

Women's Reservation in Politics: A Study of Gender Quota in India

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Abstract

Equal participation and representation of women in legislative and decision making bodies strengthen democracy. Women represents nearly half of the world's population but their role is marginal in legislative and decision making bodies. Various government have taken many initiatives to increase representation of women in Parliament and State Legislative Assemblies. Many committees had been formed to study the status of women which suggested various measures to improve the socio- economic and political status of women.

Gender based quota or reservation of seats for women in legislature and other elected bodies is one of the major method which plays pivotal role in increasing presence of women in the Parliament and State Legislatures. Reservation for women in legislature provides opportunity to greater female voices and play constructive role in improving status of women.

The main objective of this paper is to studies the various measures taken to empower women by giving equality of status for women in political process and to improve their representation in elected bodies. This paper analyses the role of various women organisation and their campaigns for political rights and equal status of women during British India. It also discussed the changes in representation of women in the Lok Sabha election after independence. This study also attempts to analyses the various Women Reservation Bill introduced in the Parliament from 1989 to 2023 to provide reservation for women in the elected bodies. This study is based on secondary data collected from government and parliament reports, official reports of various constitutional bodies, government's committees and news articles.

Keywords: Gender Quota, Justice, Parliament, Reservation, Women

Introduction

Women's under-representation in political process is global issue. Women constitute around half of nation's population. However, their role is very minimal in decision making bodies and governance. Women's were under-represented in legislative bodies in both developed and developing countries which shows that women faced gender based discrimination, irrespective of their socio-economic condition and geographic location across the globe.

Many affirmative plans and initiatives were launched by various countries to increase the representation on women in national and state legislative bodies and decision making institutions. Various countries had implemented gender based quota as one of the major initiative to increase the presence of female representatives in national and state legislative bodies. In gender based quota, women were granted special rights and reserved seats in legislative bodies through legal and constitutional provisions.

Gender based quota plays a pivotal role in increasing the female representation in legislative and decision making process. Greater presence of women in parliament and state assemblies will strengthen our democracy and inclusiveness. It will also bring a new perspective in political discourse and enrich the quality of decision making process and legislative debates.

Women's Reservation in Pre-Independence India

Women were denied political and civil rights and their socio-economic status was miserable in British India. Women founded various organization for empowering women, to improve their socio-economic status and for their political and civil rights around early 20th century. Women's Indian Association (WIA) founded at Adayar, Madras on 8 May 1917 by prominent social and political women leaders like Dorothy Jinarajadasa, Annie Besant and Margaret Cousins played crucial role in empowering women.

Women organizations started many campaigns for political rights and equal status of women in British India. In 1917, Edwin Montagu (Secretary of State for India) visited India to include more Indians in governing process. Sarojini Naidu led a delegation to meet Edwin Montagu (Secretary of State for India) and Lord Chelmsford (Viceroy of India) to raise the issue of women civil rights and political rights including right to votes. Government of India Act 1919, which was based on Montagu-Chelmsford Report, granted women's right to votes with some restrictions. Women voting rights to be decided by the provincial legislatures subject to educational and property qualifications.

All India Women's Conference (AIWC) was founded by Margaret Cousins in January 1927 in Pune which launched various movements for education, equal status and political rights and opportunities for women. Delegation led by Begum Shah Nawaz and Radhabai Subbarayan participated as women representatives in first Indian Round Table Conference (November 1930 - January 1931) and raised the issue of social reforms, political status of women, franchise and five percent (5%) reservation for women in legislative assemblies. Dr. B. R. Ambedkar also demanded adult franchise and equal status of women in Indian Round Table Conference.

Women organization were also participated in second Indian Round Table Conference (September 1931- December 1931). Sarojini Naidu, Begum Shah Nawaz and Radhabai Subbarayan led the women delegation. Radhabai Subbarayan participated as representative of women in the Indian Legislature and demanded special provision for women in elections and five percent (5%) reservation for women in legislature seats for temporary period of three elections to improve the representation of women in legislature. Sarojini Naidu and Begum Shah Nawaz participated as representative of Indian Women's Organisations demanded adult franchise, equal rights and political status for women. They also raised objection against any kind of special provision and reservation to women in legislature to the Franchise Committee.

British Prime Minister Ramsay MacDonald announced Communal Awards in 1932. Communal Awards provides separate electorate to minorities which includes Anglo-Indian, Muslims, Sikhs, Indian Christians, Depressed Class and provisions for reserved seats to women on communal basis in legislature. Women organizations and political parties including Indian National Congress (INC) protested against the Communal Awards.

Government of India Act 1935, which was passed by British Parliament to introduce federal structure and to improve franchise and representation and provided provision related to reservation of seats for women in federal and provincial assemblies. In Federal Assembly, nine seats were reserved for women and forty-one seats were reserved for women in Provincial Legislative Assemblies. Reserved seats for women were also divided on religious basis for Muslims and Christian Indians.

Women leaders and organisations protested against Government of India Act 1935 which provides reserved seats for women in Federal Assembly and Provincial Legislative Assemblies. However, various women organisations later decided to participate in Provincial Elections 1937 in which forty-one women were won on reserved seats, ten women won on general seats and five women were nominated Provincial Elections 1937. Women leaders performed well in the elections and elected fifty-six women legislature in Provincial Legislative Assemblies.

Constituent Assembly was formed to draft the Constitution of India in 1946. It includes 15 women members who demanded justice, equality of status for women and rejected of reservation of seats, separate electorates and special privileges for women.

Representation of Women in the Parliament After Independence

Women were actively participated in India's freedom struggle with dream of justice, equality of status and opportunity in Independent India. Constituent Assembly which was constituted to frame Constitution of India after independence, advocated for equal status, social justice, civil and political rights of women. \Constitution of India was adopted on 26 November 1949 and enacted on 26 January 1950 treated women as equal citizen without any discrimination and granted equality of status and opportunity to women through constitutional provisions.

The First Lok Sabha elections were held in 1952, 22 women were elected out of 489 seats which was five percent of total strength. In the second Lok Sabha election which was held in 1957, 27 women were elected out of 494 seats. In the third Lok Sabha election 1962, 31 women were elected out of 494 seats. In the fourth Lok Sabha Election 1967, 29 women were elected out of 520 seats and Indira Gandhi was elected as the first female Prime Minister of India. Elected women Parliamentarians were reduced to 21 in the fifth Lok Sabha Election 1971. Representation of women leader further increased to 61 in the sixteenth Lok Sabha Election 2014. In the seventeenth Lok Sabha Election 2019, 78 women were elected out of 543 seats which was the highest strength of the Lok Sabha since Independence. However, In the eighteenth Lok Sabha Election 2024, only 74 women were elected out of 543 seats.

Representation of women were very low in the Parliament since the first Lok Sabha Election 1952 to the eighteenth Lok Sabha Election 2024. The highest number of women were elected in the seventeenth Lok Sabha Election 2019, which is only 14.36% of total members.

Women's Reservation in Rural and Urban Local Governance

Government of India constituted a committee "The Committee on the Status of Women in India" to study the status of women on 22 September 1971. This committee toured across India and studied the problems affecting women including their political participation. This committee presented its report "Towards Equality" in December 1974 and raised the issue under representation of women in political process and decision making bodies and suggested special provision for women in local government.

Prime Minister Rajiv Gandhi appointed a 14th member committee headed by Union Minister Margaret Alva to recommend the ways to improve status of women in 1987. This committee submitted 353 recommendations which were known as "National Perspective Plan for Women, 1988-2000". This committee recommended thirty-percent reservations for women in Panchayats and other elected bodies.

Based on recommendation of "National Perspective Plan for Women, 1988-2000" of committee headed by Margaret Alva. PM Rajiv Gandhi introduced Constitutional (sixty-fourth and sixty-fifth Amendment) Bill, 1989 to provide 30 percent reservation for women in rural and urban local government in July 1989. This Bill was passed in the Lok Sabha in August 1989 and introduced in the Rajya Sabha on 14 August 1989 for consideration. This Bill was failed to get approved in the Rajya Sabha as opposition parties protested against it on the ground that it sought to strengthen centralisation in the federal system. However, Constitutional (sixty-fourth and sixty-fifth Amendment) Bill, 1989 has marked the beginning of reservation of seats for women elected bodies in India

Prime Minister P.V. Narasimha Rao led-congress government introduced the Constitutional (seventy-second and seventy-third Amendment) Bill in Lok Sabha in September 1991. This Bill was passed by the Lok Sabha on 22 December 1992 and by the Rajya Sabha on 23 December 1992. This Bill received the assent of the President on 20 April 1993 and come into force as the Constitutional (73rd Amendment) Act,

1992 on 24 April 1993 and the Constitutional (74th Amendment) Act, 1992 on 1 June 1993 and provides reservation of one-third seats for women in rural and urban local government.

73rd and 74th Constitutional Amendment Act, 1992 played crucial role in empowering women at grass-root level and provides more opportunity for women to participate in local and urban local governance. Many states increased reservation from 33% to 50% to promote gender equality and women empowerment. Women Representatives in local and urban local played constructive role in improving basic infrastructure services, health, water and nutrition.

Women's Reservation in the Lok Sabha and the State Assemblies

Prime Minister H. D Deve Gowda led-United Front Government introduced the Constitution (81st Amendment) Bill, 1996 in Lok Sabha on 12 September 1996 to provide reservation of one-third seats of total seats to women in the Lok Sabha and the State Legislative Assemblies. Opposition parties protested against the bill in the Lok Sabha and demanded reservation for OBCs. The Bill was later referred to Joint Parliamentary Committee (JPC) chaired by Geeta Mukherjee. Committee examined the Bill and suggested seven recommendations. Committee suggested to the central government to consider reservation for OBCs women. However, the Bill could not have presented in the Lok Sabha and lapsed after the dissolution of the 11th Lok Sabha.

Prime Minister Atal Bihari Vajpayee led -NDA government introduced Women Reservation Bill, 1998 in the Lok Sabha as Constitution (eighty-fourth Amendment) Bill, 1998 in December 1998 to provide reservation of one-third seats in the Lok Sabha and the State Legislative Assemblies for women. This Bill was rejected in the Lok Sabha due to lack of consensus and opposition parties demanded reservation for OBCs and lapsed after the dissolution of the 12th Lok Sabha.

Women's Reservation Bill was again introduced by Prime Minister Atal Bihari Vajpayee led-NDA government as the Constitution (eighty-fifth Amendment) Bill, 1999 in the Lok Sabha in December 1999. However, this Bill was rejected in the Lok Sabha due to opposition parties demanded reservation for OBCs and the Women Reservation Bill, 1999 was lapsed after the dissolution of the 13th Lok Sabha.

National Policy for the Empowerment of Women (2001) adopted by Government of India in March 2001 to eliminate discrimination against women and to promote empowerment of women in all spheres of life. This policy suggested affirmative actions like reservation and gender based quota for women in legislative and higher decision making bodies.

Prime Minister Manmohan Singh led-UPA government introduced Women's Reservation Bill 2008 also known as the Constitution (one-hundred eighth Amendment) Bill, 2008 in the Rajya Sabha in 06 May 2008 to provide reservation of seats one-third seats for women in the Lok Sabha and the State Legislative Assemblies. This Bill included five out of seven recommendation suggested by committee chaired by Geeta Mukherjee. After discussion in the Rajya Sabha, Bill was referred to Parliamentary Standing Committee on 09 May 2008. Parliamentary Standing Committee presented its report on 17 December 2009. This Bill was passed by Rajya Sabha on 09 March 2010 but failed to passed in the Lok Sabha. Women's Reservation Bill 2008, the Constitution (one-hundred eighth Amendment) Bill, 2008 was lapsed after the dissolution of the 15th Lok Sabha.

Government of India constituted a "High Level Committee on the Status of Women in India (HLCSW)" headed by Prof. Pam Rajput on 24th May 2013 to study the status of women since 1989. The Committee presented its suggestions and findings "Report of the High Level Committee on the Status of Women in India (2013-2015)" in June 2015 and recommended fifty percent reservation for women in the Local bodies, State Legislative Assemblies, Parliament, Ministerial Levels and various decision making bodies.

Women's Reservation Act, 2023: Nari Shakti Vandan Adhiniyam

National Democratic Alliance (NDA) led government passed the Constitution 106th Amendment Act, 2023 which reserves one-third seats of the total number of seats for women in the Lok Sabha (House of People), the Legislative Assemblies of the States and the Legislative Assembly of National Capital Territory (NCT) of Delhi. This act is also known as Nari Shakti Vandan Adhiniyam

In the Lok Sabha, the Women's Reservation Bill, 2023 introduced as the Constitution 128th Amendment Bill, 2023 on 19th September 2023. After discussions, debates and voting, this bill was passed by the Lok Sabha on 20th September 2023. In the Rajya Sabha, the Women's Reservation Bill, 2023 unanimously passed on 21st September 2023. The President of India granted her assent to Women's Reservation Bill, 2023 on 28th September 2023 and published in the gazette of India on 28th September 2023 as The Constitution (106th Amendment) Act, 2023.

Women's Reservation Act, 2023 brought various changes in constitutional provisions to provide reservation for women in the Lok Sabha and the Legislative Assemblies of every States and the Legislative Assembly of Delhi. This act brought amendment of the article 239AA and inserted the new articles 330A, 332A and 334A in the constitution of India.

Constitutional provisions related to NCT of Delhi were amended to provide women's reservation. Amendment of Article 239AA inserted new clauses after sub-clause (b) which provides one-third of total number of seats (Including seats reserved for Scheduled Castes) in the Legislative Assembly of NCT of Delhi shall be reserved for women.

Women's Reservation Act, 2023 inserted Articles 330A and 332A to provide reservation for women in the Lok Sabha (House of People) and the Legislative Assemblies of every State. Article 330A provides one-third of total number of seats (Including seats reserved for the Scheduled Castes and the Scheduled Tribes) in the Lok Sabha (House of People) shall be reserved for women. Newly inserted Article 332A provides one-third of total number of seats ((Including seats reserved for the Scheduled Castes and the Scheduled Tribes) in the Legislative Assemblies of every State shall be reserved for women.

Women's Reservation Act, 2023 inserted a new Article 334A lays down the provisions related to the reservation of seats for women take effect and rotation of reserved seats for women. Article 334A specifies that the one-third seats of the total number of seats for women in the Lok Sabha (House of People), the Legislative Assemblies of the States and the Legislative Assembly of NCT of Delhi will come into effect after the delimitation exercise based on the first census taken after commencement the Constitution (128th) Amendment Act, 2023 have published. Reservation of seats for women provided for a period of 15 years after the commencement the Constitution (128th) Amendment Act, 2023 and seats reserved for women in the Lok Sabha, the Legislative Assemblies of the States and the Legislative Assembly of NCT of Delhi shall be rotated after exercise of each delimitation as determined by a law made by the Parliament.

Conclusion and Way Forward

Government policies play crucial role in promoting women empowerment and improving their status in all spheres of life. 73rd and 74th Constitutional Act, 1992 was a historic decision to provides reservation of one-third seats to women in local and urban governance which gave more opportunity for women in elected bodies and increased female voices in local and urban governance. Women Reservation Bill which provides reservation of one-third seats to women in the Lok Sabha and State Legislative Assemblies began its journey in 1996 and passed by parliament in 2023. However, Women Reservation Act, 2023 come into effect only after the delimitation exercise based on next census. Government need to take more steps to resolve issue of reservation of seats for OBCs women who were granted reservation in Panchayati Raj Institution in many states. Political parties can play significant role in increasing women

representation by giving women leader more opportunities as electoral candidates in the Lok Sabha and State Legislative Assemblies election.

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