



Women's Reservation Bill 2023: An Important Step Towards Women Empowerment - Implementation and Importance

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Research Summary

The main goal of women empowerment and women related policies all over the world is to empower women politically. Even after 76 years of independence in India, the world's largest democratic country, Indian women have been left behind in the democratic process. Despite the equal status given to men and women by the Indian Constitution, women's participation in important political institutions of the country is less than 20 percent.

In order to end the negligent behavior towards women in the Indian society and strengthen their political status, under women-centric development, India has passed the Constitution Amendment Bill, pending for many years, which aims to provide one-third seats in the Lok Sabha and State Assemblies to women. has to be reserved, has been taken to its logical end. Recently, both Lok Sabha and Rajya Sabha passed the Women's Reservation Bill 2023 (128th Constitutional Amendment Bill) or Nari Shakti Vandan Act.

The Women's Reservation Constitution (128th Amendment) Act is a milestone in India's democratic journey. The Act, passed in the new Parliament House during a special session, is an important step towards women empowerment. It coincides with the 30th anniversary of constitutional reforms in the context of local self-governance, which reserved one-third of the seats in panchayats and municipalities for women. While the final implementation of this reservation in Parliament depends on the delimitation and census processes. This is an opportune moment to consider the 30-year experience of women's reservation in local government and its implications for Indian democracy.

This bill is necessary for the upliftment of women. After the introduction of this bill, it is expected that women will now demand their rights with confidence.

Research Methodology - Clearly, analytical, factual and behavioral methods of study have been used in the context of the nature of the proposed study. In the presented research study, an attempt has been made to provide originality to the research article by adopting historical, analytical, comparative and innovative methods through secondary sources. As a secondary source, the material available in books, published research texts, research papers and journals as available

material related to this subject in the library and on the internet have been used for the study.

For the collection of facts as a primary source, reports of commissions, bills and acts related to government and administration have been included.

Introduction - There is a race among all political parties to take credit for the recently passed Women's Reservation Bill. But the real victory belongs to the women's movements, after whose long struggle this bill has taken shape. When women were actively



participating in the movement for national independence, they did not feel that they were in any way inferior or behind men in the political field. Sarojini Naidu also felt that giving reservation to women or nominating them to any post was a kind of insult. This means that women are so capable that they can reach any position on the basis of their work. But its real test was their participation in decision-making institutions after independence, which was negligible. The first Lok Sabha was formed in 1952 and there were only 24 women MPs. And after this, the situation in the upcoming Lok Sabha elections was also not very satisfactory.

In such a situation, in 1975 the 'Committee for the Status of Women' expressed concern that the number of women in decision-making bodies was very less. The committee members were not vocal in favor of reservation in Legislative Assemblies and Parliament, but were supporting their reservation in Panchayats and local bodies.

During this period, when Indira Gandhi was the Prime Minister in 1975, a report named 'Towards Equality' was published. In this, details of the status of women in every field were given. There was also talk of reservation for women in this. Most of the members of the committee that prepared this report were against reservation, whereas women wanted them to enter politics on their own strength and not through reservation.

Rajiv Gandhi, during his tenure as Prime Minister in the 1980s, had tried to pass a bill to provide one-third reservation for women in panchayat and local body elections, but it was opposed by state assemblies. He said that this would reduce his powers. Nevertheless, women's reservation was supported in some institutions within some states. Later, state governments, especially in Karnataka, Maharashtra and Kerala, accepted reservation up to 30 percent. It is said that this was used by some parties as a strategy to defeat the opposition, and not with the welfare of women in mind.

In 1992, Parliament passed the 73rd and 74th Constitutional Amendment Bills with the aim of providing adequate representation to women in Panchayati Raj and urban bodies. After this, 33 percent reservation for women in Panchayats and urban bodies and posts was implemented. After giving representation to women in Panchayat and urban bodies, demands started to increase women's representation in Parliament and Legislative Assemblies also.

The Women's Reservation Bill has been discussed since the tenure of former Prime Minister Atal Bihari Vajpayee in the year 1996. Since the then government did not have majority, the bill could not be approved. Thus, about 28 years ago, the issue of giving 33 percent reservation to women in the Assembly and Parliament came on the table of Parliament.

After this, on 12 September 1996, H.D. Deve Gowda's government tabled the Women's Reservation Bill in Parliament. Under this, there was a provision for 33 percent reservation for women in the Lok Sabha and Legislative Assemblies through the 81st Constitutional Amendment Bill. But this bill could not be passed by the Parliament. After this the bill was handed over to a joint special committee whose chairperson was Geeta Mukherjee. During this period, 106 women's organizations sent memorandums to Geetaji and statements of enlightened women of the country were heard. The report was presented to finalize the bill on 9 December 1996. Geeta Mukherjee had received letters written with the blood of many women that they would not rest in peace until women got this right. Geetaji was also determined to take this issue to its logical conclusion. But at that time many political parties in the Parliament opposed the bill in the name of 'quota within quota'. The sad thing is that even later the bill was not passed on the pretext of lack of consensus.

Women's organizations protested - Women across the country were angry over this avoidance strategy of the parliamentary representatives. In the budget session of 1997, the All India Women's Association organized a massive Parliament march with 10,000 women from across the country. These women were lathicharged, tear gas and water cannon were used. Many women were injured and reached hospitals. There was opposition to this repression in the Parliament, and the then Prime Minister I.K. Gujral even had to apologize. About 1.5 lakh signatures were given to the Lok Sabha Speaker to get the Women's Reservation Bill passed. In May 1997, several women's organizations sent letters to all national political parties demanding that they pass the bill.

In 1998, the Atal Bihari Vajpayee government again tabled the bill in Parliament, but some political parties on this platform once again stopped the bill from being passed. In the same year, seven women's organizations started a campaign strongly criticizing this anti-women environment in Parliament. Its name was Chetna Yatra and this journey was from Delhi via Ernakulam and



Chennai and back to Delhi. Smt. Mohini Giri, former Chairperson, National Commission for Women flagged off the Yatra. The march stopped at about 28 stations and raised slogans and the women welcomed them and signed white sarees, which were later deposited at the President's house.

In the year 1998 itself, in the month of August, women representatives of major parties held a conference in Hyderabad and expressed their support for the Women's Reservation Bill. The leadership of the women's movement continuously maintained pressure through joint delegations, dharnas, demonstrations, conferences, giving memorandums to political parties and MPs and women awareness programs in the states, etc. Nearly two years after this attempt, the Atal Bihari Vajpayee-led NDA government re-introduced the bill in the 12th Lok Sabha in 1998. Vajpayee had also mentioned 33 percent reservation for women in his Independence Day speech in 1998. However, this time too the bill did not get the support it needed to pass and it again languished. Later it was re-introduced in 1999, 2002 and 2003 during the Vajpayee government, but without any success. Every time the excuse of lack of consensus was brought.

The discussion on the Women's Reservation Bill gained momentum again during the UPA-1 government led by Manmohan Singh. The bill was reintroduced in the Rajya Sabha on May 6, 2008, and three days later, on May 9, it was referred to the Standing Committee. The Standing Committee submitted its report on 17 December 2009 after spending more than one and a half years. It received approval from the Union Cabinet in February 2010 and the Women's Reservation Bill was passed in the Rajya Sabha with 186–1 votes on March 9, 2010. However, the government never tabled it again in the Lok Sabha for consideration and with the dissolution of the Lok Sabha in 2014, it was not passed again. That is, this bill had been introduced in the Parliament a total of 8 times at different times before it was recently passed, but could not become a law. The Women's Bill was in a way shelved citing lack of consensus as the reason.

But the Women's Reservation Bill was passed by both houses of the Indian Parliament in September 2023. Out of 456 MPs present in the Lok Sabha, 454 members and all 214 MPs present in the Rajya Sabha voted in favor of the Nari Shakti Vandan Act. Now the bill will be sent to the President. After getting the approval of the President, the Women's Reservation

Bill will become a law. However, first the census and delimitation of seats will be done. But the Women's Reservation Bill still has a long way to go. After census and permission, the Women's Reservation Bill will be implemented only till the Lok Sabha elections of 2029. The 128th Constitution Amendment Bill (Nari Shakti Vandan Act) will now require the approval of a majority of state legislatures. It will be implemented after delimitation to re-draw parliamentary and assembly constituencies on the basis of census. The government has said that this process will be started next year. The bill has been passed after several amendments, including providing reservation to Other Backward Classes (OBCs) within the 33 percent quota, were rejected. Reservation for women in the Lok Sabha and state assemblies will be both horizontal and vertical, which will be applicable to SC-ST categories. The 33 percent reservation for women will not be applicable in the Upper House of Parliament (Rajya Sabha) and state legislative councils.

Highlights of the Bill – Three decades ago, Parliament enacted the 73rd and 74th Constitutional Amendments, which aimed to establish Panchayats and Municipalities as “institutions of self-governance”. In these amendments, it was made mandatory to reserve at least one-third seats and the post of chairperson in these local bodies for women. Additionally, it made reservation mandatory for Scheduled Castes (SC) and Scheduled Tribes (ST) based on their population percentage and allowed states to reserve seats for backward classes. These reforms resulted in the coming into existence of a system with over 30 lakh elected Panchayat representatives, almost half of whom are women.

The success of these constitutional reforms lies in expanding and diversifying the representative base of Indian democracy. While the central government's 2009 constitutional amendment to increase reservation for women in local governments from 33% to 50% was not enacted, several states have passed acts reserving 50% seats for women and other backward classes. Reservation has also been made for (OBC). As a result, local governments now employ a combination of vertical and horizontal reservation mechanisms. Similarly the recent Women's Reservation Act, similar to its 2008 version, follows the model of differential reservation for women. However, it does not provide for reservation of seats for OBC women.



Reservation for women in the Lower House - The Bill provides for inclusion of Article 330A in the Constitution, which is derived from the provisions of Article 330. It provides for reservation of seats for Scheduled Castes/Scheduled Tribes in the Lok Sabha. The Bill provided that seats reserved for women could be allotted by rotation to different constituencies in the States or Union Territories.

Reservation for women in state legislatures – The Bill introduces Article 332A, which mandates reservation of seats for women in every state legislature. Apart from this, one-third of the seats reserved for SC and ST should be allotted for women and one-third of the total seats filled through direct voting for Legislative Assemblies should also be reserved for women.

Reservation for women in the National Capital Territory of Delhi (new section 239AA) - Article 239AA of the Constitution grants special status to the Union Territory of Delhi as the National Capital with respect to its administrative and legislative functions. The Bill amended Article 239AA(2)(b) accordingly and added that laws made by Parliament shall apply to the National Capital Territory of Delhi.

Introduction of Reservation (New Article – 334A) – Reservation will be effective in the publication of the census to be held after the implementation of this Bill. Delimitation will be done to reserve seats for women on the basis of census. Reservation will be provided for a period of 15 years. However it will continue till such date as may be determined by law made by Parliament.

Rotation of seats – The seats reserved for women shall be rotated after each delimitation, as may be determined by law made by Parliament.

Reasons for promoting women's reservation in Indian representative bodies - Women lag behind men in terms of political participation across the world. This gender gap between men and women in terms of participation over time varies across different geographical regions of the world. Even today women do not have proper representation in Parliament and Legislative Assembly. According to the Inter-Parliamentary Union, only 17.5 percent of parliaments around the world are women. Eleven countries do not have a single woman in their parliaments and 60 countries have less than ten percent representation. America and Europe have 20 percent representation, while Africa and Asian countries have 16 to 10 percent representation. Women's representation in Arab

countries is only 9.6 percent. Rwanda ranks first among 183 countries in terms of representation to women. There are 48.8 percent women in the Parliament.

According to a report by the Inter-Parliamentary Union, which collects data from national parliaments around the world, as on January 1, 2023, women constituted only 26.5 percent of the total MPs in the single or lower house. In this way, the number of women has increased by only 0.4 percentage points annually, which is the lowest increase in six years. It is estimated that there are only 31 countries where 34 women are serving as head of state/head of government. This figure pushes gender equality in the highest echelons of power back by another 130 years. Clearly, this pace of progress will not be enough to achieve gender equality before 2063 and suggests that more is needed.

According to the data of this report, India ranks 143rd among 187 countries in terms of women MPs. As of July 2023, there are 82 women MPs in the Lok Sabha (15.2%) and 31 women in the Rajya Sabha (13%). While this number has increased significantly since the first Lok Sabha (5%) it is still quite low compared to many countries. According to recent UN Women statistics, Rwanda (61%), Cuba (53%), Nicaragua (52%) are the top three countries in female representation. Bangladesh (21%) and Pakistan (20%) are also ahead of India in terms of women representation.

The 17th Lok Sabha has the maximum number of 82 women MPs so far. Thus, nearly half of the country's 95 crore registered voters are women, but their share is only 15 percent in Parliament and 10 percent in state assemblies. In 2014, i.e. in the 16th Lok Sabha, there were 68 women MPs, which was 11.87 per cent of the total strength of the House.

Despite India's Constitutional Proclamation of 1952, which seeks to secure "social, economic and political justice" and "equality of status and opportunity" for all its citizens, women still remain untouchable in the political arena. Although the changing landscape of women's electoral participation offers some hope, much still remains to be done to bridge the gender-political gap.

Women's participation and leadership in a country's electoral process is a key indicator of that country's democratic well-being as well as its potential. But most of the male MPs talk about women empowerment, but are not ready to make sacrifices for the "half of the population" of the society. There is a difference



between the words and actions of political parties on this issue.

Benefits of passing this bill:

Empowering governance and policy making – Research shows that women MPs demonstrate greater accountability, integrity and collaboration than their male counterparts. They also give priority to important issues like health, education, welfare, environment and social justice, which are important for social progress.

Local representation – In India's local urban and rural bodies, gender quotas have proven effective in promoting gender equality. Approximately 1.375 million individuals hold local political offices as women, a remarkable figure globally. The implementation of gender quotas has significantly increased the participation of Indian women in local politics, making it a notable case study in the region.

Impact on labor force participation – The implementation of women's reservation in Parliament and state legislatures is expected to have a secondary impact on female labor force participation over time. Evidence from gender quotas in panchayats suggests that women political leaders challenge gender stereotypes, especially in social and domestic roles. The increased participation of women serves as a role model for young women, encouraging them to achieve their goals. **Promoting women's economic participation** – Increased political representation of women in India can have an immediate impact on increasing women's labor force participation. It may also increase the long-term viability of women's political careers. With greater female participation in politics, women have the opportunity to progress from community involvement to positions in state and national legislative bodies.

Impact on public services – The reservation policy for women sarpanches in gram panchayats highlights that women political leaders prioritize important public services such as sanitation, education (especially Anganwadis) and health. This focus can reduce the time women spend on household chores, thereby helping them access employment opportunities within or outside their homes.

Increasing mobility and access – Women political leaders addressing public safety and gender-sensitive urban planning can improve women's mobility. This can increase women's access to employment opportunities located away from their homes.

The proposed legislation, increasing female representation in local politics, and gender quotas in higher legislative bodies, has the potential to empower women in India both in the political arena and the labor force. These measures can challenge stereotypes, promote inclusivity and contribute to gender equality, which will ultimately benefit society as a whole.

Future of Women's Reservation in Parliament and State Legislatures - The impact of women's reservation is multidimensional and not entirely clear. Ideally, the framework for women's reservation in Parliament and State Legislatures should have been drawn from 30 years' experience of local government reservations. Since women's roles in local governments differ from their roles in Parliament, the effects of reservation may be different. However, introducing such an important constitutional amendment through a "supplementary list" in a hastily convened Parliament session, without extensive discussion and analysis of its experience, raises concerns.

Additionally, the current women's reservation law links its implementation to the delimitation and census processes, both of which lack fixed dates. The constitutional ban on delimitation since 1976 is going to end in 2026. If the redistribution of seats among the states were based solely on population, the representation of the southern states in Parliament would be substantially reduced. This implies that the next delimitation exercise could expose the flaws in India's delicate federal relations. As a result, linking women's reservation with a politically charged delimitation process makes its implementation controversial.

The Bill only says that it will "come into force after the relevant data for the first census have been obtained after the commencement of the delimitation exercise for this purpose." It does not specify the cycle of elections in which women will get their fair share.

The present Bill does not provide for women's reservation in the Rajya Sabha and State Legislative Councils. At present the representation of women in the Rajya Sabha is less than in the Lok Sabha. Representation is an ideal which should be reflected in both the lower and upper houses.

However, the near-unanimity in passing the bill clearly indicates that there may be a consensus on implementing women's reservation in the near future.

Suggestions to Increase Women's Participation in Indian Politics - The issue of women's representation



in Indian politics has attracted a lot of attention and progress in the last few years, but it still has an important role to play. Following are some important suggestions to increase the participation of women in Indian politics:

Reservation of seats – Successful implementation of seat reservation for women in local bodies and assemblies has proven to be an effective strategy to increase their political representation. The expansion of such reservation policies provides greater opportunities for women to be involved in decision-making processes.

Raising awareness and education – It is important to raise awareness among women about their rights and the importance of their participation in politics. Educational initiatives and awareness campaigns play an important role in increasing women's political participation.

Addressing gender-based violence and harassment – Gender-based violence and harassment are significant barriers to women's political participation. Addressing these challenges through policy reforms and legal measures can create a safer and more supportive environment for women in the political arena.

Electoral process reforms – Implementing reforms such as the introduction of proportional representation and preferential voting system serves to increase women's representation in politics by ensuring more equitable selection of women candidates.

These strategies represent only a fraction of the approaches that can be employed to increase the presence of women in Indian politics. Sustainable change requires a comprehensive and multi-pronged strategy that can address multiple challenges.

Result And Discussion – The journey of women's reservation in India has seen significant progress from local governments to Parliament. Understanding its nuanced impact, drawing lessons from local governance and addressing challenges in its implementation are important to ensure meaningful participation of women in the highest echelons of Indian democracy.

After the enactment of the 73rd and 74th Constitutional Amendment Bills related to Panchayati Raj and Local Bodies, the role of women in politics has become effective but there is a need to strengthen it further. Today about 13 lakh women representatives have been elected in Panchayats and local bodies of cities, and this in itself is a revolutionary step towards women

empowerment. Initially, people raised the debate that these women would become 'wife brigade' and men would run the proxy rule. But it did not last long. When women were contesting elections for the first time, they had to confront the patriarchal values of family and society. They had to leave the kitchen, the veil and go out. For the first time, they understood the governance system of their village, ward, block and district, understood the differences of caste, religion, class and gender and needed to talk to men other than the men of the house. She had to go door to door to listen and understand the problems of other women and strengthen herself to combat political and personal evil propaganda.

This was truly the beginning of a revolutionary change in women's consciousness. Many women presented exemplary examples of struggle. He also campaigned and worked for the provision of drinking water, electricity, tube wells, construction of classrooms in schools and old schools, upgradation of health centers and against evil practices like dowry, domestic violence, alcohol, dowry, child marriage. Worked for the construction of smokeless chulhas, community toilets, tube wells, girls schools and roads. Many women members set such models that they were followed in other villages. At the time of land distribution, the woman's name was also mentioned. When women came out to fight against the corrupt, they were attacked and even sent to jail after being implicated in fake cases. But these representatives did not give up and their aspirations continued to grow. Today, it is these experienced women who are bound to get a chance to enter the Legislative Assemblies and Parliament.

It can definitely be said that women set unmatched examples of sacrifice, dedication and recycling of resources. Women use resources better than men. This bill is necessary for the implementation of the inclusive values enshrined in the Indian Preamble and the goal of all-round development of women and upliftment of women in the political, social and economic fields. But there is doubt whether it will remain just a general bill or will it be effective in providing rights to women. After the introduction of this bill, it is expected that women will now demand their rights with confidence.



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