



Women's Reservation Bill 2023

For Prelims: Parliament and State legislative Assemblies, Delhi Special Status, Reservation Provisions and Affirmative policies.

For Mains: Inter-relationship between reservation provisions for Lok Sabha and State Assemblies, Differences of Delhi Legislative Assembly with respect to other State Assemblies

[Source: IE](#)

Why In News?

Recently, the [Lok Sabha \(LS\)](#) and [Rajya Sabha \(RS\)](#), both passed Women's Reservation Bill 2023 (**128th Constitutional Amendment Bill**) or Nari Shakti Vandan Adhiniyam.

- The bill reserves one-third of the seats in Lok Sabha, State legislative assemblies and the Delhi assembly. This will also apply to the seats reserved for [SCs \(Scheduled Castes\)](#) and [STs \(Scheduled Tribes\)](#) in Lok Sabha and State Legislatures.

What is the Background and Need for this Bill?

- **Background:**
 - The discussion upon the reservation of women reservation bill is prevalent since the tenure of Former Prime Minister Shri Atal Bihari Vajpayee in 1996.
 - As the then Government lacked a majority, the Bill could not have been approved.
 - Earlier Attempts at Reserving Seats for Women:
 - **1996:** First Women Reservation Bill was introduced in the Parliament.
 - **1998 - 2003:** Government tabled the Bill on 4 occasions but failed.
 - **2009:** Government tables the bill amid protests.
 - **2010:** The Union Cabinet passes the Bill and RS passes it.
 - **2014:** The Bill was expected to be tabled in LS.
- **Need:**
 - There are 82 women Member of Parliaments in LS (15.2%) and 31 women in RS(13%).
 - While the number has increased significantly since the 1st Lok Sabha (5%) but is **still far lower than in many countries**.
 - According to recent UN Women data, Rwanda (61%), Cuba (53%), Nicaragua (52%) are the top three countries in women representation. **Bangladesh (21%) and Pakistan (20%) as well are ahead of India in case of female representation.**

What are the Key Features of the Bill?

- **Reservation for Women in Lower House:**
 - The Bill provided for inserting **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 Bill 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 Bill sought to provide **one-third of the seats to be reserved for women on rotational basis.**
- **Reservation for Women in State Legislative Assemblies:**
 - The Bill 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.
- **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.
- **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.
- **Rotation of Seats:**
 - Seats reserved for women will be rotated after each delimitation, as determined by a law made by Parliament.

What are the Arguments Against the Bill?

- The Bill merely reads that it shall come into effect “**after an exercise of delimitation** is undertaken for this purpose after the relevant figures for the first Census taken after commencement of the Bill is undertaken. It doesn't specify the cycle of elections from which women will get their due share.
- The current Bill **does not provide** women's reservation in the Rajya Sabha and State Legislative Councils. The Rajya Sabha currently has lower representation of women than the Lok Sabha. Representation is an ideal that must be reflected in both the Lower and Upper Houses.

Note: - The Bill also borrowed from the provisions of Article 334 of the constitution which mandated the parliament to review the provisions of reservation after 70 years of the laws coming into existence. But in the case of the Women's reservation Bill, the Bill provided for the sunset clause of 15 years for the reservation provisions for the women to get reviewed by the parliament.

Legal Insights: [Nari Shakti Vandan Adhiniyam](https://www.drishtijudiciary.com/)

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