

CAN THE NEW QUOTA FOR WOMEN CHANGE REPRESENTATIVE POLITICS IN INDIA ?

Monday 8 January 2024, by [BANERJEE Mouli](#) (Date first published: 26 December 2023).

The process of passing the Women’s Reservation Bill last September underlined how little the substantive process mattered to the Bharatiya Janata Party-led Government. Political parties, civil society, and other stakeholders have to ensure that the new law does not remain an empty promise.

Nearly three decades after the original Women’s Reservation Bill was introduced in 1996, the Parliament passed a constitutional amendment in September, reserving 33% of parliamentary seats for women. Although India continues to have a low representation of women in Parliament (at 14.39%) by global standards, the 17th and the 16th Lok Sabhas (both with a Bharatiya Janata Party, or BJP, majority) have had the highest representation of women members in independent India. The enactment of the new law will increase the number of women in the Parliament.

The Bill passed unopposed and is an important milestone for women’s parity in politics. But will it work ? Does the constitutional enablement of participation allow women to enter parliamentary politics, and will they be able to sustain this participation over time ? How does the shift of the country to right-wing populist politics shape the participation of women in political life ?

The Constitution (One Hundred and Twenty-Eighth Amendment) Bill was introduced on 19 September 2023 as part of a special session in the new Parliament House of India without consulting other political parties, “shrouded in secrecy”, as Dravida Munnetra Kazhagam (DMK) member of parliament (MP) Kanimozhi remarked in her speech of the floor of the House. This is worrying because the lack of consultation undermines the principle of parliamentary scrutiny.

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At a time when India ranks 108 in the Electoral Democracy Index, this undermining of parliamentary scrutiny showed a disregard for democratic processes. Simultaneously expanding women’s membership of Parliament and also weakening the institution seems contradictory. It not only raises the question of how, but also why now ? Why did the government choose this time to introduce a Bill that has in the past seen fierce debate and pass it by using its overwhelming majority in Parliament ?

We suggest that rather than strengthening democratic representation, the BJP government is, through the Act, making a claim to having become *Vikasit Bharat* (Developed India) during its terms in office, feeding directly into the political campaign for the 2024 election, on the one hand, and to the narrative about India as a world leader, a *Vishwa Guru*, on the other. Development, indeed

civilisation, have long been tropes attached to women's formal rights and the passing of this Bill can be seen as a part of this approach. Before developing this argument further, let us look at the journey that this Bill has made over nearly three decades.

1996 RESERVATION BILL

The original Women's Reservation Bill, or the Constitution (Eighty-First Amendment) Bill, was first introduced in the Lok Sabha by the Deve Gowda government on 12 September 1996, and was discussed but not passed. It was subsequently re-introduced by the Atal Bihari Vajpayee government without success in 1998, 1999, 2002, and 2003. It was introduced again by the United Progressive Alliance (UPA) government led by Manmohan Singh in the Rajya Sabha in 2010 and passed on 9 March 2010, but not in the Lok Sabha. The support for this Bill in parties varied but there was a convergence of support among women MPs across party lines (Rai and Spary 2019).

Bitter parliamentary debates and differences among political parties meant that this Bill remained entangled in complex politics. Despite this long history of debates, the 2023 women's reservation Bill was passed almost unanimously with 454 of the 456 MPs present voting for it to be accepted. The Rajya Sabha passed the Bill after its passing by the Lok Sabha and President Droupadi Murmu signed off on it on 28 September 2023.

The Nari Shakti Vandan Adhiniyam (which loosely translates from Hindi to "Saluting Women Power Legislation") reserves one-third of all seats for women in the Lok Sabha, in state assemblies, and in the assembly of the National Capital Territory of Delhi. However, there is still some way to go before this Act can be implemented.

THE 128TH CONSTITUTIONAL AMENDMENT

The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023 was passed with support across party lines in both Houses of Parliament within two days of it being introduced. The Statement of Objects and Reasons to the Bill, as introduced in the Lok Sabha, declared that "the nation has begun its journey into *Amritkaal*", "with the goal of becoming '*Vikasit Bharat*' by 2047". *Amritkaal* refers to the time of action for a glorious future, which Prime Minister Narendra Modi and his ministers have referred to as a new imagination of India's future.

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The Women's Reservation Bill indicates that the political representation of women in the Lok Sabha, the state assemblies, and the Delhi assembly will be integral to the goal of a *Vikasit Bharat*. The support for women's representation then has to be read in this context—what does the BJP think women will be representing ?

The Hinduised language of a glorious past is here connected to India as a modern/developed powerhouse, with women forming a bridge between the two. Women's representation is then symbolic of both tradition and modernity, something that Partha Chatterjee commented on in the context of nation building and we can see unfold in this version of *Vikasit Bharat* (Chaudhuri 2012). The symbolism of women's rights being supported by the BJP is underpinned by a particular approach to gender equality—women are often presented as reproducers of culture and its

defenders in the face of growing westernisation.

As such, they have been systematically mobilised by the BJP on an “equal but different” platform. This is also contrasted to westernised feminism, which is cast as attacking tradition rather than working with it. This approach also juxtaposes the Hindu history of respecting women as mothers with the traditions in Islam, which are presented as oppressing women (like the issue of triple talaq). The problem, then, is the gaze of the other—the West, the Muslims, and the westernised.

Further, the BJP has frequently instrumentalised its “achievement” of placing women in seats of power, including the election of the first woman President of India from an Adivasi community (whom Modi has referred to as a “daughter of India”), as proof of its commitment to women’s empowerment and intersectional political representation, while at the same time presenting the Congress as having failed to do so. The current women’s reservation legislation follows the same narrative.

While the Bill was passed rapidly and overwhelmingly, and perhaps because of a lack of scrutiny, it is not without problems, which Opposition MPs have pointed out. The reservation of seats will come into effect only after “an exercise of delimitation is undertaken for this purpose after the relevant figures of the first census taken after the commencement of the Constitution (One Hundred and Twenty-Eighth Amendment) Act, 2023 have been published” (*italics ours*).

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As we know, the 2021 Census was postponed because of Covid-19, and there has been no intimation as yet of a new census date. This would mean, realistically, that the earliest Lok Sabha that would see one-third of its seats reserved for women would be the 19th in 2029. It is worth noting that India is slated to undertake a new delimitation exercise in 2026, which will not only see an increase in Lok Sabha seats to match the numbers in the latest Census, but also a shift in the numbers in the Lok Sabha in favour of some states more than others.

Finally, the Act stipulates a 15-year cap on the reservation, and a rotation of reserved seats after every delimitation exercise. This implies a rotation approximately every 10 years because, after 2026, delimitation is mandated to take place after every census. Both of these present hurdles to women’s representation—time limitations do not work so easily, as has been the case with SC/ST reservations, and rotation means that the relationship between an MP and his/her constituency remains fragile, resulting in problems for re-election (Nanivadekar 2003).

WHY THE RUSH ?

To understand the parliamentary procedure behind the momentous legislation, we need to also understand the politics of the pomp and ceremony of the inauguration of India’s new Parliament building. The new building has been a pet project of the BJP Government and Prime Minister Modi, and in many ways a grand expression of the BJP’s national and civilisational storytelling (and myth making).

Inaugurating the new Parliament needed a strong legislative move as a symbol of the BJP’s civilisational agenda. What better than the Women’s Reservation Bill—progressive, supported by almost all parties, and therefore a legislation that would pass without trouble ? While Opposition parties had boycotted the formal (highly Hinduised) inauguration of the building on 28 May 2023,

the start of work in it would bring all parties together by delivering a BJP-led Bill.

In his inaugural speech in the new Parliament, prefacing the introduction of the Women's Reservation Bill, Modi began by reminding everyone that it was an auspicious occasion—it was both Ganesh Chaturthi and the Jain Samvatsari (Lok Sabha 2023 : 6-7). To inaugurate the new building, a Special Parliament session was called from 18 to 22 September via Lok Sabha Bulletin II Nos. 7340-7343, published on 2 September 2023. But no clear information on the business of Parliament was made available to the members.

Then, on 13 September, the Legislative Branch of the Parliament issued the bulletin (Nos. 7350-7351) that the Special Session would begin with a discussion on India's "Parliamentary Journey of 75 years starting from Samvidhan Sabha - Achievements, Experiences, Memories and Learnings", and that "the Government (had) sent (a) Tentative List of Government Legislative Business expected to be taken up during the Thirteenth Session of Seventeenth Lok Sabha", none of which included the Women's Reservation Bill. (The old Parliament building has been renamed "Samvidhan Sadan" to honour the location where the Constitution was drafted.)

Even on the morning of the Bill's introduction (19 September), the "List of Business" on the Lok Sabha Business bulletin, issued the day before, carried no mention of the Bill. It only stated routine business of the papers that were to be laid on the Table.

That this "bulldozing of legislation", as the critics have called it, was neither unusual nor unique to this particular Bill in the last nine years is worrying, and symptomatic of Parliament being weakened "by a thousand cuts".

It was only after the session began on 19 September that the legislative agenda for the day was made transparent. Prime Minister Narendra Modi mentioned the Bill in his speech, adding : "Mahilayon ko adhikaar dene ka, mahilayon ki shakti ka upyog karne ka kaam—shayad Ishwar ne aise kai pavitra kaamo ke liye mujhe chuna hai" ("to grant rights to women, to implement the power of women—perhaps god has chosen me to do many such holy deeds") (Lok Sabha 2023 : 11). Following this, it was only when Minister of Law and Justice Arjun Ram Meghwal introduced the Bill that the MPs were informed, amidst protests, that it had now been listed in the "Supplementary List of Business" (Lok Sabha 2023 : 22-23).

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WOMEN IN WHAT PARLIAMENT ?

A weak parliament is generative of a weak representative system—so what kind of representative institution will women representatives work in ? Can the right-wing populist politics dominant in the country, the increasing institutional misogyny in the name of cultural conformity, and the undermining of Parliament as an institution to hold the incumbent government to account enable the increased numbers of women representatives to effectively do their work ?

Parliaments around the world are masculinist institutions (Krook and Mackay 2011). This problem of misogyny has persisted through the decades in India, not only in the different state assemblies but also in the Parliament at New Delhi. Examples abound—from the late J. Jayalalithaa in the Tamil Nadu State Assembly or Mamata Banerjee in the West Bengal State Assembly to the more recent

women MPs such as Mimi Chakraborty and Nusrat Jahan, who were “trolled” online for their choice of attire. Or Azam Khan’s sexist remarks in Parliament when BJP MP Rama Devi was chairing proceedings in the absence of Speaker Om Birla. A strong argument in favour of reservation for women in legislatures has been that a “critical mass” of female members will force reform and reduce displays of sexism in such spaces.

Issues of substantive representation—of policy shifts towards gender equality—are important questions to be addressed, which a weakening of parliamentary processes will adversely affect.

Questions remain about the sustainability and the long-term implementation challenges of the legislation and also about whether women will be able to make use of the Act to not only increase their representation in Parliament but also sustain it. As we have argued elsewhere, the sustainability of women’s participation in politics is an important but unresolved issue (Rai and Spary 2019). Unless Parliament itself functions in a gender-sensitive way and is held to account as a workplace where both women and men function, increasing the number of seats for women will only partly address the representative gender gap. Issues of substantive representation—of policy shifts towards gender equality—are important questions to be addressed, which a weakening of parliamentary processes will adversely affect.

Women’s increased representation in Parliament is important. However, this historic Bill seems to have been reduced to an ornament to adorn the inauguration of the new Parliament building. The process underlined how little it substantively mattered to the Government—no notice was given to MPs to debate, consider, and revise the legislation, and the Act has been hemmed in by caveats and delays. The task ahead for political parties, civil society, policy makers, and stakeholders is to ensure that this legislation does not remain an empty promise that only improves the BJP’s optics for the coming election.

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