

Women's Reservation Act 2023: A Significant Stride Towards Empowerment

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The principle of political empowerment, which entails ensuring equitable participation in the processes of governance and decision-making, is fundamental to the functioning of a robust democracy. For women, who constitute approximately half of the global population, achieving this empowerment has been a persistent challenge, marked by significant underrepresentation in political spheres worldwide. Global data indicates that women continue to be marginalized at various levels of governance, with their representation in national parliaments and executive government positions often falling considerably short of parity.

Keyword: Political Empowerment, Gender Equality, Greater Representation, Historical Gender Disparities, Political Consensus,

Introduction:

India, the world's largest democracy, has historically reflected this global trend, with women's representation in its legislative bodies remaining notably low despite constitutional guarantees of equality. The percentage of women in the Lok Sabha, the lower house of India's Parliament, and in various State Legislative Assemblies has consistently hovered around a modest figure, underscoring a systemic imbalance in political participation. In this context, the enactment of the Constitution (One Hundred and Sixth Amendment) Act, 2023, widely known as the Women Reservation Act, marks a potentially transformative moment in India's journey towards gender equality and political empowerment. This research article aims to critically analyze this landmark legislation as a significant stride towards enhancing women's political empowerment in India, examining its key provisions, potential benefits, inherent challenges, and broader implications for the nation's socio-political landscape. The underrepresentation of women in the political landscape of India has been a persistent challenge, creating a democratic deficit and necessitating active measures to ensure equitable participation. Despite constituting nearly half of the nation's population, women have historically occupied a disproportionately small percentage of seats in legislative bodies. This disparity not only limits women's ability to shape policies and decisions that affect their lives but also undermines the fundamental principles of representative democracy. The enactment of the Women's Reservation Act of 2023 marks a significant legislative development aimed at rectifying this imbalance after decades of deliberation.

This article seeks to analyze the extent to which this Act represents a substantive stride towards women's empowerment in Indian politics, or if it primarily functions as a symbolic gesture. To address this question, the analysis will delve into the historical context of women's reservation in India, the key provisions of the 2023 Act, arguments both supporting and criticizing its significance, the challenges anticipated in its implementation, comparisons with similar policies in other democratic nations, the potential impact on women's representation, and the long-term socio-political consequences for India.

Historical Background:

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The journey towards ensuring women's adequate representation in India's political arena has been long and fraught with obstacles. Even before India gained independence, prominent women leaders advocated for equal political status, recognizing the vital role women play in shaping the nation's destiny. However, the initial steps towards formalizing women's political participation gained momentum in the post-independence era. A significant milestone in this journey was the passage of the 73rd and 74th Constitutional Amendments in 1992-1993. These amendments mandated the reservation of one-third of the seats for women in the Panchayati Raj Institutions (local rural bodies) and urban local bodies across the country. This groundbreaking initiative at the grassroots level not only brought a substantial number of women into the fold of local governance but also provided invaluable lessons and insights that would later inform the debates surrounding women's representation in higher legislative bodies.¹ Building on this foundation, the demand for extending similar reservation to the Lok Sabha and State Legislative Assemblies grew steadily. The first concrete attempt to introduce the Women's Reservation Bill in the Parliament was made in 1996 by the United Front government led by Prime Minister H.D. Deve Gowda. This bill, aimed at reserving one-third of the seats for women in the national and state legislatures, was a direct response to the persistent underrepresentation of women in these crucial decision-making bodies. However, despite its introduction, the bill faced considerable political resistance and ultimately lapsed. Subsequent attempts to revive and pass the bill were made in 1998, 1999, 2008, and 2010, each encountering its own set of political hurdles and failing to garner the necessary consensus for enactment. A key point of contention during these attempts was often the demand for sub-reservations for women belonging to Other Backward Classes (OBCs), reflecting the complex interplay of caste and gender in Indian society. After nearly three decades of persistent advocacy and numerous legislative endeavours, the "Nari Shakti Vandan Adhiniyam" (Women's Reservation Act) finally received the near-unanimous support of both houses of the Indian Parliament in September 2023, marking a significant turning point in the history of women's political empowerment in India. The culmination of this long journey signifies a potential shift in the political landscape, possibly driven by a growing recognition of the imperative for gender equality in all spheres of life.

Women Reservation Act in India:

The Constitution (One Hundred and Sixth Amendment) Act, 2023, now officially the law of the land, lays down specific provisions aimed at enhancing women's representation in key legislative bodies. The cornerstone of this legislation is the mandate to reserve, as nearly as may be, one-third of all seats for women in the Lok Sabha, the State Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi. This sweeping provision intends to significantly increase the number of women participating directly in the law-making processes at both the national and state levels. Recognizing the intersectional nature of social inequalities, the Act goes further by stipulating that within the seats already reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs), one-third will also be reserved for women belonging to these communities. This ensures that the benefits of reservation extend to women from historically marginalized caste groups, addressing a crucial aspect of social justice. The reservation of seats for women under this Act is set to remain in force for a period of fifteen years from its commencement. However, the legislation also includes a provision that allows for this period to be extended by an act of Parliament, indicating a potential for the reservation to continue beyond the initial fifteen-year timeframe based on future legislative decisions. To ensure a broad distribution of opportunities for women across different constituencies over time, the Act

outlines a mechanism for seat rotation. The seats reserved for women will be subject to rotation after each delimitation exercise, with the specifics of this rotation to be determined by a law enacted by the Parliament. A critical aspect of the Act's implementation timeline is its direct linkage to the upcoming census and the subsequent delimitation exercise. The reservation of seats for women will only come into effect after the census conducted following the commencement of the Act has been published and the delimitation of constituencies has been undertaken based on the census figures. This explicit condition ties the immediate realization of the Act's promise to these significant demographic and electoral processes.

The Women Reservation Act has been hailed by many as a momentous step towards rectifying the long-standing gender imbalance in India's political representation. As statistics consistently reveal, women have been significantly underrepresented in the Lok Sabha and State Legislative Assemblies, often comprising a fraction of the total members despite making up nearly half of the population.¹² This historical disparity has limited women's ability to effectively influence policy-making and advocate for their specific needs and concerns. The Act serves as a crucial affirmative action measure, aiming to bridge this gap and ensure a more equitable distribution of political power. By mandating a significant increase in women's representation, the legislation has the potential to foster greater gender equality in the political sphere. It is anticipated that with more women in positions of authority, their agency will be enhanced, and their voices will be amplified in the formulation and implementation of laws and policies. This increased representation could lead to a greater prioritization of issues that are of particular concern to women, such as measures to combat gender-based violence, improve access to healthcare and education, and promote economic empowerment. Furthermore, women legislators can serve as powerful role models for young girls across the country, inspiring them to aspire to leadership positions in various fields and challenging traditional societal perceptions about women's capabilities and roles. The experience of women's reservation in Panchayati Raj Institutions provides valuable insights into the potential impact of the Act at the national and state levels. Research indicates that women leaders in local governance have often demonstrated a greater inclination to invest in public goods that directly address the needs of women in their communities, such as access to clean drinking water and improved sanitation facilities. These positive outcomes at the grassroots level suggest that a similar reservation at higher levels of governance could lead to comparable benefits and a more responsive and inclusive political system.

Despite the widespread support and optimism surrounding the Women Reservation Act, it has also faced its share of criticisms and raises several pertinent challenges. One of the primary arguments against reservation policies in general is the concern that they might compromise the principle of meritocracy by suggesting that women cannot compete effectively on their own merit. Critics also argue that reserving seats for women could potentially restrict voter choice by limiting the pool of candidates in those constituencies. A significant point of contention surrounding the current Act is the concern that it might disproportionately benefit certain segments of women, particularly those from upper-caste and urban backgrounds, while potentially marginalizing women from Other Backward Classes (OBCs) and minority communities due to the absence of specific sub-reservations for these groups. This has led to demands for a more inclusive approach that addresses the intersectional inequalities faced by women from diverse social backgrounds. Another major challenge lies in the delayed implementation of the Act, which is contingent upon the completion of the next census and the subsequent delimitation exercise. Given the time-consuming nature of these

processes, there are concerns that the reservation might not come into effect for several years, potentially pushing its impact beyond the 2024 and even the 2029 general elections. This delay has fueled skepticism about the immediate commitment to women's political empowerment and has led to accusations of the Act being a more symbolic gesture than a prompt action. Furthermore, the Act's exclusion of the Rajya Sabha (the upper house of Parliament) and State Legislative Councils from its purview has been noted as a limitation, as these bodies also play a crucial role in the legislative process. Other potential challenges include the risk of proxy representation, where elected women might act as figureheads for their male family members, and the overarching need for broader electoral and societal reforms to tackle issues such as criminalization of politics and the lack of inner-party democracy, which can disproportionately affect women's participation.

A critical aspect influencing the implementation timeline of the Women Reservation Act is the process of delimitation. Delimitation is the act of redrawing the boundaries of parliamentary and assembly constituencies to reflect changes in population and ensure that each constituency has a roughly equal number of voters. This process is typically carried out after each census to maintain fair representation. The Women Reservation Act explicitly states that its provisions relating to the reservation of seats for women will come into effect only after a delimitation exercise is undertaken based on the relevant figures from the first census conducted after the Act's commencement. This linkage means that the implementation of the women's quota is directly tied to the completion of the next census, which was delayed due to the COVID-19 pandemic, and the subsequent redrawing of constituency boundaries. Conducting a nationwide census and then undertaking the complex task of delimitation can be a time-consuming affair, potentially taking several years. This has led to concerns and political debates, with some arguing that the delay in implementation undermines the urgency of the Act. There are also apprehensions about the potential impact of delimitation on the representation of different states, particularly those in the south that have achieved greater success in population control.⁴¹ Furthermore, the Act specifies that the seats reserved for women will be rotated after each delimitation exercise. While this is intended to ensure wider representation over time, it could also lead to a lack of continuity for women parliamentarians in specific constituencies, potentially affecting their ability to build long-term relationships with their electorate. The government has argued that linking the reservation to delimitation will ensure a transparent and fair allocation of seats for women, and may also lead to an increase in the total number of seats in the Lok Sabha and state assemblies, benefiting both men and women. However, opposition parties have criticized this linkage, suggesting that the reservation could have been implemented sooner using the existing constituency framework.

The enactment of the Women Reservation Act holds significant promise for enhancing women's political empowerment in India. It is anticipated that the reservation of one-third of the seats in key legislative bodies will lead to a substantial increase in the number of women representatives. For instance, the number of women members in the Lok Sabha is expected to rise significantly once the Act comes into force. This increased presence of women in Parliament and state assemblies has the potential to bring about a notable shift in policy focus and legislative priorities. Research from various parts of the world suggests that women legislators often prioritize issues related to women, children, and families, and tend to be more responsive to the needs of their female constituents. Therefore, a greater representation of women in India's legislatures could lead to more effective policies addressing critical areas such as gender-based violence, women's health, education, and economic empowerment. Moreover, the increased visibility of

women in leadership roles can have a profound long-term impact on women's participation in the political process at all levels. Seeing more women in Parliament and state assemblies can inspire more women to enter politics, contest elections, and take on leadership roles within political parties and their communities. This can contribute to a more inclusive and representative democracy over time. However, it is important to acknowledge that simply increasing the number of women in legislatures might not automatically translate into substantive empowerment. Ingrained patriarchal norms within the political system and society at large could still pose challenges. There is also the potential for tokenism if women representatives are not given genuine agency and support to effectively exercise their roles. Therefore, alongside the implementation of the Act, it will be crucial to address these underlying issues through comprehensive political education, leadership training, and the creation of a more supportive environment for women in politics.

The Women Reservation Act, while primarily focused on gender, also has implications for other marginalized communities in India. The Act's provision for a sub-reservation of one-third of the seats reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs) for women from these communities is a significant step towards recognizing and addressing the intersectionality of gender and caste-based discrimination. This ensures that women who face marginalization based on both their gender and their caste identity will have a greater opportunity for political representation.⁵⁴ However, the Act does not currently include a similar provision for women from Other Backward Classes (OBCs) and minority communities. This has been a subject of considerable debate, with many arguing that the absence of such sub-reservations could lead to a situation where the Act primarily benefits women from more privileged backgrounds, potentially leaving behind those who face multiple layers of marginalization. There have been demands from various political parties and social groups to consider extending the sub-reservation to include OBC and minority women to ensure a more equitable and inclusive representation that truly reflects the diversity of Indian society. The potential consequences of the Act in its current form on the broader landscape of social justice and representation remain a subject of analysis and discussion. While the reservation for SC/ST women is a positive move, the lack of similar provisions for other marginalized women raises questions about whether the Act fully addresses the complexities of social inequalities in India.

Challenges in the Implementation of the Women's reservation act:

The experience of women's reservation in local bodies, particularly through the 73rd and 74th Constitutional Amendments, offers valuable lessons for the implementation of the Women Reservation Act at the national and state levels. These amendments led to a significant increase in the number of women participating in local governance, with India becoming one of the top-performing countries globally in women's political empowerment at the grassroots level. Research on the impact of women representatives in Panchayati Raj Institutions has revealed several positive outcomes, including a greater focus on public goods that are relevant to women's needs, such as water and sanitation, and in some cases, a reduction in corruption. However, the experience at the local level has also highlighted several challenges that need to be addressed for the national-level Act to be truly effective. One significant challenge has been the issue of proxy representation, where women elected to local bodies have sometimes acted as proxies for their male relatives, particularly their husbands. This underscores the importance of ensuring that women elected under the Women Reservation Act are empowered to exercise their agency independently. Another challenge has been the lack

of adequate resources and training for women representatives, which can hinder their ability to perform their roles effectively. Social barriers and ingrained patriarchal norms have also played a role in limiting women's participation and influence in local governance. Drawing from these lessons, the effective implementation of the Women Reservation Act will require proactive measures to prevent proxy representation, provide comprehensive training and resources to women representatives, and actively work towards dismantling the socio-cultural barriers that can impede their full and meaningful participation in the political process.

Conclusion:

Women Reservation Act in India represents a defining moment in the nation's quest for gender equality in politics. After decades of deliberation and numerous attempts, the passage of this legislation signifies a renewed commitment to addressing the historical underrepresentation of women in the Lok Sabha, State Legislative Assemblies, and the Delhi Assembly. The Act's core provision of reserving one-third of all seats for women, along with the sub-reservation for SC/ST women, holds the potential to significantly alter the landscape of Indian politics, fostering a more inclusive and representative democracy. While the anticipated increase in the number of women legislators and the potential for a greater focus on women-centric issues are promising, the Act is not without its challenges. Concerns regarding implementation delays due to the linkage with the census and delimitation processes, the absence of specific reservations for OBC and minority women, and the potential for issues like proxy representation need to be carefully addressed. Drawing lessons from the experiences of women's reservation in local bodies, it is evident that the successful realization of the Act's vision will require sustained political will, comprehensive efforts to empower women politically, and a commitment to broader societal reforms that challenge ingrained gender inequalities. The Women Reservation Act is undoubtedly a significant step towards political empowerment, but its true impact will ultimately depend on the collective commitment to ensuring its effective and equitable implementation, paving the way for a more gender-balanced and just political future for India.

Key Attempts to Enact Women's Reservation Bill in India:

Year Introduced	Bill Name	Status	Key Obstacles/Features
1996	81st Constitutional Amendment Bill	Lapsed with the dissolution of the 11th Lok Sabha	First attempt, sent to a Parliamentary Committee
1998	84th Amendment Bill	Lapsed with the dissolution of the 12th Lok Sabha	Proposed reservation for 15 years
1999	85th Amendment Bill	Lapsed due to a lack of consensus among political parties	

2008	108th Amendment Bill	Passed by Rajya Sabha in 2010, but lapsed with the dissolution of the 15th Lok Sabha	Proposed reservation for Lok Sabha and State Assemblies, included sub-reservation for SC/ST
2023	Constitution (One Hundred and Sixth Amendment) Act, 2023 (Nari Shakti Vandan Adhiniyam)	Passed by both Lok Sabha and Rajya Sabha, received Presidential assent	Reserves one-third seats in Lok Sabha, State Assemblies, and Delhi; linked to delimitation

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