
FROM QUOTAS TO COLLABORATION: BUILDING A GENDER-BALANCED LEGISLATURE IN INDIA

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ABSTRACT

India being the world's largest democracy, claims a dynamic landscape of politics but it has also remained unequal as far as gender equality in political participation is concerned. Though women reservation in local bodies is carried into effect through the 73rd and 74th constitutional amendments but women are yet to find adequate representation in central and state legislatures. The researcher starts the paper by discussing women's journey to political participation in India and the world. The paper goes on to deal with the legislative history of women reservation in Indian politics and failed attempts to enact a law until Sept. 2023. In the next part of the paper constitutional provisions for women reservations are discussed. The research also analyses key provisions of the 106th constitutional amendment popularly called "Nari Shakti Vandan Adhiniyam", its pros and cons, and finally concludes the paper by discussing the challenges that will come in the way of its implementation.

Keywords: Women Reservation, Nari Shakti Vandan Adhiniyam, 106th Constitutional Amendment, Women Empowerment, Reservation in Local Bodies, Reservation in Parliament, etc.

Introduction

Political engagement has been delineated through diverse interpretations. Political involvement is more than just the act of voting. It includes the sharing of power, making joint decisions, and collectively shaping policies at all levels of government. Political engagement encompasses the active involvement of individuals in volunteer activities that allow them to contribute to the decision-making process and have a direct or indirect impact on public policy creation.¹ Undoubtedly, one of the crucial civic engagements of individuals is the exercise of their right to cast a vote in election times. Nonetheless, participating in politics encompasses more than merely voting; it encompasses a broad spectrum of activities such as joining a political party, engaging in electoral campaigns, going to party meetings, participating in protests, communicating with leaders, retaining party positions, running for elections, being in the position of influencing decision making, retaining the membership of representative bodies, and engaging in other associated acts.²

Though India boasts of being a democracy with the largest population in the world having 1.8 billion voters but its women are not adequately represented in state and union legislatures. Despite accounting for 49.5% of the total Indian population, their representation in Lok Sabha is only 14.6% and in Rajya Sabha, it is even lower 11.6 percent.³ This means that only this percentage of women are elected as members of parliament and the rest are men. This difference in representation raises serious concerns about fair distribution of power and inclusiveness. Until now, women's contribution to making choices has been negligible, without any major amplifying impact. Their representation in formal decision-making bodies has remained stagnant over time. Statistical data indicates that there has been a minimal rise in the number of female candidates participating in elections over the past few decades. The proportion of female parliamentarians has never surpassed 15% of the overall membership of the lower or upper house. At the provincial level, women have a significantly low representation in legislatures, even lower than their representation in the national parliament.

¹ J.P. Singh, *Indian democracy and empowerment of women*, 46 INDIAN JOURNAL OF PUBLIC ADMINISTRATION , 617–630 (2000).

² NIROJA SINHA, *WOMEN IN INDIAN POLITICS: EMPOWERMENT OF WOMEN THROUGH POLITICAL PARTICIPATION* (Gyan Pub. House) (2006).

³ *WOMEN'S RESERVATION BILL ECONOMIC AND POLITICAL WEEKLY*, <https://www.epw.in/journal/2019/25/letters/womens-reservation-bill.html> (last visited Dec 30, 2023).

The greatest percentage of women in state legislatures is 7.1%, observed in the state of Delhi.⁴

Aiming to provide equal representation for women in the Lower House of Parliament, State Legislature, and Legislative Assembly of Delhi, the 106th constitutional amendment 2023, also referred to as Nari Shakti Vandan Adhiniyam 2023, was passed during the special session of the Indian Parliament in September 2023. This event was a significant turning point in the history of legislation in India. However equal participation of women in politics cannot be achieved merely by enacting provisions and collective endeavor to demolish the derogatory and discriminatory social and cultural practices is equally necessary for their engagement in politics.

Women's Journey to Politics: A Global Saga of Inclusion and Equality-

Examining the historical record of equal involvement of female counterpart in politics in specific countries, it is evident that in ancient Greece, Republican Rome, and a few emerging democracies in Europe, women were completely denied the voting right till the late 18th century. Wollstonecraft's "A Vindication of the Rights of Woman"⁵ (1792) asserts the entitlement of women to equal educational opportunities and civil rights. Presently, it is considered a fundamental document of liberal feminism. Nonetheless, notwithstanding the expansion of voting rights in the United Kingdom in 1832, women were still denied the opportunity to vote. 19th century marked the beginning of voting right movement for women, primarily in the United States and Great Britain. Women in America were pioneers in the global struggle for suffrage. Following their persistent struggle against the system, women achieved suffrage in the majority of Western liberal countries. Voting rights were bestowed by the Government of England upon individuals on the grounds of education, property ownership, and marital status. In 1893 women in New Zealand got suffrage, Australian women in 1902, Finland's Women in 1906, and Norwegian women in 1913. During the early years of the 1900, the United States and Sweden provided their women with voting rights in certain local elections.⁶ The process of vesting voting rights in women known as enfranchisement, was accelerated throughout Europe and other countries during and following World War I. The

⁴ Maroju Rama Chary, *Women and Political Participation in India: A Historical Perspective*, LXXIII THE INDIAN JOURNAL OF POLITICAL SCIENCE, 119–132 (2012).

⁵ MIRIAM BRODY, *MARY WOLLSTONECRAFT: MOTHER OF WOMEN'S RIGHTS* (Oxford University Press) (2000).

⁶ A WORLD CHRONOLOGY OF THE RECOGNITION OF WOMEN'S RIGHTS TO VOTE AND TO STAND FOR ELECTION WOMEN'S SUFFRAGE, <http://archive.ipu.org/wmn-c/suffrage.htm> (last visited Jan 1, 2024).

nineteenth amendment, which provided American women the right to vote, was signed by Bainbridge Colby, the secretary of state on August 26, 1920. Women in about 28 nations successfully attained equal suffrage with males between 1914 and 1939. Women were first given the opportunity of voting in regional, municipal, or probably provincial elections in several of these nations; it wasn't until much later that voting rights in national elections were also given to them.

Shortly following Second World War, additional nations such as China and Italy joined this particular alliance. In another ten years, there were more than a hundred nations that gave voting rights to women. This was partially because the majority of these nations had gained their independence during World War II and had written women's rights into their constitutions.

Complete and equal voting rights for women had been granted in Switzerland for federal and the majority of cantonal elections by 1971. Similarly, Syria extended the same rights to women in 1973. Nevertheless, in several traditional Arab nations neighbouring the Persian Gulf, women still face the denial of their ability to vote on an equal basis. In several Muslim nations, the involvement of women in various aspects of civil society was minimal. She remains ineligible to exercise her voting rights in these countries.⁷ The Indian Govt. bestowed full rights to vote on women on an equal footing in the Constitution of India of 1949. Similarly, in 1956, women were given voting rights in the elections of Pakistan.

Women in ancient India held a position of parity with men throughout all aspects of life. The Rig-Veda's Hymn XXI praises the merits of women, surpassing even those of men. The depiction of God's head as a fusion of male and female in the notion of 'Ardhanarishwara' symbolises the narrative of gender equality throughout the Vedic era. The Shakti cult revolves around the concept of destructive power and the dominance of women.

However, the position of women started to deteriorate with the Smritis, particularly Manu Smriti. There was an inclination to limit the religious freedoms and privileges that women had. Women were considered to be on par with the Shudras. Their conditions degenerated much worse, preventing them from having any ownership rights over property. The system of Sati gained prominence within the battling castes. Women's freedom was

⁷ CHAUDHARY V K S., *THE IVORY TOWER: 51 YEARS OF THE SUPREME COURT* (Universal Law Pub. Co.) (2002).

restricted to the confines of their homes.

During the eleventh century, the invasion of India by Muslims resulted in a significant deterioration of the condition. During that era, women were forcefully abducted and traded as commodities in markets located outside of India. Hence, the eleventh century might be characterised as a period of great darkness, during which women were unable to attain the same level of freedom and equality that they had during the Vedic age. Therefore, the past investigation of the situation of Indian women demonstrates that they were not having an equivalent social status to males. They held a subordinate standing in relation to men. The absence of women from leadership roles in all its forms had a significant impact on their capacity to resist subjugation. To actively engage in politics and challenge the power dynamics that excluded them, women needed to join in the political sphere.

Indian women's involvement in politics began during the independence movement. Membership in the Indian National Congress was open to all women since its inception. The inclusion of Indian women in the struggle for freedom of India was marked by the Swadeshi Movement in 1905. Annie Besant, a catalyst for the progress of women's participation in 1914, made her mark on Indian politics and became the inaugural female president of the Indian National Congress. The politician Sarojini Naidu was a highly involved participant in the Indian freedom struggle. Mahatma Gandhi made a conscientious effort to raise political consciousness among destitute and uneducated women, in order to motivate them to actively engage in the freedom struggle that began in 1917.⁸ A significant number of women enthusiastically joined the national movement in response to Gandhi's appeal. The phrase “when we call abala became sabala, all those who are helpless will become powerful”⁹ highlights his emphasis on the empowerment of women. Consequently, the national movement elevated women to a prominent position. Women from diverse backgrounds, including both liberal and conservative households, residing in metropolitan centres and rural districts, regardless of their marital status or age, united in resistance to colonial rule and worked together.

In the 1937 election, a total of 42 women were elected from the constituencies that were

⁸ GANDHIJI AND STATUS OF WOMEN IN INDIA KAMAT'S POTPOURRI, <https://www.kamat.com/mmgandhi/gwomen.htm> (last visited Jan 1, 2024).

⁹ XIV COLLECTED WORKS OF MAHATMA GANDHI (Navjivan Trust) (1965).

specifically earmarked for them, while eight women were chosen from the general constituencies. Once the interim cabinet was established, these women assumed ministerial positions. In Uttar Pradesh, Vijayalaxmi Pandit was chosen as the minister for local self-government. Later, in Sindh and Madhya Pradesh, J.T. Sipahimalchi and Absuyabai Kale respectively assumed the roles of Deputy Speakers. Hansa Mehta and Begum Shah Nawoy held the position of Parliamentary Secretary in Bombay and Panjab, respectively. The Constituent Assembly that convened in December 1946 comprised 14 female members.¹⁰ Nevertheless, the number of women in positions of authority or influence did not experience a commensurate rise. In the All India Congress Committee (AICC) conference in 1922, there were only 16 women out of a total of 350 delegates. In 1937, there were 13 women delegates. In 1940, there were 5 women members, and in the Constituent Assembly, there were only 14 women members.¹¹ Furthermore, the majority of politically successful women who were active in politics hailed from affluent and progressive backgrounds. They had support from their family members or husbands who were also engaged in Congress. The practice continues to be observed even after achieving independence. Simultaneously, there were evident disadvantages associated with the involvement of women. Although quite a few women took an active part in the fight for independence, their engagement did not prioritize or advocate for gender equality as a goal of the movement. However, the authority transfer to the Indians from the British Govt. provided Indian women with a chance to actively participate in the political sphere.

A Look at India's Legislative Journey Towards Women's Political Reservation-

The matter concerning the political representation of women goes back to the freedom struggle in India. Leadership figures Sarojini Naidu and Begum Shah Nawaz and wrote to the Prime Minister of England in 1931, in support of the official memorandum published by three women's organisations regarding the position of women in the new Constitution, that “to seek any form of preferential treatment would be to violate the integrity of the universal demand of Indian women for absolute equality of political status.”

The issue of reservation for women was brought up for consideration at the Constituent Assembly, but it was deemed unnecessary and hence disregarded. The democratic system was

¹⁰ RENU MISHRA, *WOMEN AND THE POLITICAL PROCESS* (K.K. Publications) (2014).

¹¹ DURGA DAS BASU, *INTRODUCTION TO THE CONSTITUTION OF INDIA* (LexisNexis) (2018).

assumed to guarantee that all groups were provided with representation. In 1947, Renuka Ray, a renowned freedom fighter, expressed the belief that the attainment of political power by those who battled for the freedom of their nation would ensure the protection of female liberties and rights.¹² Nevertheless, in the following decades, it became apparent that this anticipation would not be realized. The topic of female reservations began to arise often in policy talks. For instance, the Committee on the Status of Women in India, founded in 1971, noted the declining political involvement of Indian women. While the majority of Committee members continued to express their disapproval of women's inclusion in legislatures, they all unanimously supported the concept of reserving seats for women in local government. Over time, several State governments began implementing reservation for women in local governing bodies.¹³

Under the direction of Union Minister Margaret Alva at the time, the government established a 14-person committee in 1987. It was in 1988 when the committee presented the Prime Minister with the National Perspective Plan for Women 1988-2000. At every governmental level, from the panchayat to Parliament, the National Perspective Plan for Women 1988 advocated for the creation of female quotas. Thanks to these suggestions, the landmark 73rd and 74th Amendments were able to be enacted into law. As a result of these changes, urban municipal organizations and Panchayati Raj organizations at all levels are required to reserve one-third of their seats and one-third of their chairpersons, respectively. These amendments were a significant step towards achieving the goal of ensuring equal representation of women in the political sphere. Out of all the seats, one-third are specifically allocated for women belonging to the Scheduled Caste/Scheduled Tribe. Several states, including Kerala, Jharkhand, Chattisgarh, Bihar, Andhra Pradesh, and Maharashtra have enacted laws to provide a 50% quota for women in local governing bodies.

The 81st Constitutional Amendment Bill was introduced by Indian Govt. on September 12, 1996. This piece of legislation sought to ensure that women occupied one-third of the seats in both the Parliament and state legislatures. Notwithstanding this, the proposed legislation was met with opposition from a considerable proportion of Members of Parliament, especially those affiliated with the Other Backward Classes (OBCs). As a result, the Act was sent to a Select

¹² EXPLAINED: ON RESERVATION FOR WOMEN IN POLITICS THE HINDU, <https://www.thehindu.com/news/national/explained-on-reservation-for-women-in-politics/article66624358.ece> (last visited Jan 2, 2024).

¹³ Ibid.

Committee of Parliament, which Geeta Mukherjee chaired.¹⁴ The Lok Sabha received the report from this committee in December 1996. Nevertheless, the Bill became void when the Lok Sabha was dissolved.

1998 saw the reintroduction of the bill in the 12th Lok Sabha under the leadership of the National Democratic Alliance (NDA) and Atal Bihari Vajpayee. Following its introduction by Law Minister M. Thambidurai, a member of the RJD ascended to the center of the chamber, seized the bill, and commenced tearing it to shreds. Due to its inability to garner adequate support, the bill ultimately lapsed once more. Reintroductions of the bill occurred in 1999, 2002, and 2003. Although supported by Left parties, BJP and Congress, the Bill failed to obtain a majority of votes.¹⁵

After being proposed in 2008 by the Manmohan Singh-led United Progressive Alliance government, the Bill was finally approved by a vote of 186 to 1 in the Rajya Sabha on March 9, 2010. However, the Bill failed to be presented for discussion in the lower house of parliament and lapsed with the dissolution of the 15th Lok Sabha. During that period, the RJD, the JDU, and the SP were the most outspoken adversaries of it. A further percentage of 33% was requested for backward class in addition to the 33% quota already allocated for women. Sharad Yadav, a prominent leader of the JDU party, controversially questioned the ability of women with short hair to effectively represent women from rural regions. The BJP made a commitment in its 2014 manifesto to provide a 33% reservation for women, and it reaffirmed this commitment in its 2019 agenda. However, the government has not taken any action in relation to this matter.

Finally, aiming to provide equal representation for women in the Lower House of Parliament, State Legislature, and Legislative Assembly of Delhi, the 106th constitutional amendment 2023, also referred to as “Nari Shakti Vandan Adhiniyam” 2023, was passed during the special session of the Indian Parliament in September 2023.¹⁶

¹⁴ TARUN BEHURIA, *WOMEN AND RESERVATION IN INDIA* (Bookleaf Publishers) (2013).

¹⁵ WOMEN RESERVATION ACT, 2023 - WOMEN IN POLITICS DRISHTI IAS, <https://www.drishtiiias.com/to-the-points/Paper2/women-reservation-act-2023-women-in-politics> (last visited Jan 3, 2024).

¹⁶ ON WOMEN’S RESERVATION BILL, ONE STEP FORWARD, TWO STEPS BACK THE INDIAN EXPRESS, <https://indianexpress.com/article/opinion/columns/nari-shakti-vandan-adhiniyam-womens-reservation-bill-house-of-inequality-9024205/> (last visited Jan 3, 2024).

Constitutional Provisions Related to Reservation for Women in Local Bodies-

In 1993, the Indian government implemented an affirmative action policy to address the underrepresentation of women in politics. This decision was influenced by the Committee for Status of Women Report from 1974 and the successful implementation of women's reservation in Karnataka's Panchayat Raj system in 1983. The 73rd Constitutional Amendment Act mandated a minimum reservation of 33 percent for women in the Panchayat Raj institutions located in rural regions. In the same vein, the 74th Constitutional Amendment Act implemented comparable provisions for women's reservation in Nagar Palikas and Municipalities located in towns and metropolitan regions. Thanks to these Constitutional Amendments, more than three million women are currently engaged in actively influencing the policies and programmes of the nation, albeit limited to the local levels of governance. However, there is a noticeable absence of affirmative action in the upper levels of government at the State and Central levels.¹⁷

As Per article 243D of the constitution of India, at least one-third of the total seats of the Panchayati raj institutions have to be reserved for women candidates to be filled by direct election. However, the information available from the Ministry of Panchayati Raj reveals that there is a total of 21 states that have made reservations of 50 percent of total seats for women including West Bengal, Karnataka, Kerala, Uttarakhand, Maharashtra, Tripura, Telangana, Rajasthan, Tamil Nadu, Sikkim, Punjab, Orissa, Madhya Pradesh, Jharkhand, Himachal Pradesh, Haryana, Gujrat, Chhattisgarh, Bihar, Assam, Andhra Pradesh.¹⁸ As far as the remaining states are concerned, the constitutional provision of Article 243D applies. Similar is the case with the Nagar Palika system. Following are the key provisions in the constitution of India related to women's reservation in local bodies-

Article 243D (2)- “Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.”¹⁹

Article 243D (3)- “Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be

¹⁷ Maraju Rama Chary, *Women and Political Participation in India: A Historical Perspective*, LXXIII THE INDIAN JOURNAL OF POLITICAL SCIENCE, 119–132 (2012).

¹⁸ REPRESENTATION OF WOMEN IN PANCHAYAT SYSTEM PRESS INFORMATION BUREAU, <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1776866> (last visited Jan 5, 2024)

¹⁹ CONSTITUTION OF INDIA 1950 ART. 243D CLAUSE 2.

filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.”²⁰

243D (4)- “The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes, and women in such manner as the Legislature of a State may, by law, provide:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women: Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women: Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.”²¹

Identical provisions regarding reservation in Municipalities are provided under Article 243T of the Constitution of India.

243T (2)- “Not less than one third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.”²²

243T (3)- “Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.”²³

243T (4)- “The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a

²⁰ CONSTITUTION OF INDIA 1950 ART. 243D CLAUSE 3.

²¹ CONSTITUTION OF INDIA 1950 ART. 243D CLAUSE 4.

²² CONSTITUTION OF INDIA 1950 ART. 243T CLAUSE 2.

²³ CONSTITUTION OF INDIA 1950, ART. 243T CLAUSE 3.

State may, by law, provide.”²⁴

106th Constitutional Amendment and Women Reservation in Legislature-

In the special session of the Indian Parliament held in Sept. 2023, provisions for reservation of 1/3rd of total seats for women in the Lok Sabha, State Legislative Assembly, and Legislative Assembly of Delhi were introduced by the 106th constitutional amendment 2023 popularly known as Nari Shakti Vandan Adhiniyam 2023.²⁵ The bill was passed by Lok Sabha on 20th Sept., by Rajya Sabha on 21st Sept., and finally became an act with the approval of President Draupadi Murmu on 28th Sept. Following are some of the key provisions of the amendment act-

- **Women Reservation in Lower House-** The amendment proposes the inclusion of Article 330A in the constitution, which is modeled after Article 330. Article 330 guarantees representation in the Lok Sabha for MPs belonging to the SC and ST communities. The amendment mandated that reserved seats for women could be assigned via a rotational mechanism to different constituencies in states or Union Territories. The proposed amendment suggests assigning one-third of the seats specifically earmarked for SCs/STs to women in a rotational manner.²⁶
- **Representation for Women in State Legislature-** The amendment incorporates Article 332A, which requires that seats be reserved specifically for women in each state Legislative Assembly.²⁷ Article 332A reads thus-

332A (1)- “Seats shall be reserved for women in the Legislative Assembly of every State.”

332A (2)- “As nearly as may be, one-third of the total number of seats reserved under clause (3) of article 332 shall be reserved for women belonging to the Scheduled Castes

²⁴ CONSTITUTION OF INDIA 1950, ART. 243T CLAUSE 4.

²⁵ INDIA’S NEW GENDER QUOTA LAW IS A WIN FOR WOMEN—MOSTLY SASKIA CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, <https://carnegieendowment.org/2023/09/26/india-s-new-gender-quota-law-is-win-for-women-mostly-pub-90644> (last visited Dec 5, 2023).

²⁶ WOMEN RESERVATION ACT, 2023 - WOMEN IN POLITICS DRISHTI IAS, <https://www.drishtias.com/to-the-points/Paper2/women-reservation-act-2023-women-in-politics> (last visited Jan 3, 2024).

²⁷ WOMEN’S RESERVATION BILL 2023 [THE CONSTITUTION (ONE HUNDRED TWENTY-EIGHTH AMENDMENT) BILL, 2023] PRS LEGISLATIVE RESEARCH, <https://prsindia.org/billtrack/the-constitution-one-hundred-twenty-eighth-amendment-bill-2023> (last visited Jan 9, 2024).

or the Scheduled Tribes.”

332A (3)- “As nearly as may be, one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in the Legislative Assembly of every State shall be reserved for women.”

- **Reservation for Women in Delhi Legislative Assembly**- Delhi, as the nation's capital, is given a unique status as a Union Territory under Article 239AA of the constitution. This status pertains exclusively to its legislative and administrative powers. The bill amended Article 239AA(2)(b) to explicitly state that the laws passed by the parliament will be enforceable in the National Capital Territory of Delhi.
- **Commencement of the amendment**- The reservation will take effect once the formal release of the results of the census that will be performed after this Act was enacted, has taken place. Seats reserved for women will be distributed by delimitation based on the census data. 15 years shall be the duration of the reservation. However, it will persist until a specific date is established by legislation enacted by Parliament.
- **Rotating Seats**- The number of seats reserved for women will be rotated after each delimitation in line with a law enacted by Parliament.

Pros and Cons of This New Law-

Following are the Pros of the 106th constitutional amendment popularly called the Nari Shakti Vandan Act-

1. **Gender Equality**- The Nari Sakthi Vandan Adhiniyam aims to facilitate the meaningful integration of women into Indian politics. This will lead to a noticeable enhancement in Gender Equality. The implementation of a 33% reservation for women in the crucial political domain will enhance their strength and empower them to assert their opinions and position themselves on an equal footing with male politicians. India has witnessed the prominent presence of women in significant positions, such as Indira Gandhi as the Prime Minister and Selvi J. Jayalalithaa as the Chief Minister of Tamil Nadu, along with several other notable female political figures. Gender equality is vital

for the progress of any emerging democracy, as it will lead to the advancement of the relevant issues.

2. **An alternative perspective on problem-solving is feasible-** This amendment will introduce a variety of opinions to discussions when it is crucial to have varied perspectives in order to promote good decision-making. Women in governance have the potential to significantly influence the actions and demeanour of politicians. Female politicians have a greater ability to effectively address and resolve emotional difficulties compared to their male counterparts. Approaching a problem from a different perspective can effectively resolve the issue.
3. **Promotion of Women Issues-** Issues pertaining to women's health, education, economic empowerment, and gender-based violence are frequently front and centre when it comes to women in politics. Their existence can result in the prioritizing of certain matters in policy deliberations.
4. **Social Empowerment-** Enhancing the representation of women in politics will lead to their economic and social empowerment. Empowering women socially will contribute to the empowerment of the female population in assuming leadership roles in politics. The promotion of female empowerment in the realm of politics has led to increased sustainability in society and the economy. The Nari Sakthi Vandan Adhiniyam aims to enhance the empowerment of women in both social and economic spheres.

Apart from these pros, the law has certain cons also. The following are the cons of this amendment act-

1. **Problem of OBC Quota Reservations-** Despite the fact that it allocates 33 percent of seats in the Lok Sabha and state assemblies for women, the 106th constitutional amendment 2023 fails to provide a quota for women who belong to the OBC. Furthermore, OBCs are not provided with political reservation in the Lok Sabha or the state legislature by the Indian Constitution, in contrast to Scheduled Castes (SCs) and Scheduled Tribes (STs). Critics contend that Other Backward Classes (OBCs), who according to the National Sample Survey Organisation Survey 2006 make up 41% of the total population are not appropriately represented in the Local administrations, state legislature, and Lok Sabha. They are pushing for a separate quota in the Legislative

Assembly and state Lok Sabha, similar to the reservations made for and STs and SCs. However because of legal and constitutional barriers, the government has decided against implementing such a quota. Governments of states such as Maharashtra and Uttar Pradesh have granted them reservations in elections to local bodies. However, Hon'ble Supreme Court of India has put a restriction of 50% on the total reservation (as seen in the case of *Vikas Kishanrao Gawali vs State of Maharashtra*)²⁸, hence limiting the reservation for Other Backward Classes (OBC) to 27%. The 50% maximum limit adheres to the ruling in the *Indira Sawhney vs Union of India*²⁹ case.

2. **The Act Not to Be Implemented Immediately-** As per the existing legislation, the implementation will occur following a delimitation phase particularly undertaken for this cause, once the pertinent data from the initial census carried out after the Constitution (One Hundred and Twenty-Eighth Amendment Act, 2023) is released. This is quite puzzling. It is uncertain whether this practice occurred before when the enforcement of an Act is delayed and dependent on other activities and exercises to be carried out by the government, which are not restricted by a specified timeframe in the statute. The duration of this process may range from 10 to 15 years. The prospect of being put into effect in or after 2026 is illusory and, at most, a diversion. Putting the enactment of the legislation at this time, with the knowledge that it will not be carried out until after 2026, lacks logical reasoning. Unless the intention is to send a contradictory message, one that assures women that their best interests are being considered while also appeasing certain legislators who may face electoral consequences. This goes beyond a simple “patriarchal bargain.” Its purpose is to tackle the obstacles posed by the divisive and counterproductive agenda now being pursued.³⁰
3. **Challenge to Meritocracy-** The implementation of women's reservation policies poses a threat to the existing meritocratic structure. Critics contend that implementing gender-based reservations could potentially undermine the notion of meritocracy, advocating instead for the selection of candidates based on their competence rather than their gender. In order to challenge the meritocracy claims, it is crucial to provide a significant

²⁸ *Vikas Kishanrao Gawali v. State of Maharashtra*, 2021 SCC Online SC 170.

²⁹ *Indira Sawhney vs Union of India* AIR 1993 SC 477.

³⁰ BETWEEN HISTORY AND HISTORIONICS, THE NARI SHAKTI VANDAN ADHINIYAM THE WIRE, <https://thewire.in/women/between-history-and-historionics> (last visited Jan 9, 2024).

representation of women in the voting system.

- 4. Reduction of Opportunities to Other Marginalized Sections-** Reserving seats for women will mean fewer seats for the electorate, which will affect other oppressed minorities. The implementation of women's reservation can indeed facilitate the empowerment of women in economic, social, and political domains. Nonetheless, it may also lead to the marginalization of other underprivileged people who were previously represented in the political arena.

Conclusion

The process of implementing the plan still requires a significant quantity of administrative tasks. The delimitation exercise poses a difficulty for the government. Given that the exercise is based on the census and population data, it is likely that the Southern states would face potential losses due to their relatively small population. The administration must provide a clear and explicit explanation of how the delimitation exercise will be carried out, as failure to do so may exacerbate the existing division between the northern and southern regions. Achary, Former Secretary General of Lok Sabha stated that the upcoming delimitation process will result in an increase of seats ranging from 800 to 1,000.³¹ It is an extensive undertaking that spans multiple years. Indira Gandhi imposed a moratorium on the demographic makeup, based on figures from the census of 1971. Failure to do so would ultimately have been unfair to the south. The overarching goal or objective of a nation is necessary to prevent discrimination against the southern states. Once the women's reservation policy is implemented, both the Lok Sabha and state assemblies will experience an increase in the number of women leaders, resulting in a larger and more diverse representation. This will enhance their engagement in the process of policy formulation and its subsequent execution. Without a doubt, there will likely be a growing number of women who aim to become the prime minister of the country in the future.

³¹ EXPLAINED: POLITICS OF THE WOMEN'S RESERVATION BILL AND CHALLENGES AHEAD THE WEEK, <https://www.theweek.in/news/india/2023/09/21/explained-politics-of-the-womens-reservation-bill-and-challenges-ahead.html> (last visited Jan 9, 2024).