



LAW AND SOCIAL
POLICY REVIEW

VOLUME 1 AND ISSUE 1 OF 2023

INSTITUTE OF LEGAL EDUCATION



Law and Social Policy Review [ISBN - 978-81-960677-7-9]

(Open Access Journal)

Journal's Home Page - <https://Ispr.iledu.in/>

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

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

Publisher

Prasanna S,

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

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli - 620102

Phone : +91 94896 71437 - info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://Ispr.iledu.in/terms-and-condition/>



DALIT AND MINORITY WOMEN REPRESENTATION TO THE LEGISLATURE

Author – HARIPRIYA S, STUDENT OF SRM SCHOOL
OF LAW, CHENNAI

Best Citation – HARIPRIYA S, DALIT AND MINORITY
WOMEN REPRESENTATION TO THE LEGISLATURE,
Law and Social Policy Review, 1 (1) of 2023, Pg. 18,
ISBN - 978-81-960677-7-9.

ABSTRACT

India is one of the world's most popular countries; in this country over 714 million voters decide who should be the head of the world's largest democracy for next 5 years. And this big democratic country reserved seats for the socially marginalized people namely scheduled caste and tribes. In 2009, 84 seats for scheduled caste and 47 seats for the scheduled tribes were reserved. The pending bill seeks 33% of reservation for women in parliament and state legislature. DAKSHAYANI VELAYUDHAN was 1st Dalit women in Indian assembly. Here in this paper we discuss about the Dalit women struggles faced in political representation and steps to help them out. And about the bill that which is still pending.

INTRODUCTION

Political participation and representation are popular phenomenon in current Indian politics and gained more importance and far reaching all over the country. But real problem lies especially in gender perspective. Women in Dalit and minorities are particularly rare to address the problem of exclusion in country political process. Though there are special reservation and representation for women but they are allowed in decision making process. The under representation of Dalit and minority women are considered as the gender caste and social prejudice. Representation of minority and Dalit women in the national, state, local politics

are low. Untouchability practice still exists in local and national level. Political voice and the power to make decisions about basic services, economic development and social justice are crucial factors in challenging and transforming structural gender discrimination and empower Dalit and minority women to realize their fundamental rights. Political participation is another thing, empowering state and non-state actors to ensure and respect their equality in political expression and development. This multifaceted understanding of empirical democracy is used to explain how women are portrayed in national parliaments. The purpose of the paper is to how the democratic country represented Dalit and minority women in the legislature.

INDIA AND WOMEN

India's political structure is federalist, and the constitution grants the country's 28 states and 8 union territories a great deal of political power (UTs). The administrative duties of state governments are carried out by the State Legislative Assemblies (SLAs), which are entities that are directly elected. States are split administratively into districts, which are further divided into tehsils or talukas. Politically, states and UTs are split into single-member districts where candidates for the SLA are chosen through first-past-the-post voting. Geographic borders are established to guarantee an equal population distribution among the constituencies. Delimitation regulations passed in 1985 assigned these constituencies to parent districts for elections held before 2008. Nine constituencies per district are the average number. India's constitution directs the government to establish quarter architecture of Original governance, called panchayats.

For decades, attempts to secure acceptable political representation for non-Brahmin gentries failed. At independence, the Indian constitution handed political reservation for SC and ST, who are 25% of the population. In 1950, India reserved up to one-fourth of the seats in



the public and state houses for SC ST members. Naturally, authorities in public and state houses are reserved for these groups previous to public and state choices (Constitution of India 1949; Library of Congress & Federal Research Division 2004), proportionally to the groups' shares in the public and state populations, grounded on the most recent census antedating the election.

Debates over political reservations for women have passed since British rule. In the 1920s and 1930s, the British placed a lower precedence on reservations for women than on reservations for particular religious and estate groups. In 1935, seats were reserved for women in parochial houses, but the Indian government removed these reservations at Independence. After decades of debate, the 73rd Amendment to India's constitution established in 1992 that one third of seats in the Panchayat and one third of Head- of- Panchayat positions would be reserved for women. The indigenous (73rd Amendment) Act, 1992 proved to be catalytic, bringing further than 14.5 lakh women into leadership positions in India's original governance. At the moment, as numerous as 20 countries- Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttara hand and West Bengal- have increased reservations for women in their PRIs to 50 per cent. Numerous countries similar as Karnataka have further than 50 per cent of women representatives in PRIs, which indicates that women are now winning inwards that weren't reserved for them. The indigenous (73rd Amendment) Act, 1992, provides for optional posts for women. It has been handed that not lower than one- third reservation of the total number of posts of Members and speakers at all three categories of Panchayat Raj Institutions(i.e. Gram Panchayat, Intermediate Panchayat and District Panchayat) shall be reserved for women. Considering the involvement of domination on women in society, it's anticipated that the

preface of reservation policy on the Panchayat Raj system may be an important necessary step to strengthen the participation of women in the political system. Reservations to tagged seats are commanded by the Constitution in the following pattern i) One- third of the total figures of seats to be filled by direct election in every Panchayat are to be reserved for women. This is inclusive of the reservation handed for women belonging to the SC/ STs(Article 243D(3)) ii) Within the reservation handed for persons belonging to the SC/ STs as detailed over, not lower than one- third of the total number of seats that are reserved for different orders in each Panchayat are to be reserved for women belonging to the SC/ STs(Article 243 D(2)) iii) These seats may be distributed by gyration to different constituencies within a Panchayat(243D(1) and(3). In 1996, an administrative bill was proposed to reserve one third of seats for women in the SLAs and the lower house of the civil Parliament. This bill was batted in several administrative sessions but not ratified.

In an incomplete way as a result of these sweats, at the public administrative position, women with further different backgrounds are entering public service. Still, utmost women (and men) politicians still appear from elite families. After the Indian government commanded a 30% reservation for women in the Panchayat, numerous recently tagged women were from elite gentries. Over time, poorer and lower politically connected women have held office at this position. On the whole, still, women's political representation at the state and public situations remains low. During 1967 - 2001, women won at most 14% of the general SLA seats and 24% of SC ST Seats in India's 16 largest countries.

Politics and governance, for periods, considered to belong to men, are now changing at the grassroots. India has been a frontrunner in some confines of women's political participation with several success stories of women's leadership- as high minister, press



ministers, and principal ministers. Despite similar positive results, the SC and ST women remain largely barred from the PRI and original and public governance structures. Proxy politics, power-brokering and gender-grounded demarcation continue and numerous women sarpanch have had to face extreme violence for challenging being power centers in their communities. Tagged SC, ST women representatives are barred by their gender, violence, domestic liabilities, regulatory domination, poor fiscal status etc. Choices in India, one of the world's most vibrant countries, elicit images like a social gathering or a fun fair, in part due to the inviting figures that share in the process. In this country of over a billion people, 714 million choosers will decide who heads the world's largest republic for the coming five times. To insure political representation for historically marginalized groups in the lower house of the congress, the Indian Constitution stipulates that each means only campaigners belonging to these groups can dispute choices in reticent constituencies. . In the 2009 choices, eighty-four seats for campaigners from listed gentries and forty-seven for listed lineage members were reserved, 24 percent of the total seats in the congress's lower house. A pending Bill seeking a 33 percent reservation for women in the congress and state houses has been the subject of violent debate for over a decade. State reserve seats for slated gentries and slated lines (formerly known as the rejects, smallest in the country's stratified social order) in proportion to their population in the state

WOMEN RESERVATION BILL

Women's position in Indian politics becomes more and more difficult everyday, along with the chain of women politicians in our country. To increase the political participation of women in the parliament, women reservation bill was passed in the upper and lower house of the parliament which is still pending in the lok sabha. The bill was the constitutional bill(108th

amendment) bill 2008, which aims to reserve one-third of seats for women in lok sabha and the state legislative assemblies. This bill also provides a one-third of total no. of seats for scheduled castes and scheduled tribes to be reserved for the women in these groups. Reserved seats may be assigned on a rotating basis to different constituencies in the territory of the state or the union. The reservation of seats for women expires 15 years after commencement of this amendment. At present, only 15% women MPs in 17th lok sabha and 12.2% women in the rajya sabha. This figure falls short of the world average of 25.5%. Only 8% of MPs are women in every state in India. Currently, this bill is still pending in the house of parliament, which is lok sabha. The bill will only pass if the government in power gives it full support to the bill because it has a majority in lok sabha. Although there has no major development with respect to the passage of women reservation bill in recent month, if the current government takes an action to elevate it, hopefully the bill will pass in lok sabha soon.

STRUGGLES LED BY DALIT WOMEN AS REPRESENTATIVES.

According to the 2012 report, 117 Dalit women were elected representatives who visited the government and other official position. As the positive note 39.3% of women where accepted to enter the panchayat by the officials; out of that 36.8% mentioned how officials implemented schemes requested by them and 34.2% stated that officials took the prompt action on the women s request or complaint. On the other hand, the Dalit women repretatives were also harassed like make them visit the government office frequently to delay with same matter, or delaying the implementation of the scheme. It was also recognized that over17.9% of women have to wait long time to meet with government officials to discuss government issues. Over 2.6% of women were forced to bribe the public servant to get the service.



Social challenges faced by the Dalit and minority women include:

- The Patriarchal Forms of Socio-Cultural Practices Become a Constraint for Dalit Women Representatives
- The dominance of Bureaucracy is Marginalizing the power of SC, ST Women Representatives
- Denial of Political Participation and Empowerment
- Pressure tactics dominate the Hindu caste to prevent any meaningful participation of Dalit women representatives in the panchayats
- There is No appropriate intimacy about meetings of the Gram Sabha's meetings.
- Refusal of SC, ST women representatives to Participate in the decision-making process.

We have to create the supportive environment for these women political participation in order to transform access to and control on resources and benefits in the society, which helps to promote a human rights culture and spread equality for all.

WHAT WE CAN DO?

To improve the economic condition of Dalits and minorities in rural areas required to facilitate their political participation, prepare a national plan with short and long term goal for great development of Dalit and minority women with a fixed target and allot separate funding for this plan as per the recommendation of national human rights commission. The sufficient powers, funds and staff should be allotted to the national and state scheduled caste, scheduled tribes and women commissions to conduct the inquiry about the political obstruction or violence against the Dalit women or men, Adivasi men or women and other women elected representatives. Dalit women representatives who seek judicial redress in performance of their official duties

should be provided free legal aid. Providing free legal aid is also the duty of government as per constitution of India. Awareness campaign for the development of Dalit people and their participation in Indian politics.

CONCLUSION

It's very significant to give a representation in legislature to women especially to Dalit and minority women because it not only motivates them it also motivate the upcoming generation and motivate anti-discrimination against gender and caste. It will also be a good revolutionary change which enhances equality. If this happens in reality they won't be addressed as the minority, instead they would be considered as the same community.

BIBLIOGRAPHY

1. <https://ijcrt.org/papers/IJCRT21A6012.pdf>
2. <https://www.shethepeople.tv/blog/minority-women-politics-india-female-politicians/>
3. <https://www.indiatoday.in/education-today/gk-current-affairs/story/women-s-reservation-bill-all-you-need-to-know-about-the-bill-which-is-yet-to-be-passed-in-lok-sabha-1653451-2020-03-07>
4. Law relating to women and children by Dr.s.c. tripathi and vibha arora, central law publication.