



## **THE SOCIAL SCIENCE PERSPECTIVE**

NEWSLETTER FROM THE CENTRE FOR RESEARCH  
IN SOCIAL SCIENCES AND EDUCATION

VOLUME 3, ISSUE 4, October 2023

# INDIA MATTERS

## Nari Shakti Vandan Adhinayam: Celebration or Caution



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In India, the recent passing of The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023, which ensures a 33 per cent quota for women in the National Parliament (Lok Sabha) and State Legislative Assemblies, must not be celebrated without a hard look through a long-term critical lens. The country currently has 15.24 percent of its Members of Lok Sabha as women and with that stands at a ranking of 142, according to the Inter Parliamentary Union's data (as of August 2023). Out of the 187 countries in this list only Yemen stands right at the bottom with no women in parliament while Rwanda and Cuba rank first and second with 61.3 and 55.7 per cent. The UN High Commissioner for Human Rights, Volker Turk welcomed the passage of this Bill, and urged parliaments around the world to follow India's example of adopting legislative gender quotas to centre women's voices in politics. He urged for the implementation to be done alongside the existing reservation for Scheduled Tribes and Scheduled Castes. The passing of this legislation undoubtedly is an important step towards implementation of the UNSDGs and India's obligations under the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Special Session of the Lok Sabha, convened amidst speculation of its agenda, witnessed a two hour long manual voting on paper slips for this Bill, wherein only two votes were

cast against it. The overwhelming majority of 454 members of the Lok Sabha voting in its favour can simply be interpreted as any political person's view in support of women's right to representation in political decision-making. The issue is not one on which any political party or figure would like to be caught on the wrong foot. Yet it took nearly three decades of our country's political representatives to rise above ideology and political affiliation to recognise that 50 per cent of the planet's population cannot be left wanting for their legitimate political right to participation – quotas are merely a tool to fast-track that process. The opposition, while voting for the Bill, rightly pointed out that the Bill had been presented too late in the day. Thus any further delay in its intent of enabling more women to become decision-makers in the higher echelons of power will only dilute its purpose.

What cannot be taken away is the fact that barring two dissenting votes, the floor of the house came together to vote in favour. In 1996 when, following the 1992 73rd and 74th Amendment Bill which had given women's reservation at the local government level, the idea of a similar quota at the state and national level had been proposed, there were few takers. Besides, on the grounds that a blanket reservation for women would disproportionately favour upper-caste women, the Rashtriya Janata Dal (RJD) and Samajwadi Party (SP) had

both demanded a sub-quota for women from Other Backward Classes (OBC), which did not find many takers even when the Bill was passed in the Rajya Sabha in 2010. The 1996 Women's Reservation Bill Report advocated reservation for OBC women, (also in Rajya Sabha and Legislative Councils), but this Bill has ignored that. Two very different (even opposed) sets of concerns - feminist and upper caste - have tied in at this particular conjuncture to produce the sudden general acceptability of women's reservations. Further, the debates around the Bill reveal a more fundamental set of questions about the issues of citizenship, representation, and the subject of feminist politics (Menon, 2000).

Despite reservation at the local government level, given to Indian women, since the watershed passing of the 73rd and 74th Amendment Acts, 1992, women at the grassroots still face social stigma for using the quota as an entry point into politics. There is social reluctance in accepting women stepping out of the private domain of nurturing and housekeeping into the rough world of politics. While figures tell us that countries like France, UK, Germany, China and Japan stand behind India, which boasts of women occupying 44 per cent seats in local bodies, let us not forget that we have been able to get to this figure after three decades. Hence in the delay in implementation of the Nari Shakti Vandan Adhinayam (Statute Revering Women), as this Bill is being also referred to as, because of it being linked to a delimitation exercise that is frozen till 2026, becomes a big hurdle. The decision to implement reservation after delimitation means to ensure that a quasi-judicial body like the Delimitation Commission, can decide, after public consultation, which seats to reserve. Such provisions will clearly not be ready before the

2024 general elections and there is speculation that it may even not be ready before 2029. So valid questions are being raised about this Bill and the uncertain state it has put the struggle for women's reservation in India into. While the Law Minister claimed that it was against the provisions of the Constitution, to provide reservation immediately, noting that someone may challenge it in a court of law, it stays embroiled in the demand for reservation for OBC women too along with SC and STs. What cannot be denied is that women's reservation, without taking into account caste diversity, may not address social inclusion holistically because also the mere presence of women in politics does not translate into their equality and freedom.

With the passage of this Bill in the Rajya Sabha, it has now become a Law. It requires ratification by at least 50 per cent of the states. However, the sunset clause that states that seats designated for women will be eliminated 15 years from the amendment act's start date is problematic. Besides, while the Legislature may create laws, but its real implementation lies in societal acceptance. What we really need first is an end to misogyny, for every household and family to treat their female members as equals else as Mary E. John, rightly says, "We must be vigilant against this mood of self-congratulation."

## References

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