

## WOMEN RESERVATION BILL: A FARFETCHED REALITY?

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### **ABSTRACT**

Women who were considered as weaker sections of society earlier are now progressing in almost all spheres of life. India is also making efforts for the economic and social development of women. When India got independence, then the situation of women was better, but now the situation is different. Women always suffered discrimination in almost every place. They even suffered discrimination in silence as well. Women always sacrifice for men and feel in denial every time. Women always suffered inequalities. Various provisions were made for the enlistment of the status of women. Provisions were made for the overall development of the woman. The preamble plays an important role in this regard. Now, there is a need to make special provisions for women in jobs, educational institutions, elections etc. Women were facing difficulties in political areas because a man dominated women. The Bill says that there should not be any discrimination between men and women. So, keeping in mind all these, a need for a women's reservation bill was felt for the enlistment of their status.

### **INTRODUCTION**

Out of the world's population, half of the population constitutes women. In India, women work approx two-thirds of the hours and also receive only one-tenth of the total income. Women also have no right to hold property. Women always suffered discrimination in almost every place. They always sacrifice for men and feel in denial every time. They always suffered inequalities. Various provisions were made for the enlistment of the status of women. Provisions were made for the overall development of the woman. The preamble plays an important role in this regard. It is the heart and soul of the Constitution. It says that there should not be any discrimination between men and women. Constitution makers make efforts not to discriminate between men and women based on sex. To prohibit discrimination, various provisions were made in this regard in the Constitution. Provisions were made for the benefit of the woman. A preamble was mentioned in the Constitution of India which describes equality of status and opportunity for all the citizens of India. This provides for

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equal treatment of men and women in employment. Article 15(3) of the Constitution of India authorizes the state to make special provisions for women in this regard. The Constitution of India provides all Rights for women which were provided for men. Women were considered as households because they were considered an expert at taking care of children and families. But some women were allowed to move outside for work, jobs, and education to make progress in their life. Women make progress in almost every field but do not achieve much progress in the political sphere. So women lost their development in the political field. Mahatma Gandhi also emphasized the development of women. He gave the names of the women to work with men. Now, the development of women has been seen in the political field in countries like Finland, Norway, Sweden, and Germany. In India, in parliament and state legislative assemblies, even women who have expertise also face being sidelined.

‘Truth is Bitter’ that women were not sidelined only in political aspects but in almost every activity of life. So, it is necessary to adopt measures for women to uplift their status. Today, only 10.5% of women were there in parliament. The reason for such a low percentage is not a lack of efficient women, but women were kept out of view intentionally even after knowing that they were capable enough for the post. To solve all these issues, a need for a women's reservation bill was felt.

The 85th Bill was presented in Lok Sabha with some provisions for women.

- 1/3 seats will be reserved for women.
- Such reservations will apply to the seats reserved for SC and ST

Before this bill was presented, amendments 73rd and the 74th constitutional amendment reserved seats for women in Panchayats and municipalities. This bill was not passed because of the absence of agreement between the people. This bill was disregarded because it considers financially independent women only because the parliament also ignores SC, ST, and OBC ladies. In India through **the 108<sup>th</sup> Constitutional Amendment under the Constitution of India, 33% of seats were reserved for women in panchayats and local bodies** Which ultimately help them in taking jobs and also upgrade their status. The DCA (Ministry of Department of Company affairs) opined that all open businesses should appoint women. Women were considered as perfect for business because she was expert in managing households. So, she was considered perfect for managing things. Because of this view of the DCA women were able to get employment in the company which help them in becoming self-dependent and also helps them in

upgrading their status. 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendment: 1/3<sup>rd</sup> seats should be reserved for women in panchayats and local bodies elections, under article **243d of the Constitution of India provides reservations to women in Panchayats and 243t of the Constitution of India**. Provides reservation to women in local bodies elections. This is a big achievement for society. Later other countries also passed this bill. This made a huge improvement in society. This bill seems to be a boosting reservation bill.

#### **The purpose for passing this bill:**

- Inspection of women's reservation bill
- Assessment of the need for women in the house of people and legislative assembly
- Efforts of political parties on the bill

#### **ORIGIN OF WOMEN'S RESERVATION BILL**

Bill which provides 33% reservation for women in the house of the people and state legislative assemblies propounded by the United Front Government in 1996. But it was not taken into because of the absence of agreement. After that PM AtalBihariVajpayee make efforts towards this, and he also failed. In 2008 PM Manmohan Singh through the 108th constitutional amendment passed in the council of states on 9th march 2010. Different Governments emphasized this bill but failed to achieve the objective. In 1996 PM HD Deva Gowda presented the **81<sup>st</sup> constitutional amendment bill, an amendment of article 16 in which 4a and 4 b was added** which was not accepted. In 1998 PM A.B. Vajpayee presented the 84<sup>th</sup> constitutional amendment bill was passed in response to the constitution's 91<sup>st</sup> Constitutional Amendment Bill which was passed to adjust seats in a house of people which was also not accepted. In 1999 also same A.B. Vajpayee presented a bill which was not accepted. Then in 2008 PM, Manmohan Singh presented the 108th constitutional amendment bill under the Constitution of India which provides 33.3% reservation to women in the house of people was accepted by the Council of states but is pending in the house of people.

#### **Reservation for women in Panchayat Raj institutions:**

73<sup>rd</sup> constitutional amendment and 74<sup>th</sup> constitutional amendment under the constitution of India provide 33% reservation for women in panchayats, Zila Parishad elections under **article 243 d of the Constitution of India and 243 t. of the Constitution of India** Other Countries also provides reservation for women in local body elections. It helps women in increasing

their efficiency and confidence. Providing reservations to women helps them in getting employment which ultimately makes them self-independent. Now women were considered fit for good administration.

### **Women's representations in the world:**

Globally, the percentage of women increased in parliament by 0.6 per cent to 26.1% according to Inter-Parliamentary Union Women report 2021. In the 2021 parliamentary elections, women took 28.6% of the seats. Five countries have a larger number of women in parliament (UAE, Nicaragua, Rwanda, Cuba and Mexico). But countries like Peru, and Algeria do not achieve progress in this regard as compared to the previous one. There were low representations of women in Japan. Two countries went backwards in comparison to the previous result. The President of the inter-parliamentary union report Bureau of women parliamentarians, Lesa Vasylenko said "Every woman who is elected brings parliaments one step closer to becoming more inclusive and representative. But progress is still far too slow with half the world's population under-represented. There is an urgent need to remedy this to strengthen democracy everywhere".

In 2021, all over the world, 73 speakers were appointed. From these women were only 18. On Jan 2022, women increased to 22. Reports said that nowadays there were women speakers in almost all countries. Earlier, Europe has the maximum number of women representation in the world but now America succeeded in this and now America has the highest number of women speakers in the world. In the Middle East and North Africa, there was only one woman speaker. In history, in two countries: Xiomara Castro Zelaya in Honduras in Tanzania women were elected as President and in Samoa, Naomi Mata elected as the first Prime Minister

Reservation plays a very important role in appointing a woman. 31.9% of women were elected in countries where provisions for reservation were existing as compared to countries where no such provision the reservation is there. Only 19.5% of women were appointed in those countries. In the Council of states, 29.1% of women were appointed in countries where a provision for reservation exists and 23.9% of women were appointed in countries where no such provision exists.

The Highest number of female representatives in America with 39.1% as MPs. The second highest number of female representatives exists in Europe with 30.4%. The third highest

number of female representatives in Sub-Saharan Africa with 29.2%. The fourth highest number of female representation in Asia with 21.1%. The Middle East and North Africa lose the percentage of women to 18.6% from 22.4% which has the low representation of women in the world. In the Pacific, there were no, Improvements seen regarding the representation of women in three countries. In the region, the overall representation of a woman is 20.9% which makes progress in Australia and New Zealand recently.

#### **Assumptions of women reservation Bill:**

1. Provides 1/3 reservation to all women in the House of people and state administration.
2. Reservation provided to SC and ST will be reserved for the woman
3. If there is only one seat in the House of people then that seat will be reserved for a woman.
4. If the two seats were reserved for Anglo Indians then that one seat shall be reserved for the woman
5. The reservation provided will remain in effect for 15 years from the date of the commencement of this Act

#### **Merits of the Bill**

1. Reservation helps to increase the status of the woman
2. It helps to motivate the woman
3. It helps to strengthen the woman
4. It helps in raising the living standard of the woman
5. It strengthens the political status of the woman.

#### **Demerits of the Bill:**

1. Ignores the ladies of the Council of states
2. This bill is inadequate because it provides reservations to only House of people ladies
3. This bill does not provide the benefit of reappointment

#### **Alternatives of women's reservation bill:**

1. Amendment in people groups Act 1951 to name the ladies for reservation so that parties can select the ladies and appoint them according to the requirement.
2. To increase the number of ladies so that ladies should not be appointed only to the areas where there were fewer chances of winning.

Through this amendment or alternatives, we can make this bill more effective and efficient.

## **LOOPHOLES**

There are various loopholes in this bill. This bill is made for providing the 1/3rd reservation to the woman in the House of people. But it does not provide reservations to women in the Council of States. When the Woman get selected in elections, male-dominated over women and seats were given to powerless ladies, so it does not increase the status of all women, does not motivate them, does not strengthen the woman, does not increase the living standard of the woman, does not strengthen their political status of all the woman's and also does not provide the benefit of appointment.

## **CONCLUSION**

This bill provides 33.3% reservations to women in the House of the People. There was an urgent need to pass this bill because the percentage of women was equal to that of men. Even after an equal percentage of women suffer denial. They always face discrimination. That's why the need of passing this bill arises. The ultimate goal of proving this reservation is to enhance the status of women and provide them equal opportunities as men. Women's reservation bill uplift the status of the woman but not as much as desired because in some places men dominate over a woman when the woman wins the election and women were appointed in those areas where they were powerless so it will ultimately decrease their living standard and status of the woman and political status of the woman. This bill seems to be a huge effort towards uplifting the status of women. Women are achieving progress through this bill.

### References

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- Bakshi, P.M, ‘The Constitution of India’, Universal Law Publishing, 14<sup>th</sup> Edition, New Delhi, 2017
- Basu DD: “Introduction to the Constitution of India” Lexis Nexis Publications, 22<sup>nd</sup> Edition, Gurgaon, 2015
- Kalpana Rajaram: “Indian Polity” Spectrum’s Publications New Delhi,2014
- Laxmikanth, M “ Indian Polity”, MC Graw Hill Education Publications, 6<sup>th</sup> Edition, New Delhi 2020
- The Constitution(71 amendments)Act 1992, National Portal of India, supra note16
- Women leaders stall quota bill- India News
- Pandey J.N: “Constitutional Law of India” Central law Agency publications,47<sup>th</sup> edition, Allahabad, 2010
- <https://ccets.cgg.gov.in/tsjournals/template1/downloads/PAPER6.pdf>
- [https://www.csds.in/uploads/custom\\_files/1529066448\\_Women%E2%80%99s%20Participation%20in%20Electoral%20Politics%20in%20India.pdf](https://www.csds.in/uploads/custom_files/1529066448_Women%E2%80%99s%20Participation%20in%20Electoral%20Politics%20in%20India.pdf)
- <https://www.ipu.org/news/press-releases/2022-03/new-ipu-report-more-women-in-parliament-and-more-countries-with-gender-parity>