

A STUDY OF MALE DOMINATION IN ELECTORAL PROCESS IN INDIA: RADICAL SCHOOL OF FEMINIST JURISPRUDENCE AND PROF. CATHARINE A. MACKINNON'S PERSPECTIVE

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Abstract--Democracy will actually be justified by fair and free participation of women in election process. Feminist Jurisprudence emerged in late 1960s, analysed the law from women's perspective and demanded equality and empowerment of women. Radical School of Feminist Jurisprudence emerged in 1980, focuses on patriarchy, male domination all around the world and difference of power. The power in all fields of life is with men and not with women, which makes her position inferior to that of men. Catharine A. MacKinnon, leading Radical Feminist comes up with her theory of 'Dominance Approach' and suggests feminists to concentrate on identifying male dominance and eliminate it from society, so that women can get power like men and equality in true sense will be achieved. Electoral process in India is male dominated. Women are still under represented. After 2019 general elections, only 14.39% of Parliamentarians are women due to impact of many factors like bias on the part of political parties as well as voters' etc. the voting process is also male dominated. Women are expected to vote to candidate chosen by the male head of family. To increase women's participation in electoral process; there is an introduction of 'Woman Quota' in Gram Panchayat elections. Although the situation is improving but much more is needed to be done to eliminate male domination from the whole electoral process.

I. INTRODUCTION

Free and fair elections are the most important and integral part of politics in a democratic system of governance. While politics is the art and practice of dealing with political power; election is a process of legitimization of such power. Democracy can indeed function only upon this faith that elections are free and fair and not manipulated.¹ Right to Vote is fundamental right in democracy. Right to participate in election process is foundational virtue of democracy. Both these rights allow citizens to participate in their Government. So, Democracy will actually be justified by fair participation of people in election process. India is the largest democracy in the world. Having more than 800 million voters, it is very challenging task to conduct free and fair elections in India.²

Despite women constituting half the world's population, they account for less than a quarter of the membership of national Parliaments globally. Such numerical under-representation can have consequences for substantive representation of women's interests. Previous research has shown that, greater political participation by women does result in policy choices more attuned to women's needs and concerns. Moreover, having more women in elected office has been shown to lead to broader societal benefits such as better infant mortality rates, better education outcomes.³

¹ Nilesh Ekka, "Electoral Reforms in India - Issues and Reforms" 11 *Journal of the Indian Law Institute* 231 (2018).

² Sheikh Muzamil Mohd., *Electoral Reforms in India* 5 (Createspace Independent Publications, South Carolina, 2015).

³ Parveen Rai, "Women's Participation in Electoral Politics in India: Silent Feminisation" 37 *South Asia Research Journal* 59-60 (2017).

II. FEMINIST JURISPRUDENCE

Women in almost every society have been given a second rate status socially, economically and legally throughout the centuries. Adult suffrage for women until the middle of 19th century was unheard of. In the matters concerning polity, governance and administration, women's participation was few and far between. Men dominated political world. The subordinate role of females has imposed lots of restraints on their freedom and discretion.⁴ The unequal status of women was offensive to human dignity and rights, so it emerged as a fundamental crisis in human development all around the World. Feminism has the greatest impact from all the cultural revolutions of 20th Century. It is a movement to empower women. It demands for liberation, equality and emancipation of women. The aim of Feminism is to understand women's oppression keeping in mind gender, class and sexual preference.⁵

Its origin is marked in 18th century, when campaigns for the elimination of discriminatory laws which prevented the women from participating in civic life started. Along with this, the battle for right to vote also started. That was a successful campaign.⁶ Feminist Jurisprudence had emerged in 1960s and it analysed the law from women's perspective and demanded liberation, equality and empowerment for women. It is a philosophy of law based on political, economic and social equality of men and women.⁷ Feminist Jurisprudence is a burgeoning School of legal thought that encompasses many theories and approaches to law and legal issues. Its' each strain evaluates and critiques the law by examining relationship between gender, sexuality, power, individual rights and Judicial system as a whole. Feminist legal scholarship is divided into three different Waves. Although none of these is totally isolated from other.⁸

The First Wave is generally connected to Liberal School and early Socialist/ Marxist School of Feminism during 19th and 20th century. It argued for equality in legislations.⁹ Key arguments raised by the feminists from this Wave are the right to vote, the right to education, marriage and property laws favoring women, better working conditions etc. But women still were not considered to be equal to men and this scenario led to Second Wave of Feminism. Second Wave emerged in late 1960s and early 1970s and dominated the feminist movement with its main focus on structure of the society (which is perpetuating the inequalities), the discrimination faced by women at workplaces, sexuality, and reproductive rights etc. The main questions asked by women in this Wave was that if the woman is as talented as man, then why she is always treated as lesser than men? The answer to this question lies in the masculinity of legal systems all around the world. The law pretends to be rational, impartial, but actually it is not. The law language is male constructed but it is assumed from law to be gender neutral. Their analysis is centered upon the patriarchal construction

⁴ Autar Krishen Koul, *A Textbook of Jurisprudence* 233 (Satyam Law International, New Delhi, 1st edn., 2009).

⁵ Wayne Morrison, *Jurisprudence: From the Greeks to Post Modernism* 479-480 (Cavendish Publishing Limited, London, Special Indian Edition, 2011).

⁶ Mary Wollstonecraft, *Vindication of the Rights of Women* (1792) (WW Norton, New York, 1967).

⁷ Dr. S.R. Myneni, *Women & Law* 330- 331 (Asia Law House, Hyderabad, 2nd edn., 2011).

⁸ Uzair Ahmed Khan, "Feminist Jurisprudence in the Indian Constitution" 5 *The Indian Journal Of Political Science* 26 (2018).

⁹ *Supra* note 4 at 235.

of society.¹⁰ The Second Wave brings a more radical edge in the movement. It is mainly known by Radical School of Feminist Jurisprudence.¹¹

III. THE RADICAL SCHOOL OF FEMINIST JURISPRUDENCE

It emerged in 1980s and focuses on difference of power; women lack the same amount of power as that of men.¹² It contended that women as a class, is dominated by men. It also focuses on differences of power as against men. The issues of central concern are power, male domination and sexuality of women. The School opposed existing political and social organization as these are the result of patriarchy. Men as a class use social and legal systems of control to keep women suppressed. The Radical School wants to free both men and women from their rigid gender roles imposed by society upon them.¹³ These feminists demanded root and branch reform of society, which cannot be achieved solely by Legislations. Biological differences result in domination of male over women and power. The patriarchal system manifests itself in different forms but in all such forms, the avenues of power are in the hands of male. Favouring of men over women in patriarchy cannot be quickly fixed due to long rooted mindset of 'male dominance'.¹⁴ Through conscious raising women should be made aware of this dominance and should be made self-reliant so that they are not dependant on men in any sense.¹⁵

IV. THE DOMINANCE THEORY OF PROF. CATHARINE A. MACKINNON

Prof. Catharine A. Mackinnon is prolific writer from Radical School of Feminist Jurisprudence. She argued in her Book "*Feminism Unmodified: Discourses on Life and Law*" (1984) that feminists should concentrate on identifying dominance. She treats gender inequality issue as question about distribution of power, male supremacy and female subordination. Male domination is central to her. This conceptualisation enables her to broaden the focus of inquiry beyond orthodox terrain work conditions and to take into consideration monopoly of males over political power.¹⁶ Men have defined women as '*different*' so equality argument cannot succeed. For her, equality is a question of distribution of power. The power is with men, so they dominate women. By using the tool of domination, she argued for change in laws that will end inequality in power. It is the consequence of male domination that women cannot trust the State. She quoted, "*The State is male in the feminist sense, the law sees and treats women the way men sees and treats women. The liberal State coercively and authoritatively constitutes the social order in the interest of male as a gender. The State's formal norms recapitulate the male point of view on the level of design.*"¹⁷

According to her, the rule of law in reality is the rule of men. The concept of gender is the question of power distribution. She demands power for women. The key to power in society must be

¹⁰ *Supra* note 7 at 6.

¹¹ Available at: https://shodhganga.inflibnet.ac.in/bitstream/10603/6880/6/06_chapter%201.pdf (last visited on August 12, 2020).

¹² *Supra* note 4 at 235.

¹³ Patricia A. Cain, "Feminist Jurisprudence: Grounding the Theories" 4 *Berkeley Women's Law Journal* 191 (1989).

¹⁴ S.P. Dwivedi, *Jurisprudence & Legal Theory* 443 (Central Law Publications, Allahabad, 6th edn., 2012).

¹⁵ *Id.* at 444.

¹⁶ *Supra* note 7 at 334.

¹⁷ Catharine A. Mackinnon, *Feminism Unmodified: Discourses on Life and Law* 8, 9 (Harvard University Press, Cambridge, Massachusetts and London, England, 1989).

understood in order to achieve this equality.¹⁸ She also criticizes the sameness/ equality approach adopted by feminists by arguing that, "*Man has become the measure of all things.*"¹⁹

a. Prof. Mackinnon Demands Power For Women:

Prof. MacKinnon argues that relationships in society can be better understood if reconceptualised on the basis of power. Power is the main reason behind the consistent and constant oppression of women on the basis of their sex. So, she demands political power for women; the power that is with men in society. She states that the main aim of Feminism is to unmask the females' lack of power. Only through '*Dominance Approach*', women will come to know about their lack of power and they will start raising voice. When women will get power, the issues like marital rape and domestic violence can become political issues- *the personal is political.*²⁰ Women have to understand this inequality and also the manner through which this inequality is translated into legal practices. They can resist the reality of maleness of law, State and society by understanding that gender has been constructed by men for having power over them.²¹

b. Power For Women In Civic Life:

Prof. MacKinnon has demanded power for women as their own right. She argues that the question of distribution of power, of equality for women and of inclusion and exclusion in political world are political questions, concerned with male domination, male power and control over it.²² She states that women are measured against men; they are '*Others*', the '*Object*'. Males use to control and hold the civic power, so they determine what women could do and what not and whether they are equal or different. So, there is need of political power for women to that they may come at par with men. Only when women will struggle to get it and attain it, they will be able to get equality in true sense as full citizens of the society and this power disparity will be removed.²³

V. MALE DOMINATION IN ELECTORAL PROCESS IN INDIA: A RADICAL SCHOOL OF FEMINISM AND PROF. CATHARINE A. MACKINNON'S PERSPECTIVE

Women in India are restricted to the role of wife and mother inside home. While major changes are occurring on question of equality in other parts of the World, norms that restrict women to home are still powerful in India.²⁴ Same is the condition in politics, where women's participation is limited and they are inadequately represented. This is one of the major factors that have contributed to the low status of women in Country. Women continue to constitute the largest backward group of citizens in India, who neither have access to power structure nor are any other effective methods adopted to overcome their age old inequality and subordination.²⁵ As Mackinnon

¹⁸ *Supra* note 13 at 169-170.

¹⁹ *Supra* note 7 at 375.

²⁰ *Supra* note 17 at 3.

²¹ *Supra* note 4 at 167-169.

²² *Supra* note 17 at 46-50.

²³ *Supra* note 13 at 166.

²⁴ *Supra* note 14 at 7.

²⁵ Available at: http://shodhganga.inflibnet.ac.in/bitstream/10603/118659/15/15_chapter%203.pdf (last visited on February 9, 2020).

argued, women can get the power after winning elections. Only then male domination can be eliminated from Indian politics and true equality can be achieved. Lack of women in Legislatures is a critical barrier to their eventual representation in Government. Interestingly, there is no gender gap in voting in India. Women turn out to vote at same rate as men in elections after 2010 specially. In America also; women voters' turnout is higher than men since 1970.²⁶

a. Safeguards Provided Under The Indian Constitution:

The Constitution of India makes vast provisions for the protection and promotion of status of women. It provides Right to Vote to all adult citizens irrespective of sex.²⁷ It also provides Right to Equality to all Citizens.²⁸ So, all citizens are equally eligible to contest elections if they fulfil mandatory requirements. Moreover, **73rd and 74th Amendments** had introduced **Part- IX and IX-A** to the Constitution in 1992 providing for 'Local Self Governance'. It provided for 1/3rd seats to be reserved for women candidates.²⁹ This step was taken to increase participation of women in decision making process on the recommendations of Ashok Mehta Committee and Committee on the Status of Women in India (1988).³⁰ This step has been taken to end male domination from Indian society and politics and to empower women. Women are given opportunity to get elected and rule their communities. No doubt, their participation has increased, but it is still not sufficient enough to eliminate male domination from politics.

b. The Issue Of Women's Reservation:

India has experienced higher gender inequality in politics and political decision making at every level since it got independent. Although there has been many women participating in politics, for e.g. Indira Gandhi, the former Prime Minister of India, many women Chief Ministers, MPs, MLAs etc., but this number is not commensurate to their population and it is not considered to be sufficient enough for presentation of women's interests. To increase it; authorities had been trying to introduce reservation for women in Legislature, so that they can come into power, which otherwise is not possible. But this effort has not been successful due to non- support from some of the parties. But the national consensus around this demand resulted in adoption of 73rd and 74th Amendments to the Constitution in 1993; introducing 33% reservation for women in local governance institutions. It is implemented in all States without evoking any hostility from male politicians or society.³¹

c. Women's Reservation Bill:

The Constitution's *108th Amendment Bill, 2008* also known as *Women Reservation Bill* seeks to reserve 1/3rd seats for women in Lok Sabha and State Legislative Assemblies. 1/3rd seats reserved for SC/ST shall be reserved for women from those groups. Rajya Sabha had passed this Bill but it is still

²⁶ Available at: <https://www.ideasforindia.in/topics/social-identity/role-model-effects-women-s-political-participation-in-india.html> (last visited on February 10, 2020).

²⁷ The Constitution of India, art. 326.

²⁸ *Id.*, art. 14.

²⁹ *Id.*, art. 243-D, art. 243-T.

³⁰ Nirmal Deshpande, *Women's Experience in New Panchayats: The Emerging Leadership of Rural Women* 35 (Centre for Women's Development Studies, New Delhi, 2000).

³¹ *Supra* note 3 at 63-64.

pending in Lok Sabha.³² So far no steps are taken to pass it by any in power Government because of opposition from various communities of society.

d. Role Played By Women In Politics In India:

The first woman to become Chief Minister was Sucheta Kriplani. The role played by Indira Gandhi, first female Prime Minister of India is instrumental in shaping the destiny of our Country. Pratibha Patel becomes first female President of India. Sonia Gandhi had served as President of UPA. Sushma Swaraj had done an appreciable work as Minister for External Affairs under Government of 2014. Kiran Bedi has proved her worth as an able administrator. The role played by Jayalalitha, Mamta Banerjee, Maneka Gandhi, Uma Bharti etc. is also commendable. In State of Punjab; after the election of 2017, only 6 women are elected as the Member of Legislative Assembly of Punjab.³³

Table No. I: Women Candidates And Representatives (1952-2019)

GENERAL ELECTIONS	TOTAL MEMBERS	WOMEN CONTESTANTS	WOMEN ELECTED	WINNING %
1 st (1952)	543	----	24	4.4
2 nd (1957)	537	45	24	4.4
3 rd (1962)	540	66	37	6.8
4 th (1967)	553	67	33	5.9
5 th (1971)	553	83	28	5.0
6 th (1977)	557	70	21	3.7
7 th (1980)	566	143	32	5.6
8 th (1984)	567	171	45	7.9
9 th (1989)	534	198	28	5.2
10 th (1991)	555	330	42	7.5
11 th (1996)	551	599	41	7.4
12 th (1998)	546	274	44	8.0
13 th (1999)	568	284	52	9.1
14 th (2004)	586	355	52	8.8
15 th (2009)	560	556	64	11.4
16 th (2014)	573	668	68	11.8
17 th (2019)	542	724	78	14.6

Source³⁴

³² Available at: <https://www.prssindia.org/billtrack/womens-reservation-bill-the-constitution-108th-amendment-bill-2008-45> (last visited on 20-06-2020).

³³ Editorial, “10 most powerful female politicians in India” *The India Today*, Sept. 4, 2015.

³⁴ Available at: <http://loksabhapnic.nic.in/Members/womenar.aspx?Isno=16&tab=0> (last visited on 24-06-2020).

e. Right To Vote In India:

Under Article 326, elections of House of People and State Legislative Assembly are on the basis of adult suffrage. Right to vote is provided to every major citizen without any discrimination.³⁵

f. Indian Women's Right To Vote And Male Domination:

India is a patriarchal society along with a representative Democracy. Here, it is expected that females will cast vote to male head's chosen candidate. While large proportion of women turn out to vote, they do not exercise their voting rights independently because of lack of political awareness, illiteracy etc. Political parties too do not invest much time in getting their support. But with the rise in awareness, now their participation in voting process is on rise.³⁶

VI. DISCUSSION ABOUT PARTICIPATION OF WOMEN IN THE GENERAL ELECTIONS OF 2014

Table No. II: Women Voters Turnout In General Elections (1952-2019)

GENERAL ELECTIONS	TOTAL VOTING %	MALE VOTERS %	FEMALE VOTERS %	DIFFERENCE IN %
1 st (1952)	61.16	----	----	----
2 nd (1957)	63.73	----	----	----
3 rd (1962)	55.42	63.31	46.63	16.68
4 th (1967)	61.33	66.73	55.48	11.25
5 th (1971)	55.27	60.09	49.11	10.98
6 th (1977)	60.49	65.63	54.91	10.72
7 th (1980)	56.92	62.16	51.22	10.94
8 th (1984)	64.01	61.22	58.6	2.62
9 th (1989)	61.95	66.13	57.32	8.81
10 th (1991)	55.88	61.58	51.35	10.23
11 th (1996)	57.94	62.06	53.41	8.65
12 th (1998)	61.97	65.72	57.88	7.84
13 th (1999)	59.92	63.97	55.64	8.33
14 th (2004)	58.07	61.66	53.32	8.34
15 th (2009)	58.19	60.24	55.82	4.42
16 th (2014)	66.40	67.09	65.30	1.79
17 th (2019)	67.11	67.01	67.18	-0.17

Source: Election Commission of India, New Delhi³⁷

a. The Participation Of Women In General Elections Of 2014:

A rise has been seen in female participation in overall election process in 2014 general elections as compared to all last held elections. It is a good step in right direction to overthrow male domination from society and to achieve equality in true sense. Details of these elections are discussed below: It is clear from Figure I, that in 2014 general elections, 397 million females were eligible to vote. 2/3rd of them exercise their franchise.³⁸ The share of women votes was 47.5%.

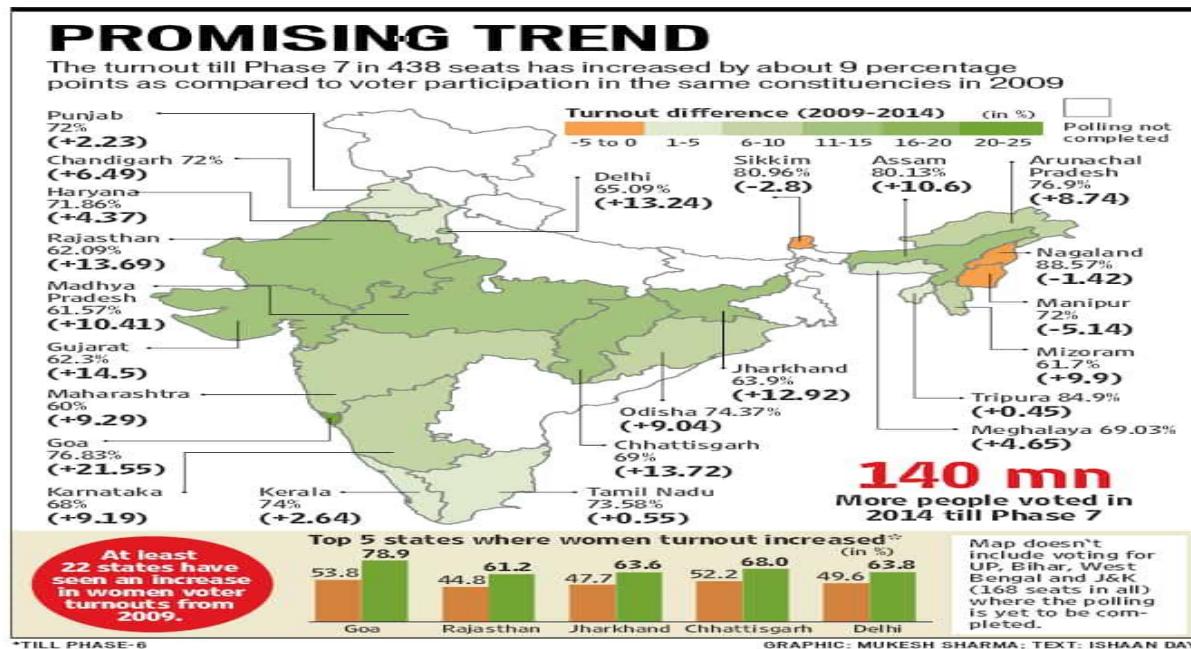
³⁵ *Supra* note 27, art. 326.

³⁶ Praveen Rai, "Electoral Participation of Women in India: Key Determinants and Barriers" 46 *Economic and Political Weekly* 47-49 (2011).

³⁷ Available at: <https://eci.gov.in/statistical-report/statistical-reports/> (last visited on 24-09-2020).

³⁸ *Supra* note 37.

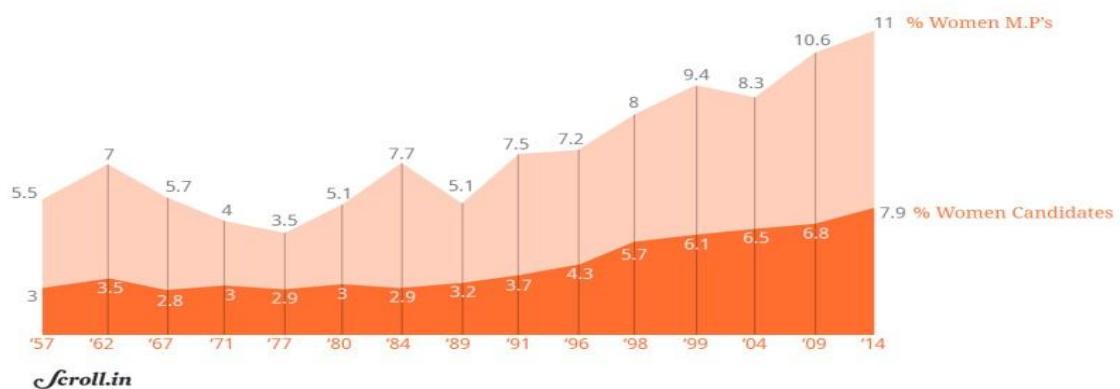
Figure No. I: Female Voters Turnout In General Elections, 2014



Source³⁹

Figure No. II: Women Representation In General Elections, 2014

Percentage of Women Candidates & M.P's from 1957-2014
Source: Adapted from ECI data by Young India Fellowship Election Data Unit



Source⁴⁰

As it is clear from Figure II that total 668 females contested in 2014 General Elections. 62 won the elections, which is 11% of the total strength of Lok Sabha.⁴¹

³⁹ Available at: https://www.hindustantimes.com/Images/popup/2014/5/02_05_14-metro10.gif (last visited on February 2, 2021).

⁴⁰ Available at: https://s3-ap-southeast-1.amazonaws.com/scrollstorage/1401681726-652_23.jpeg (last visited on February 5, 2021).

⁴¹ Supra note 37.

b. Female Nominations In General Elections Of 2014:

Political party INC nominated 59 women as against 462 males whereas AAP nominated 58 against 428 male candidates. BJP nominated 38 females against 501 males. BJP's 29, TMC's 10 and Congress's 4 female candidates succeeded in 2014 general elections.⁴²

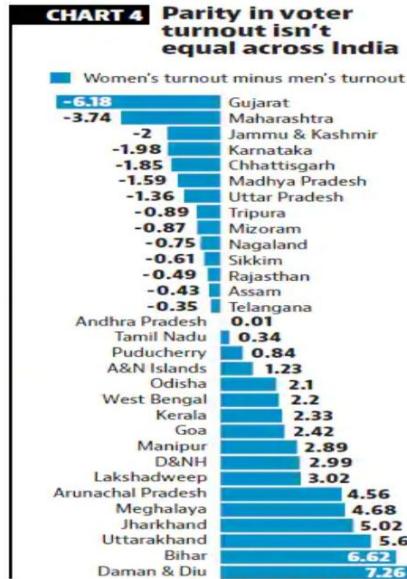
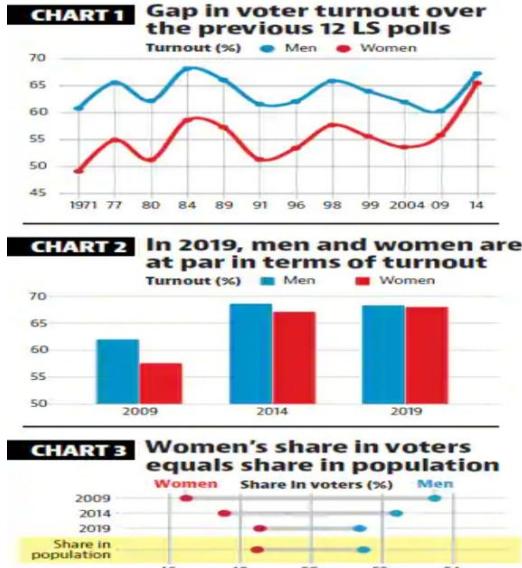
VII. PARTICIPATION OF WOMEN IN GENERAL ELECTIONS, 2019

Participation of women has increased significantly in 2019 elections in the matter of contesting elections and in exercising voting rights. 17th Lok Sabha witnessed highest number of women candidates securing seats. But idea of equal representation of women still has a long way to go.

Figure No. III: Female Voters Turnout In General Elections, 2019

Gender parity in voter turnout

Women in India have historically lagged behind men in terms of participation in the electoral process, but the gap has narrowed to its lowest in 2019



Source⁴³

As it is clearly provided under Figure III; the male and female voter turnout for the general elections of 2019 was equal; standing at 67%. In fact, the turnout of women *exceeded* that of men is highest in Manipur at 84.16%, in Kerala at 78.8% and Meghalaya at 73.64% etc.⁴⁴

a. Women Contestants In General Elections Of 2019:

Out of total 8026 candidates contesting all over India for the seats of MPs, 724 were women. That means 10.77% out of total women candidates were successful in winning election.

⁴² *Supra* note 40.

⁴³ Available at: <https://www.hindustantimes.com/lok-sabha-elections/lok-sabha-elections-2019-in-2019-polls-women-look-to-bridge-historic-turnout-gap/story-5dnpEBLWW9bAY4ugzr6XNN.html> (last visited on March 13, 2021).

⁴⁴ Aanchal Bansal, "Women Turn Out in Greater Numbers than in Previous Elections" *The Economic Times*, May 20, 2019.

b. Women Members Of Parliament, General Elections OF 2019:

Record breaking 78 women has won the election and form part of 17th Lok Sabha. This number has increased from 2014 elections where 62 women were successful in winning the elections. So, now 14.39% of the total elected representatives in 17th Lok Sabha are women. This data shows rise in political awareness among women of India.⁴⁵ Although there number is nowhere near to the half of the total members of Lok Sabha, but still this is a promising trend that women are getting power and the male domination can be challenged, if women get support from public. Another interesting fact is that women MPs were elected from 22 States only, which means that there is no female representative from 7 States in the 17th Lok Sabha. Punjab elected 2 women MPs.⁴⁶

c. Women Members Of Rajya Sabha At Present:

At present till June 2020, out of total 242 members, 25 are women.⁴⁷

VIII. REASONS FOR LOW PARTICIPATION OF WOMEN IN ELECTORAL POLITICS

India is a patriarchal society. Males are said to be the care takers of family in all senses. Although Indian Constitution grants equal voting rights to all but still because of India being patriarchal society, existing male domination in all spheres of life including political institutions, societal values, women's lack of awareness etc. create roadblocks for them from exercising electoral rights and also from contesting elections. Women have to live according to the wishes of male members of their family or her husband. It is expected that females will cast vote to male head's chosen candidate. While large proportion of women turn out to vote, they do not exercise their voting rights independently because of influence of male members over them, lack of political awareness, illiteracy etc. Political parties in India also pay importance to male voters.⁴⁸

Also, political parties provide fewer seats to female candidates to contest, because their ability to win the election is doubted especially when they are contesting against male candidates. There are still a large number of women Sarpanches in villages in India, who are guided by the dictates of their male members. So, women are again given a second rate status even after winning election. Indian voters too trust more on male contestants. Women contest elections on reserved seats due to persuasion by their family members, pressure from village community and from political parties on male family members but not by their own choice.⁴⁹

It is generally seen during the Gram Panchayat elections that votes on seats reserved for women are demanded on the names of their husbands. Voters are assured that male members will actually exercise the power on behalf of women.⁵⁰ Women members of Panchayats do not command respect

⁴⁵ Available at: <https://www.shethepeople.tv/politics/general-election-results-women-voters-mandate/> (last visited on 24-06-2021).

⁴⁶ Available at: <https://www.news18.com/news/india/17th-lok-sabha-will-have-a-record-78-women-parliamentarians-but-equal-representation-is-still-far-from-reality-2159337.html> (last visited on February 14, 2021).

⁴⁷ Available at: https://rajyasabha.nic.in/rsnew/member_site/women.aspx (last visited on July 25, 2020).

⁴⁸ N. Ambedkar, *Socio-Political Background of the Local Government Elite: A study of Municipal Corporation of Hyderabad*, 21(National Institute of Rural Development, Hyderabad, 1987).

⁴⁹ Snehalata Panda, "Political Empowerment of Women: The Case of Orissa", 12 *Journal of Rural Development* 665-667 (1997).

⁵⁰ *Ibid.*

from male members of Panchayats and villagers primarily because she is a woman. Situation gets worsened when she belongs to Scheduled Caste.⁵¹

Nearly all political works are performed by the husbands or sons of female Sarpanches. Even the funds from the bank are being drawn and handled by males. Besides these, most of the women Sarpanches have contested the election first time and in many cases, they have done so because the seats were reserved for women candidates and their husbands/sons insisted them to contest since they themselves could not contest for the seats reserved for females.⁵²

Another interesting factor is that elected women are generally married. Our society does not believe much in unmarried women. Women contestants are married because unmarried are not allowed by their parents to enter into politics; village communities had strong reservation in selecting unmarried girls, they think that girls would stake their marriage if they indulge in public activity.⁵³

IX. ANALYSIS OF CONTEMPORARY SITUATION

The lack of women's qualitative representation in key decision making positions led to the conclusion that their issues not specifically raised and taken into consideration while making of public policies and programmes. Moreover, the legislations are also reflective of stereotypical notions and patriarchy, which are passed by Legislature having male majority. Even the women specific laws present women as subordinate and the language of law is also male dominating mostly, whereas males are shown as having power to control their bodies. All this is happening because of the fact that women are not adequately represented, so their interests are not taken into consideration while formulation of any legislations.

The insufficient female representatives in Government also reduce their bargaining power during allotment of key cabinet berths, which are generally given to males. Women are generally allotted ministries termed as 'feminine' portfolios, for e.g. Ministry for women and children, social welfare etc. Thus, women active in politics in India are relegated to the fringes in power sharing at top level, with adverse impact on their political status, and act as a barrier to higher electoral participation.⁵⁴

X. CONCLUSION AND SUGGESTIONS

As argued by Radical School of Feminist Jurisprudence and Prof. Catharine A. MacKinnon; male domination is clearly persisting and deep rooted in Indian society. Legislature has no doubt taken many big steps to eliminate male domination from electoral process. There are many constitutional and legislative safeguards provided to improve women's status; but still their condition is not improving. Males are using the power themselves or on their behalf. What is more disappointing is that woman, especially in rural areas, still are not aware about them being 'second sex'. So, there is a need to change the mind set of women, who have accepted them to be of inferior gender. As argued by MacKinnon; through conscious-raising, Indian women should be made aware about male domination and made self-reliant. Only then true equality will be achieved.

Overall, the role played by Indian women in political process is improving day by day. Whereas developed Country like America is yet to have first female President, India already had a female President, which proves that nations' thinking about women being inferior sex is changing. Now

⁵¹ *Supra* note 48 at 22.

⁵² S.N. Mishra, K.P. Chaudhary *et.al.*, *New Panchayati Raj in Action* 57 (Mittal Publications, New Delhi, 1996).

⁵³ *Ibid.*

⁵⁴ *Supra* note 3 at 73.



voters had started showing their trust in women candidates. Educated women are also showing interest in electoral process and towards getting power. The outcome of 2014 and 2019 elections was unprecedented in aspect of rise of female voters, candidates and representatives. The reservation of 1/3rd quota for women candidates in local political institutions is a great step towards enhancing their participation and ending male domination over power at grass root level.⁵⁵

Much is done still much more is needed to be done. When male domination will be completely eliminated from Indian society, only then equality in true sense will be achieved. Democracy will then be justified by fair participation of people in electoral process. It is inspiring to note that a new wave of awareness has been evolving amongst females towards politics and power. It is hoped that reservation would enhance their participation and their status would increase in the eyes of people.

⁵⁵ *Supra* note 3 at 91-93.