



The women reservation act, 2023: What, why, and how an imperative step towards gender equality

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Abstract

The Indian Parliament took a revolutionary step towards women representation by passing the Women Reservation Bill in the name of “NARI SHAKTI VANDHAN ADHINIYAM” in September, 2023. It was historic milestone towards gender equality in Indian politics. The bill aims to reserve 33% of seats for women in the Lok Sabha (the lower house of Parliament) and in state legislative assemblies (the lower house of the state or union territory legislature). It became a 106th Constitutional Amendment Act 2023.

Though the Indian constitution, according to article 326 guarantees the universal adult franchise without any discrimination on the basis of gender, caste, community, and ethnicity etc., political representation is only a single digit in the Lok Sabha and Rajya Sabha upto 2009 (14th Lok Sabha) and also more or less the same in state legislative assemblies. Even after 75 years of independence the women representation in parliament is only around 15%, but the international average is 26.9 % and Asia average is 21.4 %. Hence, this initiative is seen as an imperative step in addressing the underrepresentation of women in political decision-making and fostering a more inclusive governance structure.

The reservations for women were already provided in local bodies through the 73rd and 74th Constitutional Amendment Acts of 1992. Many states enhanced these reservations in local bodies from 33% to 50 % like Andhra Pradesh, Karnataka, Tamil Nadu, Telangana, Kerala, and Bihar etc.

The Women reservations 106th Constitutional Amendment Act, 2023 to be successful its only when we build leadership right from the schooling, Women reservations should not be limited to legislature only it should be extended to Executive and Judiciary also. The reservation for women extended to women from minorities through nomination. It should be extended to parliamentary committees.

Keywords: Women representation, nari shakti vandan adhiniyam, 106th constitutional amendment act, universal adult franchise

Introduction

The Women Reservation Bill in the name of “NARI SHAKTI VANDHAN ADHINIYAM” became a 106th Constitutional Amendment Act in September, 2023. It was historic milestone towards gender equality in Indian politics. The act aims to reserve 33% of seats for women in the Lok Sabha (the lower house of Parliament) and in the state Legislative Assemblies (the lower house of the state or union territory legislature).

Although Article 326 of the Indian Constitution guarantees universal adult franchise without any discrimination like caste, creed, community, sex, ethnicity, etc., political representation remains limited to a single digit in the parliament and also state legislature till 2009 (14th General Elections) and thereafter also it was less than 15%. After 75 years of independence, the women’s representation in parliament is below 15%, but the international average is 26.9% and the Asia average is 21.4%. Hence, this initiative is seen as an imperative step in addressing the underrepresentation of women in political decision-making and fostering a more inclusive governance structure.

The reservations for women already provided in local bodies through 73rd and 74th Constitutional Amendment Acts 1992 under the leadership of Sri P.V. Narasimha Rao (then Prime Minister). Many states enhanced these reservations in local bodies from 33% to 50 % like Andhra Pradesh, Karnataka, Tamil Nadu, Telangana, Kerala and Bihar etc.

Over 14 lakh women have been elected to Panchayat Raj institutions over the years. There has been a critique of the system with anecdotal examples of male relatives of the elected women representatives usurping the power. But over the years, it has created a bank of talent for political parties. The Women reservations 106th Constitutional Amendment Act, 2023 to be successful its only when we build leadership right from the schooling, Women reservations should not be limited to legislature only it should be extended to Executive and Judiciary also. The reservation for women extended to women from minorities through nomination. It should be extended to parliamentary committees.

Review literature

Shashikant Nishant Sharma and Kavita Dehalwar in their article highlighted gender-based reservations in India benefited disproportionately upper-class women, side lining the women from lower socio-economic strata and disadvantaged castes. It proposed solutions such as reservation within reservation for scheduled castes and scheduled tribes in their article entitled “Politics in the Name of Women’s Reservation” in the journal ‘Contemporary Voice of Dalit’ in August 2024.

Sumedha Dhasmana and Shipra Raj in their article entitled “Exploring Media Perspectives: Coverage of the Women’s Reservation Bill in Leading Indian English Newspapers” in the Journal ‘Media Watch’ in August 2024 analysed that as a powerful influencer of public opinion the media respond to the women’s Reservation Bill with praise and criticism

reflecting diverse public opinion. The researchers identified various frames including informational, political, policy and conflict that the media used to shape public perception and understanding of the Women Reservation Bill (128th Constitutional Amendment Bill, 2023).

Kaberi Gogoi discussed the evolution of Panchayat Raj Institutions (PRIs) and found 33% of the seats in Panchayats for women and granted constitutional status to village level councils and in general Panchayat Raj Institutions is one of the most significant moves towards the empowerment of women.

Objectives

1. To elucidate the evolution of the Women Reservations in the Indian politics.
2. To analyse key provisions of the act
3. To trace out the implications of the 106th Constitutional Amendment Act 2023
4. To propose new measures for more women's empowerment.

Significance of the study

Democracy is successful upon the two important pillars, universal adult franchise and adequate representation for all the sections of the people. Women are nearly 50% of total population and also voters but their representation in Parliament and State legislatures is only around 10%. Hence, women reservations in Legislative bodies are imperative need for the welfare of the women, society and nation.



Reservations are not new to India, but Reservations for women in the supreme legislative bodies and mirror of the public opinion at the national level and provincial level, respectively Lok Sabha and Legislative Assemblies are the first time in independent India. It will be revolutionary step towards gender equality. It spreads others fields like executive, judiciary, committees, nominated posts, political parties etc.

Background

The idea of reserving seats for women in legislative bodies has been discussed for several decades in India. The Indian constituent assembly had only 15 members (3.86%) out of 389. During the debates in the constituent assembly, women members opposed the reservation for women because they thought that these reservations might end up excluding women for consideration of general seats. But we have to keep in mind that many of these women members of the constituent assembly hailing from aristocratic or political families.

Women constitute nearly half of the population, yet their representation in political offices has been disproportionately low. At the first in 1983 the government of Karnataka under the leadership of Late Sri Ramakrishna

Hegde (Chief Minister) provided 25% of reservation for women in Panchayati Raj institutions. The movement for women's reservation gained momentum in the 1990s with local body elections, where a quota for women was successfully implemented.

Indian parliament house



The Bill of Reservations for Women in Lok Sabha and Legislative assemblies was introduced at first in the 11th Lok Sabha in 1996 under the leadership of H.D. Deve Gowda (Prime Minister), but it was not passed due to lack of political consensus and it was referred to the joint select committee.

With the dissolution of the 11th Lok Sabha the bill also lapsed because it was first introduced in the Lok Sabha. However, the push for the reservations for women in Parliament and Legislative assemblies continued, it was faced numerous hurdles, including political opposition and debates over its implications in 1999, 2008 and 2010, but failed to pass the bill. Finally, it became true through 106th Constitutional Amendment Act, 2023.

Timeline of the Women Reservation Bill became an Act

As a democracy, governance should be participatory, responsive, inclusive, equitable, and accountable, but it is possible only with the reasonable representation for women in legislative bodies. In this regard, The Indian Parliament has successfully passed the bill in September, 2023 after several unsuccessful attempts since 1996.

In 1996- The First Women Reservation Bill (81st Constitutional Amendment Bill, 1996) was introduced in Lok Sabha. Reservations for women in the Lok Sabha and State Legislative Assemblies were proposed, but these seats to be rotated after each general election. Further, there was not mentioned any specific timeline to implement it, besides it did not mention about delimitation or census etc as 106th constitutional amendment act 2023.

1999- Then Law Minister Sri M Thambi Durai attempted to introduce the women reservation bill in 1999 (The 84th Constitutional Amendment Bill, 1999) under the leadership of Atal Bihari Vajpayee (Prime Minister), but then opposition parties strongly opposed with raising some objections, so lack of consensus among the political parties, even in National Democratic Alliance (NDA) coalition partners this bill was failed to materialise. Finally, the bill was lapsed with the dissolution of Lok Sabha in 2004.

2003- Though the Women Reservation Bill was reintroduced in Lok Sabha, it was not passed in the Parliament due to serious disruptions.

2008-The women reservation bill (108th Constitutional Amendment Bill, 2008) was renewed at first in the Rajya Sabha, because every time due to dissolution of Lok Sabha the bill lapsed, then it passed in Rajya Sabha but Lok Sabha dissolved before it was passed.

2010- The women reservation Constitutional Amendment Bill, 2010 was passed in Rajya Sabha, due to resistance, it was lapsed in Lok Sabha.



2023: After years of advocacy and political negotiations, the Women Reservation Bill was finally passed in both houses of Parliament, signalling a pivotal shift in the political landscape

Differences between women reservation bill 1996 at the inception and finally women reservation bill 2023

Feature	81 st Constitutional Amendment Bill 1996	128 th Constitutional Amendment Bill 2023
Seats	33 % of Seats reserved for women in the Lok Sabha and state assemblies	33% of Seats reserved for women in the Lok Sabha and State Assemblies and National Capital Territory of Delhi
Reservations with in Reservation	Women belonging to SC and ST did not have reservations	Women belonging to SC and ST are reserved 33% in the category along with overall 33%
Commencement	Women reservation commencement was not mentioned in the bill	Women reservation to be implemented after Census, Delimitation and after the year 2026
Rotation	Rotation of reserved seats for women to be taken place after each general election	Rotation will take place only after each delimitation
Consensus	The bill faced strong opposition from the opposition political parties.	The bill received consensus from all the political parties, it passed in Lok Sabha with 454-2 and in Rajya Sabha 214-0.
Status	The bill was not passed in Parliament	The Bill was passed in Parliament

Key provisions of the 106th constitutional amendment act 2023 and the women reservation act

1. Reservation of Seats: The 106th Constitutional Amendment Act, 2023 mandates that 33% of the total seats in the Lok Sabha and State Legislative assemblies and also Legislative Assembly of National Capital Territory of Delhi will be reserved for women. This

reservation applies to direct elections only. Besides These 33% of women reservations extended to Puducherry and Jammu and Kashmir Legislative assembly through amendment act.

- 2. Duration of Reservation:** The reservation is intended to be in effect for a period of 15 years from the date of commencement of the act, after this 15 years period the parliament can extend with further legislation.
 - 3. Inclusivity:** The amendment act emphasizes the importance of inclusivity by ensuring that the reservation benefits women from Scheduled Castes (SC) and Scheduled Tribes (ST), it is also called as reservations within reservations.
 - 4. Constitutional Amendment:** To implement this reservation, the act requires an amendment to Article 239AA which provides special provisions for National Capital Territory of Delhi; Article 330 which reserves seats for Scheduled Castes and Scheduled Tribes in Lok Sabha; Article 332 provides reservation of seats for Scheduled Castes and Scheduled Tribes in Legislative Assembly of the every state, Article 334 of the Indian Constitution, which currently provides for the reservation of seats for Scheduled Castes and Scheduled Tribes for 10 years since enforcement of the constitution, but it is extended every time another 10 years, now it will be 2030.
 - 5. Rotation:** The rotation of women reserved seats will be taken place by parliamentary legislation after every delimitation commission. It leads to an opportunity to get women representatives of every constituency.
 - 6. Implementation:** Only after the publication of the first censuses conducted after 2026 and delimitation of constituencies for the Lok Sabha and Legislative Assemblies of the States and Union Territories will the 106th Constitutional Amendment Act 2023 come into effect.
- Implications of the act**
- The passing of the Women Reservation Act, 2023 is expected to have several far-reaching implications for Indian political arena.
- **Increased Women Representation:** By reserving seats for women, the act aims to increase their representation in legislative bodies, which has historically been less than 15% across various levels of government i.e National and Provincial or State Governments.
 - **Policy Impact:** Greater female representation is likely to lead to inclusive policies that better address women's issues, including health, education, economic empowerment, rights, and social justice.
 - **Empowerment:** The act is seen as a tool for the empowerment of women, encouraging more women to participate in politics and public life. It will be useful for the women to raise their voices in the highest legislative body, the Lok Sabha at the national level, the Legislative assembly at the state level and also in Union Territories Jammu and Kashmir, the National Capital Territory of Delhi and Puducherry.

Challenges and criticisms

Despite its potential benefits, the Women Reservation act has faced criticism and challenges:

- **Implementation Concerns:** There are apprehensions regarding the effective implementation of the reservation, particularly in ensuring that the reserved seats translate into actual political power for women. It should not remain mere lip service.
- **Political Will:** The success of the act hinges on the political will of existing leaders to support and mentor women candidates. It should be extended to all fields.
- **Social Attitudes:** Societal attitudes towards women in leadership roles may pose a barrier to their effective participation and acceptance in political spaces.
- **Progress in Political Representation:** Though the longest and only woman served as prime minister of India, Smt. Indira Gandhi, many women served as cabinet ministers, governors, chief ministers, ambassadors, and party presidents, but the representation for women has not increased remarkably.

Women empowerment way forward

1. Democratic elections should be introduced at the school level also with 50 percent of reservations for women, so that leadership to be emerged and they will become true leaders in real life also, otherwise only the business people, industrialists, rich people only will contest in the elections.
2. Women reservation not only limited to direct elections, it extends to upper house of the parliament and legislative councils at provincial level.
3. Women reservation should also extend to executive and judiciary.
4. Women reservations should be extended to parliamentary committees.
5. Government should nominate 50% in nominated posts also.
6. 50% of representation not only in government, it should be mandatory to the political parties, they also should be conducted elections and women to be elected 50%.
7. OBC women also should be provided reservation and Minority women to be nominated to the Lok Sabha and also to the State/Union Territories Legislative Assemblies if Minority women lapses representation.
8. It should be categorically stated that it will be implemented from 19th Lok Sabha elections and Legislative assemblies.
9. How many seats to be enhanced is not the amendment act, so it will be declared.
10. Right to property should not be only for the name sake, it should be in reality. Then, political participation and representation also become in reality.

Conclusion

The Women Reservation act 2023 represents a crucial advancement in the fight for gender equality in India. By reserving 33% of seats for women in highest legislative bodies both at the national and the state level, it not only seeks to rectify historical injustices but also aims to create a more representative and inclusive political system. As the nation moves forward, the focus will be on effective

implementation and fostering an environment where women can thrive as leaders and decision-makers.

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