

RESERVATION OF WOMEN IN PARLIAMENT

AUTHOR – KHYATI SWETANG JOSHI, STUDENT AT MKES COLLEGE OF LAW

BEST CITATION – KHYATI SWETANG JOSHI, RESERVATION OF WOMEN IN PARLIAMENT, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (3) OF 2025, PG. 24-29, APIS – 3920 – 0001 & ISSN – 2583-2344.

This article is published in the collaborated special issue of M.K.E.S. College of Law and the Institute of Legal Education (ILE), titled “Women’s Rights and Legal Reforms” (ISBN: 978-81-968842-4-6).

ABSTRACT:

The reservation of seats for women in parliament may be a vital step towards accomplishing gender balance in legislative issues. In spite of comprising half of the populace, women’s representation in authoritative bodies remains wretchedly. This unique investigates the concept of reservation for women in parliament, its benefits, and the challenges related with its implementation. Women’s underrepresentation in legislative issues could be a worldwide wonder. In India, in spite of the 73rd and 74th Protected Corrections saving one-third of seats for women in administration, women’s representation in parliament remains restricted. The Bill called as the “Nari Shakti Vandan Adhinyam” has been hailed by the Prime Minister Narendra Modi who hailed the transit of the women’s quantity charge, calling it a “defining moment in our nation’s law-based journey”.⁵⁵ Reservation of seats for women in parliament could be a significant step towards accomplishing gender uniformity in legislative issues. Whereas challenges continue, the benefits of women’s cooperation in legislative issues are verifiable. Actualizing and fortifying reservation arrangements can offer assistance advance gender uniformity and empower women to gotten to be dynamic members within the policymaking prepare.

Keywords: women empowerment, women representation in parliament, reserve seat of women.

GRASP - EDUCATE - EVOLVE

⁵⁵ <https://legal.economicstimes.indiatimes.com/news/editors-desk/women-now-have-1/3rd-seats-reserved-in-the-worlds-largest-democracy/103863151>

INTRODUCTION:

Nari Shakti Vandan (Constitution 106th Amendment) Act, 2023, (hereinafter The Act) sanctioned on 28th September 2023 is being acclaimed as one of the noteworthy steps towards strengthening of women within the world's biggest equitable nation. Concurring to the Service of Parliamentary Issues, total number of women within the display Lok Sabha is 78 and in Rajya Sabha 24 which is 102 in add up to out of 788 seats of the parliament. Hence, women speak to 12.9 % (approx.) of seats within the parliament at display. As noted by Kavita Saini "In arrange to conclusion the careless conduct towards women within the Indian society and fortify their political status, beneath women-centric advancement, India has passed the Structure Correction Charge, pending for numerous years". The alteration saves one-third of the seats within the Lok Sabha and State Assemblies for women. Since, the 73rd and 74th Corrections, 1993, save one-third of seats for women in panchayats and municipalities within the Structure, the 106th Revision act is here to fill within the crevices of women's representation cleared out within the Structure.⁵⁶ There's no wrangle about around the reality that women have battled for decades to guarantee this representation. India embraced Widespread suffrage alongside the Structure on 26th January 1950.⁵⁷ This did not conclusion the battles of women for acknowledgment in any zone of society, majority rule legislative issues being one of them.

KEY PROVISIONS:

1. RESERVATION OF SEATS:

33% of seats within the Lok Sabha and state authoritative gatherings will be saved for women.⁵⁸

This implies that out of 543 seats within the Lok Sabha, 179 seats will be saved for women.

Additionally, in state legislative assemblies, one-third of the whole seats will be saved for women.

2. HORIZONTAL RESERVATION:

Inside the 33% standard, there will be sub-reservations for Planned Castes (SC), Planned Tribes (ST), and Anglo-Indian communities.

This implies that a certain rate of seats within the women's quota will be saved for women from SC, ST, and Anglo-Indian communities.⁵⁹

3. REVOLUTION OF SEATS:

The assigned seats for female officials may be conveyed by revolution to different voting demographics inside a state or union domain.

This implies that the seats saved for women will be pivoted among diverse voting demographics in each state or union domain.

4. DELIMITATION EXERCISE:

The reservation of seats for women is unexpected upon the delimitation exercise, which is able to be carried out after the census.

The delimitation exercise includes redrawing the boundaries of parliamentary and get together voting demographics based on the population figures from the most recent census.

5. OTHER PROVISIONS:

The bill too gives for the reservation of seats for women within the Rajya Sabha (Council of States) and within the administrative chambers of states that have a bicameral assembly.

⁵⁶ <https://www.epw.in/engage/article/womens-reservation-act-2023-symbolic-gesture-or-0#:~:text=The%20%22Nari%20Shakti%20Vandan%20Adhinyam,an%20elected%20assembly%20for%20women>

⁵⁷ https://en.wikipedia.org/wiki/Women%27s_suffrage_in_India#:~:text=In%201920%20the%20Kingdom%20of,the%20sex%20qualification%20for%20women.

⁵⁸ <https://indianexpress.com/article/explained/explained-law/73-74-amendment-reservation-women-elected-bodies-8947255/>

⁵⁹ <https://www.indiatoday.in/law/story/womens-reservation-bill-delimitation-exercise-census-triple-test-2438856-2023-09-22>

Various state in India have enacted laws and regulation providing for reservation of seat for women in local self-government bodies.

The bill moreover gives for the reservation of seats for women in nearby bodies, such as districts and panchayats.

LEGISLATION PROGRESSION OF WOMEN'S RESERVATION BILLS:

The Tradition on the End of All Forms of Separation Against Women, 1979 commands the destruction of gender-based separation in political and open spheres, with India being a signatory. In spite of progress, the representation of women in decision-making bodies remains moderately low, expanding from 5% in the first Lok Sabha to 15% within the 17th Lok Sabha. Constitutional revisions aimed at saving seats for women in Parliament and state administrative assemblies were proposed in 1996, 1998, 1999, and 2008. The first three Bills (1996, 1998, 1999) lapsed when their particular Lok Sabhas dissolved. The 2008 Charge was presented in and affirmed by the Rajya Sabha but also lapsed when the 15th Lok Sabha broken down. Be that as it may, within the show case, it'll require adherence to the "Triple Test"⁶⁰ laid down by the Supreme Court. The 1996 Bill experienced examination by a Joint Committee of Parliament, whereas the 2008 Bill was scrutinized by the Standing Committee on Personnel, Open Grievances, Law, and Justice. Both committees embraced the thought of seat reservations for women. A few of their suggestions included: considering reservations for women from other in reverse classes (OBCs) at suitable time actualizing reservations for a 15-year period with ensuing reviews concocting a arrange for saving seats for women within the Rajya Sabha and state administrative chambers.

RESERVATION OF WOMENS IN PAST:

The history of reservation for women in India's administrative bodies dates back to the

⁶⁰ <https://www.indiatoday.in/law/story/womens-reservation-bill-delimitation-exercise-census-triple-test-2438856-2023-09-22>

Constituent Gathering in 1946. During this time, noticeable leaders like Begum Shah Nawaz and Sarojini Naidu pushed for rise to political status for women. Within the 1970s and 1980s, the issue of women's representation in legislative issues gained energy. The National the issue of women's representation in legislative issues gained energy. The National Activity Committee on the Status of Women in India highlighted the waning political representation of women in Arrange of 1988 prescribed reservations for women at all levels of administration. The Women's Reservation Bill was to begin with presented in Parliament in 1996 by the H.D. Deve Gowda-led government. In any case, it confronted resistance and was referred to a Joint Committee. The bill slipped by several times due to the disintegration of Lok Sabha or need of agreement among political parties in spite of different endeavors, the bill fizzled to pass until 2023. On September 19, 2023, the bill was presented in Lok Sabha, and it was passed with 454 votes in favor and two against. The Rajya Sabha passed the bill consistently on September 21, 2023.⁶¹ The Women's Reservation Bill points to save 33% of seats within the Lok Sabha and state administrative assemblies for women. The reservation will be actualized after the delimitation exercise, which is anticipated to require put after the 2024 Lok Sabha polls.

CONSTITUTIONAL PROVISION THAT DEALS WITH RESERVATION OF WOMEN:

The Indian Constitution has a few arrangements that bargain with reservation for women:

1. **Article 15(3)**: Enables the State to create special arrangements for women and children.
2. **Article 16(2)**: Forbids separation on grounds of sex in things of public work.⁶²

⁶¹ <https://prsindia.org/billtrack/the-constitution-one-hundred-twenty-eighth-amendment-bill-2023>

⁶² <https://ebooks.inflibnet.ac.in/hrdp05/chapter/indian-constitutional-framework-articles-14-15-and-16-of-the-indian-constitution-and-womens-rights/>

3. **Article 21:** Guarantees the correct to life and individual freedom, which incorporates the proper to correspondence and non-discrimination.

4. **Article 39:** Coordinates the State to guarantee that men and women have rose to rights and opportunities.

5. **Article 42:** Provides for the advancement of welfare and well-being of women.

AMENDMENT:

1. 73rd Amendment Act, 1992: Reserved one-third of seats in Panchayats (nearby self-government bodies) for women.

2. 74th Amendment Act, 1992: Reserved one-third of seats in Districts (urban nearby bodies) for women.

3. The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023:

OTHER PROVISIONS:

1. The Assurance of Women from Domestic Violence Act, 2005:

An Act to supply for more successful security of the rights of women ensured beneath the Structure who are casualties of violence of any kind happening inside the family and formatters associated therewith or accidental thereto.

2. The Sexual Harassment of Women at Working environment (Prevention, Prohibition and Redressal) Act, 2013:

It gives a lawful premise that will offer assistance check any such harassments and ensures women, thus making a secure and reasonable working climate free from sexual badgering of women and their manhandle.

CURRENT SCENARIOS:

The current scenario of women's empowerment is that women are still underrepresented in the labor market and face discrimination in many areas. The Women's Reservation Bill, 2023, was passed by the Indian Parliament on September 20 and 21, 2023, with an overwhelming larger part, saving 33% of seats within the Lok Sabha and state administrative congregations for

women. This legislation marks a vital step towards advancing gender uniformity and enabling women in Indian politics. As of presently, women possess as it were almost 14% of seats within the Lok Sabha, which is remote below the global normal. The bill's execution, however, is unexpected upon the delimitation work out, which is able be carried out after the following census. This implies that the reservation will come into impact only after the delimitation prepare is total, which might take a few years. Despite the delay, the section of the Women's Reservation Bill could be a noteworthy minute, recognizing the significance of women's interest in legislative issues and administration. As UN Women's India Nation Agent Susan Ferguson famous, accomplishing a basic mass of 30% representation by women in Parliament can abdicate positive results for women's strengthening.⁶³

NEED FOR RESERVATION AND ITS IMPACT:

The require for reservation for women in India's administrative bodies is established within the country's socio-cultural and financial scene, which has verifiably been patriarchal and oppressive towards women.⁶⁴

IMPACT OF RESERVATION:

1. INCREASED REPRESENTATION:

Reservation will lead to a critical increment within the number of women in administrative bodies, guaranteeing their voices are heard and represented.

2. STRENGTHENING:

Reservation will enable women to take part in decision-making forms, challenge patriarchal standards, and advocate for their rights.

3. ARRANGEMENT CHANGES:

With more women in legislative issues, approaches and laws will be more comprehensive, tending to issues like

⁶³ <https://www.etvbharat.com/english/state/delhi/un-women-india-rep-susan-ferguson-hails-womens-reservation-bill-calls-it-a-landmark-moment-for-gender-equality/na20230920153643544544516>

⁶⁴ <https://www.drishtiias.com/to-the-points/Paper2/women-reservation-act-2023-women-in-politics>

viciousness against women, instruction, and healthcare.

4. ROLE MODELS:

Women in legislative issues will serve as part models, rousing other women to take part in legislative issues and challenging conventional sex parts.

5. SOCIETAL ALTER:

Reservation will contribute to a slow move in societal states of mind, advancing sexual orientation correspondence and challenging patriarchal standards. By addressing these interconnected issues, India can make a more comprehensive and even-handed society, where women have rose to openings to take an interest in legislative issues and administration.

CASE LAWS RELATED TO WOMENS RIGHTS:

1. SMT. USHA MEHTA V. STATE OF MAHARASHTRA (1981)⁶⁵:

The Bombay High Court held that the reservation of seats for women in nearby self-government bodies isn't illegal and does not damage the standards of uniformity.

2. MADHU KISHWAR V. STATE OF BIHAR (1996)⁶⁶:

The Supreme Court, in a consistent judgment, maintained the sacred legitimacy of the Bihar Panchayat Raj Act, 1993. The court held that the reservation of seats for women was a positive agreed activity degree pointed at advancing sexual orientation uniformity and engaging women.

3. VAISAKHA AND OTHERS V. STATE OF RAJASTHAN AND OTHERS (1997)⁶⁷:

The case begun from the gang-rape of a social labourer in Rajasthan, inciting women's rights bunches to request the Incomparable Court for rules to address sexual badgering at the work environment.

4. DATTATRAYA MOTIRAM MORE V. STATE OF MAHARASHTRA (2000)⁶⁸:

The Bombay High Court held that the reservation of seats for women in neighborhood self-government bodies isn't unlawful and does not abuse the principles of equality. even in case in making extraordinary arrangement for women by giving them saved seats the State has separated against men, by reason of Article 15(3)⁶⁹ the Constitution has allowed the Slate to do so even in spite of the fact that the arrangement may result in discrimination as it were on the ground of sex.

5. UNION OF INDIA V. VIRPAL SINGH CHAUHAN (2004)⁷⁰:

The Supreme Court held that the reservation of seats for women in neighborhood self-government bodies could be a protected arrangement and cannot be challenged.

6. ANJALI ROY V. STATE OF WEST BENGAL (2015)⁷¹:

The Calcutta High Court held that the reservation of seats for women in neighborhood self-government bodies is sacred and does not abuse the standards of uniformity. "No citizen should be denied confirmation into any instructive institution maintained by the State or getting help out of State reserves on grounds as it were of religion, race, caste, language or any of them."

CONCLUSION:

The reservation of women in Parliament could be a point of interest step towards advancing sexual orientation correspondence and enabling women in India. The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023, which reserves 33% of seats within the Lok Sabha and state authoritative gatherings for women, may be a noteworthy point of reference in this travel. The reservation is anticipated to extend women's interest in politics, ensure their voices are listened, and address the chronicled

⁶⁵ Smt. Usha Mehta v. State of Maharashtra AIR 1981 BOM 29

⁶⁶ Madhu kishwar v. State of Bihar AIR 1996 SC 1886

⁶⁷ Vaisakha and other v. State of Rajasthan AIR 1997 SC 3011

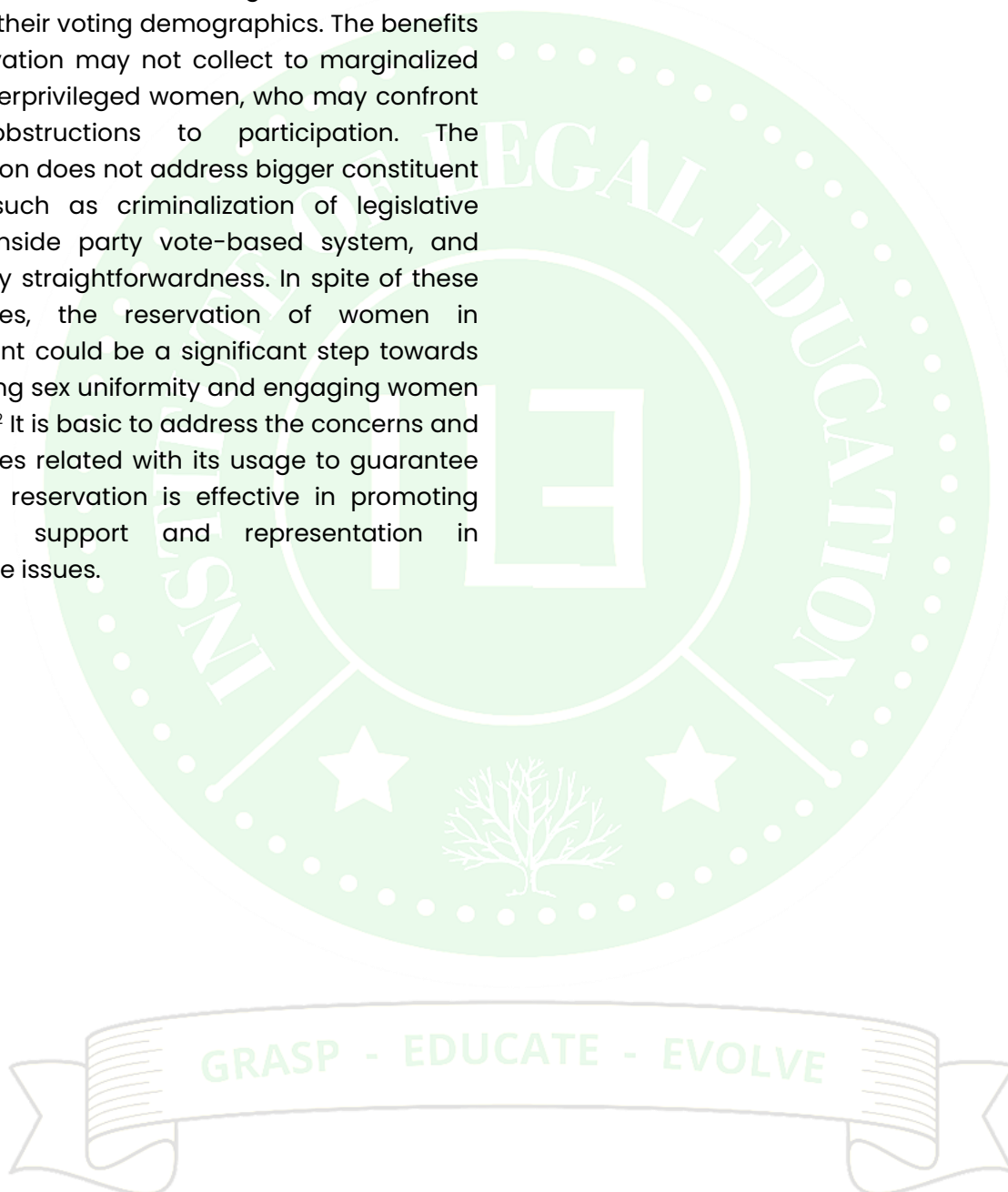
⁶⁸ Dattatraya Motiram more v. State of Maharashtra AIR 2000 BOM 254

⁶⁹ Article 15 - allows the state to make special provisions for women and children.

⁷⁰ Union of India v. Vipul Singh Chauhan AIR 2004 SC4638

⁷¹ Anjali Roy v. state of west Bengal AIR 2015 Cal 215

underrepresentation of women in Parliament. It'll too give openings for women to require on authority parts and impact arrangement choices. The execution of the reservation is connected to the delimitation work out, which may cause significant delays. The rotation of reserved seats after each delimitation work out may diminish the motivating force for MPs to work for their voting demographics. The benefits of reservation may not collect to marginalized and underprivileged women, who may confront extra obstructions to participation. The reservation does not address bigger constituent issues, such as criminalization of legislative issues, inside party vote-based system, and monetary straightforwardness. In spite of these challenges, the reservation of women in Parliament could be a significant step towards advancing sex uniformity and engaging women in India.⁷² It is basic to address the concerns and challenges related with its usage to guarantee that the reservation is effective in promoting women's support and representation in legislative issues.



⁷² <https://www.epw.in/engage/article/womens-reservation-act-2023-symbolic-gesture-or-0>