

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

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# **THE WOMEN'S RESERVATION ACT OF 2023: ASSESSING ITS ROLE IN ENHANCING POLITICAL REPRESENTATION AND EMPOWERMENT**

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## **ABSTRACT**

The predominant goal of women's empowerment initiatives is to provide political empowerment to women. Even after 76 years of India's independence, the most democratic country in the world, women continue to encounter obstacles in exercising their voting rights and other democratic privileges. Present article examines the evolution and ramifications of women's reservation policies in Indian politics, with a specific focus on their effect on enhancing female political representation and the obstacles encountered throughout their implementation. Women's reservation specifically pertains to affirmative action initiatives aimed at enhancing women's involvement in political decision-making through the allocation of seats in legislative bodies at the federal, state, and municipal levels. Notwithstanding notable progress, exemplified by the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments which require a one-third reservation for women in municipal government, the level of female representation in higher legislative bodies continues to be inadequate. An analysis of the course, consequences, and ramifications of women's reservation policy in Indian politics is undertaken in this paper.

**Keywords:** *Women Reservation, Political status, Empowerment, Gender Equality.*

## **INTRODUCTION**

Women Reservation is usually used to describe affirmative action or programs that try to get more women into politics, particularly in the legislature, while discussing women's reservation studies. To rectify past inequalities and encourage more unbiased choices, the reservation system sets aside a particular number of seats or posts for female applicants. By guaranteeing women's equal and fair access to political participation, women's reservation policies aim to diversify and broaden political participation. Quotas and the allocation of a specific percentage of seats to women at the federal, state, and local levels of government are some initiatives for

the same. Such reservations are frequently based on the acknowledgment that women have traditionally faced discrimination and systemic impediments that have prevented them from achieving political power. One goal of lawmakers is to create vividly diverse and fair civic opportunities by ensuring that women have a specific place in public office (Nagar & Dixit, 2023).

According to Singh (2023), the Women's Reservation Act<sup>1</sup> of India will not be implemented for another six years. Since women are still debating the potential universal benefits of affirming opportunity, developing fair legislation in a country as large and diverse as India is no easy task. The GGGR<sup>2</sup> 2023 states that, like most countries, India is still far from reaching its aim of reducing the gender gap in political involvement. The outcome, though, might be very different if this happens. According to the International IDEA<sup>3</sup>, 137 countries have implemented quota systems in some form to address these disparities (Gopalan & Wattal, 2023).

### **Timeline of Women Quota in Politics in India**

The lack of female politicians in India has its roots in the country's independence fight. Begum Shah Nawaz and Sarojini Naidu, two prominent legislators, wrote an official memorandum in 1931 and addressed it to the PM of Britain, discussing the treatment as per the latest Constitution. From the lowest panchayat levels up to the House of Lords, gender reservations were pushed for in the 1988 National Perspective Plan for Women. Under the historic 73<sup>rd</sup> and 74<sup>th</sup> revisions of the Indian Constitution (IC)<sup>4</sup>, which included these recommendations, all state governments were compelled to ensure that women occupy 1/3<sup>rd</sup> of seats in Panchayati Raj Institutions (PRIs) and 1/3<sup>rd</sup> of the chairperson positions across other local bodies. Also, in urban municipal administrations, women from SC and ST were supposed to make up one-third of the seats.

As per the NPEW (2001)<sup>5</sup>, higher legislative authorities will consider reservations. The government body responsible for promoting women's rights established a committee to deliberate on the topic in May 2013. As per suggestions provided by the committee increasing

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<sup>1</sup> The Women's Reservation Bill, 2023 (ISO 15919: Nari Sakti Vandan Adhiniyam)

<sup>2</sup> Global Gender Gap Report

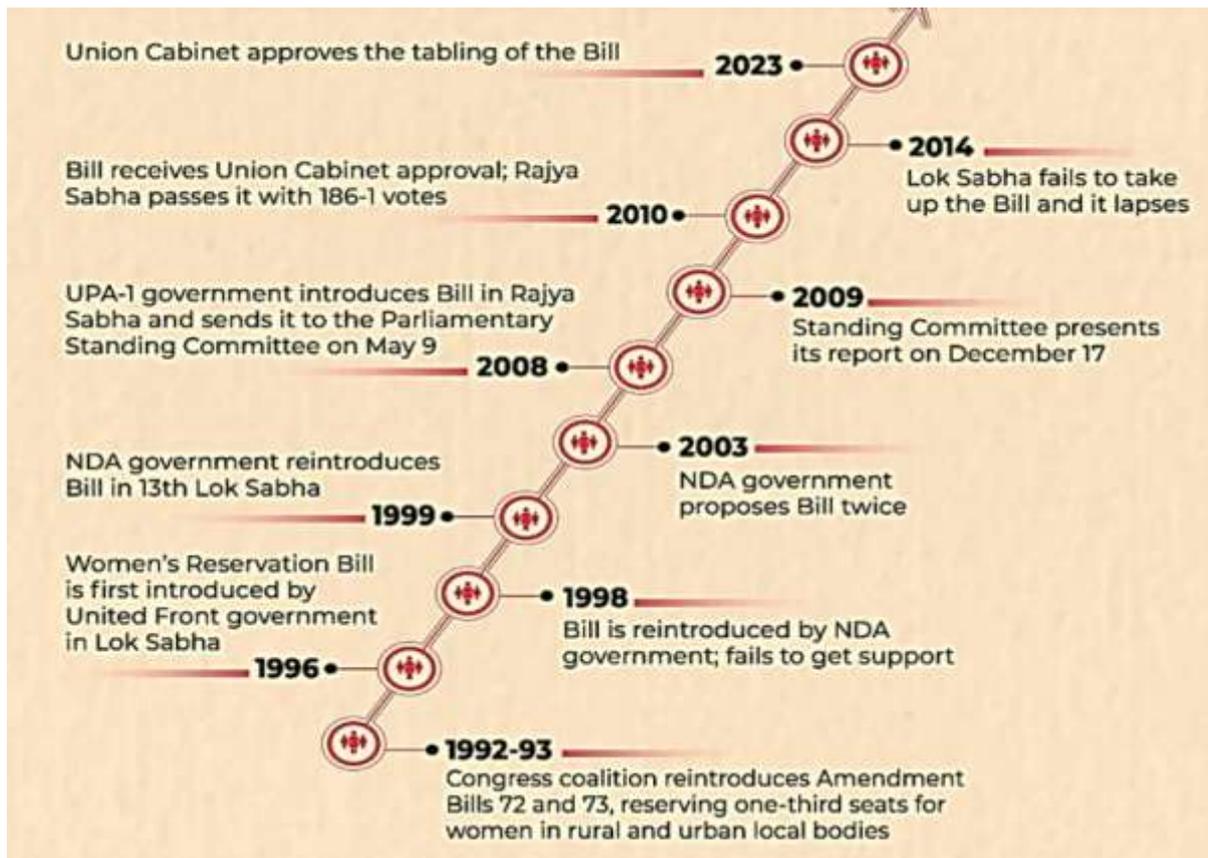
<sup>3</sup> International Institute for Democracy and Electoral Assistance

<sup>4</sup> 73<sup>rd</sup> and 74<sup>th</sup> Amendment of Indian Constitution

<sup>5</sup> National Policy for The Empowerment of Women (2001).

the representation of women in government decision-making positions to 50% at all levels (municipal, state, federal, and parliamentary).

According to the Report (2015)<sup>6</sup> on women status in Indian politics, female participation in both State Legislatures and Parliament is still quite low. It suggested that all government decision-making bodies, including state legislative assemblies, ministerial levels, Parliament, and local bodies, should set aside at least 50% of their seats for women (Archna et al., 2021).



**Figure 1:** Timeline of Women's Reservation Bill<sup>7</sup>

## Constitutional Provision for Women's Reservation in India

In addition to establishing a parliamentary style of government, the Indian constitution guarantees the freedoms of expression, assembly, association, and voting. It seeks to address gender inequality by protecting women from forced labour and human trafficking, outlawing sex and class discrimination, and designating some positions in government for women. Equal pay, academic freedom, maternity relief, free legal aid, employment independence, humane

<sup>6</sup> <https://wcd.nic.in/document>

<sup>7</sup> Thakur, R. (2023, September 20). *Women's Reservation Bill 2023: Everything You Need to Know*.

SSBCrackExams. <https://ssbcrackexams.com/womens-reservation-bill-2023-everything-you-need-to-know-2/>

working conditions, and improved living standards are all goals of the Indian government's push for gender and class equality. During the early 1900s, when India was fighting for independence from Britain, many women played crucial roles. Although women have not traditionally been heavily involved in politics, constitutional rights have brought about gender equality and independence.

Equal protection under the law is guaranteed to all citizens in Part III of the Constitution<sup>8</sup>. Maternity leave, safe working conditions, and equal pay for equal effort are just a few of the measures outlined in the State Policy Directives that aim to empower women economically. The right to vote and equal protection under the law are both enshrined in the Constitution. The 73<sup>rd</sup> and 74<sup>th</sup> revisions to the IC, passed in 1992, stipulated that women should constitute 1/3<sup>rd</sup> of the membership in PRIs and local governments. The purpose of the modification was to encourage more women to serve on regional boards and commissions. Among different areas, India has made progress in elevating women's standing in marriage and the workplace. For instance, same to how it granted the right of collaborators, the Supreme Court has maintained the ability of Hindu daughters to inherit (Suriyapriya. E, 2024).

### CHANGE IN WOMEN'S STRENGTH IN LOK SABHA OVER THE YEARS



Women in Lok Sabha 2024. (Data via PRS Legislative Research)

**Figure 2:** Change in Women's Strength in Lok Sabha Over the Years<sup>9</sup>

<sup>8</sup> Part III Fundamental Rights, Article 12 to 35.

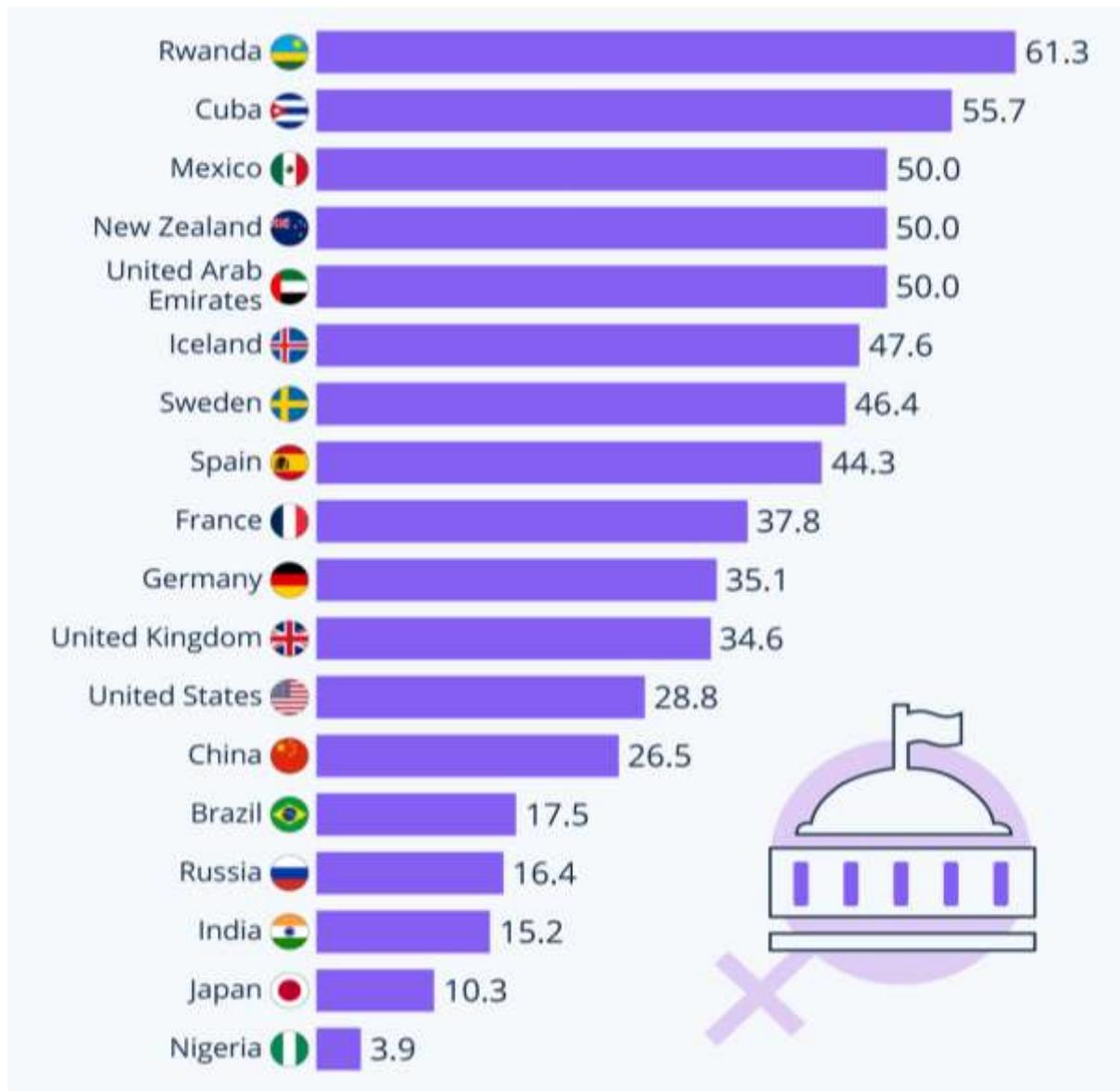
<sup>9</sup> Shekhar, P. (2024, June 7). *Political empowerment of women in India- an analysis- explained Pointwise*. Free UPSC IAS Preparation for Aspirants. <https://forumias.com/blog/political-empowerment-of-women-in-india-an-analysis-explained-pointwise/>

## **Reasons for promoting women's reservation in Indian representative bodies**

On a global scale, women's participation is less as compared to men. From one part of the world to another, there is a noticeable gender disparity in terms of participation percentages. Parliament and the Legislative Assembly still do not adequately represent women. Only 17.5% of lawmakers are female, according to the Inter-Parliamentary Union (Arya, 2019).

Out of the 187 countries, India ranks fourteenth in terms of women's participation in parliament. As of July 2023, female parliament numbers up to 82 (15.2%) in the Lok Sabha and 31 (13%). Although there has been a notable increase from the first Lok Sabha (5%), this figure is still quite low when compared to many other nations. Up until this point, the 17<sup>th</sup> Lok Sabha has the most female members of parliament with 82. Accordingly, women make up over 50% of the country's 95 crore registered voters, while they only account for 15% of lawmakers in Parliament and 10% in State Legislatures. Women made up 11.87 percent of the House of Representatives in 2014, when the 16<sup>th</sup> Lok Sabha was in session, with 68 female lawmakers serving. The involvement and extent of female leadership in a country's elections is a strong indication of the health and potential of that country's democracy. Despite the male legislators' rhetoric about women's empowerment, few are willing to do what it takes to help the "half of the population" that identifies as female. Each political party has different rhetoric and policies on this problem (Jain, 2019).

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**Figure 3:** Country-wise % of women participation in Parliament (Source: Fleck, 2023<sup>10</sup>)

### Argument for the Bill

Rising more women to posts of political influence is the sole means by which gender equality can be achieved. In terms of political empowerment, India ranks 48th out of 146 nations in the 2022 Global Gender Gap Report<sup>11</sup>. And yet, when contrasted with the top nations in this field, India's score of 0.267 is noticeably low. For instance, Iceland's score of 0.874 puts them first,

<sup>10</sup> Fleck, A. (2023, September 26). Who's Leading the Race Towards Parliamentary Gender Parity? *Statista Daily Data*. <https://www.statista.com/chart/30911/women-in-lower-house-of-parliament-in-selected-countries/>

<sup>11</sup> <https://www.weforum.org/publications/global-gender-gap-report-2022/>

while Bangladesh's score of 0.546 puts them ninth<sup>12</sup>. According to a study conducted by Kumar (2024), rural communities have benefited greatly from the efforts of women Panchayati Raj officials. They face numerous obstacles within the current political system, but many of them want to work on a bigger scale.

Reserving political office for women has many benefits for women. More women are encouraged to run for office, and even more are encouraged to assume leadership positions across all sectors (Jebaraj, 2024).

### **Argument against the Bill**

Unlike a caste, which consists of members who are all the same, women are a heterogeneous group. Therefore, it is not possible to apply the same reasons to support caste-based reservations for women.

The proposal of reserving seats for women faces opposition from others who believe that the Constitution ensures equality for all. Reservations, according to others, would devalue women's social standing by doing away with the concept of merit-based competition (Mosse, 2018).

### **Highlights of the Bill**

Parliament established Municipalities and Panchayats as "institutions of self-governance" thirty years ago with the 73<sup>rd</sup> and 74<sup>th</sup><sup>13</sup> revisions in IC. A minimum of 1/3<sup>rd</sup> of the seats and leading posts in these regional authorities must be reserved for women according to these revisions. SC and ST members, among others, are entitled to a certain number of seats, and the law also allows governments to reserve seats for historically disadvantaged groups. Through these changes, a system with more than 30 lakh elected Panchayat representatives nearly half of them are women came into existence (Mukherjee, 2020).

Increasing the number and diversity of Indian democracy's representative bodies is crucial to the success of these constitutional changes. Several states (Gujarat, Maharashtra, Andhra Pradesh, Tamil Nadu, etc) have approved legislation designating half of their legislative seats

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<sup>12</sup> The Hindu Bureau. (2024, June 17). *Two steps back: on India and the Global Gender Gap report 2024*. The Hindu. <https://www.thehindu.com/opinion/editorial/two-steps-back-on-india-and-the-global-gender-gap-report-2024/article68289197.ece>

<sup>13</sup> *ibid*

for women and other historically oppressed groups, even if a federal constitutional amendment from 2009 that would have increased the percentage of women represented in local governments from 33 to 50 percent was not implemented. So, nowadays, you'll see both vertical and horizontal reservation systems used by local governments. Just like its predecessor from 2008, the most current Women's reserve Act is based on the principle of differentiated reserve for women (Jha, 2021).

### **Challenges regarding Implementation of this Bill**

The delimitation process must be finalised before the reservation can be implemented. This process is dependent on the forthcoming census releasing the relevant data. The delimitation procedure is already fraught with uncertainty due to the lack of clarity surrounding the approaching census date.

Although the quota bill for females designates 33 percent of the seats in the Legislative Assembly of India and the State Legislatures for women, it does not provide any specific distribution of seats for females belonging to other categories<sup>14</sup>.

### **Enforcement of this Legislation is Contingent Upon**

For female representatives to make their decisions without any interference from family members, it is essential to establish an autonomous structure of committees or monitoring. Reducing the impact of patriarchal views is one way to do this.

Inspiring women to take part in politics and learn about their rights is a top priority. A key component in increasing women's political engagement could be educational initiatives and public awareness campaigns.

Because of the prevalence of sexual harassment and assault, women face significant obstacles when trying to participate in politics. A more welcoming and secure political climate for women can be achieved by resolving these concerns through legislative and policy actions (Puh et al., 2022).

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<sup>14</sup> R, R. (2024, February 7). *Understanding the delimitation exercise | Explained*. The Hindu. <https://www.thehindu.com/news/national/understanding-the-delimitation-exercise-explained/article67819203.ece>

## STATES WHICH HAVE SHOWN BEST % IMPROVEMENT IN WOMEN'S REPRESENTATION

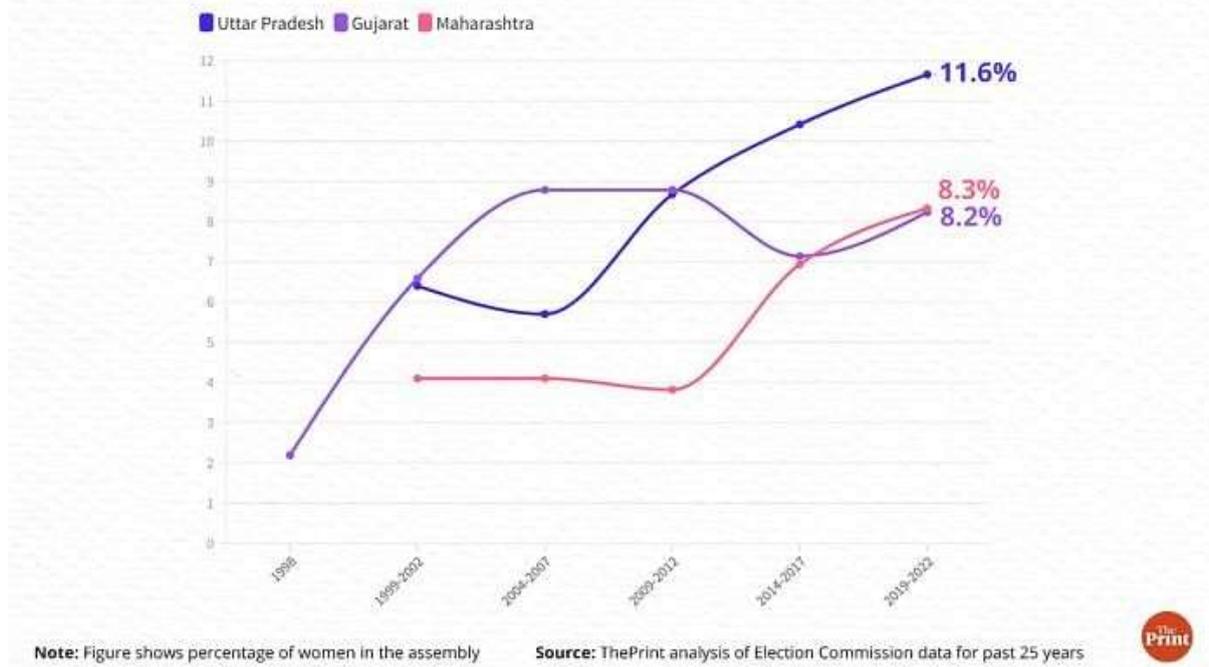


Figure 3: Improvement in Women's Representation<sup>15</sup>

### Recommendations: Raising the Female Political Engagement

Initiative needs to be taken to increase the number of women in political positions in India. Some important suggestions for this are:

**Reservation of seats:** An important technique to expand women's political representation has been the successful introduction of seat reservations for municipal bodies and assemblies. More places for women to have a say in policymaking are opening because of these reservation regulations.

**Raising awareness and education:** Women need to know that their voices matter and that they have the right to participate in politics. Efforts to raise awareness and educate the public are crucial in getting more women involved in politics.

**Combating sexual assault and harassment of women:** A lot of women don't run for office because of all the violence and harassment they face. We can make the electoral process safer and more welcoming for women by addressing these challenges through changes and adjustments to legislation.

<sup>15</sup> Rohmetra, A., & Rohmetra, A. (2023, March 21). 92% of MLAs elected in past 25 yrs were men — what data shows about women's representation in politics. The Print. <https://theprint.in/politics/92-of-mlas-elected-in-past-25-yrs-were-men-what-data-shows-about-womens-representation-in-politics/1444403/>

**Changes to the voting procedure:** The preference electoral process and equal representation are two innovations that might elevate chances for females to take part in elections, which can elevate women's participation in politics as leaders.

Getting more women to the top levels of Indian politics is possible in a variety of approaches. A thorough and multi-faceted approach that can tackle various obstacles is necessary for lasting change (Dixit, 2020).

## **RESULT and DISCUSSION**

The trajectory of women's reservation in India has witnessed substantial advancement from municipal administrations to the Central Legislative body, Parliament. To assure meaningful participation of women in the highest echelons of Indian democracy, it is crucial to comprehend the intricate influence of Local Governance, extract lessons from it, and tackle the obstacles encountered during its implementation. Following the implementation of the 73rd and 74th Constitutional Amendment Bills concerning Panchayati Raj and Local Bodies, the involvement of women in politics has acquired efficacy. However, there is a must to enhance its strength even more. Presently, almost 130,000 women have been elected as representatives in Panchayats and local councils of cities (Kumar, 2024). This achievement alone represents a groundbreaking stride towards the empowerment of women.

Undoubtedly, women provide unparalleled examples of sacrifice, commitment, and resource recycling. Compared to men, women demonstrate superior resource utilization. This legislation is essential for implementing the inclusive principles outlined in the Indian Preamble and achieving comprehensive development and advancement of women in the political, social, and economic domains. However, it is uncertain if the bill would retain its status as a broad measure or if it will be successful in granting rights to women. Upon the implementation of this legislation, it is anticipated that women will now assert their rights with assurance.

## **CONCLUSION and PROSPECTS**

The effects of women's reserving are complex and not definitively evident. The formulation of the women's reservation framework in Parliament and State Legislatures should ideally be based on three decades of experience with local government reservations. Given the distinct responsibilities of women in local governments compared to their participation in Parliament, the consequences of reservation may vary. Yet, the introduction of such a significant

constitutional modification through a "supplementary list" in a hastily called Parliament session, without thorough deliberation and examination of its history, gives rise to apprehensions. Nevertheless, the almost unanimous approval of the bill strongly suggests that there perhaps exists an agreement on the implementation of women's reservation in the foreseeable future.

The study anticipates several outcomes from expanding women's reservation policies in Indian politics. Increased female representation in legislative bodies is expected to lead to more diverse and inclusive decision-making. This, in turn, should advance gender equality and bring new perspectives to policy agendas. Enhanced political environments and educational initiatives are likely to reduce barriers such as harassment, encouraging more women to pursue and sustain political careers. Over time, this will create role models and strengthen the pipeline for future female leaders. However, ongoing challenges will require continuous adjustments to policies and processes to address evolving dynamics. Overall, these efforts are expected to foster a more balanced and equitable political landscape in India.

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