

**WOMEN EMPOWERMENT IN INDIA THROUGH POLITICAL
RESERVATION: A SOCIO – LEGAL STUDY**

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Abstract:

Political reservation has played a vital role in empowering women in India by promoting gender equality and inclusive governance. The 73rd and 74th Constitutional Amendments introduced 33% reservation for women in local bodies, enhancing their leadership and participation in grassroots politics. At this backdrop, the 2023 Women's Reservation Bill aims to extend similar representation to the Lok Sabha and State Assemblies. Exploring the historical, legal, and democratic foundations of this policy, the research highlights both progress and persistent challenges like tokenism and patriarchal resistance. Strengthening legal and institutional frameworks is seen as essential for turning political reservation into a tool for genuine and lasting women's empowerment.

This paper aims to conduct a socio-legal study of the Bill and to find out how it helps to women empowerment in India.



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KeyWords:- *Women, Empowerment, Reservation, Equality, Women's Reservation Bill, Political Participation, India.*

Introduction.

Women's empowerment involves ensuring equal rights, opportunities, and participation in decision-making for a just society. Political reservations play a key role in strengthening democracy and enabling women's physical, mental, and economic independence. Historically, in the Rigvedic era, women like Gargi and Maitreyi were active in intellectual and political spheres, participating in councils such as the Sabha and Samithi. Ancient texts also acknowledged women's potential to rule, though their leadership roles were generally limited.

During the medieval period, women's status declined due to early marriage, lack of education, and restrictive practices like Sati and Purdah. However, some women emerged as influential figures, such as Razia Sultana, who ruled Delhi, and Nur Jahan and Jahan Ara, who held power in the Mughal court. Rajput women like Rani Durgavati and Rani Karnavati showed bravery in battle, while Rani Padmini is remembered for choosing Jauhar to uphold her honor.¹

During British rule, social evils like Sati and child marriage were common, but reformers like Raja Ram Mohan Roy worked to improve women's rights. In the 19th and 20th centuries, women became more politically aware. Leaders like Sarojini Naidu and Muthulakshmi Reddy fought for women's voting rights, which led to electoral reforms in 1919. Women actively joined the freedom struggle, encouraged by Mahatma Gandhi. Brave women like Aruna Asaf Ali, Usha Mehta, and Kasturba Gandhi led protests, while Subhas Chandra Bose formed the Rani of Jhansi Regiment, showing women's strong role in military resistance.²

After independence, fourteen women in the Constituent Assembly played a key role in shaping the Indian Constitution, ensuring gender equality in legal, educational, and employment rights through Articles 14, 15, and 16. Over time, laws like the Dowry Prohibition Act (1961), Domestic Violence Act (2005), and Maternity Benefit Act (1961, revised 2017) further protected women's rights. Political participation advanced with one-third reservation for women in Panchayats and municipalities under Articles 243D and 243T. The Women's Reservation Act (2023) aims to extend this to the Lok Sabha and state legislatures, reserving 33% of seats. However, its slow implementation keeps women's political representation below expectations. Continued efforts are essential to strengthen women's role in politics and promote true gender equality.

Constitutional Provisions and Amendments

Article 15(3)

Article 15(3) of the Indian Constitution plays an important role in women empowerment. It allows the government to make special laws for women to help them get equal opportunities and overcome discrimination. Using this power, the government brought in the 73rd and 74th Constitutional Amendments, which reserve one-third of the seats for women in local government bodies.

¹<https://www.globalresearchnetwork.us/index.php/ajshr/article/view/2761>

²https://www.researchgate.net/publication/361735051_Role_of_Women_in_Indian_Freedom_Struggle_1905_-_1927?utm_source=chatgpt.com

This has given lakhs of women a chance to become leaders in their villages and cities. Article 15(3) has helped turn the idea of equal participation into reality, making women stronger, more confident, and more active in politics and decision-making.

Article 243D

Article 243D of the Indian Constitution plays an important role in women empowerment by giving them political representation in local self-government. It makes it compulsory to reserve at least one-third of the seats in Panchayati Raj Institutions (village-level governance) for women, including women from Scheduled Castes and Scheduled Tribes. It also reserves one-third of the positions of Chairpersons in Panchayats for women. These reservations rotate from one area to another, giving more women the chance to lead.

This provision helps women to take part in local decision-making, encourages them to become leaders, and raises their confidence. It promotes gender equality, challenges old social norms, and allows women to work on issues that directly affect their lives, such as health, education, and sanitation. Article 243D is a powerful step towards strengthening democracy and empowering women at the grassroots level.

Article 243T

Article 243T of the Indian Constitution plays a pivotal role in promoting political empowerment of women by mandating reservation of not less than one-third of the total seats in every municipality for women, including those belonging to Scheduled Castes and Scheduled Tribes. This constitutional provision ensures that women have a voice in local governance, enabling them to influence decisions that affect their communities. It creates leadership opportunities, enhances women's participation in politics, and encourages inclusive policy-making. By breaking traditional gender roles and providing a platform for women to contribute meaningfully to public life, Article 243T stands as a powerful tool for advancing women's empowerment through political reservation.³

106th Constitutional Amendment Act, 2023 (Nari Shakti Vandan Adhiniyam)

The 106th Constitutional Amendment Act, 2023 marks a historic milestone in advancing women empowerment in India through political representation. This amendment provides for 33% reservation of seats for women in the Lok Sabha (House of the People) and in State Legislative Assemblies, including within the seats reserved for Scheduled Castes and Scheduled Tribes. By

³https://en.wikipedia.org/wiki/One_Hundred_and_Sixth_Amendment_of_the_Constitution_of_India?utm_source=chatgpt.com

ensuring a significant presence of women in the law-making bodies, the Act empowers women to participate actively in political decision-making, influence policy formulation, and address issues directly affecting their lives such as education, healthcare, safety, and social justice. Although the implementation is contingent upon the next census and subsequent delimitation exercise, the amendment lays a strong constitutional foundation for gender-inclusive governance.

This legislative reform not only promotes equality in political participation but also aims to dismantle socio-cultural barriers, inspire future generations of women leaders, and ensure that women's voices are heard at the highest levels of democracy making it a powerful instrument for women empowerment through political reservation.

Women's Participation in Politics:-

1. Pre-Independence Era (Before 1947)

The story of women's participation in Indian politics began with their long struggle for empowerment. While women had some respect in ancient India, their roles became restricted during the medieval period due to patriarchal norms. By the British era, they had little to no rights and were confined to household roles. However, 19th-century social reformers like Raja Ram Mohan Roy, Phule, and Vidyasagar championed women's education and rights, laying the groundwork for their empowerment.

In the early 20th century, during the freedom movement, women like Sarojini Naidu, Kasturba Gandhi, and Aruna Asaf Ali emerged as strong political voices, actively participating in protests and inspiring others. A key milestone came with the 1935 Government of India Act, which allowed some women to vote and contest elections, marking the beginning of women's formal political inclusion.⁴

2. After Independence (1947–1980s)

After centuries of living under strict social norms and patriarchal control, Indian women slowly began to rise and demand their rights, especially during the freedom movement. Their participation in protests and reform movements laid the foundation for women's empowerment in India. When India gained independence in 1947, it marked a new beginning. The Indian Constitution guaranteed equal rights to women, giving them the power to vote, contest elections, and receive equal treatment under the law. This was a major step toward gender equality. In 1952, India held its first general elections, but out of 499 members in the Lok Sabha, only 22 were women just 4.4%, showing that

⁴https://www.researchgate.net/publication/381805223_Empowering_Women_A_Study_of_Political_Participation_in_Indian_Democracy

women's political participation was still very limited. A significant milestone came in 1966, when Indira Gandhi became the first woman Prime Minister of India. Her leadership marked a powerful moment in Indian politics, as she went on to become one of the most influential leaders in the country's history. However, despite these achievements, the overall presence of women in politics remained very low during the early decades after independence. Women had gained equal rights on paper, but in practice, their political representation and participation continued to face many social and structural barriers.⁵

3. Panchayati Raj and Local Governance (1990s)

The journey of women's empowerment in India has evolved from having little public presence to becoming active leaders and changemakers. Although the Constitution granted equal rights after independence, women still faced real social and political barriers, especially in rural areas.

A turning point came in 1992 with the 73rd and 74th Constitutional Amendments, which reserved 33% seats for women in Panchayati Raj Institutions. This gave women the legal right to participate in local governance as elected leaders. Over 1 million women entered grassroots politics, leading village councils and addressing key issues like health, education, and safety. This reform became a powerful example of political and social empowerment, showing that women can lead and make impactful decisions.

4. Women in National Politics (2000s–Now)

Women's participation in India's national politics has seen a gradual increase over the past two decades, reflecting the country's ongoing commitment to gender equality and women's empowerment. In the 2004 general elections, 45 women were elected to the Lok Sabha. This number rose to 62 in 2014, and further to 78 in 2019, marking the highest representation of women in the Lok Sabha at that time, constituting approximately 14.4% of the total seats. In 2023, the Indian Parliament passed the Women's Reservation Bill, officially known as the Nari Shakti Vandan Adhiniyam, which aims to reserve 33% of seats in the Lok Sabha and State Assemblies for women. However, this legislation will come into effect only after a delimitation exercise, which is expected to be conducted following the first census after 2026. In the 2024 general elections, the number of

⁵<https://www.orfonline.org/research/women-s-representation-in-india-s-parliament-measuring-progress-analysing-obstacles>

women elected to the Lok Sabha slightly decreased to 73, accounting for about 13.44% of the total seats.

This underscores the ongoing challenges in achieving gender parity in political representation, despite legislative efforts and increasing awareness about women's empowerment in India.⁶

Legislative Evolution of 106th Constitutional Amendment Act, 2023 (Nari Shakti Vandan Adhiniyam)

Background and Objective

The Women's Reservation Bill was created to empower women by giving them more space in Indian politics. It aims to reserve 33% of the seats in the Lok Sabha and all state legislative assemblies for women. For many years, women in India have been underrepresented in politics, even though they make up half the population. This bill hopes to change that imbalance by ensuring more women can become lawmakers and take part in important decisions. It's not just about numbers it's about giving women a stronger voice, promoting gender equality, and helping to build a more inclusive and fair democracy for the future.⁷

Legislative Development

The idea of giving more power to women in politics started to grow in the 1990s, especially after women were successfully given seats in local government through the 73rd and 74th Amendments in 1992–93. In 1996, the Women's Reservation Bill was first introduced in Parliament by the United Front Government. It aimed to reserve 33% of seats for women in the Lok Sabha and State Assemblies. However, it failed due to lack of agreement among political parties. Between 1998 and 2003, the bill was brought back many times by both BJP and Congress governments, but strong opposition and walkouts stopped it from passing.

A big step forward came in 2010, when the Rajya Sabha passed the bill, but it was never voted on in the Lok Sabha and eventually lapsed. Finally, in 2023, the bill returned with a new name the Nari Shakti Vandan Adhiniyam and was passed in both houses during a special Parliament session. This law, now known as the 128th Constitutional Amendment, promises 33% reservation for women in Parliament and state assemblies. However, it will only come into effect after the next census and seat reorganization, expected after 2026. This bill is a historic move toward women

⁶<https://www.manoramayearbook.in/india/special-articles/2023/09/27/33-percent-reservation-a-historic-step-for-empowering-women-in-politics.html>

⁷https://www.jchr.org/index.php/JCHR/article/view/3357?utm_source=chatgpt.com

empowerment, aiming to give women a stronger voice in national decision-making and promote true gender equality in Indian politics.⁸

Debates and Controversies

The Women's Reservation Bill has sparked many debates, especially about who will truly benefit from it. Some political parties and activists want a “**quota within the quota**” special seats for OBC and minority women because they believe a general 33% reservation might mostly help upper-caste and wealthy women. Others worry about tokenism, where women get elected but their male relatives control the decisions, which doesn't lead to real empowerment. Still, many people support the bill, saying it is a powerful step for gender equality and justice, especially when women make up half the population but only 14% of Parliament. The 2023 version of the bill also faced criticism for delaying the changes, since it will only be applied after the next census and delimitation, which might take years.

Even with these concerns, the bill is seen as a historic opportunity to uplift women, give them a voice in lawmaking, and bring real change in Indian politics.⁹

COURT DECISIONS

1. Union of India v. Harishankar Pal and Ors. (2001)Context:

This case involved a challenge to the constitutionality of reservation of seats for women in municipal bodies under the 74th Constitutional Amendment. The petitioners questioned whether such reservations violated the right to equality under Article 14 of the Constitution.

Observation:

The Supreme Court observed that the reservation of seats for women in local self-government institutions under Articles 243D and 243T is a constitutionally valid mechanism intended to enhance participatory governance. The Court emphasized that such affirmative action is a legitimate means of ensuring inclusive democracy and empowering women at the grassroots level.

Judgment:

The Court upheld the validity of women's political reservations, ruling that Articles 243D and 243T, inserted through the 73rd and 74th Constitutional Amendments, do not violate Article 14.

⁸<https://www.ijllr.com/post/women-reservation-bill-2023-overview>

⁹<https://www.ijllr.com/post/women-reservation-bill-2023-overview>

Instead, they are affirmative action provisions, aligned with Article 15(3), which allows the State to make special provisions for women.

Impact:

This landmark judgment reinforced the view that political reservation for women is not discriminatory but a necessary instrument for achieving substantive equality and realizing the constitutional vision of social justice and empowerment.

Empowerment through Political Reservation – Judicial Perspective.

The Indian judiciary has consistently upheld political reservation for women as a progressive measure toward achieving gender equality. Courts have recognized that such reservations are not merely symbolic but serve as a catalyst for substantive equality, particularly under Article 15(3) and in harmony with Article 14 of the Constitution. Rather than viewing reservation as a violation of the right to equality, the judiciary interprets it as a legitimate form of affirmative action essential for correcting historical and structural disadvantages faced by women. It has been emphasized that political empowerment leads to broader social and economic empowerment, especially for women in rural and marginalized communities.

The judiciary acknowledges that women's participation in political processes significantly contributes to inclusive and participatory democracy, reinforcing the constitutional vision of social justice and equal representation.¹⁰

Challenges to Women's Empowerment via Political Reservation.

Patriarchal Resistance

In many parts of India, people still believe that men are better leaders than women. This old way of thinking, called patriarchy, makes it hard for women to fully use their political rights. Even when women are given a seat through reservation, they often face pressure not to speak up or take independent decisions. For example, in some villages, women elected as sarpanch (village head) are not allowed to attend meetings or are expected to let their husbands make all the decisions. This kind of resistance limits real empowerment and keeps power in the hands of men.

Tokenism and Proxy Leadership

In many cases, women are elected to political positions, but they do not hold real power. Instead, their male relatives—like husbands or fathers—make the important decisions behind the scenes. This practice is called proxy leadership, and it weakens the purpose of political reservation

¹⁰<https://www.ijfmr.com/research-paper.php?id=25861>

for women. For example, in some villages in India, a woman may be officially the sarpanch (village head), but her husband is the one attending meetings and making all the decisions. This kind of tokenism stops women from gaining real experience, confidence, and leadership skills, and it keeps true empowerment out of reach.

Structural and Institutional Barriers.

Women in politics often face many challenges that make it hard for them to fully take part. They may not have enough money to run election campaigns, lack support from political parties, or miss out on proper training to handle political roles. On top of that, many are expected to manage household work and care for their families, which leaves them with little time or energy for public life. For example, a woman from a rural area may want to join politics, but without funds, guidance, or someone to help with her home duties, it becomes nearly impossible for her to compete with male candidates who usually have more resources and freedom.

Global Perspective on Political Reservation

1. Sweden – Voluntary Party Quotas (High Representation):

Sweden is known for having one of the highest percentages of women in parliament (around 45–50%). However, this was achieved without a legal mandate. Instead, political parties voluntarily adopted gender quotas (like the “zipper system” – alternating male and female candidates on party lists).

Impact:

Strong political will and public support played a crucial role.

2. Rwanda – Constitutional Quotas (Leading the World):

Rwanda has the highest proportion of women in parliament globally (over 60%). The Rwandan Constitution mandates 30% reservation for women in all decision-making bodies.

Impact: Post-genocide reconstruction focused on inclusive governance, and women played a central role.

3. France – Parity Law (Legal Quotas with Penalties):

France introduced the Parity Law (2000) which requires political parties to nominate 50% women candidates in elections. Non-compliance leads to financial penalties.

Impact:

Women's political presence has grown, though challenges remain at higher levels.

Advancing Women's Political Participation: Global Insights and Imperatives

1. Beyond Numbers – Meaningful Participation:

India has implemented reservations at the grassroots level (33% in Panchayats and local bodies), but the actual influence of women often varies. Global models show the need to ensure real power and training, not just numerical presence.

2. Need for Political Will and Social Change:

Sweden's example shows that political parties must take initiative. In India, parties can adopt internal gender quotas, even before national laws are enforced.

3. Legal Backing with Accountability:

France shows that laws with penalties can enforce change. India's Women's Reservation Bill (33% in Parliament and State Assemblies) is a positive step, but strict implementation and monitoring will be essential.

4. Comprehensive Support Systems:

Rwanda and Sweden both ensure that women in politics receive support in terms of education, funding, and leadership training. India can strengthen capacity-building for women leaders, especially in rural areas.

5. Cultural and Structural Reforms:

Reservation must be accompanied by efforts to break societal stereotypes, ensure economic independence, and fight patriarchy, as seen in progressive nations.

Recommendations:-

1. Policy Recommendations for Effective Implementation

Ensure capacity-building programs (training, leadership, financial literacy) for elected women representatives to enable meaningful participation beyond just fulfilling quotas. Enforce strict accountability mechanisms with monitoring and penalties for non-compliance with reservation policies, as seen in France.

2. Recommendations on Integration with Other Empowerment Schemes

Link political reservation with existing women's empowerment schemes like Skill India, Beti Bachao Beti Padhao, and SHG programs to provide economic and social support. Offer institutional support, such as access to education, legal aid, and funding, especially for rural women, as practiced in Rwanda and Sweden.

3. Addressing Patriarchal Resistance

Promote mass awareness campaigns and community sensitization to challenge gender stereotypes and encourage public acceptance of women leaders. Encourage political party reforms

(internal gender quotas and leadership roles for women), following Sweden's voluntary quota model, to shift norms from within.

Conclusion:-

Women's empowerment through political reservation in India has come a long way. Constitutional provisions like Articles 15(3), 243D, and 243T, along with the 106th Constitutional Amendment (Nari Shakti Vandan Adhiniyam), have helped increase women's participation in politics by reserving seats for them at different levels of government. Laws and court judgments have supported this positive change, making it easier for women to become leaders, especially in local bodies like Panchayats and Municipalities. Historical struggles, legal protections, and growing awareness have all contributed to women stepping into political roles with more confidence. However, challenges like patriarchy, lack of resources, and tokenism still exist. Countries like Rwanda, Sweden, and France show that strong political will, proper laws, and public support can make a big difference. India must not only focus on numbers but also ensure that women have real power, proper training, and support to lead effectively. With the right efforts, political reservation can bring true equality, inspire future women leaders, and build a more just and inclusive democracy.

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