
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

WOMEN'S RESERVATION: BEHOLD THE RIGHTS, UPHOLD THE POWER- Maitri Sutariya¹**ABSTRACT:**

In recent years, women who were once considered the "weak sex" have accomplished much in practically every field. However, women's political and social emancipation has not made notable progress in India. The significance that the idea of women's emancipation acquired throughout the period of the liberation movement appears to have diminished. Even the most prominent female political representatives today feel excluded inside their respective parties, highlighting the necessity for unique political interventions to include equitable participation of women in Indian politics. In electoral and party politics, many women politicians are a powerless minority within their political parties, while men politicians control how the parties are run. Why was the women's reservation bill, which would have given women a third of legislative seats, repeatedly rejected by India's parliament? The bill's poor drafting, caste politics, the ineffectiveness of women's movements, and patriarchy alone are all given as explanations. These explanations must, however, be supported by a comparative strategy that draws from an emerging body of international research on gender quotas. In addition to the unfavorable effects of India's "exceptional" democratic growth, these analyses highlight the significant roles political parties play and the electoral system.²

KEYWORDS: Reservation, parliament, Lok sabha, assembly, Rajya sabha, equality

¹2nd year of BBA LLB, Symbiosis Law School

²[Legislative Gender Quotas and Indian Exceptionalism: The Travails of the Women's Reservation Bill on JSTOR](#)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

RESERVATION

- The concept of reservation came strongly after the country's independence, and some rules were included in the constitution. The framers of the body made the reservation system to uplift the people who were not given equal opportunities and respect in society, so the concept of reservation came into existence.
- Reservation, in simple words, is an act of reserving seats for particular people. "Reservation" in English means "An arrangement by which some provisions are secured in advance" or "The act of keeping back or withholding" If the same word is uttered in India, it creates a widespread debate and heated conversations.
- It divides the society between that who support reservation and who are against it. Reservation is made for the specific Schedule castes and other classes of people, tribes, or other underprivileged groups, as well as the women and persons with physical disabilities.
- Some leaders were like Dr. Ambedkar, who wished to assist those in need. He sought the reservation merely. It has only been a component of the system for ten years, but the system.

WOMEN'S RESERVATION BILL

- The Women's Reservation Bill, also known as the Constitution (108th Amendment) Bill of 2008, aims to provide one-third of seats in the Lok Sabha and state legislative assemblies to women.
- Additionally, it mandates that women from Scheduled Castes and Scheduled Tribes receive one-third of the total number of protected seats (introduced in 2008).

Similar measures were previously introduced three times in the late 1990s. However, with the dissolution of each Lok Sabha, these bills all became void.

WHAT IS IN THE BILL

- One-third of all seats in the Lok Sabha and the State Legislative Assemblies are reserved for women, according to the Constitution (108th Amendment) Bill, 2008.

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

- The parliament's authority shall decide the distribution of these seats specifies
- The reserved seats may be distributed by rotation to several state or union territory constituencies.
- Fifteen years from the start of this Amendment Act, the seats reserved for women must be eliminated.³

HISTORY OF WOMEN'S RESERVATION

- Three women's groups were founded at the same time as the beginning of the women's movement: the All India Women's Conference in 1927, the Women's Indian Association in 1917, and the Indian National Women's Council in 1925. Various regional and local women's organizations were founded in 1910, and these groups eventually merged to establish larger national organizations. 1917 saw the beginning of the election campaign as Sarojini Naidu accompanied a female All India delegation to Indian Secretary of State Montague, who traveled, to speak to India's parliamentary body, which required participation. A Reforms Enquiry Committee started compiling information in 192, considering whether Indian women still wished to serve in the assembly. The state assembly of the province of Madras allowed women to join once the moratorium was lifted in 1927, just a few weeks before the elections.
- The Indian Women's Movement's campaign for increased political representation went through two stages: the first (1917–1928) focused on women's competition for legislative offices and their qualifications; the second (1928–1937) on the liberalization of the competition's rules and increased female representation in the legislatures. When the Simon Commission visited India in 1928, it was shunned by some influential women, Congress, and other nationalist parties. Parliamentarian seats were not recommended to be reserved by Simon's Commission. Hence those seats were left vacant.
- However, a different faction of the women's movement appeared before the Commission. It argued for the expansion of women's voting rights and the preservation of four seats for women in legislatures to give women more political power and a more accurate

³[Women's Reservation Bill: Highlights, Debate, Pros, Cons - IAS EXPRESS](#)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

representation of their role in education and social welfare. The Commission suggested allocating seats to the oppressed classes but rejected the independent electoral system. This group, which Everett referred to as the "women's uplifting squad," was also represented at the First Round Table Conference (November 1930–January 1931), which Congress had boycotted. They endorsed the notion of women's qualifications and restrictions in statutory terms, which was consistent with the government's commitment to expanding women's rights.

- At the first-round table conference that the Congress boycotted, the British government proposed two women (Radabhai Subbarayan and Begum Shah Nawaz) to advocate a woman's qualifications and women's seats in legislatures. The report they submitted complied with the British women's memorandum.
- On the other hand, the report sent on behalf of the three All India Women's organizations advocated for the equality concept. According to Everett, there appears to have been a split in the women's movement between those who identified with Congress and others who abstained from political activity.
- Women's equality proposals were made in the Joint Select Committee Report on Indian Constitutional Reform of 1934, and the 1935 Government of India Act was modified somewhat to implement them. Of 489 seats, only 43 women ran for office in the first Lok Sabha of independent India (1952–1957), and 14 were elected. Political quotas in favor of women were either abandoned or remained dormant until the Committee on the Status of Women in India's study (CSWI, 1974) in the early 1970s. At its Sixth National Conference held in New Delhi in 1997, the All India Panchayat Parishad also endorsed a resolution calling for more excellent representation of women and a predetermined proportion of not less than one-third to start.
- The Constitutional (73rd Amendment) Bill 1991 was introduced by the Congress party in the Lok Sabha with several amendments that called for the insertion of the new section IX (definition, the constitution of the Panchayat, etc.) and the eleventh Schedule (art. 243 G regarding Panchayat functions) into the text of the constitution. The issue of Panchayati Raj came up in the election after Congress assumed power. Finally, in

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

December 1992, the 73rd and 74th amendment bills were passed; by April 1992, all states had accepted them. This allowed for establishing the third reserve in the event of PRIs.

- In 1998, 1999, 2002, and 2003, the BJP government attempted unsuccessfully to reintroduce the Bill to Parliament. As soon as it took office in 2004, Congress ordered the UPA to incorporate the Bill into its Common Minimum System. However, efforts to introduce the Bill met with little success. Their allies, the Mayawati-led Bahujan Samaj Party, Mulayam Singh Yadav-led Samajwadi Party, and Lalu Prasad Yadav-led Rashtriya Janata Dal, rejected it (BSP). When the Bill was passed in the Rajya Sabha in 2008, the SP leaders attempted to seize it out of the hands of HK Bhardwaj, the then⁴-law minister, and destroy it.

WHY SHOULD WOMEN GET RESERVATION

- Women are the weaker sections of the country, like backward classes in India. If we are talking about the reservation of backward classes, they also need it because women of any caste or religion were exploited in India in the past.
- So women need to get it as they are not getting it in the past. They should call it currently, which will only make the country equal as India is still a male-dominated society. There was a significant difference in parliament after the bill was passed about women.
- India placed a pitiful 148th in the category of "women in parliament" and 88th in the type of "women in ministerial positions" in a 2017 United Nations study titled "Women In Politics." Even though "women empowerment" has been a buzzword in every Government policy, our Parliament now has 11.8% women representation, and state assemblies have only 9%.
- This anomaly necessitates implementing affirmative action to ensure that women are fairly represented in legislation.

Why is political representation necessary?

⁴[133 Women Reservation.pdf \(probono-india.in\)](#)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

- Three basic, non-negotiable concepts serve as the foundation for women's political empowerment:
- The rights of women to complete development of their potential, self-representation, and self-determination; The equality of women and men;⁵

WHAT ARE THE CHANGES AFTER THE BILL

- The Constitution (108th Amendment) Bill, a currently unenacted law in India, calls for 33% of all seats in the Lok Sabha, the country's Lower House, and state legislatures to be reserved for women. The rotation of places must be done by the law, which states that a seat can only be assigned for three straight general elections. The Rajya Sabha, the Upper Chamber of Parliament, approved this measure in March 2010.
- Before the Indian President ratifies it, the Lok Sabha and at least half of all state legislatures must pass it. Before our members know some of the procedures and formats in which the rule of law can triumph and legislative decorum can be respected, they will still need to wait for the Women's Bill of Reservation. The emancipation of women has only begun. Women will move forward with their male colleagues to achieve equal representation if they receive 33 percent coverage.
- Women now have a 33 percent quota in elections for Gram Panchayats and municipal offices. In actuality, India provides quotas for women in the workforce and terms of education. For instance, there is a 30 percent reserve for women in many legal schools in India. Women's reservations are supported politically by the idea of fostering competition among all citizens.
- The argument is that because social norms heavily favor men, accommodations for women should give both men and women equal access to opportunities. The Bill is anticipated to have certain benefits, such as increasing the representation of women in arts and politics. The sex ratio in India, which is 1.06 males for every female, is alarming because of female feticide and problems with women's health. The Bill would be anticipated to alter society to grant women equal rights.

⁵[Women's Reservation Bill \(drishtias.com\)](http://drishtias.com)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

- This bill may restrict corruption's spread because women are allegedly more resistant to corrosion. In terms of political influence, the role of women within party organizations may be greater than the percentage of women running in Lok Sabha elections. In general, women are still underrepresented in this party.
- Nothing has happened Except in All India; the party has taken 12 steps to include much more women at decision-making levels and roles. MunnetaKazhagam Anna Dravida (AIADMK).
- On the other hand, the Women's Reservation Act will result in a piecemeal approach to the democratic process.
- We have the power to diminish women's self-respect and make a difference in how highly society values women. Leaders' effectiveness might also be compromised. The possibility that men may feel they are being denied certain rights could lead to a new type of sexism, leading to social issues.
- The political parties are also concerned about whether women are included in the overall partisan agenda and other problems that affect everyone, as opposed to just women.
- Finding women who tend only to date men is not a reliable method of preventing discrimination against men. to male concerns or, put another way, to women's difficulties. In actuality, strong male party members were Tempted to "reserve" the seat on their own by finding female family members. Consequently, it is thought that Reservation will only allow aristocratic ladies to sit there, preventing the underprivileged and the backward classes from increasing underrepresentation and inequality.
- Some politicians, including Lalu Prasad Yadav, Sharad Yadav, and Mulayam Singh Yadav, have vehemently opposed the Bill as it stands today⁶

THE DISADVANTAGE

- Here is my critical analysis: If we discuss equality and criticize the bill, the start line for women should be the same. People should talk about the invoice as this bill gives priority to women. According to the statement, seats are reserved for females, so it is booked explicitly so the competition will be increased in mentors they need to fight with fewer

⁶[133 Women Reservation.pdf \(probono-india.in\)](#)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

seats. But they need to understand that country will only run perfectly if women will gradually work with the system because

“ I MEASURE THE PROGRESS OF COMMUNITY BY THE DEGREE OF PROGRESS WHICH WOMEN HAVE ACHIEVED “

: DR BHIM RAO AMBEDKAR

- Even the father of the constitution of India already thinks that women's is necessary for a country, so the bill is not wrong, and the changes in that bill should be of some years after some analysis. Still, they think things are not changing, so keep the account. If women are getting the rights in parliament, things are perfect, so un passes that bill or take it. Still, the bill passed is an excellent decision for women's development because it is the gender who never gets justice without changing the law for them.

CONCLUSION

Women's reservation legislation should be approved as soon as possible because it will help us reach our goal of having a legitimate and transparent majority rule government.No matter their political affiliation, all women's organizations should create a common platform using a single blueprint. It should become a widespread social change that sends a message to every ideological group. This collection of patterns shows that how women are represented in legislative matters calls for special consideration and cannot be left to the forces that already dominate our gatherings and administration.In addition to all of the above, males should treat women equally in the decision-making process and objectively discuss the significant concerns associated with the reservation policy. Women's quotas will spur change in India, where men predominate in society. Progress will only happen if society changes its perception of women, but it can only begin to alter. Women's political empowerment is considered a powerful and essential tool to combat gender inequality and injustice.

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>