



WOMEN RESERVATION BILL 2023: AN ANALYTICAL STUDY

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ABSTRACT:

In recent times women have made many achievements in almost all fields but no remarkable progress is witnessed in the political and social empowerment of women in India. We need the inclusion and intervention of women in politics and equal representation of women in their respective parties. Independence brought gender equality in the form of a constitutional right but historically women's political participation has remained low. Women's Reservation Bill is the need of the time. This legislation allocated 33 per cent of seats for women in both Lok Sabha and state legislation assemblies. This research paper focuses on the historical background of the Women's Reservation Bill and its need, significance and characteristic feature of the Women's Reservation Bill. This paper will also touch on the merits, demerits and challenges faced by the Women's Reservation Bill, and address the social manacles that are crushing the equal representation of women in Indian society.

Key Words: Parliament, Lok Sabha, State Assembly, Reservations, Women's Reservation Bill.

1. INTRODUCTION:

Women, once thought to be fit uniquely for doing home-grown errands and caring for the house and children have extended their jobs as experts. In India mainly they have made significant advances in different male-ruled callings. In the circles of business, medication, law, craftsmanship and culture, women who were offered freedom to obtain vital abilities and training have substantiated themselves as equipped to stand their ground, without taking advantage of special techniques to deal with their entrance. In any case, despite the way that we have had a lady leader, boss priests and presently a president, ladies have not actually made any extraordinary advances into politics all day.

The plan for women's strengthening appears to have lost the sort of upright and political authenticity it used to appreciate during the opportunity development. Mahatma Gandhi during the opportunity battle prepared numerous ladies to take an interest with men in development. Women are becoming more and more involved in politics in a small group of countries: Germany, Sweden, Norway, Denmark, and Finland. There is also a need for extraordinary consideration in the way women are portrayed in India. Indeed, even excellent of female

parliamentarians feel side-lined and weak inside their particular gatherings. Most ladies in constituent and party legislative issues are an inadequate minority inside their own regarded political groupings.

1.1.OBJECTIVES:

- To investigate the Women's Reservation Bill
- To evaluate the need for women's representation in the Lok Sabha and State Legislative Assembly
- To examine the role of various political parties on the Women's Reservation Bill
- To discover the potential answers for making the Women's Reservation Bill an Act.

1.2.RESEARCH QUESTIONS:

1. whether there is a need for particular political intervention for women?
2. Is there any exciting reservation policies for women in India?
3. What impact did the women reservation bill bring for women in India?
4. What are the Provisions and constitution of the Women's Reservation Bill?
5. What are the past status of women in independent India?

1.3.METHODOLOGY:

The current investigation varies on the optional information as it were. The information is gathered from different sources. For instance, Books, Magazines, Publications, Election Commission Reports, newspapers, Articles, the Internet and so on.

1.4.HYPOTHESIS:

The 33% reservation for women in Lok Sabha and state assemblies cannot be seen in isolation. even though the bill passed Muster by a near-unanimous vote in both houses, the reality is that all parties will have to make special efforts to cross many internal barriers. The primary issue is the implementation of this bill without making compromises.

2. HISTORICAL BACKGROUND:

The Constituent Assembly of India held its first meeting at Constitution Hall, now known as the Central Hall of the Old Parliament House, on December 9, 1946. Remarkably, Sarojini Naidu occupied the first row of seats facing the presidential dais and was the only woman there for the whole event. The issue of women's quotas was previously discussed in 1996, 1997, and 1998, but it could not be further pursued because of the dissolution of the Lok Sabha or the lack of agreement among political parties. Concern over women's underrepresentation in legislative bodies has grown in the last several decades, even though women make up over half of the world's population.

Achieving quick economic progress is significantly impeded by this democratic deficit. As such, it is more and more necessary to give this matter top priority in order to strengthen a political decision-making process that is inclusive, responsive, accountable, participatory, and equitable. For modern Indian civilization, the Women's

Reservation Bill—also referred to as the Constitution 108th Amendment Bill of 2008—must be put into effect. Since it was first introduced in 1996, there have been six unsuccessful attempts to have this legislation passed. In 2010, Mulayam Singh Yadav, the then-chief minister of Uttar Pradesh, proposed that the Women Reservation Bill not be passed because it could encourage male lawmakers to act insensitively towards their female colleagues.

2.1.CHARACTERISTIC FEATURE:

Reservation of Seats for Women in the Lower House: The Bill aimed to incorporate Article 330A into the Constitution, drawing inspiration from Article 330, which allocates seats to Scheduled Castes and Tribes in the Lok Sabha. According to the Bill, seats earmarked for women may be distributed to various state or union territory constituencies in a rotating manner. The Bill proposed designating one-third of the SC/ST seats as designated for women, with a rotational system¹.

Seat Reserving for Women in State Legislative Assemblies: The Bill presents Article 332A, which requires all state Legislative Assemblies to reserve seats for women. In addition, women must be given preference for one-third of the seats set aside for SCs and STs as well as one-third of the seats filled in the Legislative Assemblies through direct elections.

The NCT of Delhi's Women's Reservation²: The Union Territory of Delhi, as the nation's capital, is accorded unique status under Article 239AA of the constitution in relation to its legislative and administrative operations. The bill thus amended Article 239AA(2)(b) to reflect that the laws enacted by parliament will be applicable to Delhi's National Capital Territory.

Start of Reservation: The reservation will take effect following the publication of the results of the census that is performed following the start of this bill. Delimitation will be done in order to reserve seats for women based on the results of the census. A 15-year reservation period will be offered. Nonetheless, it will last until the date specified by a bill passed by Parliament³.

Rotation of Seats: Following each delimitation, seats set aside for women will be reassigned in accordance with a law passed by Parliament.

2.2.NEED FOR WOMEN RESERVATION:

- **Limited political participation:** A group's capacity to influence policy-making is constrained if it is not fairly represented in the political system.
- **Lessen discrimination:** Public and political life are required to be free of discrimination against women, according to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). India has ratified the CEDAW.

¹ INDIA CONST. art. 330A, amended by The Constitution (One Hundred and sixth Amendment) Act, 2023

² INDIA CONST. art. 239AA (1), amended by The Constitution (One Hundred and sixth Amendment) Act, 2023

³ INDIA CONST. art. 344A (1), amended by The Constitution (One Hundred and sixth Amendment) Act, 2023

- Voice for women: Women elected under the reservation policy spend more in public goods that are closely related to women's problems, according to a 2003 study on the impact of reservation for women in panchayats.

The Standing Committee on Personnel, Public Grievances, Law and Justice (2009) observed that women's seat reservations in local governments have allowed them to make significant contributions.

Legislated quotas: According to the Inter-Parliamentary Union (2022), quotas have played a significant role in women's representation.

2.3. SIGNIFICANCE:

Three essential, non-negotiable concepts form the foundation of women's political empowerment: the parity that exists between genders. women's right to realise their greatest potential. the right to self-determination and self-representation for women. There is a gender imbalance in political decision-making, and more female leaders are needed to take the lead in influencing positions and motivating young girls to support national development.

2.4.ISSUES:

Some have claimed that because women would not be seen as competing on the basis of merit, it would maintain their unequal standing. Additionally, it is said that this approach serves as a diversion from more significant electoral reform concerns, such as the criminalization of politics and intraparty democracy. Voters' options are limited to female candidates. An MP's motivation to serve his constituency may be diminished by the rotation of reserved seats in every election, as he may not be able to run for office again. Alternative approaches, like dual member constituencies and party reservations, have been proposed by certain experts.

3. IMPORTANCE:

Women's representation in legislatures: Currently, just 26.7% of parliamentary seats and 35.5% of local government positions are held by women worldwide. A major economy like India's can benefit the world economy as a whole.

Gender Equality and Empowerment: By giving women sufficient political representation, the measure aims to advance gender equality and give women more authority. A key component of gender equity is ensuring the participation of women in decision-making processes because they make up roughly half of the population in India.

Political Involvement: The goal of the measure is to enhance women's political involvement at all governmental levels. It promotes women to get involved in politics, run for government, and hold public office by setting aside seats for them.

Women's Voices and Issues: More women serving in legislatures guarantees that women's opinions are heard on important matters, such as those pertaining to women's rights, education, health, and safety. It may result in laws and policies that combat violence and discrimination based on gender.

When women are elected to political office, they can act as role models for other women and girls, encouraging them to follow careers in leadership that include politics.

Gender Inclusive Governance: Studies have demonstrated that having a diverse range of genders in legislatures and other decision-making bodies frequently results in better governance and decision-making because a broader variety of perspectives and experiences are taken into consideration.

Social and Economic Development: Women's political emancipation can contribute to both social and economic advancement. It may result in laws that support gender-sensitive development, better women's access to healthcare and education, and more possibilities for the economy.

Reducing Gender Differences: Since women's issues and goals are more likely to be taken care of, the law may help lessen gender differences in a number of areas, such as healthcare, work, and education.

The measure could result in a more varied and inclusive political scene by encouraging political parties to support female leaders and provide them with election-related opportunities.

ASSESSMENT:

Opponents of this proposal contend that reserving seats only for women would disproportionately benefit educated and urban women, leaving impoverished rural women from marginalised castes behind. On the other hand, proponents of this law claim that the resistance from these political party leaders is a result of patriarchal inclinations, as they fear that women will lose power in the event that a sizable number of seats are allotted to them⁴.

Political groups including the Congress, Samajwadi Party, and Rashtriya Janata Dal have condemned the bill for failing to include a provision for OBC and minority women to have reserved seats, which would have guaranteed them equal representation in parliament. Since it would be more difficult for marginalised women to speak up in Parliament without an OBC or minority quota.

The intricacy of the implementation schedules comes first. The Constitution (One Hundred and Twenty-eighth Amendment) Act of 2023 would take effect upon the completion of a delimitation exercise for this purpose and the publication of pertinent data from the first Census conducted after that date, according per the bill. There is no indication of which election cycle women will receive their fair share⁵.

Second, in line with prior regimes, the proposed Bill does not provide reservation for women in the Rajya Sabha and state legislative councils. In comparison to the Lok Sabha, women are currently underrepresented in the Rajya Sabha. Both the Lower and Upper Houses are required to uphold the principle of representation⁶.

⁴ *Women's Reservation Bill 2023*, <https://www.legalserviceindia.com>

⁵ *Idbi*.

⁶ *Women's Reservation Bill 2023*, <https://www.legalserviceindia.com>

4. CONSTITUTIONAL PROVISION FOR WOMEN RESERVATION:

India's Constitution creates a parliamentary form of government and protects the rights of its people to vote, free expression, assembly and association freedom, and election. The Indian Constitution forbids forced labour and human trafficking, prohibits discrimination based on sex and class, and reserves elected positions for women in an effort to eliminate gender inequality.

The Indian government has instructed state and local governments to advance gender and class equality, which includes equal pay and free legal help, maternity relief and humane working conditions, the freedom to work and education, and improving living standards. Early in the 20th century, women played a significant role in the Indian independence movement and supported breaking away from Britain. Constitutional rights introduced gender equality with independence, but historically, women have not participated in politics very much.

Part III of the Constitution guarantees men and women's fundamental rights. Maternity leave, humane working conditions, and equal compensation for equal labour performed by men and women are among the measures that the Directive Principles of State Policy mandate to ensure economic empowerment. The Constitution ensure the right to vote and political equality⁷. The Constitution was amended in 1992 by the 73rd and 74th amendments, which required one-third of the seats in municipal and Panchayat Raj Institutions (PRIs) to be reserved for women. The amendment aimed to enhance women's involvement in local decision-making. India has also taken several steps to empower women in other domains, like marriage and work. For example, the Supreme Court has given daughters access to inheritance and the same status as a coparcener in Hindu families.

5. CHALLENGES REGARDING IMPLEMENTATION:

Issues related to Delimitation: Only once delimitation is completed and completed, and only after the pertinent census data are released, will the reservation become effective. The next census's date is still up in the air. Determination is thus twice uncertain. OBC Issue with the bill: There is no quota for women from the OBCs under the women's reservation bill, which allocates 33% of seats for women in the Lok Sabha and state assemblies. The Geeta Mukherjee Committee (1996) suggested adding OBCs to the women's reservation⁸.

5.1.ADVANTAGES:

Women's political empowerment is rightfully seen as a potent and essential instrument for eradicating prejudice and gender inequity. Gender equity can be attained by augmenting the count of female members in State Assemblies and Parliament. Develop society: Women's leadership experiences in the home will benefit society as a whole. Women's leadership: A 2001 study on the influence of women's leadership on West Bengali policy decisions discovered that women spend more in infrastructure that directly addresses the needs of rural women, such as fuel and water. Electoral advantage: It will be advantageous to nominate women from underrepresented communities. The democratic choice available to voters is not diminished by dual member seats. does not exclude male candidates from consideration.

⁷ INDIA CONST. art. 325 & 326, amended by The Constitution (One Hundred and Fifth Amendment) Act, 2021

⁸ *Women's Reservation Bill 2023*, Drishti IAS (Sept. 23, 2023), <https://www.drishtias.com>.

Both the proposed bill's many advantages and its shortcomings are present. The accompanying might be used to analyse the main problems. Women make up a big fraction of a country's population and are granted privileges to a sizable portion of seats and parliamentary decisions that have a significant impact on their lives.

As excellent role models, women in positions of authority can inspire other women to adopt these practises. Affirmative action initiatives will support efforts to improve women's status. Recent studies on panchayats have demonstrated the positive effects of reservation on women's empowerment and asset distribution. It is important to address the different social and organic contacts that women have. According to B.R. Ambedkar, a wide variety of strengthening is prompted by political strengthening. Ladies' strengthening should therefore be gratified by accurate representation.

5.2.DISADVANTAGES:

Both inside and outside of Parliament, some ideological groups opposed this bill. They are the Lok Janshakti, Samajwadi Party, Bahujana Samaj Party, and other parties that have not supported this measure in its current form. They pointed out the bill's accompanying flaws. The issue of supporting BCs and minorities in backward positions is not adequately resolved by this bill, despite the fact that it permits the appointment of SC and ST women as officials. Gatherings will be unable to select female candidates from these underrepresented segments in supporters where they have a reasonable chance of success or achievement since they will have to select from a restricted number of possibilities for the seats reserved for women.

Regarding women serving on authoritative committees and in the Rajya Sabha, this bill is completely silent. This bill is actually insufficient in that it allows women to precisely occupy one-third of the positions in the Lok Sabha and Vidhan Sabha. Real malformations arise from such mechanical reservation. Of the seats that are saved, one-third are turned in every major political decision. This turn will thereafter result in the forceful removal of two thirds of the occupants from all major political decisions: As late as feasible, the extra 1/3 will be left in a state in between. They don't know if their electorate will pick up some of the randomly held seats, so they should prepare to hustle at show notice to find one more seat to challenge.

Every seat will be turned in every political contest in the event that every held seat (including those held by women, SCs, and STs) is pivotal, with one-third of the seats reserved for women. This suggests that nearly every member of a ruling body will be defeated in every general election. Such forced standing violates the most basic principles of popularity-based representation. It jeopardises the possibility of a rational attempt to oppose and maintain political supporters for aspiring politicians who are both male and female.

Because administrators will not be motivated to seek re-appointment by similar voting public, there will be more looting and political issues will become more brutal and untouchable. Due to their inability to run for office again from the same backer, women will find it more difficult to assemble their gradual credibility as effective agents as a result of this unstable political cycle.

6. CONCLUSION:

A group of males can never fully address the inclinations of women. This is confirmed by the way the booking bill is handled. Everyone agrees that women should work with the same level of cooperation, but none will take any genuine action to ensure equal representation. Preventing women from taking the initiative and preventing them from making decisions based on strategy is essentially perpetuating the centuries-old sexism that has persisted in this country. The women's reservation measure should be approved as soon as possible because it will undoubtedly help us achieve our goal of having a legitimate majority rule government. All women's organisations, regardless of their political affiliation, ought to establish a standard stage with a single plan. It ought to become a widespread social movement that addresses all ideological camps. This abundance of examples shows that the representation of women in legislative matters needs careful consideration and cannot be delegated to the powers that currently control our society and government.

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