Women Reservation Bill, 2023

Why in news?

Nari Shakti Vandan Adhiniyam (128th Amendment) Bill, 2023 was introduced in Lok Sabha on 19 September 2023 during the special session of Parliament.

What is the history of women reservation bill?

- **Local governance**- Reservation for women in Panchayats and Municipalities were provided by
  - **Article 243D-** 73rd Amendment Act 1992
  - **Article 243T-** 74th Amendment Act 1992

Bill	About	Reason for lapse
81st Amendment Bill, 1996	To reserve not less than 1/3rd of the total number of seats filled by *direct election* in the House of the People and in the State Legislative Assemblies (SLAs) for women.	Due to the dissolution of 11th Lok Sabha
84th Amendment Bill, 1998	To provide reservation for women in Lok Sabha, SLAs and National Capital Territory of Delhi for 15 years from the commencement of the proposed enactment	Due to the dissolution of 12th Lok Sabha
85th Amendment Bill, 1999	To provide reservation for women in legislatures.	Due to lack of consensus amongst the political parties
108th Amendment Bill 2008	To reserve 1/3rd of all seats for women in Lok Sabha and SLAs. The allocation of reserved seats shall be determined by such authority as prescribed by Parliament.	Due to the dissolution of 15th Lok Sabha.
128th Amendment Bill, 2023	Proposes 33% reservation for women in Lok Sabha, SLAs and the Legislative Assembly of the National Capital Territory of Delhi.	Both Lok Sabha and Rajya Sabha passed the bill

What are the key features of the bill?

- **Reservation for women**- The Bill proposes *33% reservation* for women in Lok Sabha, SLAs, and the Legislative Assembly of the National Capital Territory of Delhi.
- This will also apply to the seats reserved for SCs and STs in Lok Sabha and states legislatures.
- **Introduction of new articles**- *Article 330A and Article 332A* to be introduced in the Constitution to propose changes for Lok Sabha and Assemblies respectively.
- **Commencement** - The reservation will be effective after the census conducted after

this Bill has been published.

- Based on this, delimitation will be undertaken to reserve seats for women 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.

Delimitation Exercise
• **Delimitation-** It is the act of redrawing boundaries of Lok Sabha and State Assembly seats to represent changes in population. • It is conducted periodically to reflect both increase in population and changes in its distribution. • **Objective-** To provide equal representation to equal segments of a population. • **Article 82-** It provides for the readjustment of the constituencies of Lok Sabha and State Assemblies after every Census. • **42nd Amendment Act**- It froze delimitation exercise until the first Census after 2000 is published. • In 2001, this was further extended for 25 years. So now, delimitation would happen on the results of the first Census *after 2026.* • **Delimitation commission-** It carries the delimitation exercise, appointed by the Government of India under the *Delimitation Commission Act.* • The Commission is appointed by the *President of India* and works in collaboration with the *Election Commission of India*. • **Composition** - Retired Supreme Court judge - Chief Election Commissioner of India - Respective State Election Commissioners • The Commission's orders are *final* and cannot be questioned before any court as it would hold up an election indefinitely.

What is the process of the bill to finally become a law?

Article 368 in Part XX of the Constitution deals with the powers of Parliament to amend the Constitution and its procedure.

- **Special majority**- Both houses of the Parliament need to pass the Bill by a special majority
  - a majority of the total membership of that House and
  - a majority of not less than two-thirds of the members of the House "present and voting".
- **State's consent-** The Constitution Amendment Bill will require *ratification by at least 50% of the States.*
- Their consent is needed as it affects their rights.
- **Time limit**- There is *no time limit* within which the States should give their consent to the bill.

To know more constitutional amendments for state's ratification, click here

Women in Parliament

- **Global average**- As of May 2022, female representation in national parliaments was 26.2 %
- **India**- The number of women MPs has increased from 5% in the first Lok Sabha to 15% (82 women MPs) in the 17th Lok Sabha.
- **SLAs** - The average number of women MLAs in Assemblies across the nation accounts for only 8%.
- In the 2023 election, Nagaland got its *first 2 women* MLAs. Mizoram too has not had a women MLA in the past 7 Assemblies.
- **Panchayat** - In 2006, Bihar became the first State to provide 50% reservation for women in panchayat bodies. At present, more than 20 States have 50% reservation for women at the panchayat level.
- **BRICS nation**- When compared to BRICS nations, including the new members, India has the 2nd lowest share (15%), just above Iran (6%).

What is the need for women reservation?

- **Limited political participation**- If a group is not represented proportionately in the political system, its ability to influence policy-making is limited.
- **Reduce discrimination**- The *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* provides that discrimination against women must be eliminated in political and public life.
    - *India is a signatory to the CEDAW.*
- **Voice for women**- A 2003 study about 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.
- **Meaningful contributions**- The Standing Committee on Personnel, Public Grievances, Law and Justice (2009) had noted that reservation of seats for women in local bodies has enabled them to make meaningful contributions.
- **Legislated quotas**- The Inter-Parliamentary Union (2022) has noted that legislated quotas have been a decisive factor in women's representation.

What are the advantages of the bill?

- **Political empowerment of women**- It is rightly perceived as a powerful and indispensable tool for eliminating gender inequality and discrimination.
- **Gender equity**- It can be achieved by increasing the number of women members in Parliament and State Assemblies.
- **Develop society-** Experience of women in family life as a leader, will help the society at large.
- **Women leadership-** In 2001, a study on the impact of women's leadership on policy decisions in West Bengal has found that women invest more in infrastructure that are directly relevant to the needs of rural women like water, fuel etc.,

- **Electoral advantage-** Nominating women from minority communities will be an electoral advantage.
- **Dual member constituencies**-
    - 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.

Rwanda model

- The country with *highest percentage of women legislators* in its Parliament is Rwanda, with 49 of its 80 Lower House seats occupied by women (*around 61%).*
- In the Rwandan genocide of the 20th century, the targets and participants of fatal violence were primarily men. As a result, 70% of the population was composed of women after the war.
- The Rwandan government put forward a bold gender equality initiative, culminating in the 2003 constitution, which gave women a 30% quota in all decision-making organs.
- A Ministry of Gender was set up, the first of its kind in Africa.
- According to the *World Economic Forum's Gender Gap Index 2023*, Rwanda ranked *12th out of 146 countries* pointing to better performances in the fields of political representation and health.

What are the concerns with the bill?

- **Proxy**- Women will be used as a dummy candidate or a puppet by their politically strong husbands & relatives and work behind them indirectly.
- **Delays-** Linking of the bill with delimitation exercise would mean a prolonged delay in the quota coming into force and it may not effectively be operationalised in Lok Sabha before the general elections of 2029.
- 2021 census is already delayed due to COVID-19 pandemic which is yet to be conducted.
- **Internal reservation-** There is a demand to extend the women reservation to OBCs who constitute around 40% of the population, as recommended by the Joint Parliamentary Committee for 1996 bill.
- **Issue with reserved seats**- The bill doesn't specify how these reserved seats will be identified.
- **Issue with rotating constituencies**- A study by the Ministry of Panchayati Raj recommended that rotation of constituencies should be discontinued at the panchayat level because almost 85% women were first-timers and only 15% women could get re-elected because the seats they were elected from were de-reserved.
- **Lack of merit-** The separate constituencies for women would not only narrow their outlook but lead to perpetuation of unequal status because they would be seen as not competing on merit.
- **Consideration of ability**- When there is reservation of seats for women, the question of their consideration for general seats, however competent they may be, does not

usually arise.

- **Electoral reforms issue-** Reservation alone would not lead to political empowerment of women because larger issues of electoral reforms have not been addressed including
    - Criminalisation of politics
    - Internal democracy in political parties
    - Influence of black money

Constitutional Provisions for Women empowerment
• **Part III**- It guarantees the fundamental rights for both men and women. • **DPSP-** It ensure economic empowerment by providing for equal pay for equal work by both men and women, humane conditions of work, and maternity relief. • **Right to contest election**- Any Indian citizen who is registered as a voter and is over 25, can contest elections to the Lok Sabha or the SLAs; for Rajya Sabha the minimum age is 30. • **Article 243 D**- Provides for reservation of seats for Scheduled Castes, Scheduled Tribes, and women in Panchayats. • **Article 243 T**- Provides for reservation of seats for Scheduled Castes, Scheduled Tribes, and women in Urban Local Bodies. • **Article 325-** No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex. • **Article 326-** The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage.

References

1. PRS- About 128th Amendment Bill
2. Business Line- All about Women Reservation Bill 2023
3. Indian express- From history to the road of women reservation

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