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# **GENDERED CHALLENGES IN ELECTORAL REPRESENTATION: A COMPARATIVE STUDY OF WOMEN'S REPRESENTATION IN THE USA AND INDIA**

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## **ABSTRACT**

Gender Equality & Women's rights which today is a buzzword, is a global issue. Women's representation in politics has been a persistent challenge that reflects the deeply inherited socio-cultural norms & structural barriers. This research paper delves to talk about the same buzzword with reference to the involvement of women in politics of two distinct democracies one of which is the largest but still developing, democracies of India & other is the one of the first & developed democracy of the United States. This research shall examine developments & initiatives that have helped combat gender gap battles against bias. The study shall also provide valuable insides into the intricate hurdles & complexities involved in attaining gender balance in electoral representation.

## Introduction:

*"There is no chance for the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on one wing."* - Swami Vivekananda

Gender inequality has been a global issue since decades. Some of the major causes include lack of educational & land holding. According to The United Nations, women make up more than two-thirds of the world's 796 million illiterate people and just 39 percent of rural girls attend secondary school. This is far fewer than rural boys (45 percent), urban girls (59 percent), and urban boys (60 percent). Less than 20 percent of the world's landholders are women. Women represent fewer than 5 percent of all agricultural landholders in North Africa and West Asia, while in sub-Saharan Africa they make up an average of 15 percent.<sup>1</sup>

Gender inequality results in economic loss, health disparities, limited education access, political underrepresentation, heightened violence, and social divisions, impeding overall societal progress and cohesion. Addressing it requires comprehensive approaches to dismantle systemic barriers and promote equal rights and opportunities for all genders.

Despite being in the 21<sup>st</sup> century & witnessing progress, we still have a lot of differences & challenges that persist in achieving equal representation for women in political decision-making. The comparative research paper deals with experiences of women's electoral representation & suffrage movement in two diverse democracies, the United States of America & India, with different histories, but the sentiment of women's suffrage, gender parity & representation is deeply invoked in all its citizens. The struggle of these women who share common thoughts amidst the worldwide entrenched patriarchal structures. This paper shall shed light on the challenges & hurdles faced by women in pursuit of achieving political empowerment. By examining historical context, legal framework, suffrage movements, and challenges & struggle to achieve gender parity, This paper provides an analysis of shared challenges & efforts made by people to achieve what we have today in the context of gender equality in electoral politics globally.

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<sup>1</sup> UN WOMEN, [https://www.unwomen.org/en/news/in-focus/commission-on-the-status-of-women-2012/facts and-figures](https://www.unwomen.org/en/news/in-focus/commission-on-the-status-of-women-2012/facts-and-figures) (last visited March 31, 2024).

## Historical Context:

Earlier across the globe, women were considered less than their male counterparts who could easily be influenced, that is why they were not given voting rights. If they were granted the right to voting they might duplicate the vote of their male counterparts, vote according to the family's choice or their vote might be influenced by the church. Women have faced & still face systemic discrimination and unequal treatment in various aspects of life.

In the USA women had very little control, before 1920, they were under legal guardianship of their father or their husband. An example of such guardianship was the concept of "coverture" meaning married women were legally subsumed under their husbands' identities, they could not hold a public office & vote in federal elections. The freedom of expression & assembly was often curtailed & if practiced, was violently shut down like in the 1917 Silent Sentinels<sup>2</sup> protests outside the White House.

Before the 19th Amendment, the 1917 Silent Sentinels protests outside the White House<sup>3</sup>, led by suffragists like Alice Paul, exemplified women's restricted civil liberties. Despite peaceful advocacy for suffrage, protesters faced brutal violence and arrest, highlighting the challenges women encountered in exercising their right to free speech and assembly.

In India, women were considered to be subordinate to their male relatives. They were traditionally looked upon as homemakers and the education provided to them was limited. Women's legal status particularly belonged to everyone except them. Laws such as the Hindu Succession Act of 1956 and the Muslim Personal Law showed gender disparities in inheritance and property rights, depriving women of ownership and control over assets until 2005. They were largely excluded from formal political processes and decision-making bodies.

The changes that we see now are because of many women who have worked hard to get women in India to this stage one such example is *Annie Besant v. Advocate General of Madras*<sup>4</sup> (1917) where Annie Besant, a prominent British suffragist and Indian nationalist, challenged the decision to disqualify women from serving as legislators in the Madras Legislative Council. Although the court ruled against her, this case highlighted early efforts to challenge gender-

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<sup>2</sup> NATIONAL GEOGRAPHIC, <https://www.nationalgeographic.com/history/history-magazine/article/silent-sentinels-womens-suffrage> (last visited March 31, 2024).

<sup>3</sup> NATIONAL GEOGRAPHIC, *supra* note 2.

<sup>4</sup> *Annie Besant v. Advocate General of Madras*, AIR 1918 MADRAS 1210.

based discrimination in Indian politics. As a result, women's voices and perspectives were largely absent from policy-making and governance, hindering efforts to address gender-specific issues and concerns.

### **Women Suffrage movements:**

The struggle for women's suffrage has been marked by significant milestones and legal reforms in both the United States and India. Two pivotal events in this journey of the United States & India were the Seneca Falls Convention<sup>5</sup> in 1848 and the enactment of the Government of India Act in 1935 respectively. The Seneca Falls Convention, held in 1848 in New York, is widely regarded as the first women's rights convention in the United States. Organized by women's rights activists including Elizabeth Cady Stanton and Lucretia Mott, the convention brought together women with similar interests to advocate for women's rights including suffrage i.e political representation<sup>6</sup>. The convention adopted a resolution demanding women's right to vote called The Declaration of Sentiments<sup>7</sup>. This Convention was a pivotal moment in the women's suffrage movement and setting a foundation for future advocacy efforts.

Following the Seneca Falls Convention, activists in the United States continued to work for women's suffrage citing the 14<sup>th</sup> Amendment that guaranteed equal protection under the law<sup>8</sup>. But the Supreme Court's decision in *Minor v. Happersett* (1875)<sup>9</sup> blew their hopes, the court ruled that this amendment did not deal with the voting rights of women, which intensified the Suffrage moment's idea to pursue a separate amendment that explicitly grants them the right to vote. All their hard work & dreams came true with the 19<sup>th</sup> Amendment Act that gave women explicitly the right to vote irrespective of their gender, also it forbade the federal states from denying the right to vote based on sex.<sup>10</sup>

In India, the struggle for women's suffrage was on a different trajectory because it was intertwined with the broader struggle for independence from British colonial rule. The women's

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<sup>5</sup> HISTORY, <https://www.history.com/topics/womens-history/seneca-falls-convention> (last visited March 31, 2024).

<sup>6</sup> HISTORY, *supra* note 5.

<sup>7</sup> NATIONAL PARK SERVICE, <https://www.nps.gov/wori/learn/historyculture/declaration-of-sentiments.htm> (last visited March 31, 2024).

<sup>8</sup> U.S. CONST. amend. XIV, § 1.

<sup>9</sup> U.S. Reports: *Minor v. Happersett*, 88 U.S. (21 Wall.) 162 (1875).

<sup>10</sup> U.S. CONST. amend. XIX.

suffrage movement in India was characterized by collective activism, advocacy, and gradual reforms leading to the eventual inclusion of women in the democratic process.

The All India Women's Conference (AIWC)<sup>11</sup> a group founded in 1927, is a major platform for promotion of women's rights & led suffrage movements. It advocated for social change & organised conferences to raise awareness about political participation of women. One such prominent character in the women suffrage movement in India is Sarojini Naidu, who through her writing created awareness about women's rights. Other important women were Annie Besant, Kamaladevi Chattopadhyay who was a social reformer & the founding member of AIWC & Muthulakshmi Reddy who was the first legislator from the Madras Presidency in the early 1920s.

Due to the noble contribution in 1935, The Government of India Act was passed, that introduced the concept of limited suffrage for women at the national level. Women here were eligible to vote however with restrictive qualifications such as owning a property, that limited the number of women who were actually eligible to vote<sup>12</sup>. Despite these limitations, the inclusion of women in the electoral process marked a significant step forward in the Indian women's suffrage movement, laying the groundwork for future expansions of voting rights.

In 1950 Women were given the right to vote under Universal Adult Franchise which meant women could vote without discrimination of caste, creed, colour, place of birth, sex, etc.

Despite facing challenges and setbacks, all these events played crucial roles in advancing the cause of women's suffrage and paved the way for future progress in the quest for gender equality and political empowerment.

### **Legal Frameworks for Gender Equality:**

With the evolving global landscape, both India and the USA have witnessed significant developments in their legal frameworks aimed at promoting equality and empowering marginalized groups, particularly women. In the USA, foundational principles such as the Equal Protection Clause<sup>13</sup> of 1868 has paved the way for achieving gender equality through legal battles and judicial decisions. History has seen significant laws, like the 19<sup>th</sup> Amendment,

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<sup>11</sup> ALL INDIA WOMEN'S CONFERENCE, <https://www.aiwc.org.in/history.html> (last visited March 31, 2024).

<sup>12</sup> GOVERNMENT OF INDIA ACT, 1935 art. 308, § 2, cl. c.

<sup>13</sup> U.S.Const., *supra* note 8.

1920 that granted the right to vote to women in USA<sup>14</sup>, this marked a win for women's political empowerment.

Likewise to USA, India's constitution includes the concept of Universal adult Franchise granting them the right to vote without any discrimination and fundamental rights such as Article 14- Equality before the law<sup>15</sup>, Article 15- Non-discrimination<sup>16</sup> & Article 16- Equal Opportunities in public employment<sup>17</sup>. These rules empower the women & government to stand for their rights. Furthermore Article 51A of the Directive Principles of state policy<sup>18</sup> states that every citizen has a duty to oppose practices that disrespect women's dignity & promote harmony among all sectors.

With growing times gradually both the nations have made progress towards gender equality. India's legal changes include changes like the 73<sup>rd</sup> & 74<sup>th</sup> Amendment Act <sup>1920</sup> addressing Reservations for women in Panchayati Raj institutions and offices of chairperson at all levels of Panchayati raj institutions & in urban local bodies respectively. The women's reservation bill of 2023 that reserves 1/3<sup>rd</sup> seats for the women in the Lok Sabha(Lower house) & State legislative assemblies. <sup>21</sup>

Similarly USAID's (United States Agency for International Development) updated its gender equality policy in 2023 with the main objective to--‘reduce gender disparities in who accesses, controls, and benefits from economic, social, political, legal, educational, health, and cultural resources, as well as wealth, opportunities, and services’.<sup>22</sup>

These new laws demonstrate a step, in promoting gender equality and encouraging inclusive leadership in India and the USA.

### **Representation of women in the 21<sup>st</sup> century:**

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<sup>14</sup> U.S. Const., *supra* note 10.

<sup>15</sup> INDIA CONST. art. 14.

<sup>16</sup> INDIA CONST. art. 15.

<sup>17</sup> INDIA CONST. art. 16.

<sup>18</sup> INDIA CONST. art. 51A, amended by The Constitution (Forty-Second Amendment) Act, 1976.

<sup>19</sup> INDIA CONST. art. 243D, amended by The Constitution (Seventy-Third Amendment) Act, 1992.

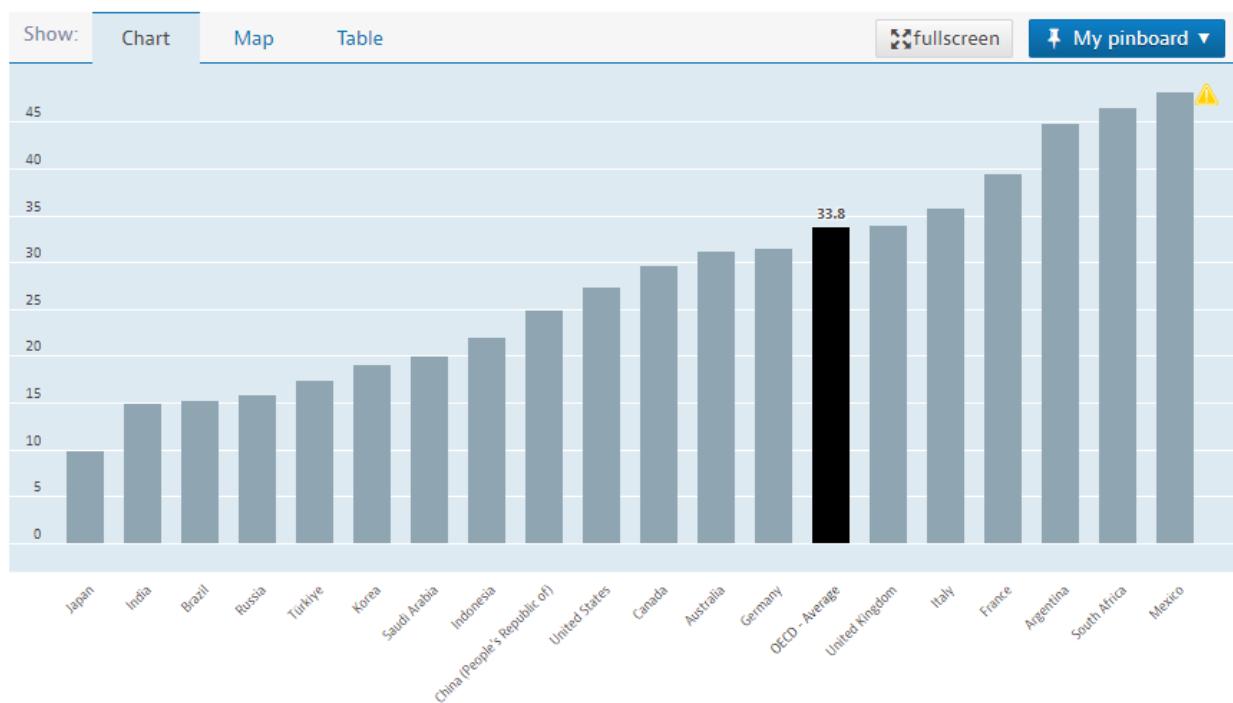
<sup>20</sup> INDIA CONST. art. 243D, amended by The Constitution (Seventy-Fourth Amendment) Act, 1993.

<sup>21</sup> INDIA CONST. art. 243D, amended by The Constitution (One Hundred and Sixth Amendment) Act, 2023

<sup>22</sup> USAID, <https://www.usaid.gov/gender-policy> (last visited March 31,2024).

## Women in politics Women parliamentarians, Percentage, 2023 or latest available

Source: Government at a Glance



Source: Organisation for Economic Co-operation and Development (OECD)<sup>23</sup>

While India has had prominent female political figures like Indira Gandhi & Pratibha Patil and more recently, Smriti Irani, Mayawati, Mamta Banerjee, Nirmala Sitharaman, Draupadi Murmu, etc. women's representation in the Indian parliament has been relatively low. According to the Election Commission of India as of 2022, women comprised about 13.80% of Rajya Sabha members & in 2019, women elected over total seats in Lok Sabha is about 14.4%<sup>24</sup>

<sup>23</sup> OECD, <https://data.oecd.org/inequality/women-in-politics.htm> (last visited March 31,2024).

<sup>24</sup> ELECTORAL STATISTICS POCKET BOOK, <https://www.eci.gov.in/ecibackend/public/api/download?url=LMAhAK6sOPBp%2FNFF0iRfXbEB1EVSLT41NNLRjYNJJP1KivrUxbfqkDatmHy12e%2FzVx8fLfn2ReU7TfrqYobgItVaDT1%2FN9NoActktqO4y0Ti6YTNhJb3duBnsypGrGbsFOwC3iVoQ82MxhlUAMbtgRkU2VvXw6n8RkOkaSlgUgdOo00ndBxGzBsC%2B0pwZ4d5> (last visited March 31,2024).

Year	Women Members	
	No.	Percentage (%) <sup>24</sup>
1978	25	10.24
1980	29	11.98
1982	24	10.16
1984	24	10.30
1986	28	11.52
1988	25	10.59
1990	24	10.34
1992	17	7.29
1994	20	8.36
1996	19	7.98
1998	19	7.75
2000	22	8.97
2002	25	10.20
2004	28	11.47
2006	25	10.37
2008	24	9.79
2010	27	11.15
2012	26	10.65
2014	31	12.76
2016	27	11.07
2018	28	11.48
2019 <sup>25</sup>	26	10.83
2021 <sup>26</sup>	29	12.24
2022 <sup>27</sup>	33	13.80

Source: <sup>24</sup>Publication – Rajya Sabha: The Journey since 1952 & Website of Rajya Sabha

Note: <sup>25</sup>While calculating percentage, vacant seats have been excluded.

<sup>26</sup> As on 17<sup>th</sup> October, 2019.

<sup>27</sup> As on 12<sup>th</sup> November, 2021.

<sup>28</sup> As on 31<sup>st</sup> December, 2022.

Year of Election	Women Contestants		Women elected over total seats		Women registered electors over total registered electors (%)	votes polled by women over total votes polled (%)	votes polled by women over women Registered women electors (%)
	No.	%	No.	%			
1991-92 <sup>28</sup>	330	3.8	39	7.3	47.4	42.9	50.6
1996	599	4.3	40	7.4	47.4	44.0	53.4
1998	274	5.8	43	7.9	47.7	44.4	57.7
1999	284	6.1	49	9.0	47.7	44.3	55.6
2004	355	6.5	45	8.3	48.0	44.4	53.6
2009	556	6.9	59	10.9	47.7	45.8	55.8
2014	668	8.0	62	11.4	47.6	46.95	65.5
2019	726	9.0	78	14.4	48.1	47.93	67.2

Note: <sup>25</sup>Data on participation of women is not available for 1951 Elections.

<sup>26</sup> Elections were held separately for States of Assam & Punjab.

<sup>27</sup> Elections were held separately for State of Punjab

Source: *Election Commission of India; Electoral statistics Pocket book 2022*<sup>25</sup>

While India has been long working on equal representation of women, with the 73rd<sup>26</sup> and 74th<sup>27</sup> constitutional amendments, enacted in 1992, mandated a minimum of one-third reservation (33%) of seats for women in all tiers of Panchayats (village, block, and district levels). This includes both elected seats and the position of the chairperson. In September 2023, The Women's Reservation Bill was passed. This Bill mandates reservation of one-third (33%) of seats in the Lok Sabha (lower house of Parliament) and state legislative assemblies for women candidates.<sup>28</sup>

The United States has also seen significant female political figures, such as Hillary Clinton, Nancy Pelosi, Kamala Harris, etc. . However, women's representation in the U.S. Congress has been gradually increasing. According to the Centre of American Women & Politics, as of 2022 women as a percentage of all candidates for the U.S. Senate is 21.7% & women as a percentage is of all candidates for governor is 23.5%. In the United States, there are currently no federal laws specifically mandating quotas or reservations for women in political office for both the

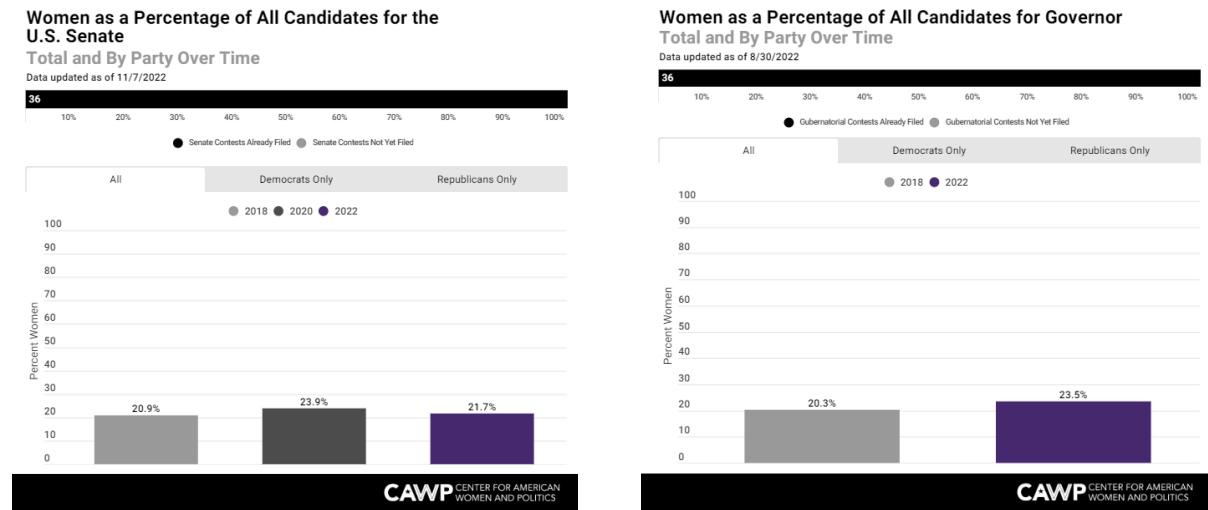
<sup>25</sup> ELECTORAL STATISTICS POCKET BOOK, *supra* note 24.

<sup>26</sup> INDIA CONST., *supra* note 19.

<sup>27</sup> INDIA CONST., *supra* note 20.

<sup>28</sup> INDIA CONST., *supra* note 21.

national level (Congress) and state legislatures.<sup>29</sup> Organizations like the National Women's Political Caucus<sup>30</sup> and Emily's List Work to support female candidates and promote gender equality in political representation.



Source: Centre for American Women & Politics<sup>31</sup>

### Challenges and struggles that still continue:

Women in electoral representation face many challenges & struggles although there exist a set of laws to protect women's rights but these challenges stem from deeply entrenched societal norms & biases. Some struggles include gender stereotypes, under-representation, limited access to resources, double standards, hostile political environment, balancing family and career, lack of institutional support, etc.

In the USA, women of colour, LGBTQ+ women, and women from other marginalized groups face intersecting forms of discrimination and bias in politics. Some common reasons are, women in politics frequently encounter sexism, harassment, and discrimination in the political workplace. Often females are pulled down because of internal party dynamics which does not always favour women candidates. From online abuse and threats to physical violence and intimidation, women politicians face a range of threats to their safety and well-being.

<sup>29</sup> CENTRE FOR AMERICAN WOMEN & POLITICS, <https://cawp.rutgers.edu/election-watch/women-percentage-2022-major-party-candidates-and-nominees> (last visited March 31, 2024).

<sup>30</sup> NWPC, <https://www.nwpc.org/> (last visited March 31, 2024).

<sup>31</sup> NWPC, *supra* note 30.

In the USA, Katie Hill, a Democrat, was elected to the United States House of Representatives in 2018, representing California's 25th congressional district. However, she resigned from office in October 2019 following allegations of an inappropriate relationship with a staff member and the publication of intimate photos without her consent<sup>32</sup>. Former Alaska Governor Sarah Palin, was the Republican nominee for Vice President in the 2008 election. During her time as a prominent political figure, Sarah Palin faced intense scrutiny, ridicule, and sexist attacks from both the media and political opponents.<sup>33</sup>

In India, Mayawathi who is a prominent female Dalit leader & former Chief Minister of Uttar Pradesh, has been subjected to violence & intimidation by political adversaries & caste based group. She had faced an incident of physical assault in 1995 that is infamously called the Guest House Assault, which threatened her safety & security and aimed at silencing her voice & participation in political activism.<sup>34</sup> Jayalalithaa Jayaram, was the former Chief Minister of Tamil Nadu & the first woman in the state to occupy that post of Leader of Opposition, as a woman in a male-dominated political landscape. Jayalalithaa encountered rampant sexism and misogyny from opponents, the media, and even within her own party. She faced physical attacks one such in 1989 when she was attacked by members of the opposition party during a session of the Tamil Nadu Legislative Assembly.<sup>35</sup> The attack resulted in injuries to Jayalalithaa and other members of her party, all this to avoid her from being a part of politics or having a voice.

### **Examining the Hypotheses and Efficacy of Gender Representation Laws:**

Throughout the paper we understand the journey of women's electoral representation but, are these laws or rules making a change on ground level? Yes, we see a change from what it was before the 73<sup>rd</sup> & the 74<sup>th</sup> Amendment in India & what it was before the 19<sup>th</sup> Amendment in the USA. But with changing time the kind of oppression has also changed. In some parts of rural India we see that there is a well-managed proxy system that has been established, where women are candidates who contest elections on their reserved seats & men (their father or husband) are the actual people in power. As of today, in 2024 India has 1 female chief minister from west

<sup>32</sup> CBS NEWS, <https://www.cbsnews.com/news/katie-hill-california-congresswoman-to-resign-amid-allegations-of-affairs-with-staff-2019-10-27/> (last visited March 31, 2024).

<sup>33</sup> NPR, <https://www.npr.org/templates/story/story.php?storyId=94661960> (last visited March 31, 2024).

<sup>34</sup> THE INDIAN EXPRESS, <https://indianexpress.com/article/what-is/the-1995-infamous-guest-house-incident-that-had-turned-sp-bsp-bitter-foes-5537680/> (last visited March 31, 2024).

<sup>35</sup> THE HINDU, <https://www.thehindu.com/news/national/tamil-nadu/barbaric-attack-was-unleashed-on-jayalalithaa-in-assembly-in-1989-palaniswami/article67190313.ece> (last visited March 31, 2024).

Bengal, 2 women governors for the current term<sup>36</sup>. In the USA 12 governors' are female for the current term. <sup>37</sup>

In India, when seats are reserved for women in local government, more women get involved in decision-making. But how well it works can vary in different parts of the country, and there are still obstacles for women to have a real say in important decisions. In the USA, there aren't as many rules about reserving seats for women, so other methods are used to help women get into politics. These include giving them extra support during campaigns, matching them with mentors who can guide them, and speaking up for women candidates.

Affirmative action policies, which aim to give a fair chance to people who have been treated unfairly before, have had different levels of success in getting more women into government. In India, setting aside seats specifically for women has clearly helped more women get involved. In the USA, these policies have faced challenges in court, but they've still made government more diverse.

Even though laws saying men and women have equal chances to run for office are important, they don't always fix all the problems women face in politics. To make sure women have a better chance, we also need to support them directly, fight against stereotypes that hold them back, and work to change unfair attitudes.

### **Summary:**

	India	USA
Universal Adult Suffrage	The Indian Constitution, adopted in 1950, granted universal adult suffrage, ensuring that all citizens over the age of 18 have the right to vote.	The USA also upholds universal adult suffrage, allowing citizens over the age of 18 to vote in federal elections.
Legal Framework for Gender Equality:	The Women's Reservation Bill, 2023 seeks to reserve one-third of seats in the Lok Sabha (Lower	Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment

<sup>36</sup> NATIONAL PORTAL OF INDIA, <https://www.india.gov.in/my-government/whos-who/chief-ministers> (last visited March 31,2024).

<sup>37</sup> NATIONAL GOVERNOR'S ASSOCIATION, <https://www.nga.org/governors/> (last visited March 31, 2024).

	House of Parliament) and state legislative assemblies for women candidates	& equal opportunity in workplace and ensuring equal opportunities for women in employment, & political positions.
Efforts to Address Gender Disparities:	Organizations like the National Commission for Women (NCW) and non-governmental organizations (NGOs) such as the Centre for Social Research (CSR) work tirelessly to advocate for women's rights and promote gender equality in India	The National Women's Political Caucus (NWPC) and Emily's List are prominent organizations dedicated to supporting female candidates and promoting gender equality in political representation in the USA.
Struggles Against Discrimination:	Women politicians in India, such as Mayawati, have faced discrimination based on her gender and caste identities. Mayawati is a prominent Dalit leader and former Chief Minister of Uttar Pradesh, has been subjected to violence, intimidation, and sexist attacks by political adversaries and caste-based groups.	Women politicians in the USA, such as Hillary Clinton, have been through discrimination and sexism in the political arena. She during her presidential campaigns in 2008 and 2016, faced sexist attacks and gender-based stereotypes from political opponents and the media.
Civil Society Activism:	Women's rights organizations and activists in India, such as the Gulabi Gang and the Self-Employed Women's Association (SEWA), advocate for gender equality and women's empowerment at the grassroots level.	Civil society organizations like the League of Women Voters and the National Organization for Women (NOW) play a crucial role in promoting women's political participation and gender equality in the USA.

**Conclusion:**

"When I'm sometimes asked when will there be enough [women on the supreme court]? And I say 'When there are nine.' People are shocked. But there'd been nine men, and nobody's ever raised a question about that."

— *US Supreme Court Justice Ruth Bader Ginsberg, In an interview with 10th Circuit Bench & Bar Conference at the University of Colorado in Boulder*

The United Nations warns that at the current pace, gender equality in top leadership positions could take another 140 years. This calls for reflection on past efforts and a commitment to address existing gaps<sup>38</sup>. Gender equality doesn't mean treating men and women as identical, but ensuring equal rights and opportunities for everyone. It's about breaking stereotypes and supporting women to pursue their aspirations without discrimination.

As the Former *Prime Minister Dr. Man Mohan Singh* rightly said that "The empowerment of women is the most effective tool for development." However, women also need to recognize their own power and take the lead in reshaping perceptions and demanding their rights, as *Beyoncé Knowles* rightly points out.

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<sup>38</sup> UN NEWS, <https://news.un.org/en/story/2022/09/1126171> (last visited March 31, 2024).

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