



## GENDER EQUALITY WITH WOMEN RESERVATION BILL 2023

Naini Choudhary<sup>1</sup> & Nishan Sahib<sup>2</sup>

<sup>1</sup>Ph.D Research Scholar, Faculty of Law, HPU Shimla.

<sup>2</sup>BA LLB, HIMCAPES' College of Law, Una (H.P.).

**Paper Received On:** 21 JUNE 2023

**Peer Reviewed On:** 30 JUNE 2023

**Published On:** 01 JULY 2023

### Abstract

*Gender equality is the absence of discrimination on the basis of a person's gender for allocation of resources and access to service. From ages, the gender discrimination is deep rooted in our society, we have come a long way from the era of Sati pratha, Bal vivah to era of women in governance as President, Prime minister, Chief Minister, Member of parliament, Member of legislative assembly, women leaders at District level, block level and panchayat level. For a successful democracy and governance of a country. Every gender should have equal opportunities to realise their full potential and to ensure human rights, to ensure their dignity. Women oriented Laws and movements by social reformers always proved to be a boon for the Indian society like widow remarriage, Ban on Sati and women education. Recently, Lok Sabha passes historic women's Reservation Bill (Nari shakti vandan adhiniyam) 2023 and ensures the greater participation of women in political process. This is a long pending act from last 27 years which finally come to existence. This is a historic step by Government of India to promote Gender equality which is an integral part of the constitution.*

**Key Words:** Women, Gender Equality, Constitution, Reforms, Governance, Rights, Reservation.



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## 1. INTRODUCTION

"Achieving the goal of equal participation of women and men in decision making will provide a balance that more accurately reflects the composition of society and is needed in order to strengthen democracy and promote its proper functioning... Without the active participation of women and the incorporation of women's perspectives at all levels of decision-making, the goals of equality, development and peace cannot be achieved."

- Fourth World Conference on Women, Beijing, 1995: Article 181.

In addition to being a basic human right, gender equality is also a precondition for a world that is affluent, peaceful, and sustainable. Although there has been improvement in recent years, but gender equality will not be achieved by 2030 if current trends continue.

Half of the world's population is made up of women and girls, who also account for half of its potential. However, gender disparity still exists everywhere and impedes societal advancement. In the worldwide job market, women still make, on average, 23% less than males, and they put in around three times as many hours performing unpaid caregiving and household duties. To remove structural obstacles in the way of accomplishing Goal 5 (Gender Equality) of Sustainable Development Goals (SDGs), political leadership, financial commitments, and thorough legislative changes are required. Gender equality is an overarching goal that needs to be prioritized in national budgets, programs, and institutions.

## **2. NARI SHAKTI VANDAN ADHINIYAM:**

The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023 has been passed from Lok Sabha and Rajya Sabha. The Bill seeks to reserve one-third of the total number of seats in Lok Sabha and state legislative assemblies for women. This historic bill passed by both chambers of parliament, will also constitutionally guarantee women's representation in the legislature and be a game changer in preserving women's participation rights and gender equality in India.

## **3. HISTORICAL BACKGROUND:**

- In 1931, *Sarojini Naidu* and *Begum shah Nawaz*, submitted the official memorandum on the status of women to British prime minister.
- In 1988, National perspective plan for women provided for the representation of women from panchayat level to parliament level.
- The 73<sup>rd</sup> and 74<sup>th</sup> amendments to the Constitution made all State governments to reserve one third of the seats for women in *Panchayati Raj* Institutions and one third of the office of the chairperson at all levels of the *Panchayati Raj* Institutions, and in urban local bodies, respectively. Within these seats, one-third reserved for SC/ST women.
- In 2001, National Policy for the Empowerment of Women provided reservation for women in higher legislative bodies.
- In 2015, the Report on the Status of Women in India noted that the representation of women in governance continues to be minimum. It recommended to reserve at least 50% of seats for women in local bodies, state legislative assemblies, Parliament, ministerial levels, and all decision making bodies of the government.

## **4. THE WOMEN'S RESERVATION BILL 2023**

The Women's Reservation Bill 2023 was introduced in the Parliament of India. The current legislation aims to reserve 33% of seats in both the Lok Sabha and state legislative assemblies

exclusively for women. The women's reservation would be implemented following the first delimitation (2026).

## 5. OBJECTIVES OF THE BILL:

The proposed bill calls for the reservation of one-third of the total seats in the Lok Sabha and state legislative assemblies for women. It mandates 33 % reservation for women in the Lok Sabha, the state Legislative Assemblies, and the Delhi Assembly. It also reserves one-third of seats for women within the existing SC and ST reservations. Seats will be reserved on a rotational basis, and reservations will cease after 15 years.

## 6. NEED FOR THE BILL:

Women have historically suffered from prejudice and social constraints. Some more points are:

**i. Gender Equality:** According to GLOBAL GENDER GAP REPORT by World Economic Forum, **INDIA** ranks 48<sup>th</sup> out of 146 countries in political empowerment. Bangladesh out of neighbouring countries ranks 9<sup>th</sup> globally. Women participation in governance is much needed step toward gender equality.

**ii. Historical underrepresentation:** Looking back in the history, representation of women in governance is very low from the beginning. The number of women MPs increased from 5% in first Lok Sabha to 15% in 17<sup>th</sup> Lok Sabha , only 10% increase in seats since 75 years.

**iii. Promotion of Women's Issues:** Women in governance can prioritise issues that affect women like gender based violence, crimes against women, health, education, and financial empowerment.

**iv. Women Empowerment and Representation:** Inadequate representation of a particular section of society in politics can lead to suppression of interests and rights of the same. Women in politics can fight for their specific issues with diverse perspectives. India, after independence, has witnessed first and only one women Prime Minister Late Smt. *Indira Gandhi*. Also, Smt. *Droupadi Murmu* is the second women President is India after Smt. *Pratibha Devi Singh patil*, the first women President of India. So far, India has witnessed only 15 women Chief Ministers since independence.

**v. Development of Nation:** Gender equality is a keystone of sustainable development, and this bill hints to India's commitment to empowerment of women in all sectors, including politics. The G20 declaration on gender equality and women-led development further emphasises the importance of this crucial legislation.

This is a significant step in fulfilling India's responsibilities under the UN Convention on the Elimination of all Forms of Discrimination against Women as well as the Sustainable Development Goals.

### **7. NEGATIVE IMPACT OF THE BILL:**

Reservation on gender basis is a bias in the society, as it will reflect that women are not competing on merit basis instead they have privilege of the reservation, and the right to equality is compromised as given by the constitution.

### **8. CHALLENGES FOR THE IMPLEMENTATION OF THE WOMEN RESERVATION BILL:**

The two major issues are hurdles in the implementation of the bill i.e. Delimitation and OBC quota. The bill is proposed to be implemented after the delimitation that is to be held in 2026 but that too depends on the census and the exact figures of date are uncertain and undetermined. Also, the proposed Bill do not include women from the other backward classes in the reservation.

### **9. HOW THE QUOTA IS LINKED TO DELIMITATION AND CENSUS:**

For this, it's critical to comprehend two articles of the Constitution.

**Article 332** deals with reservations.

This will need to be changed, and the areas set aside for women must be marked.

The second is the request made in **Article 82** of the Constitution for seat reallocation following each decennial census in order to guarantee equitable representation. Following the initial census rounds after independence, the Union government established the delimitation commission with the goal of reallocating and reapportioning parliamentary seats. The delineation of constituencies was put on hold until after the 2001 Census by the 42<sup>nd</sup> Amendment, which was passed in 1976 under the State of Emergency.

The 84<sup>th</sup> amendment to the Constitution was proposed in 2001, just as the national census process was getting underway, by the *Atal Bihari Vajpayee* government. This amendment extended the ban on the number of constituencies until 2026.

Demands for and against carrying out the process of new delimitation have been made repeatedly. The government recently decided, as part of the national population policy strategy, to extend the current freeze on undertaking fresh delimitation up to the year 2026 as a motivating measure to enable the state government to pursue the agenda for population stabilization, keeping in mind the progress of family planning programs in various parts of the country. This was stated in the statement of objects and reasons to the final act in 2001.

The worries that some states with larger populations would benefit disproportionately at the expense of other provinces that had successfully controlled birth rates were clearly hinted at by this. As a result, even though the seat redrawing process was carried out (and announced prior to the 2009 general elections), the total number of seats remained fixed.

The amendment effectively changed from the year 2000 in **Articles 81, 82, 170, and 332** to the year 2026. The important **Article 82** now stated that it would not be necessary to "readjust the allocation of seats in the House of the People to the States as readjusted on the basis of the 1971 census until the relevant figures for the first census taken after the year 2026 have been published."

Delimitation can only be done using the results of the first census conducted after 2026 due to the amendment. This could be the much-delayed 2021 census if it is announced in 2026 or 2027, or the 2031 census if the decennial exercise proceeds as planned.

## 10. CONCLUSION:

Indian women, who make up almost 50% of the country's population, continue to be denied numerous economic, social, and political rights. In particular, institutional disparities based on gender leave them underrepresented in the political sphere. **Articles 325 and 326** of the Indian Constitution provide political equality, including the right to vote and the ability to participate in politics. Although women have exercised their legal right to vote with remarkable success, as evidenced by the rise in the percentage of female voters, equal representation and participation in the making of laws (i.e., equal political and legal participation) remains a distant dream, particularly in Parliament and State legislatures.

The women reservation Bill is a vital step in the promoting the gender equality in the country. The long standing underrepresentation of the women in the politics and governance of country can be reduced by these progressive Laws for the society. Its not only about mere representation of women in numbers but it can exert a great impact on the society by prioritising & advocating for women related issues which will transform not only women but whole community. Equality of opportunity is essential for human progress and we expect more progressive laws and rules having potential to transform the society for the betterment of the nation.

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