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## A Voice for the Voiceless: Reservation for SC/ST Women in Politics

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### Introduction

The Caste system in India has created multilevel social distress which includes institutional discrimination against Scheduled Castes (SC) and Scheduled Tribes (ST) in the economic, social, and political spheres. From time immemorial, SC/ST groups have been subjected to exploitation, have lived in abject poverty, have had little access to formal education, healthcare and other services, which have all conspired to place them at the bottom of the social and political stratosphere. Political reservation which means creation of a constitutional provision for certain legislative bodies in which SC/ST communities have specific number of seats reserved for them.

Within this perspective, such political seat reservation is of particular importance to the SC/ST women, who experience the double marginalization of caste and gender discrimination. Involving SC/ST women in politics helps not only in overcoming these past injuries but also in creating better policies that will help the oppressed classes as a whole.

In addition, the article addresses important judicial interventions that have marked the enactment of political reservation for SC/STs Women, including the impact of these judgments on the politics of realization of reservation policies. In light of these broad issues, the paper tries to underline the need for political empowerment of SC/ST women and also attempts to provide suggestions on how such an objective can be achieved within the federal polity.[1]

### Background and Historical Context

The oppression of SC/ST groups and women within the Indian subcontinent has an extensive history owing to the caste system and patriarchal ideologies. Even within families, most SC/ST people lived in a society that enforced vertical exclusion and horizontal deprivation; even in families, they were largely active in neither the resource nor political decision-making access. Class gender roles and limited education kept women from all castes but the most oppressed, i.e. SC/ST women, from full participation. Conversely, SC/ST women suffered the double curse of being low caste and being females, which oppressed them all the more and resulted in differentiating layers of exclusion.[2]

In the spirit of social justice, the Government of India prepared several social and political reforms that were declared necessary, having been introduced to the country after Independence. Policy measures to provide safety in legislatures for SC/ST communities embedding provisions in the Constitution for their representation etc. Political empowerment became the objective of the policy so that those processes of decision making through legislation could be represented. These reservations were provided by the Constitution Lok Sabha seats for SC/ST communities were provided under *Article 330* while government assemblies were provided under *Article 332* of the Indian Constitution. [3]

#### **Constitutional Provisions for SC/ST Representation[4]**

To address the historical injustice meted out to the SCs and STs and to encourage their participation in democracy, the Indian Constitution contains certain provisions for political representation to SCs and STs. These provisions seek to give political representation to SC/ST groups and aid in their involvement in the processes of policy-making.

*Article 330* encompasses the reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People Lok Sabha Socio-politically, this has appeared as a means of affirmative action and to ensure that whoever belongs to SC/ST communities, can go beyond just being a voter, and even join the legislative assembly so as to influence matters that concern them, like formulation of laws, policies, and others. The States Legislative Assemblies will also be responsible for the reservation of seats for the SC and ST as provided in *Article 332*.

Subsequent to these provisions, the *Scheduled Castes and Scheduled Tribes Orders (Amendment) Act* as well as other relevant laws were enacted in order to enhance and develop the provisions in the constituent document. These legislations outline the criteria for a

particular section of the society to be declared SC/ST along with the advantages of reservation in terms of population and geographical area.[5]

Moreover, *Articles 15(4) and 16(4)* of the Indian Constitution also provide the Constitutional justification for making special provisions in favour of socially and educationally backward classes n, which also embraces SC STs. Article 15(4) allows the state to make special provisions for the improvement of the conditions of the socially and educationally backward classes in order to achieve their participation in the access of these resources.

### **Reservation for SC/ST Women in Local Self-Government**

The *73rd and 74th Constitutional Amendments* were passed by the Parliament in the year 1992 brought a paradigm shift in India by recognizing and establishing the system of local self-administration along with provisions for affirmative action among different sections of the people. The amendments added in these Councils of local self-government, namely, Panchayats and Municipalities within the framework of the respective Acts and additionally provided for the reservation of women to the extent of *one third* along with the SC/ ST caste reservation.[6]

As evident is *Article 243D*, along with protection for SCs and STs in the Panchayats, this also provides that at least a third of such filled up seats should be occupied by SCs and STs – Women. This helps women, especially those from SC and ST communities, to serve and voice the issues of their communities through rural governance. An analogous provision is made in respect of Municipalities, called "*Article 243T*" which also does provide for reservation of seats in the municipalities depending on the percentage of population of SC/STs and also provides for one-third seats to be occupied by SC/ST women. With this provision, even the SC/ST women are able to participate in the provision of urban local governance.

Such scenarios can be witnessed in real life. "Asha Devi"[7], a panchayat head in Haryana, a woman of Dalit background, stood up against caste discrimination through her position and worked for the betterment of the society where she belongs. "Kamamma", a woman from the tribal community in Karnataka did the same and managed to demand that basic societal structures such as water and sanitation be provided in her locality.[8]

### **Judicial Pronouncements on Reservation Policies for SC/ST Women**

The contours of the reservation policy for SC/ST women have evolved over a period through judicial pronouncements which show that such policies are necessary to achieve social justice and political participation.

· The Supreme court in *State of Uttar Pradesh vs. Pradeep Tandon (1975)*[9] stressed on the need of reservations as a means of improving the social standing of the SC/ST including women. The case also showed that socio-economic distances caused by history will require stitching.

· The judgment in *Indra Sawhney v. Union of India (1992)*[10], better known as the case of Mandal Commission, was a historic judgment regarding reservation. It was the first case which laid down the “protective discrimination” doctrine, which said that for backward classes including SC and ST classes, special provisions are necessary to ensure proper representation.

· In *K. Krishna Murthy v. Union of India (2010)*[11] the Court endorsed the constitutionality of reservations in Panchayats and the significance of the SC/ST woman along with her several men in the society at the lowest rung of Indian democracy. The ruling also emphasized the need for representation at the bottom, which is crucial for the upliftment of the disadvantaged.

· *Kuldip Nayar v. Union of India (2006)*[12], while not directly concerned with SC/ST women, dealt with issues of representation and equality in a broader sense. The Court’s position however, did support the use of reservations for the systemic inclusion of marginalized groups in legislatures.

· In *Rajbala v. State of Haryana (2015)*[13], the issue of minimum educational qualification for contests of elections to the Panchayati Raj institutions was considered by the Supreme Court.

### **Proposed Women’s Reservation Bill and Implications for SC/ST Women**

The addressed Women’s Reservation Bill to bring 33% of the seats in the Parliament and State Assemblies for women will enhance the representation of women in Indian politics where they only account for about 14% of the parliamentary seats as per 2024 records. If this legislation is passed, it may be effective in curing the gender gap; however, without particular sub-quotas the women from SC/ST categories will still be under-represented. Women from Scheduled Castes and Scheduled Tribes collectively represent less than 4% of all legislative

*bodies according to the National Commission for Scheduled Castes (2023)* which also shows the marginalization of the caste and gender composite aspects. [14]

This element of marginalization raises the suspicion that the bill in its current form will cater for the needs of upper caste women, who will tend to benefit without any other forward measures. Yet, the SC/ST women political representation is limited as they suffer political structure discrimination, which Cowling et al. (2022) illustrated through the existing reservation's unused benefits. This approach would ensure that SC/ST women are fairly represented and also take part in decisions that affect their communities' unique situations.

### **Impact and Challenges of Political Reservation for SC/ST Women**

Political reservations have increased SC/ST women's visibility in governance at the grassroots level, with *nearly 41% representation in Panchayats*, thanks to the 73rd and 74th Constitutional Amendments. Yet, socio-economic barriers remain: the *National Sample Survey Office (NSSO) data (2021) reveals that 70% of SC/ST women politicians report financial constraints*, making it challenging for them to contest elections and access campaign resources. Furthermore, patriarchal attitudes in rural and urban areas continue to restrict SC/ST women's roles in leadership, *with only 15% feeling they have substantive decision-making power according to a 2023 survey by NITI Aayog*. [15]

Political parties' attitudes also hinder progress; SC/ST women often receive fewer candidacies and limited support from their parties. The analysis carried out by the *Association for Democratic Reforms (ADR) in 2022, concludes that only a mere 9% of the total number of tickets issued by all the political parties is allocated for SC/ST women candidates* which is a clear demonstration of the discrimination that impedes their political development. [16]

### **Policy Recommendations and Future Directions**

In order to enhance the participation of SC/ST women in different levels of democracy, policy changes should also embrace the addition of sub quotas for SC/ST women within the Women's Reservation Bill in recognition of the challenges they face. Advancing reservation policies should also be supplemented affordable and accessible out of expenses such as campaign funds, scholarships, and training programs to eliminate the impact of financial drawbacks.

### **Conclusion**

While taking into account affirmative action policies aimed at SC/ST women such measures can be said to be useful in reducing systematic underrepresentation in political positions, in the present context these measures do not seem up to the task. This paper makes a case for support to enable SC/ST women to be brought up to par with other women, that goes beyond gender relations and focuses on traditional caste issues. The classic view both within international relations and social theory is that through transformation of threatened security, all main warring parties mutually agree to lower the level of conflict on certain arrangements and ruling organisations & regimes in social systems where the warring parties cease mutual violence

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[1] <https://thesecuritydistillery.org/all-articles/caste-oppression-and-gender-security-in-india>

[2] <https://www.thehindu.com/news/national/supreme-court-upholds-state-governments-power-to-sub-classify-scheduled-castes-scheduled-tribes-for-quota/article68471726.ece>

[3] <https://dopt.gov.in/sites/default/files/ch-11.pdf>

[4] <https://www.drishtias.com/daily-updates/daily-news-analysis/sc-allows-for-sub-classification-of-scs-and-sts>

[5] [https://socialjustice.gov.in/writereaddata/UploadFile/SC%20ST%20ORDER%20\(AMENDMENT\)%20ACT%201956636359887389305949.pdf](https://socialjustice.gov.in/writereaddata/UploadFile/SC%20ST%20ORDER%20(AMENDMENT)%20ACT%201956636359887389305949.pdf)

[6] <https://indianexpress.com/article/explained/explained-law/73-74-amendment-reservation-women-elected-bodies-8947255/>  
#:~:text=New%20local%20self%2Dgovernance%20laws,titled%20%E2%80%9CThe%20Municipalities%E2%80%9D%20respectively.

[7] [https://docs.escr-net.org/usr\\_doc/Report\\_of\\_Nationall\\_Workshop\\_in\\_Allahabad.doc](https://docs.escr-net.org/usr_doc/Report_of_Nationall_Workshop_in_Allahabad.doc)

[8] <https://pmc.ncbi.nlm.nih.gov/articles/PMC4510769/>

[9] State of U.P. v. Pradip Tandon, (1975) 1 SCC 267

[10] Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217

[11] K. Krishna Murthy v. Union of India, (2010) 7 SCC 202

[12] Kuldip Nayar v. Union of India, (2006) 7 SCC 1

[13] Rajbala v. State of Haryana No. 671 of 2015, (2016) 1 SCC 463, and AIR 2016 SC 33.

[14]<https://www.drishtias.com/to-the-points/Paper2/women-reservation-act-2023-women-in-politics>