



WOMEN'S RESERVATION BILL IN INDIA: PROS AND CONS

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ABSTRACT :

Politics in India and around the world has always been found to be under the super-ordination of men, with other forms processes of power imitating the unequal relation of men over women. Rousseau, whose ideas had a major impact on the French revolution, sought to exclude women from the realms of politics. The so call developed countries like America, Britain, Japan, etc. also denied equal franchise of women to that of men. While Indian women were quite lucky in that sphere, where they received equal voting rights as man. After the Second World War, the awareness of equality of both the sexes gained ground. The UN charter and Universal Declaration of Human Rights give immense importance to nurturing equality between men and women. Albeit women making remarkable progress in all fields of development yet, they are still seem to be lagging far behind in the field politics, which is prominently dominated by men The current male-female ratio in India is 51.6:48.4% while only 13% women are present in Lok Sabha and only 15% women are present in Rajya Sabha. Women's political participation is very essential without which it is not possible for them to become empowered aptly, as without participation in the decision making process there interests will fail to attain sufficient representation thus encumbering their wholesome development in the patriarchal society. The 73 and 74th amendment to t nstitution of India brought significant changes in a few political institutions of the country, namely Panchayat and municipal bodies. These two amendment act shows the path for proper direction of women empowerment and therefore policy makers brought in a 81" amendment bill in 1996, which became an act only on 21 September, 2023. This amendment granted 33% reservation of seats for women on Lok Sabha and state legislative assemblies. In this paper I am going to discuss about the new reservation act of women and its consequences.

Keywords: Women, Reservation, Nari Shakti Bidhan, Lok Sabha, Rajya Sabha

I. Introduction:

Most of the countries around the world treated women as second rate citizen where patriarchal social system forbade them from taking active



participation in political processes. Though as voter their participation is notably high nevertheless, they were constrained from contesting in elections. Political parties prefer male members for candidature in election because on entrenched biased belief that 'politics is not a cup of tea for women". However in case of India, women were quite lucky as they received equal franchise, statutory rights of equality at the time of making of the Constitution, along with their male counterparts. One important point to be noted here is that Indian women fought shoulder to shoulder with their menfolk in the struggle for freedom (Goswami B.2010), but still the men folk in the society wouldn't reconcile to a women's right as an individual. The 73 and 74th amendment to the Constitution in 1993 marked a remarkable change in the grass root level of political system of the country, namely Panchayat in rural areas and municipal bodies in urban areas. These acts reserved 33% seats for women in these bodies whereas, so far women representation in these bodies were quite low. These acts became the pillars for women empowerment in the country, encouraging decision makers to introduce a similar bill for reservation of 33% seats (81" amendment to the Constitution) for women in Lok Sabha and state legislative assemblies. The bill was introduced on Lok Sabha in 1996 but unfortunately due to various reasons the bill become an act only on September 21, 2023, after passing an arduous legislative journey of 27 years.

II.Objectives:

The main objectives of this paper are to-

- a) know about the necessity of women's reservation.
- b) understand what is women's reservation Act.
- c) find out the drawbacks of the Bill.



III. Methodology:

This paper is mainly based on secondary data collected from different secondary sources like books, journals, newspapers, periodicals as well as internet sources.

IV. Results and Discussion:

Necessity of Women's reservation on legislature:

The Act which has been waiting to see the light for nearly three decades is a very crucial for Indian democracy, that has been classified as flawed democracy in the Global Democracy Index (The Historic 33% reservation for women, 2023). Gender balanced representation was necessary to alter development priorities, perspectives and concerns (Sharma 2016) In the World Economic Forum's Global Gender Index, India occupies 135 position among 146 countries in the Global Gender Gap Index (Iose & Sivanaman, 2023) According to recent UN Women Data, Rwanda (61%), Cuba (53%), Nicaragua (52%) are the top three countries in women representation (Women's reservation hill 2023, 2023). Even Bangladesh (21%) and Pakistan (20%) are way ahead of India in case of female reservation. Without any reservation the share of women MP's in Lok Sabha reduced to 4% in first general election to only 14.94% in last general election of 2019. The condition is similar in the upper house as well with the name 14.05%. So far as state legislatures are concerned, in Assam only 4.78% are women whereas Bihar has highest number of women representatives, i.e. 23.11%. Of course at the grass root level 50% women representatives are present in 21 states after the 73rd and 74th amendment. A study conducted by Gender Quotas database finds that due to the presence of various types of gender quotas 25 countries representation for



women exceeding to 40% Therefore Women's Reservation Att is very important. Re country likz India where 40.1 crore female voters.

Women's Reservation Act 2023.

In 2010 Rajya Sabha passed the Women Reservation Bill but, unfortunately the bill lapsed as it could not be passed by Lok Sabha. September 26, 2023 is a historic day for India as on that day the President Droupadi Murmu signed The W Reservation Bill which is known as Nari Shakti Vandan Vidheyak or Adhinyam. The hill aspired to provide 33% reservation to women against it on 20th September, 2023 and after that on 21 September it was unanimously passed in Rajya Sabha. It will be officially known as the Constitution 106th Amendment Act Clause (Clause 239AA).

Article 330A states that one third of the seats reserved for ST and SC shall be earmarked for women, one third of total seats to be filled by direct election to the to the Lok Sabha shall be reserved for women.

According to Article 332A, from the reserved seats for ST and SC in every state legislative assembly one third should be reserved for women, one-third of the total seats to be filled by direct elections to the legislative assemblies shall be reserved for women.

According to the new article 334A, the reservation will be effective after the delimitation is undertaken after the relevant figures for the first census have been published.

New clause To Article 239A:

It grants special status to the Union Territory of Delhi as national capital with regards to its administrative and legislative functioning. This new clause



directs that one-third of the seats shall be reserved for women in Delhi legislative assembly and 1/3rd of the seats reserved for SCs shall be reserved for women (<https://www.muliatoday.in>).

The Act also directs that the reserved seats should be allocated by rotation to different constituencies in general elections.

Though the reservation will be continued for 15 years from the commencement of the Act, yet it can be extended further by an Act of parliament.

Impact of the Bill:

The new bill for women's political participation at the decision making level is a crucial one which may help in passing of more women friendly laws benefitting their development. Gender sensitive issues like sexual harassment, rape, domestic violence, equal pay for equal work, property inheritance etc, can pass with full majority support if there are more women members in parliament. We can imagine the impact of the Bill from just one simple fact: the number of women MPs in the Lok Sabha will jump to at least 180 from current 82 (The competition success review, 2023). Similar is the case in state legislatures also, where number of women can increase from current 740 to 2000. In this regard it should be noted here that according to a report by Association of Democratic Reforms (ADR) a total of 113 MLAs and 21 MPs have cases registered against them for crime against women (Pradeep & Patavardhan, 2023). Ms. Susan Ferguson, UN Women Representative for India, said that *"this quota reserving 33% seats for women will leapfrog India into one of 64 countries around the world who have reserved seats for women in their national parliament. Typically achieving a critical mass of 30 per cent representation by woman parliament known to yield positive outcomes for women's empowerment"* (India's passage of the



women;s reservation bill reflects its commitment to gender equality and women - led development:UN women India, 2023).

Drawbacks of the Bill:

- The Act has no provision for reservation of seats in Upper House of the parliament and Legislative Councils of the states. Another drawback is that, there is no scope of reservation for OBC women either in Lok Sabha or in State Legislative Assemblies.
- Another drawback is that it doesn't specify the cycle of elections from which women will get their due share. The bill only mentioned that it will come into effect only after an exercise of delimitation. The union Government decided that will conduct the population count after 2026 which will pave the way for delimitation and Women Reservation Act could be implemented by 2029. But political observers remark that it will not be an easy task. In 2002, when a new Delimitation Act was passed to redraw the existing number of Parliamentary and Assembly seats based on 2001 census, it took nearly ten and half years to make delimitation Data available to the delimitation commission, who conduct the exercise. There is also the possibility to face legal challenges of the delimitation effort which may also cause the delay of its implementation.
- It restricts the choice of voters to women candidates.
- Again rotation for reserved constituencies after every election may reduce the working enthusiasm of the elected representatives as it is uncertain for him to get candidature in the next general election.



- Mere reservation may not solve the problem if those women who are elected they are not able to take independent decisions without obeying the order of their male counterparts.

V.Findings and Conclusion:

The Historic Women Reservation Act of 2023 will bring significant changes in India's political empowerment index. However they face various challenges in the political structure prevalent in India. Proper political education is very essential without which it is not possible for the elected women to attain required position for which they are ted. Low financial position of women in society, sexual violence, patriarchal mind-sei of our society, uneven distribution of household work etc. are some of the burning issues for women in India. Significantly if the Act is properly implemented it will transform countries socio-political landscape into a balanced one. On April 2023, Report of McKinsey Global Institute estimated that India could add up to \$770 billion or more than 18% to its Gross Domestic Product by 2025 if it gave its women equal opportunities (The Historic 33% reservation for women, 2023). For the proper implementation of the Act and to achieve its noble goals there is a need to bring the institutional, social and behavioural changes among India's citizen.

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