

### WOMEN RESERVATION BILL IN INDIA: A SINCERE INITIATIVE OR POLITICAL POINT SCORING?

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*(Views expressed in the brief are those of the author, and do not represent those of ISSI)*

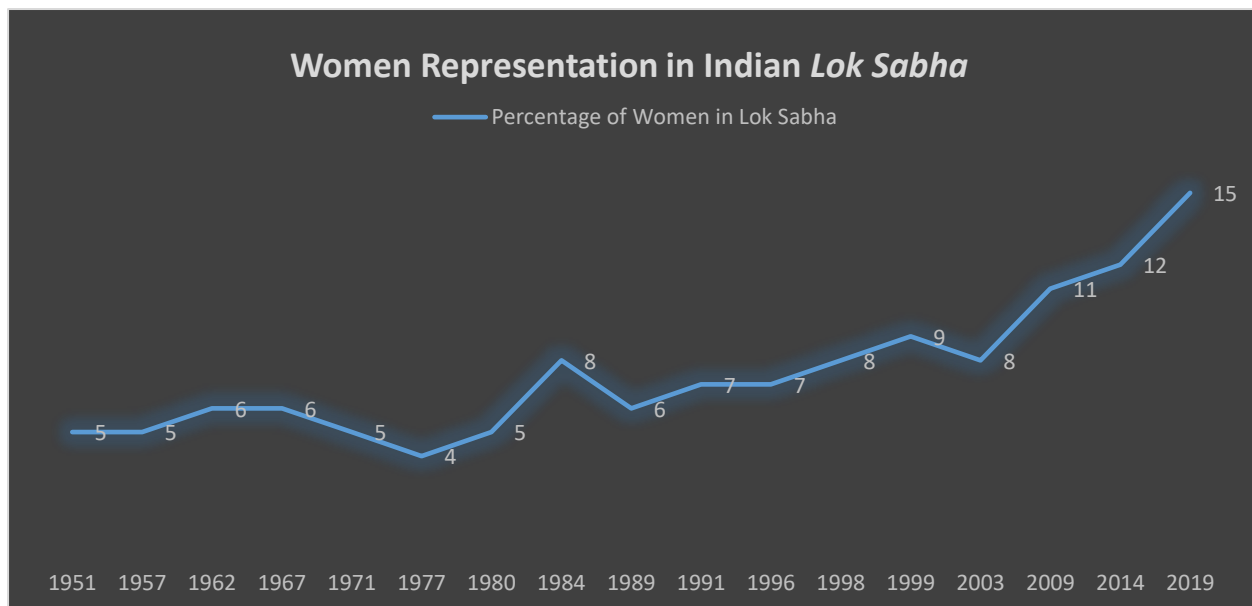


After 27 years, the Indian parliament has approved the ‘Women Reservation Bill’ or *Nari Shakti Wandan Adhiniyan* with 454 out of 456 MPs voting in the Bill’s favor. The Bill aims to reserve one third seats for women in *Lok Sabha* and *Vidhan Sabhas*. The legislation has been widely hailed across India as an important measure to empower women, but owing to multiple technicalities it will take years to be implemented. Indian Prime Minister Narendra Modi sought to take full credit for and draw maximum political mileage out of the Bill. He said, “it is a historic moment in our country’s democratic journey.”<sup>1</sup> While the Opposition owned the Bill and marked it historic, it expressed concerns about the delay related to the implementation of the Bill. This concern is derived from the fact that Union Home Minister Amit Shah said in his speech at *Lok Sabha* that the Bill will not be implemented in the 2024 elections; rather the next government will hold a census and delimitation exercise for *Lok Sabha* and State Assemblies.<sup>2</sup>

<sup>1</sup> Rhea Mogul, “India Agrees to Reserve a Third of Parliament Seats for Women. But the Change could Still take Years,” *CNN*, September 21, 2023, <https://edition.cnn.com/2023/09/21/india/india-women-parliament-bill-intl-hnk/index.html>.

<sup>2</sup> Aneesha Mathur and Sanjay Sahrma, “A Close Look at the Women’s Reservation Bill: Legal Aspects and Debates,” *India Today*, September 22, 2023, <https://www.indiatoday.in/law/story/womens-reservation-bill-delimitation-exercise-census-triple-test-2438856-2023-09-22>.

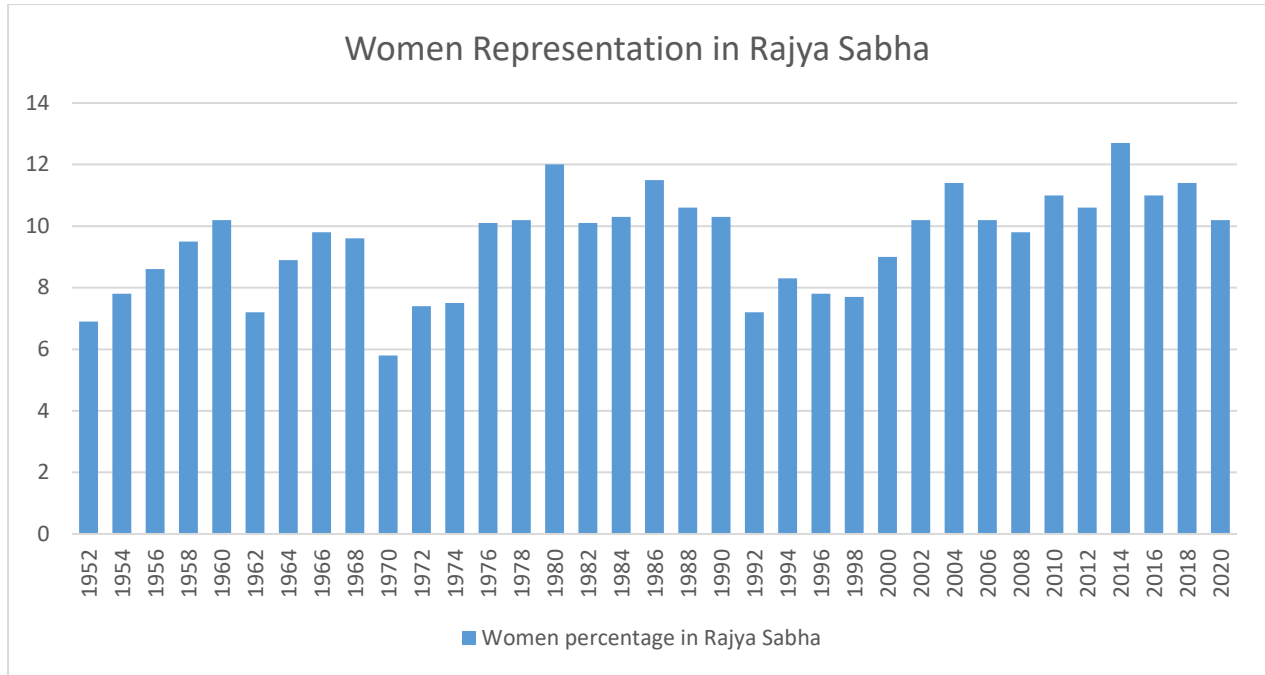
On 19 September 2023, the 128<sup>th</sup> amendment was proposed to the Indian constitution regarding women's representation in legislative assemblies as well as in the *Lok Sabha*. Earlier, similar Bills were introduced in 1996, 1998, 1999, and 2008.<sup>3</sup>The first three Bills lapsed because of the dissolution of the respective *Lok Sabhas*; while the fourth one was approved by the *Rajya Sabha* but it also lapsed because of the *Lok Sabha*'s dissolution. However, the 1996 Bill, examined by the Joint Committee of Parliament, and the 2008 Bill, examined by the Standing Committee on Personnel, Public Grievances, Law and Justice, had agreed with the proposal to reserve seats for women. The latest Bill was passed with a majority, as no major controversy appeared regarding the representation of women. The Bill stipulates 33 percent women representation in *Lok Sabha* and the State Assemblies. Since 1951, women's representation in the *Lok Sabha* could only increase from 5 to 15 percent as shown in the chart below:<sup>4</sup>



The graph below shows the women percentage in Rajya Sabha.

<sup>3</sup> "Women's Reservation Bill: The Issue to Consider," The Wire, September 20, 2023, <https://thewire.in/government/womens-reservation-bill-the-issues-to-consider>.

<sup>4</sup> "Women's Reservation Bill: History of Female Representation in parliament over the Years," Deccan Herald, September 19, 2023, <https://www.deccanherald.com/india/womens-reservation-bill-history-of-female-representation-in-parliament-over-the-years-2692401>.



Indian opposition parties and independent analysts have long been concerned about the women's participation in scheduled classes, and this prospect of non-representation from these classes had been the one reason for the Bill not securing approval in the past. In 2010, a leader of the Samajwadi Party, Mulayam Singh Yadav, said: "We are not anti-women, but we want reservations for women hailing from minority and backward classes first."<sup>5</sup> But in this Bill, women from Scheduled Tribes (ST) and Scheduled Castes (SC) would also get 33% representation from the already existing quotas for these classes. Presently, out of 543 seats, there are 84 seats reserved for SC and 47 seats for ST. The Bill would ensure that from the reserved quota for these classes, 33 percent is for women only. It envisages that out of 84 seats for the SCs, 28 will be specified for women; and out of 47 seats for STs, 16 will be for women only.<sup>6</sup>

While it is evidently a progressive step, technically, this appears more of a political maneuver by the Bharatiya Janata Party (BJP) government in the run-up to the *Lok Sabha* elections in early 2024. Due to two technical points, implementation of the Bill is not possible before 2029. First is the census, and second is the delimitation exercise. As per the earlier schedule, the census was to be conducted in 2021 but was halted due to the COVID-19 pandemic. The delimitation exercise is the process of analyzing the results of the census and then modifying the electoral constituencies based on the census results. The Delimitation Commission of India investigates the population dynamics and

<sup>5</sup> Astha Rajvanshi, "Why India's Women's Reservation Bill is a Major Step Forward," *Time*, September 22, 2023, <https://time.com/6316383/india-womens-reservation-bill/>.

<sup>6</sup> Himanshi Dahiya, "Quota within Quota': Understanding Caste Dynamics of Women Reservation Bill," *The Quint*, September 19, 2023, <https://www.thequint.com/news/politics/womens-reservation-bill-caste-politics-bjp-congress-bsp-rjd#read-more>.

redefines the boundaries of electoral constituencies. Analysts are anticipating a rise in the Indian population of around 30 percent compared to 2011 census. With this increase in population, *Lok Sabha* seats would also be increased by 210 making a total of 753 seats. According to the Indian constitution, the delimitation process can be conducted after 2026 and that also takes years once the census is completed. Therefore, allocation of the seats to women according to the Bill will only be possible if the next government works day and night to hold the national census in two years, finalize it and the results are submitted to the Delimitation Commission.<sup>7</sup> Then the Commission works day and night to analyze the population dynamics and then prepare suggestions before the 2029 *Lok Sabha* elections. The entire process requires strenuous efforts which involve deliberate steps to be completed in just five years.

Therefore, it is rather safe to claim that the Bill is aimed at garnering public support and particularly women's votes in the context of next *Lok Sabha* elections. BJP's tall claims are divorced from the ground realities of Indian society towards women empowerment. Ranking 127 out of 146 on the Gender Parity Index 2023, the government in India has woefully lagged in empowering women at the grassroots levels, while women continue to face crimes and suffer from various forms of discrimination and social issues. According to the 2021 annual report by Indian National Crime Records Bureau, 31,677 rape cases were registered making an average of 86 rape cases daily.<sup>8</sup> The states where the BJP is in rule are on the top in the list with the highest number of rape cases. Millions of households in rural India still do not have access to toilets which makes women vulnerable to health and other social issues.<sup>9</sup> According to Tricontinental Institute for Social Research, a major percentage of Indian women finds their suppression by their husbands rightful because of their unawareness and lack of women's protection laws.<sup>10</sup> Around 50 million women in India suffer from reproductive health problems. As such, the ground reality sharply contrasts with the BJP's narrative.

To conclude, the political participation of women is undoubtedly of vital importance for their empowerment. However, as in several other instances, this issue has also been used by the BJP as a political ploy to attract the vote of women. The women's protection Bills, provision of a safe environment to work, improvement of the gender parity index, provision of awareness to Indian

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<sup>7</sup> Sahrma, "A Close Look at the Women's Reservation Bill: Legal Aspects and Debates."

<sup>8</sup> "India lodged average 86 rapes daily, 49 offences against women per hour in 2021," *The Hindu*, August 31, 2022,

<sup>9</sup> Arkadeepa Purkayastha, "How inadequate sanitation in rural India impacts women's safety and security," *LSE Bolgs*, March 7, 2023, <https://blogs.lse.ac.uk/internationaldevelopment/2023/03/07/how-inadequate-sanitation-in-rural-india-impacts-womens-safety-and-security/>.

<sup>10</sup> "Indian Women on an Arduous Road to Equality," *Tricontinental*, October 11, 2021, [https://thetricontinental.org/dossier-45-womens-movement-india/#:~:text=In%20modern%20India%2C%20there%20is,seen%20as%20the%20result%20of](https://thetricontinental.org/dossier-45-womens-movement-india/#:~:text=In%20modern%20India%2C%20there%20is,seen%20as%20the%20result%20of.).

women of their rights, and provision of health and education at the grassroots level still remain a distant dream.