

Evaluating the *Nari Shakti Vandan Adhiniyam* 2023: A Critical Analysis of Women's Reservation in Indian Politics

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Abstract

This article critically examines the Nari Shakti Vandan Adhiniyam 2023, a landmark legislation reserving 33% of seats in Indian legislative bodies for women. While the Act aims to promote women's empowerment and gender equality, its limitations and vulnerabilities must be acknowledged. The article argues that the Act's focus on numerical representation rather than transformative change may limit its potential to challenge patriarchal structures and promote substantive gender equality. Feminist scholars have raised concerns about tokenism, proxy candidates, and the lack of substantive representation. The article highlights the need for deeper structural changes to address the underlying social, economic, and cultural barriers that prevent women from participating in politics. The implementation of the Act will be crucial in determining its effectiveness in promoting women's empowerment and gender equality.

Keywords: *Women's Reservation, Indian Politics, Gender, Tokenism, Substantive Representation.*

In India, the reservation of seats for women in legislative bodies has been a contentious issue, with proponents arguing that it is a necessary step towards achieving gender parity in politics. The Women's Reservation Bill has a long and complex history that spans over a time of seven decades approximately. It began in the Constituent Assembly, where 15 women were part of the 389-member body. Some of these women, like Renuka Ray, opposed the idea of reservation, fearing it would exclude women from general seats. Fast-forward to 1996, when

Sushma Swaraj highlighted the dismal representation of women in Parliament, with only 6.5% of 543 members being women²⁷. This led to the introduction of the 81st Constitutional Amendment Bill, which sought to reserve 33% of seats for women. However, the bill faced opposition and lapsed, only to be reintroduced and lapsed again for four more times between 1998 and 2003. In 2008, the UPA government introduced¹ the bill in the Rajya Sabha first²⁸. A standing committee would submit yet another report. In 2014, the bill lapsed again with the dissolution of the Lok Sabha²⁹. And now in 2023 'The Nari Shakti Vandan Adhiniyam 2023' is here, finally, after a long journey of proposing, scuppering, languishing and championing. This legislation reserves 33% of seats in the Lok Sabha, state legislative assemblies, and the Delhi assembly for women, aiming to increase women's representation in politics and challenge traditional gender roles.

The enactment of this law is a crucial step towards addressing the persistent gender disparities in India's political landscape, where women's representation has historically been limited. The debate on women's reservation in India has been ongoing for several decades, with proponents arguing that it is a necessary step towards achieving gender parity in politics³⁰. However, critics have raised concerns about the potential limitations of reservation policies, including the risk of tokenism and the lack of substantive representation. Feminist scholars have also critically examined the concept of women's reservation, highlighting the need for a more nuanced understanding of the complex relationships between gender, identity of self, power, and representation. They argue that reservation policies must be accompanied by broader structural changes to address the

²⁷"Rajya Sabha Passes Women's Reservation Bill," *The Indian Express*, March 10, 2010.

²⁸ India, Parliament, Rajya Sabha, Debates, 9 March 2010 (New Delhi: Government of India, 2010), 115-116.

²⁹India, Parliament, Lok Sabha, Bulletin, 18 February 2014 (New Delhi: Government of India, 2014), 1

³⁰ Rai, S. M. (2013). Women's reservation and the politics of presence. *International Feminist Journal of Politics*, 15(1)

underlying social, economic, and cultural barriers that prevent women from participating in politics³¹.

Now the question is how does the Nari Shakti Vandan Adhiniyam 2023 address feminist concerns and critiques regarding women's reservation in India? The "Nari Shakti Vandan Adhiniyam", 2023 Bill had received near-unanimous support in both the Lok Sabha and the Rajya Sabha. The legislation mandates the reservation of one-third of all seats in the Lok Sabha, state legislative assemblies, and Delhi (as a union territory with an elected assembly) for women. It further points out, "given that the previous delimitation commission took around five years to submit its report, most experts calculate that it is unlikely that the women's quota will be implemented even in the 2029 Lok Sabha elections." -This linking of the implementation of the bill to the implementing of two long-term exercises of census and delimitation, makes little sense to many, and sounds quite like empowerment delayed for now. Similarly, the vocabulary used, clearly states that the intent is to bring "Nari Shakti" to the fore, the plan of action to do so remains quite ambiguous. One of the goals for the implementation of this act is to actualize a "Viksit Bharat" by 2047. The Women's Reservation Act 2023, "Nari Shakti Vandan Adhiniyam" has been hailed as a landmark legislation aimed at promoting women's empowerment and gender equality in India. However, a closer examination of the Act reveals that it may be more of a symbolic gesture than a substantive change. As argued by Kumar³², "the Act's focus on numerical representation rather than transformative change may limit its potential to challenge patriarchal structures and promote substantive gender equality."

This reservation method is problematic in Kishwar's opinion. If women were permanently allotted 33% of the seats, men would assume that they would be limited to that number. These seats are also revolving. As a result, women are

³¹Gupta, D. (2013). Women's reservation and the politics of presence. *Economic and Political Weekly*, 48(33)

³²Kumar, R. (2011). Women's reservation and the politics of empowerment. *Journal of Women's Studies*, 1(1)

less motivated to support those groups.

Likewise, they only run against women because a seat is designated for them. Building solidarity among elected female officials is made much more challenging by this, which perpetuates the idea that "women are women's greatest enemies."³³ Kishwar uses the Sangathana, a collection of farmers from different castes, as a case study in the article.³⁴ They made the decision to establish Panchayats for all women in Maharashtra. They succeeded in establishing Panchayats for all women, but they were unable to maintain their election victories. They offered ideas for improving the reservation system. They proposed combining three panchayats into one and creating constituency with several seats. Three seats would be available in this clubbed constituency, with one member designated for women.

Regardless of gender, the person with the most votes would hold the other two seats. The woman with the most votes would retain the reserved seat. Instead of rotating the constituencies where women have reservations, there would be a woman in each one. Additionally, women will be motivated to support that group. Additionally, men wouldn't feel pressured to leave their community. Additionally, women would be able to run against men. The refocusing on the self is not a solution of the problems of representation. How else might those problems be approached, especially in context where they obviously pertain to gender and ethnicity? Gayatri Chakravorty Spivak's essay "Can the Subaltern Speak?"³⁵ offers an example of a useful intervention. As its title makes clear it is concerned with the question of representing underprivileged people of the "third world" it also represents the women as subaltern. Spivak highlights the question of representation as one of class that is socio-economic status and the powerlessness of the subaltern. Her essay asks: is there any representation that

³³Kishwar, M.(2013).Women's reservation: A critique. Economic and Political Weekly, 48(33)

³⁴Kishwar, M.(2013).Women's reservation: A critique. Economic and Political Weekly, 48(33)

³⁵ Gayatri Chakravorty Spivak, "Can the Subaltern Speak?" in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Urbana: University of Illinois Press, 1988)

does not ultimately entail class privilege and inequality?³⁶

Feminist theories and frameworks offer valuable insights into the concept of women's reservation. Liberal feminists argue that women's reservation is essential for increasing women's representation in politics and challenging patriarchal structures³⁷. Radical feminists, on the other hand, argue that women's reservation is a reformist measure that fails to address the deeper structural issues that prevent women from participating in politics³⁸. Intersectional feminists argue that women's reservation must take into account the multiple forms of oppression that women face, including caste, class, and religion³⁹. Postcolonial feminists argue that women's reservation must be understood in the context of colonialism and imperialism, which have created specific forms of patriarchal structures in India⁴⁰.

Although it is a positive step, it is unclear if the amendment to Articles 330a and 332 of the Constitution, which reserves one-third of seats for women from scheduled castes and tribes, fully recognizes the intricate interactions between hierarchies and socio political relationships that also influence the scope and type of issues surrounding the successful realization of women's politics. For Indian politics to emerge as a truly emancipatory space, along these lines, Rajeshwari Deshpande in her 2004 Special Article, 'How Gendered Was Women's Participation in Election 2004?'¹⁶ contends that empirical studies as well as feminist theorizations have time and again "underlined the mixing of caste, class and other structural dichotomies to give rise to varied

³⁶Ibid.,

³⁷ Bhavnani, R. (2009). Do electoral quotas work after they are withdrawn? Evidence from an atural experiment in India. *American Political Science Review*, 103(1)

³⁸Kishwar, M.(2013). Women's reservation: A critique. *Economic and Political Weekly*, 48 (33)

³⁹ John, M. E. (2013). The politics of women's studies: A view from India. In M.E. John(Ed.), *Women's studies in India: A reader* (pp. 1-18). New Delhi: Penguin Books.

⁴⁰Butalia, U. (2004). Women and the Hindu right. In J. Mc Guire, P. Reeves, & H.Brasted(Eds.),*Politics of violence: From Ayodhya to Behrampada*. New Delhi: Sage Publications.

Operations of gender disparities.”⁴¹

The practice of "*Sarpanchpati*," in which a woman is chosen solely to serve as her husband's proxy, persists under the Panchayati Raj system, which already has reservations in place.

Similarly, researchers Vislavath Rajunayak and Bhukya Sunitha describe the story of a tribal woman *sarpanch* (village head) from the nomadic Erukula (or Yerukula) community who ran for and was elected to the position in their ethnographic study, "Limits of the Modern Political System: The Case of an Erukula Woman Sarpanch in Telangana." Due to the degrading character of the ruling caste, they note that although the tribal woman becomes part of the power structure at the panchayat level, she never gets a chance in the decision-making process." Thus, unless we significantly expand on the meaning of substantive representation, women will continue to face significant challenges in accessing political power and representation at all levels, including the parliament. Women will, therefore, continue to confront major obstacles in obtaining political power and representation at all levels, including the parliament.⁴²

Women's Reservation Bill has generated a lot of discussion by exposing difficult junction of feminist and upper-caste issues. According to the study, the convergence of these two different sets of interests is what caused the Bill to suddenly become acceptable. Furthermore, basic issues regarding representation, citizenship, and the focus of feminist politics are brought up by the discussions around the Bill. By guaranteeing that more women are elected, reforms like the introduction of preferential voting and proportional representation can contribute to the inclusion of more women in politics. The concept of women's reservation has been a topic of intense debate among feminist scholars, with some arguing that it is a necessary step towards achieving gender equality, while others contend that it is a tokenistic measure that fails to address the deeper structural issues that

⁴¹Nivedita Menon, "The Elusive 'Women's Perspective': The Women's Reservation Bill and the Indian Parliament," in *Feminism and Politics*, ed. Rajeswari Sunder Rajan (New Delhi: Oxford University Press, 2012)

⁴²Krishwar M. (2013). Women's reservation: A critique. *Economic and Political Weekly*, 48(33)

prevent women from participating in politics⁴³. Feminist scholars also have long argued that women's reservation is essential for increasing women's representation in politics and challenging patriarchal structures. However, critics argue that women's reservation can lead to tokenism, where women are relegated to symbolic roles without any real power or influence⁴⁴. For instance, Kishwar argues that women's reservation can lead to the creation of "proxy candidates"⁴⁵ who are mere puppets of their male relatives or party leaders. These points have been discussed earlier also in this article. Another critique of women's reservation is that it fails to provide substantive representation for women. Substantive Representation refers to the representation of women's interests and concerns in politics⁴⁶. Critics also argue that women's reservation does not necessarily guarantee that women's interests will be represented, as women may be co-opted into the existing patriarchal structures.⁴⁷

In conclusion, while the Women's Reservation Act 2023 is a significant step towards promoting women's empowerment and gender equality in India, its limitations and vulnerabilities must be acknowledged. To bring about substantive change, the Act must be accompanied by deeper structural changes that address the underlying social, economic, and cultural barriers that prevent women from participating in politics. The Nari Shakti Vandan Adhiniyam 2023 is a step in the right direction, but its implementation will be crucial. The allocation of reserved seats shall be determined by an authority prescribed by Parliament, and the seats may be allotted by rotation to different constituencies in the state or union territory. The feminist debates on women's reservation highlight the complexities and challenges of increasing women's representation in politics. While women's reservation is essential for challenging patriarchal

⁴³Kishwar, M. (2013). Women's reservation: A critique. *Economic and Political Weekly*, 48(33)

⁴⁴Gupta, D. (2013). Women's reservation and the politics of presence. *Economic and Political Weekly*, 48(33)

⁴⁵Kishwar, M. (2013). Women's reservation: A critique. *Economic and Political Weekly*, 48(33)

⁴⁶Phillips, A. (1995). *The politics of presence*. Oxford University Press.

⁴⁷Gupta, D. (2013). Women's reservation and the politics of presence. *Economic and Political Weekly*, 48(33)

structures, it must be accompanied by deeper structural changes that address the multiple forms of oppression that women face.

One of the primary concerns with the Act is its failure to address the underlying social, economic, and cultural barriers that prevent women from participating in politics. As noted by Deshpande, "women's participation in politics is influenced by a range of factors, including education, income, and social status."⁴⁸ The Act's focus on reservation alone may not be sufficient to address these deeper structural issues. Furthermore, the Act's provisions for reservation may be limited by the lack of adequate measures to ensure the effective participation of women in politics. As argued by Rai, "the mere presence of women in politics does not guarantee their effective participation or representation."⁴⁹ The Act's failure to provide for measures such as training, mentorship, and support systems may limit the ability of women to participate effectively in politics. In addition, the Act's provisions for reservation may be vulnerable to challenges from patriarchal forces that seek to maintain the status quo. As noted by Kishwar, "the implementation of the Act will require a significant shift in the power dynamics between men and women in politics."⁵⁰ The Act's failure to provide for adequate measures to address resistance from patriarchal forces may limit its potential to bring about substantive change.

⁴⁸ Deshpande, A. (2013). Women's participation in politics: A study of women's reservation in local self- government in Maharashtra. *Journal of Women's Studies*, 1(1)

⁴⁹ Rai, S. M.(2013).Women's Reservation and the Politics of Presence. *International Feminist*

⁵⁰Kishwar, M.(2013). Women's reservation: A critique. *Economic and Political Weekly*, 48(33),

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