely lay a positive impact on women population. It will boost them to partake in governance. Women in India are being literate, educated, wealthier and wiser day by day which would make them politically aware. Institutional support from Election Commission of India through SVEEP (systematic voter's education and electoral participation) can contribute in encouraging female voters' participation in the elections. Social Media platforms should be used to

disseminate the message comprehensively that the female contestants in elections and the female legislators in legislatures are lagging much behind their male counterparts. Then this brute reality of under representation of females in legislatures and their low number as contestants in elections will become a moot point and invite the attention of intellectuals, academicians and masses.

Augmenting the number of female contestants and their representation in legislatures is not an act of charity rather their long standing fair due.

1. **References**

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