

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 6

2023

© 2023 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

Nari Shakti Vandan Adhiniyam: A Political Empowerment of Women

DR. A. LAVANYA¹

ABSTRACT

This paper provides the detailed study on the implementation of 'Nari Sakthi Vandan Adhiniyam' the Women's Reservation (106th Constitutional Amendment Act, 2023). This paper analyze the background of women's reservation in India and in detail elaborate the present constitutional amendment done in favor of women reservation. This paper also studies in detail both its advantages and disadvantages of such an amendment on women's reservation. This paper studies the Laxity in the amendment for the OBCs and its implementation is dated to the 2029 general election. This paper provides the effective analysis of 'Nari Sakthi Vandan Adhiniyam' so that it can be well educate the required audience about this subject and how it empowers women in politics.

“It (Nari Sakthi Vandan Adhiniyam) will change the mood of Matrushakti (Women Power) and the confidence that it will create will emerge as an unimaginable force for taking the country to new heights”

- **Hon'ble PM Narendra Modi**

I. INTRODUCTION

Women have always been an important part of political activities in India from ancient times. The 27 Brahmadini of vedic age are women who wrote Rig-veda, the oldest of all the four vedas. During the Rig Vedic period, women were treated equally to their male counterparts in terms of Status and position. After years the women got a legal empowerment by the 'Nari Shakthi Vandan Adhiniyam' which was passed by parliament on 21st September 2023 and president passed it on 28th September 2023. This bill provides a total of 33 percent reservation to women in Parliament and State Assemblies. In this paper I will be discussing the importance of this enactment and some of its flaws and other possible ways of women empowerment in politics. The women already have reservations in Panchayats and local bodies. But this was a long standing demand of the women community to have this kind of reservation enacted. This women reservation ensures the large number of women participation in politics compared to

¹ Author is Guest Faculty at Government Law College, Viluppuram, India

the present situation. The present development model is inclusive and the participation of women in politics can only lead to the true sense of inclusiveness in politics and development. Women-led development will ensure good politics and hate free politics. This paper provides the important features of the 106th Constitutional Amendment Act, 2023 in detail with an overview of this legislation both its good and bad. This Act ensures the effectiveness of the subject matter. The Nari Sakthi Vandan Adhiniyam is an effective tool to address women empowerment in politics.

II. BACKGROUND OF THE STUDY

The Women Reservation Bill has been a long standing demand of the women community to represent themselves in the political circles. The Constitutional Assembly had 15 women members out of 389 total members which amounts to 3.85% of the total members. Women has been part of the debates of Constitution making. However, their voices were short and limited. The women has always participated in the politics of India and they always gave their best for the development of the nation. One of the founder's of Women's India Association Ammu Swaminathan who founded this association along with Annie Besant, Margaret Cousins, Malathi Patwardhan, Dadabhoi and Ambujammal was part of the constitutional assembly debate in 1946 representing Madras Constituency. There were fourteen women members of constituent assembly who participated in constitutional assembly debate and they ensured women gets their equal rights among social, political and economic aspects but failed to ensure political rights of women.

In 1949 November, the member of Constitutional Assembly Mr. B. Pattabhi Sitaramayya mentioned in the assembly that women had let go of reservations by “a gentleman’s agreement”, trusting that the system would automatically ensure representation. And the person here referred to as a gentleman is H. V. Kamath who said Were women not led more by heart, and was not politics a matter more of the mind? To the apprehension made by Renuka Ray. This story was highlighted by Sushma Swaraj the stalwart woman leader of the Bharatiya Janata Party in 1996 we're she highlighted that at that time the women representation in Lok Sabha was 6.5% of 543 members.

This was the background of the women reservation bill in India. However there some other efforts made by women representatives which requires an important acknowledgment while studying this subject matter in depth.

81ST CONSTITUTIONAL AMENDMENT BILL, 1996

This amendment sought a 33% reservation to the women community and was firstly presented

in Lok Sabha on September 12th 1996. During this discussion there were members raising objections based on 'enough capabilities of women' and 'not including seats for women in backward class'. This resulted in the formation of a Joint Committee by both the Lok Sabha Speaker and Rajya Sabha Chairman in consultation. They nominated a total of 31 members, 10 from Rajya Sabha and 21 from Lok Sabha. To chair this Joint Committee of the Parliament Smt. Geeta Mukherjee was nominated as the chairman. She was a four time MLA from Panskura Purba, West Bengal and as a Member of Parliament she was elected seven times from her constituency. She was also the president of National Federation of Indian Women.

The Joint Committee on 81st Constitutional Amendment Bill, 1996 had its first meeting on 23rd October 1996 and decided to invite the National Commission for Women and also called for comments from the public on the provisions of the bill in discussion in front of the committee. The committee recommend certain other important amendments to be done in the bill like inclusion of Rajya Sabha and Legislative Councils in States for women reservation and reservation of women of the Backward class to be included. Along with all such suggestions the committee also mentioned that this constitutional amendment bill must be passed by the parliament at the earliest. Geetha Mukherjee was the strong advocate of women reservation and she was also backed by Sushma Swaraj. Both of them belong to different political spectrum and to further say they are directly opposite to each other in political ideology. However, the cause of bringing women reservation in the political sphere made them work together. During the death of Smt. Geeta Mukherjee then Prime Minister Atal Bihari Vajpayee sent the condolences message to Smt. Geeta Mukherjee stating "Mrs. Mukherjee embodied determination and dedication. She was a shining example of women's empowerment. Her life shall remain an inspiration for future generations, especially women."²

COMMITTEE ON STATUS OF WOMEN IN INDIA (CSWI) 1971

The Ministry of Education and Social Welfare of the Government of India appointed the Committee on the Status of Women in India (CSWI) for the study of the status of women in India. This committee was formed as per the request of the United Nation. This was carried out by the Ministry of Education and Social Welfare for the United Nation in the celebration of International Women's' Year in 1975.

The Committee on Status of Women in India (CSWI) was given two important tasks,

² "Geeta Mukherjee passes away". The Hindu. 5 March 2000. Archived from the original on 8 March 2014. Retrieved 8 March 2014

1. To examine the constitutional, legal and administrative provisions that have a bearing on the social status of women, their education and employment.
2. To assess the impact of these provisions.

The CSWI concluded that there was an increase in the marginalization of women in the economy and society. The CSWI report Towards Equality found demographic trends of declining sex ratio, disparities in the life expectancy and death rates between men and women; and the difficulties involved in women's access to literacy, education and livelihood. It was of the view that the Indian State had failed in its constitutional responsibility of gender equality.

POWER AND DECISION MAKING - HIGH LEVEL COMMITTEE OF STATUS OF WOMEN, 2015

There was another committee formed in 2013 which also referred to political empowerment of women.

There was an important formation of High Level Committee of Status of Women formed in 2015 which in its executive summary quoted under the title of 'WOMEN IN POWER AND DECISION-MAKING' that "Gender parity in governance and political participation is a prerequisite to the realization of gender equality. A 33 percent reservation for women is ensured through Constitutional amendments. In some States it is 50 percent. However, there is nothing like 'natural transition' from the Panchayats to the State Assemblies and the Parliament, where the representation of women continues to be dismal."

106th CONSTITUTIONAL AMENDMENT (NARI SAKTHI VANDAN ADHINIYAM)

This Amendment has certain key features that are essential to be understood to understand this bill effectively. Such important key features of the Amendment are as follows,

1. Reservation for Women in Lower House: The amendment has provided for insertion of Article 330A to the constitution, which borrows from the provisions of Article 330, which provides for reservation of seats to SCs/STs in the Lok Sabha. The amendment provided that reserved seats for women may be allotted by rotation to different constituencies in states or Union Territories. In the seats reserved for SCs/STs, the amendment sought to provide one-third of the seats to be reserved for women on rotational basis.
2. Reservation for Women in State Legislative Assemblies: The amendment introduces Article 332A, which mandates the reservation of seats for women in every state Legislative Assembly. Additionally, one-third of the seats reserved for SCs and STs

must be allocated for women, and one-third of the total seats filled through direct elections to the Legislative Assemblies shall also be reserved for women.

3. Reservation for Women in NCT of Delhi (New clause in 239AA): Article 239AA to the constitution grants special status to the Union Territory of Delhi as national capital with regards to its administrative and legislative functioning. Article 239AA(2)(b) was amended by the bill accordingly to add that the laws framed by parliament shall apply to the National Capital territory of Delhi
4. Commencement of Reservation (New article - 334A): The reservation will be effective after the census conducted after the commencement of this Bill has been published. Based on the census, delimitation will be undertaken to reserve seats for women. The reservation will be provided for a period of 15 years. However, it shall continue till such date as determined by a law made by Parliament.
5. Rotation of Seats: Seats reserved for women will be rotated after each delimitation, as determined by a law made by Parliament.

III. ADVANTAGES OF NARI SAKTHI VANDAN ADHINIYAM

The importance of 'Nari Sakthi Vandan Adhiniyam' can be understandable by knowing that this will make women to be represented in Lok Sabha and State legislatures for 33% and this will result in women empowerment.

Following are the main advantages of having 'Nari Sakthi Vandan Adhiniyam',

1. Gender Equality - the Nari Sakthi Vandan Adhiniyam will bring an effective process of inclusion of women in India politics. This will result is a clear improvement in Gender Equality. Thie women's reservation of 33% in the important political sphere will make them stronger and empower them both in raising their voices and empowering themselves to be placed equal to the male political leaders. India has already seen women personalities in greater role like Indira Gandhi as Prime Minister, Selvi J. Jayalalita the Chief Minister of Tamil Nadu and various other women Political personalities. Gender equality is necessary for every developing democracy as it will result in the development of the subject matter.

To ensure gender equality it is essential to increase the Women representation in politics. It is a vital step towards gender equality. This step will ensure the women role in the decision making process is effective and not just a particiative one. However, according to Global Gender Gap Report 2022, India ranks 48th out of 146 in Political Empowerment. Notwithstanding its rank, its score is quite low at 0.267. Some of the best-ranking countries in this category score much

better. For instance, Iceland is ranked 1 with a score of 0.874 and Bangladesh is ranked 9 with a score of 0.546.

2. Different View in solving problem is possible - this amendment will bring a diverse opinion to the table in all matters where it is necessary to have diversified views to ensure the decision to be effective. Women in politics can bring a lot of changes in the conduct of politicians and their behavior. Women in decision making can solve various emotional issues in an effective manner compared to the male politicians. The difference in perspective for one problem can solve the issue in an effective manner.

3. Inspire others - the women in politics can empower and inspire the normal women to have a choice of politics as a social service. Role model women politicians like Mamta Banerjee, Mayawati have made various women to join in Politics. This had to be reached to the larger audience then the strength of women Members of Parliament and Members of Legislative Assembly had to increase. More women in political leadership can serve as role models, inspiring other women to participate in politics and pursue leadership roles.

4. Enhancement of Democracy - USA is considered to be the oldest democracy in the world but there were no women voted as president for the last 200 years of their democracy. This shows us the women empowerment can only be possible by the political representation of such women in their political career. Democracy will be enhanced by women empowerment. The society must empower women not for the womanhood but for the progress of the society itself.

5. Social empowerment of women - The empowerment of women in the political spectrum will empower the women socially and economically. The societal empowerment of women will help in empowering the women community in leading their political spaces. The political spaces of women empowerment has resulted in the empowerment of social and economic sustainability. The Nari Sakthi Vandan Adhiniyam will empower women in the social upliftment and economic upliftment. The social upliftment of the women community is essential in the 21st Century.

DISADVANTAGES OF NARI SAKTHI VANDAN ADHINIYAM

There are various disadvantages to the women reservation particularly. However in this Nari Sakthi Vandan Adhiniyam there are two important flaws and though they are legal challenges that need to be addressed separately like,

1. OBC Quota reservation for women - The Nari Sakthi Vandan Adhiniyam has neglected to provide quota for women in quota of OBC has a result it only always quota within quota of

women's reservation in scheduled tribes and scheduled castes not in Other Backward Communities.

The OBCs who constitute 41% of the population (National Sample Survey Organisation Survey 2006) are inadequately represented in the Lok Sabha, State Legislatures and Local governments. They have been demanding a separate quota for themselves in the Lok Sabha and state assemblies, similar to the reservation for SCs and STs. However, the government has not implemented such a quota, citing legal and constitutional hurdles. Several State Governments like Uttar Pradesh and Maharashtra have provided them representation in Local Body elections. Thus, the act has failed to provide women reservation implemented on the OBC quota within quota. This must be looked at as a critique for this amendment.

2. Not to be implemented in the 2024 General election - This Amendment though passed by the Parliament and assented by the President of India is to be implemented in 2029 only. This is due to the requirement of the National Census to implement this kind of reservation or else it will affect the present seat structure. While giving reason to the late implementation during the debate the Home Minister Amit Shah raised a question that if while analyzing seat to be reserved for women candidates if Wayanad falls in such reservation the Indian National Congress will question only the Government as it is the seat Rahul Gandhi is contesting.

There are other disadvantages in the women's reservation in politics which are listed below,

1. Challenges Meritocracy - the women's reservation in general challenges the meritocracy structure. Opponents argue that reservation based on gender may compromise the principle of meritocracy, suggesting that candidates should be chosen based on competence rather than gender. There is an essential requirement to break this aspect of meritocracy arguments by ensuring a large number of women participating in electoral structure.
2. Concerns of Capacity - the opponents will always question their concerns of the role and capacity of women in electoral structure. The woman's capacity is unchallengeable as she can do all work as with the same effectively as a man can do.
3. Reduce the opportunity to other marginalized groups - reservation to women will result in reduction of seats for the electorate to the other communities who are already marginalized ones. The women's reservation can however help the women in empowering themselves in political, social and economical aspects but this will result in degradation of the other marginalized communities who were earlier represented in the political spectrum.

4. Genuinely women empowerment is questionable - the women empowerment through reservation will question the genuinity of the women empowerment. The women empowerment must not be a speaking tone but an action Oriented structural development. Women empowerment will result in empowerment of the society. There must be an effective women empowerment in place compared to the women empowerment done in a hasty manner.

IV. CONCLUSION

Politics is always considered to be an effective tool for social change. It is important for us to have changes in the social structure by improving ourselves. This improvement is also to be made to the empowerment of women. The political community of India has seen great women stalwarts like Indira Gandhi, J. Jayalalithaa and other women leaders who controlled the political power and made a transformation to the society. Thus, women empowerment is essential for the empowerment of the society as a whole. The 'Nari Sakthi Vandan Adhiniyam' provides such women empowerment with some laxity in place but a good start to begin with.

V. REFERENCE

1. "The Constitution (One Hundred and Sixth Amendment) Act, 2023" (PDF). The Gazette of India. 28 September 2023. Retrieved 10 October 2023.
2. "Constitution (128th Amendment) Bill 2023" (PDF).
3. "Women's reservation Bill – imperfect but important".
4. 'God has given me the opportunity', says PM Modi as women quota bill tabled in LS". Hindustan Times. 19 September 2023.
5. "Parliament special session: Govt introduces women's reservation bill in LS". Business Standard. Retrieved 19 September 2023.
6. "India's lower house votes to reserve a third of seats for women". Al Jazeera English. 20 September 2023.
