



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.

WOMEN'S RESERVATION BILL: ROLE OF WOMEN IN INDIAN POLITICS.

What is the reservation?

The term reservation means the action of reserving something and even a right or interest retained in an estate being conveyed. In the context of India, William Hunter and Jyoti Rao Phule in 1882 originally conceived the idea of caste-based reservation system.¹ Demand for various forms of positive discriminations has been made in India, for instance, in 1882 and 1891. On 16 September 1921, the first Justice Party government passed the first Communal Government Order, thereby becoming the first elected body in the Indian legislative history to legislate reservations, which have since become standard across the country. Chatrapati Shahu, the Maharaja of the princely state of Kolhapur, introduced reservation in favour of non-Brahmin and backward classes, much of which came into effect in 1902. On January 26, 1950. The Indian Constitution grants reservations to Scheduled Castes and scheduled Tribes.

Why do women need reservation?

Women representation in politics is a vital step towards gender equality. Indira Gandhi, being the first women prime minister on India, Sarojini Naidu, Pratibha Patel, Fatima Beevi and numerous other women have played an important part in Indian politics, but the only problem is, the number of women at such levels is much lesser than the men. To bring women at a place where their voice would be heard and they will have a right to legislate laws will enhance the political system. According to Global Gender Gap Report 2022, India ranks 48th out of 146 in Political Empowerment. Its score is quite low at 0.267. Some of the best-ranking countries in this category score much better. For instance, Iceland is ranked 1 with a score of 0.874. The number of women MPs has increased from 5% in the first Lok Sabha to 15% in the 17th Lok Sabha; but the number continues to be quite low. A 2003 study about

¹ Kommula Vikram, Reservations in India, AISHWARYA SANDEEP, Apr 27,2023,

<https://aishwaryasandeep.in/reservations-in-india-2/>

the effect of reservation for women in panchayats showed that women elected under the reservation policy invest more in the public goods closely linked to women's concerns.² Women's reservation in politics empowers women at various levels. It not only encourages more women to participate in politics but also inspires women to take on leadership roles in other sectors. The reservation of women would enhance the promotion and solutions of women's issues such as gender-based violence, women's health, education, and economic empowerment.

History of women's Reservation bill, 2023.

The women's reservation bill, 2023 also known as Nari Shakti Vandan Adhiniyam has its deep roots since the society began to exist. Women in the early societies didn't have enough rights and duties in comparison to the opposite gender. Since the 90s era, women started to gain equal importance and many attempts were made to reserve seats for women, so that they are able to come up and express themselves and fulfil their duties as an enlightened citizen. The early attempts made were: the first attempt was made In 1996, when the first women reservation bill came into consideration. It was tabled by the government on nearly 4 occasions but it failed due to lack of political will and consensus. Another significant attempt was made in 2008 following to the table of Rajya Sabha in 2010 before it lapsed in the 2014 parliament. A bill passed by Rajya Sabha cannot be lapsed, hence it is still active. But the 2023 women's reservation bill is a new initiative and not the previous bill. Broadly, this bill proposes 33% seats reserved for women in Lok Sabha and state legislative assemblies and included a quota within quota for SC, ST and Anglo Indians. The women's reservation will be on a rotational basis. The 1946 inaugural session of the constituent assembly of India was conveyed at the Constitution Hall, presently the Central Hall of the Old Parliament House. Notably, Sarojini Naidu was the only woman in the entire gathering, sitting in the first row of attendees facing the presidential dais. The need for empowering women has always been in the checklist of our nation. By passing the women's reservation bill, it will be a step forward.

Features of the bill

- The women's reservation bill, 2023 is also known as Nari Shakti Vandan Adhiniyam, which is proposed by the Union Law Minister Arjun Ram Meghwal in the first sitting

² World economic forum, global gender gap report 2022, 10,
https://www3.weforum.org/docs/WEF_GGGR_2022.pdf

of Lok Sabha in the new Parliament building. It is the one hundredth twenty-eight amendment bill.

- It will provide 33% reservation to women in Lok Sabha and legislative assemblies and there will be a quota within quota in SC/ST and Anglo Indians seats.
- It provides that the above-mentioned reservation will be valid till 15 years and can be extended if needed.
- It will enable greater participation of women in policy making at both the levels; the state and the centre.
- The opinions of women will be heard and taken into consideration as the bill suggests it will make women want to come forward and fulfil their rights and duties as an enlightened citizen.

Proposed amendments in the constitution

- Article 239AA, clause (2) (b) should be inserted to ensure reservation of seats for women in the Assembly;
 - 1/3rd of the seats reserved for Scheduled Caste/Scheduled Tribes in Assembly will be reserved for women
 - 1/3rd of the total number of seats to be filled by direct election in Assembly will be reserved for women
- Article 330-A should be inserted which will reserve seats for women in the House of People or Lok Sabha.
- Article 332-A will be inserted which will reserve seats for women in the Assembly of every State.³

Past attempts for reservation bills for women and its effect.

There have been numerous attempts in the past, but none of them surpassed, the bill proposed in 2023 parliament sessions was successfully passed and it will come in effect after the delimitation takes place, most probably in 2027.

Key difference between the previous 2008 and recent 2023 women's reservation bill.

³ Kriti, [Women's Reservation Bill] Government introduces 'Nari Shakti Vandan Adhiniyam' in Lok Sabha, Sept 19, 2022, <https://www.scconline.com/blog/post/2023/09/19/nari-shakti-vandan-bill-introduced-in-lok-sabha-legal-news/>

- Such bills were introduced earlier in 1996, 1998, 1999, and 2008.
- The key difference between both the bills is that in its current form, the women's reservation bill is proposed to be enforced only after an exercise of delimitation is undertaken following the first census conducted.

What is delimitation commission?

The delimitation commission also known as boundary commission is the powerful body which has force of law which cannot be questioned in the court of law. It was established in the year 1951 under the parent department of government of India. The main task of delimitation commission is to redraw the boundaries of various assemblies based on recent census.⁴ Hence, one of the prominent works of delimitation commission in the women's reservation bill 2023 is to redraw the boundaries and make the work easier for the government of India.

- Another key difference is the awareness among people. The bill proposed in 2008 led to political turmoil as the features of the bill were not clear to people, but the 2023 bill has been clear but is still facing certain criticisms.

Conclusion

Despite the setbacks, the government of India successfully passed the women's reservation bill which would grant 33% reservation to women in Lok Sabha and legislative assemblies. Various people have posed different comments over the passing of women's reservation bill, but the fact is that the Union Cabinet has given its approval and the provisions of the bill would be implemented after the exercise of delimitation is undertaken.

References

⁴ Delimitation Commission And The Case Of Exiled KPs, Apr 9, 2022, <https://risingkashmir.com/delimitation-commission-and-the-case-of-exiled-kps>

- Kommula Vikram, Reservations in India, AISHWARYA SANDEEP, Apr 27,2023, <https://aishwaryasandeeep.in/reservations-in-india-2/>
- World economic forum, global gender gap report 2022, 10, https://www3.weforum.org/docs/WEF_GGGR_2022.pdf
- Kriti, [Women's Reservation Bill] Government introduces 'Nari Shakti Vandan Adhiniyam' in Lok Sabha, Sept 19, 2022, <https://www.sconline.com/blog/post/2023/09/19/nari-shakti-vandan-bill-introduced-in-lok-sabha-legal-news/>
- Delimitation Commission And The Case Of Exiled KPs, Apr 9, 2022, <https://risingkashmir.com/delimitation-commission-and-the-case-of-exiled-kps>
- India passes law to reserve seats for women legislators, Oct 4, 2023 <https://www.unwomen.org/en/news-stories/feature-story/2023/10/india-passes-law-to-reserve-seats-for-women-legislators>