

“Nari Shakti Vandan Adhiniyam: Will Set the Tone for Women led Development”

**Rubasha Perween
The ICFAI University,
Dehradun*

***Dr. Avishek Raj
The ICFAI University,
Dehradun*

Why India Needs the Women’s Reservation Bill

Nine out of ten parliamentarians in India are men. Such dismal figures reveal the lasting grip of unfavourable social norms. Women’s disadvantage on a complex set of social and economic factors effectively keeps them at the margin of political life. Six decades have gone by since Independence brought hopes that democracy would equilibrate gender representation; two decades ago, reservations opened local bodies to women.

Major parties have since championed a bill that would extend reservations to the Lok Sabha, and the state legislative assemblies; the proposed law even made it through the Rajya Sabha. But the gender imbalance at higher political levels remains unaddressed. After decades of delays and posturing, it is time to pass the Women’s Reservation Bill. Experience at local level and in other countries provides enough evidence to challenge the most frequent criticisms against the bill and address some of the foreseeable roadblocks in its implementation

Women are just 11 per cent of all members in the two chambers of Parliament¹, and their representation in state level assemblies is no different. The imbalance is starker across political parties, where women members are hardly more than 10 per cent², and nominations as candidates are even fewer. While all parties count influential female figures, they have not constituted a critical mass that is able to influence party lines. These figures are embedded in unfavourable social norms and power structures.

Women continue to face severe constraints on their mobility: *in 2005-2006 the National Family Health Survey (NFHS)* found that only one in three women were allowed to venture alone to places such as the market. The current context, marked by widespread emotions around brutal cases of rapes, risks further curtailing their mobility.

In education, literacy rates among women are just below *54 per cent according to census data;* they are 75 per cent for men. While data uncertainty cloud assessments of women’s workforce participation, all estimates point at a significant reduction over the past decades of high economic growth *from 36 per cent in 1993-94, to 29 per cent in 2011-12* according to the International Labour Office’s calculation based on government data. Without corrective

¹ The Lok Sabha counts 63 women out of 540 legislators, and the Rajya Sabha 28 out of a total of 241: <http://parliamentofindia.nic.in>

² The Lok Sabha counts 63 women out of 540 legislators, and the Rajya Sabha 28 out of a total of 241: <http://parliamentofindia.nic.in> 2 P. Rai (2011), ‘Electoral Participation of Women in India: Key Determinants and Barriers’, Economic & Political Weekly

measures such disadvantages will continue to keep most women at the margin of political life for many more years. The women's reservation bill is a step to undo this.

The legal reform that will extend reservations for women in Parliament and state assemblies is arguably one of India's major unfulfilled promises. Championed by major parties, repeatedly introduced in Parliament and supported by a majority of citizens, the Women's Reservation Bill is solidly established in public discourses and India's tradition of affirmative action. In 1993, reservations for women at local level were introduced without insurmountable resistance, though challenges of implementation have since highlighted the grip of power structures that had till then kept women at the margins of power. At central level, the Women's Reservation Bill has now made its way through revisions, parliamentary debates, and the Rajya Sabha passed it in 2010. It provides for the Lok Sabha and state legislative assemblies, to be operationalised by reserving constituencies on a rotational basis; to existing reservation for Scheduled Castes and Tribes; revision. The bill is expected to bring the number of women to a critical level that will allow them to make a real difference in political decisions, according to comparative studies. While the current text is not free of caveats, women under representation at state and central level is too acute to take the risk of a new stalemate.

What is the Background and Need for this Bill?

Background:

- The issue of reservation for women in politics can be traced back to the Indian national movement. In 1931, in their letter to the British Prime Minister, submitting the official memorandum jointly issued on the status of women in the new Constitution by three women's bodies, leaders **Begum Shah Nawaz** and **Sarojini Naidu**.
- The discussion upon the reservation of women reservation bill is 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.
- Earlier Attempts at Reserving Seats for Women:
 - **1996:** First Women Reservation Bill was introduced in the Parliament.
 - **1998 – 2003:** Government tabled the Bill on 4 occasions but failed.
 - **2009:** Government tables the bill amid protests.
 - **2010:** The Union Cabinet passes the Bill and RS passes it.
 - **2014:** The Bill was expected to be tabled in LS.

Need:

- There are 82 women Member of Parliaments in LS (15.2%) and 31 women in RAJYA SABHA (13%)³. While the number has increased significantly since the 1st Lok Sabha (5%) but is **still far lower than in many countries**. According to recent UN Women data, Rwanda (61%), Cuba (53%), 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.**

³ Government of India (2010), 'The Constitution (One Hundred and Eight Amendment) Bill, 2008', section 3 and 4, Delhi: Rajya Sabha, of pp. 1-3, at: <http://164.100.47.4/BillsTexts/RSBillTexts/PassedRajyaSabha/108%20RS%20pass-E.pdf> (accessed February 2014).

What are the Key Features of the Bill?

- **Reservation for Women in Lower House:**

The Bill provided for inserting **Article 330A** to the constitution, which borrows from the provisions of Article 330, which provides for reservation of seats to SCs/STs in the Lok Sabha. The Bill provided that reserved seats for women may be allotted by rotation to different constituencies in states or Union Territories.

- **Reservation for Women in State Legislative Assemblies:**

The Bill 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.

- **Reservation for Women in NCT⁴ of Delhi (New clause in 239AA):**

Article 239 AA to the constitution 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.

- **Commencement of Reservation (New article - 334A):**

The reservation will be effective after the census conducted after the commencement of this Bill has been published. Based on the census, delimitation **will be undertaken to reserve seats for women. The reservation will be provided for a period of 15 years.** However, it shall continue till such date as determined by a law made by Parliament.

- **Rotation of Seats:**

Seats reserved for women will be rotated after each delimitation, as determined by a law made by Parliament.

Recommendations

1. Pass the Women's Reservation Bill without delays and revisions

After decades of delays and posturing, it is time to pass the bill. The current text may have caveats, but with just one woman among every 10 male parliamentarians, the gender imbalance at state and central level is too stark to risk further confrontations and stalemates on a revised bill. Furthermore, while details of the current text are worth discussing, the above evidence drives home the fact that 15 years of reservation will help challenge and transform deeply entrenched gender disparities.

⁴ The 69th Constitutional amendment is a milestone in Delhi's history, as it got a Legislative Assembly with the enactment of the National Capital Territory Act, 1991.

2. Recognise that the absence of sub-quotas calls for measures to support candidates from lower caste and class groups

The bill provides for an overall reservation of 33 per cent for women in the Lok Sabha and state assemblies, cutting across the existing 22 per cent reservation for Scheduled Caste and Tribes as well as seats open for competition. This suggestion has been widely criticised by groups and individuals speaking for the interest of lower caste groups and minorities.

They argue that the general quota for women competes with claims of other minority groups such as Muslims and Other Backward Classes, and infringes on existing quotas for Scheduled Castes and Tribes. The issue is delicate. On one hand, women need a voice in higher level politics just like other groups. With 11 per cent of women in Parliament, a reservation to correct this imbalance is a non-negotiable. Amending the bill to introduce sub-quotas risks stalling the reform furthermore.

The urgency to change the status quo is too high to take this risk. On the other hand, the problem of lower caste and minority representation calls for a credible policy response. In light of the above constraints, the existing bill should be enacted without further delay, while acknowledging the problem of scheduled caste and class representation. Concrete measures should be taken to balance the representation of these groups, notably by ensuring that programmes to train elected representatives attract and support women from deprived groups.

3. Tailor training and support programmes for elected representatives to help women from lower caste and class overcome their disadvantage

Reservations at local level have shown the importance of setting up adapted programmes: training in political literacy and leadership, computer literacy and access to computers need to be tailored to help women overcome their disadvantage. These systems will be crucial to support the mobility of women who enter local politics, notably those who benefit from sub-quotas 52.3% Open seats 14.7% ST/SC 7.3% SC/ST Women 25.7% Women 33% Women 22% ST/SC

Alternate methods of representation

Reservation of one-third of seats for women in Parliament would restrict the choice of voters in the reserved constituencies. Two alternatives have been suggested by some experts: reservation for candidates within political parties (as some countries do, see Table 1); and dual member constituencies where some constituencies shall have two candidates, one being a woman (see Table 2). Initially, India had multi-member constituencies which included an SC/ST member. A 1961 Act converted all constituencies into single member constituencies. The reasoning was that the constituencies were too large and SC/ST members felt that they would gain in importance in single-member reserved constituencies.

Table 1: Country data on political representation of women (as of September 2023)

Country	% of elected women	Quota in Parliament	Quota in political parties
Sweden	46%	No	Yes
Norway	46%	No	Yes
South Africa	45%	No	Yes
Australia	38%	No	Yes
France	38%	No	Yes
Germany	35%	No	Yes
UK House of Commons	35%	No	Yes
Canada	31%	No	Yes
US House of Representatives	29%	No	No
US Senate	25%	No	No
Bangladesh	21%	Yes	No
Brazil	18%	No	Yes
Japan	10%	No	No

Note: In several countries, there is no law mandating quotas for women but some political parties reserve seats for women. Sources: Inter-Parliamentary Union; PRS.

Table 2: Pros and cons of reservation in political parties and dual member constituencies¹⁷

	Advantages	Disadvantages
Political parties	<ul style="list-style-type: none"> Provide more democratic choice to voters Allow more flexibility to parties to choose candidates and constituencies depending on local political and social factors Can nominate women from minority communities in areas where this will be an electoral advantage Allow flexibility in the number of women in Parliament 	<ul style="list-style-type: none"> No guarantee that a significant number of women would get elected Political parties may assign women candidates to constituencies where they are weak Might lead to resentment if a woman is accommodated to the disadvantage of a stronger male candidate
Dual- member constituencies	<ul style="list-style-type: none"> Does not decrease the democratic choice for voters Does not discriminate against male candidates Might make it easier for members to nurture constituencies whose average size is about 2.5 million people 	<ul style="list-style-type: none"> Sitting members may have to share their political base Women may become secondary persons or add-ons To fulfil criteria of 33% women, half of the seats need to be dual constituencies. This would increase the total number of MPs by 50%, which could make deliberation in Parliament more difficult

Sources: Compiled by PRS based on sources listed in endnotes in 14 and 17.

Key changes between 2008 and 2023 Bills

The table below captures certain key changes between the 2008 Bill as passed by Rajya Sabha and the Bill introduced in 2023.

Table 3: Key changes between 2008 Bill and Bill introduced in 2023

	Bill introduced in 2008 as passed by Rajya Sabha	Bill introduced in 2023
Reservation in Lok Sabha	One-third of Lok Sabha seats <i>in each state/UT</i> to be reserved for women	One-third seats ¹⁷ to be reserved for women
Rotation of Seats	Reserved seats to be rotated after every general election to Parliament/legislative assembly	Reserved seats to be rotated after every delimitation exercise

Sources: The Constitution (One Hundred and Eighth Amendment) Bill, 2008; The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023; PRS.

CONCLUSION

Across the globe, willingness to give women power is absent and it will be a long journey. History is witness that wherever this hold (by men) gets weakened, we see spaces being made or women pushing to make these spaces for themselves. In the journey towards inclusive governance through the Women Reservation Bill, raising awareness, educating the public, and fostering negotiations are crucial steps.

Moving forward, it is imperative for all stakeholders to collaborate and ensure the passage of this bill, heralding a more equitable and representative political landscape in India. The entry of a larger number of women representatives and the consequent reduction in male members will certainly reduce criminality. However, caste and religious bias may not follow suit. Given the limited educational growth of rural and semi-rural female population, logic dictates that educational standards, that have been rising with each national election, may dip in the short term.

Lack of experience among women in positions of power, may translate into lesser participation in parliamentary proceedings in the short term. India boasts a history of powerful women in politics, both in the past and the present. The country had a female prime minister as early as in 1966 and some of the biggest political parties are headed by women. Female chief ministers have run some of India's largest states and several women helm powerful ministries at federal and state levels. The country has also had two female heads of state, including current President Draupadi Murmu.

A 2010 study showed that female representation on village councils increased female participation and responsiveness to concerns such as drinking water, infrastructure, sanitation and roads, without crowding out other disadvantaged groups.

“There is enough empirical evidence to suggest that feminisation of political governance leads to changes in public policy decisions and expenditure patterns. Studies have also found that such representation favours women’s preferences in fiscal policymaking.

REFERENCES

- International Labour Organisation, Key Indicators of the Labour Force Participation, available at: http://www.ilo.org/empelm/what/WCMS_114240/lang--en/index.htm (accessed February 2014).
- Women’s Reservation Bill ‘Nari Shakti Vandan Adhinyam’ introduced by the Indian Government in Lok Sabha - The Hindu
- Government of India (2010), ‘The Constitution (One Hundred and Eight Amendment) Bill, 2008’, section 3 and 4, Delhi: Rajya Sabha, of pp. 1-3, at: <http://164.100.47.4/BillsTexts/RSBillTexts/PassedRajyaSabha/108%20RS%20pass-E.pdf> (accessed February 2014).
- Dahlerup, D., Fredendall L. (2005). ‘Quotas as a “Fast Track” to Equal Representation for Women’, International Feminist Journal of Politics, Vol. 7(1)
- 8 Countries such as Sweden were first, but over the past two decades, South Africa, Rwanda, Taiwan and numerous countries across Latin America have followed. V. Randall (2006), ‘Legislative Gender Quotas and Indian Exceptionalism: The Travails

- of the Women's Reservation Bill', *Comparative Politics*, Vol. 39(1)
- Inter-parliamentary Union, *Women in National Parliament*, at: <http://www.ipu.org/wmn-e/classif.htm> (accessed February 2014).
 - N. Menon (2000), 'Elusive 'Woman': Feminism and Women's Reservation Bill', *Economic & Political Weekly*, Vol 35(43-44): 3835.
 - Centre for Study of Developing Societies (1996), 'National Election Study', CSDS: Delhi.
 - In 2014, a survey across conducted by CNN, IBN and The Hindu found that only 14 per cent of voters across 18 states opposed reservations for women. CNN, IBN, The Hindu Election Tracker Survey, 2014, at: <http://www.thehindu.com/news/national/article4948689.ece> (accessed January 2013).
 - Women's Reservation Bill: India passes landmark bill to reserve a third of seats for women | CNN
 - Cited in: V. Randall (2006), *op. cit.* 1A district is an administrative sub-division of the state with a population ranging from a few thousands in remote areas to millions in highly populated regions they are further sub-divided into blocks; the smallest administrative unit governed by an elected assembly is a village or a cluster of smaller villages of no less than 500 inhabitants.
 - Society of Tribal Women for Development (2004), 'Impact of Bottom-up Planning Under PRIs and Women Participation Therein', *op. cit.* 16 No systematic study exists on this issue, but the risk of backlash is widely mentioned by NGO workers and in documentation reports
 - Women's Reservation Bill [The Constitution (108th Amendment) Bill, 2008] (prsindia.org)
 - Nari Shakti: India okays women's reservation bill - but nothing will change soon - BBC News