



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

A HISTORIC LEAP: NARI SHAKTI VANDANA ADHINIYAM

Women's empowerment in Bharat represents a multifaceted journey towards fostering equality, dignity, and inclusivity for women nationwide. Bharat is a nation empowered by women. Their care, compassion, and ingenuity have not only shaped individuals and our society but also the edifice of our glorious cultural heritage.¹ Despite the progress made in increasing women's participation in India, much remains ahead. Continued efforts are essential to address existing challenges and create a more inclusive political landscape that reflects the diversity and voices of all citizens, regardless of gender. Bharat's progress hinges on the active involvement of women in policy-making and law-making. Women must have an equal say in shaping the nation's future. This is where the role of the Women's Reservation Bill comes in.

The Lok Sabha (LS) and Rajya Sabha (RS), both passed the Women's Reservation Bill 2023 (128th Constitutional Amendment Bill) or Nari Shakti Vandana Adhiniyam. The bill reserves one-third of the seats in Lok Sabha, State legislative assemblies and the Delhi assembly. This will also apply to the seats reserved for SCs (Scheduled Castes) and STs (Scheduled Tribes) in Lok Sabha and State Legislatures. The discussion on the reservation of women reservation bill was prevalent since the tenure of Former Prime Minister Shri Atal Bihari Vajpayee in 1996. As the then Government lacked a majority, the Bill could not have been approved. This bill is of crucial importance in bringing about the much-needed changes in the political landscape of the Republic of India. Presently, there are 82 women Members of Parliaments in LS (15.2%) and 31 women in RS(13%). While the number has increased significantly since the 1st Lok Sabha (5%) but is still far lower than in many countries. According

¹ Amit Shah, No fullstop for the other half, TIMES OF INDIA, (15th February 2024, 8:37 PM)
<https://timesofindia.indiatimes.com/blogs/toi-edit-page/no-fullstop-for-the-other-half/>

to recent UN Women data,²Rwanda (61%), Cuba (53%) and Nicaragua (52%) are the top three countries in women representation. Bangladesh (21%) and Pakistan (20%) as well are ahead of India in case of female representation.

The Bill provided for inserting Article 330A into the Constitution, which borrows from the provisions of Article 330, which provides for reservation of seats to SCs/STs in the Lok Sabha. It provided that reserved seats for women may be allotted by rotation to different constituencies in states or Union Territories. In the seats reserved for SCs/STs, the Bill sought to provide one-third of the seats to be reserved for women on a rotational basis. The Bill also introduces Article 332A, which mandates the reservation of seats for women in every state Legislative Assembly. Additionally, one-third of the seats reserved for SCs and STs must be allocated for women, and one-third of the total seats filled through direct elections to the Legislative Assemblies shall also be reserved for women. A new clause is added in Article 239AA in the Constitution which grants special status to the Union Territory of Delhi as national capital with regards to its administrative and legislative functioning. Article 239AA(2)(b) was amended by the bill accordingly to add that the laws framed by Parliament shall apply to the National Capital Territory of Delhi. The reservation will be effective after the census conducted after the commencement of this Bill has been published. A new article, 334A has been added which states that based on the census, delimitation will be undertaken to reserve seats for women. The reservation will be provided for a period of 15 years but it shall continue till such date as determined by a law made by Parliament. The seats reserved for women will also be rotated after each delimitation, as determined by a law made by Parliament.

The passage of the Nari Shakti Vandan Adhiniyam is a landmark in Indian democracy, recognising and promoting empowerment, but the legislation is not without its limitations. The bill merely reads that it shall come into effect "after an exercise of delimitation is undertaken for this purpose after the relevant figures for the first Census taken after the commencement of the Bill is undertaken." It doesn't specify the cycle of elections from which women will get their due share. It also does

² UN Women, <https://data.unwomen.org/> (last visited 18 February,2024)

not provide women's reservations in the Rajya Sabha and State Legislative Councils. The Rajya Sabha currently has lower representation of women than the Lok Sabha. Representation is an ideal that must be reflected in both the Lower and Upper Houses. Most importantly, the Bill borrowed from the provisions of Article 334 of the constitution which mandated the parliament to review the provisions of the reservation after 70 years of the laws coming into existence but in the case of the Women's Reservation Bill, the Bill provided for the sunset clause of 15 years for the reservation provisions for the women to get reviewed by the parliament.

The journey towards women's empowerment in Bharat is multi-layered and complex. It involves addressing various factors that hinder the progress of women and creating opportunities to foster equality, dignity, and inclusivity for them throughout the country. Ultimately, achieving women's empowerment in Bharat means creating a society where women have equal access to resources and opportunities, and are able to live their lives with dignity and respect. The implementation of 'Nari Shakti Vandana Adhiniyam' is a stepping stone towards the empowerment of women in India and it is expected to enhance women's participation in the progress of the nation and promote remarkable socio-economic changes. However, it is imperative to consider the potential obstacles and constraints that may arise.