

Women Reservation Bill in Lok Sabha: A Century Long Struggle for Gender Equality

Dr. Jaspreet Kaur

Assistant Professor, Department of Political Science, University College, Chunni Kalan, Distt. Fatehgarh Sahib.

Abstract

Women in India have been granted various rights over the years to establish gender equality and to improve their number in decision making. Efforts were started when the demand for separate political reservation for women was made in 1920 during the national movement for Independence. It was the Government of India Act, 1935 by which reservation of seats for women was given. The issue was debated at length during the debates of Constituent Assembly. Committee on the Status of Women in India (CSWI) 1971, recommended reservation for women in local bodies. National Perspective Plan for Women 1988-2000 recommended reservation for women in all elected bodies from Panchayats to Parliament that resulted in 73rd and 74th Amendment. To ensure their presence in national and state legislatures, a Bill seeking to reserve seats for women was introduced in 1996 in the Parliament. But due to narrow political interests of different political parties and lack of consensus among them, it could not succeed to get the approval of the Parliament. Finally, the passage of Women Reservation Bill in September 2023 with conditions is a golden moment in Indian Parliamentary history.

Keywords: Women Reservation, Gender Equality, Women Reservation Bill,

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“Gender equality does not imply that all women and men must be the same. Instead, it entails equipping both with equal access to capabilities; so that they have the freedom to choose opportunities that improve their lives. It means that women have equal access to resources and rights as men, and vice versa”.

(Power, Voice and Rights 2010, Asia Pacific Human Development Report, UNDP)

The status of women in India has been subject to many great changes over the past few millennia. From equal status with men in ancient times through the low points of the medieval period, to the promotion of equal rights by many reformers, the history of women has been eventful. Various efforts have been made to uplift women’s status either through positive discrimination or voluntarily by political parties. This paper will discuss in length the struggle for women equality in legislatures at different periods of times in India specially its journey in Lok Sabha.

It is notable that in ancient times position and status of women as compared to their male counterparts was not as bad in India as it was there in the European countries. Since the Vedic period women were treated with love and respect. During the time of King Akbar (16th century) his Begum Noor Jahan used to aid and advise the king on almost all the important matters. It is well documented in history that King always consulted her before taking and announcing any important decision. She always used to sit in the Darbar, though in ‘Parda’.

Patriarchal approach towards women appears to have been started by the male members of the society of the western countries. Patriarchy as defined in Encyclopedia Britannica means “hypothetical social system in which the father or a male elder figure has absolute authority over the family group.” However with the passage of time patriarchy acquired a new meaning where males held absolute authority over the females in all respects. So much so that women were not allowed to wear a dress of their choice. In France women were not allowed to wear trousers except when ‘holding a cycle handlebar or reins of a horse’. It was only recently on January 31, 2013 that the offending legal provision was repealed (Devorah 2013).

Not only women were restricted and forbidden from wearing dresses of their choice they also did not enjoy any political rights. In Germany in the nineteenth century women lived under authority of their father while unmarried and after marriage under authority of their husbands. Before 1789 they remained confined to the society’s private sphere at home. In 1871 women of all social classes were politically disenfranchised. It was only in 1908 that they were allowed to join political parties in Germany and got the right to vote in 1918 (Kolinsky and Will 1998:119-121).

Religion all over the world has been somehow influencing the position and status of women. So far as India is concerned religion did not place much restriction on the women. Rather in some spheres they enjoyed equal rights with men. In some of the religious ceremonies participation of women (wives) was considered necessary. On the other hand, not only the rulers of the western countries but Church in West also considered the women as second class citizens. Among many quotes from the Bible that insist upon the women’s inferiority, one is ‘Thy desire shall be to thy husband, and he shall rule over thee’ (Rao 2012).

The above comparison shows that status and position of women in India was much better than their western counterparts during the ancient period. It is notable that present day position and status of women in India is darker and dismal as against the brighter aspect women enjoy in western countries. To give women the same bright status and position as is enjoyed by women in western countries, it is considered important to bring women in great numbers in decision making institutions. Therefore reservation of seats for women was considered as a necessary measure though there are different opinions on it.

The demand of separate political reservation for women came up during the course of the Nationalist Movement in the 1920s. But the demand was not appreciated by majority. The principal reason for opposing the idea of reserved seats was that it deflected from the demand for Universal Adult Franchise and to stand for elections on the same terms as men. Besides, it was felt that there should be no hint of succumbing to the British strategy of “divide and rule” by referring to divisions within the National Movement. This opinion was supported by the prominent and leading women organizations of the time (All India Women’s Conference, the Women’s Indian Association and National Council of Women in India) and by the Home Rule League, the Indian National Congress and the Muslim League (Raman 2002).

However in the General Elections held in 1926 Kamala Devi Chattopadhyaya and Hanmen Angle contested elections and both of them were defeated. Then the Women’s Indian Association, organised deputations to government officials to ask that women be nominated to the legislative councils. Three women, D. Muthulakshmi Reddy (first women member of the Legislative council) in Madras, Mrs. Ahmed Shah in the United Provinces and Mrs. A. Kale in the Central Provinces were nominated (Chattopadhyaya 1939:53). Muthulakshmi Reddy made the historical record by achieving a unanimous election to the office of Deputy Speaker of the Madras Legislative Council (Mishra 2000: 172-173).

It is, however, important to note that the opposition to the idea of reservation was not restricted to the que-

tion of women alone. The All-India Women's Conference (AIWC) in their resolution expressed their opposition to the British "Communal Award" of 1932 which sought to provide separate electorates and reserved seats to Anglo-Indians, Christians, Muslims and Sikhs, and for the "depressed classes". The rationale behind such opposition was that divisions along the lines of religion, caste and section would weaken the struggle against colonial rule. According to AIWC, legislatures must be filled by those who would rise above personal or communal considerations and think of the country's best interests. There were dissenting voices too. Begum Sakina Mayuzada felt that desiring the good of one's community need not be at the cost of inflicting harm on others and K.B. Firozuddin felt that the comparative educational backwardness of Muslim women might put them at a disadvantage in joint electorates. A separate resolution calling for the abolition of untouchability was adopted. In 1932, a Joint Memorandum on the Status of Indian Women from the All-India Women's Organization to the Franchise Committee set up at the end of the Second Round Table Conference expressed their demand for Universal Adult Franchise "irrespective of any property or literacy qualification, with no expedients such as nomination or reservation of seats". The women organizations also endorsed the declaration on the Fundamental Rights made by the Karachi session of the Indian National Congress, 1931, called for equality before the law, irrespective of religion, caste, creed or sex; universal adult franchise; women's right to vote; represent and hold public office. However, in the face of opposition from the British, the women organizations agreed to a compromise which restricted the right to vote for women in the urban areas. The assumption was the urban women would be in a better position to represent the women of India. But the opposition to reservation remained and merit was to be the only criterion (Raman 2012).

When the white paper, including the conclusions of the Third Round Table Conference was published in 1933, it included reservation, enfranchisement of wives of property owners and literates, a different franchise for the Assembly and stringent qualifications for the elections to the upper chamber (Mazumdar 1979: 16). But the Government of India Act of 1935 did not accept the demand of Universal Adult Franchise rather provided for the reservation of 41 seats for women in the Provincial Legislatures. As a result of 1937 elections, 56 women entered the Legislatures. There were 41 seats reserved for women in the Provincial Legislative Assemblies, ten women won unreserved seats and five were nominated to Provincial Legislative Councils (Jha 2005:33-34).

The Nationalist Movement did arrive at a consensus on the issue of affirmative action or reservation for the depressed classes and this was given a constitutional status in 1950, when special provisions for the 'Scheduled Castes' and 'Scheduled Tribes' were added into the Constitution of India. These groups were to be given reservation in the Parliament, State Legislatures, education and employment in proportion to their population (Raman 2002).

A number of provisions were incorporated in the Constitution of India to establish equality, freedom and liberty etc. It is worth mentioning here that Article 15(3) states that "Nothing in this article shall prevent the State from making any special provision for women and children". Article 16 provides equality of opportunities for all and prohibits discrimination against women.

However the provisions in favour of women in the Constitution of India could not succeed to change the status of women and they continue to be under-represented and oppressed section of the society. Pandit Jawaharlal Nehru who was the then Prime Minister, felt the pain of less number of women parliamentarians being elected that year and in this regard wrote a letter to the Chief Ministers on 18 May 1952 saying, "I have noticed with great regret how few women have been elected. I think we are very much to be blamed....I am quite sure that our real and basic growth will only come when women have a

full chance to play their part in public life. Wherever they have had this chance, they have, as a whole, done well, better if we may say so, than the average man. Our laws are man-made, our society dominated by men and so most of us naturally take a very lopsided view of this matter. We cannot be objective, because we have grown up in certain grooves of thought and action. But the future of India will probably depend ultimately more upon the women than the men” (Khosla 2014: 131-132).

Nobody appears to have taken note of the distress Nehru expressed in his May 1952 letter till 1973 when the matter was discussed in 6th National Conference of All India Panchayat Parishad and a resolution was adopted recommending reservation of one third of seats for women candidates. This was also the period when women’s welfare issues were being discussed internationally.

Taking cognizance of the under-representation and subjugation of women, actions had been initiated. Pursuant to a request by the United Nations General Assembly to prepare a report on the status of women in the country, the Committee on the Status of Women in India (CSWI) had been constituted in 1971. The terms of reference of the committee were as follows:

1. To scrutinize the constitutional, legal and administrative provisions related to the social status of women, their education and employment.
2. To evaluate the impact of such provisions during the last two decades on the status of women in the country, especially in the rural sector, and to suggest more effective measures.
3. To consider the improvement of education among women and identify the factors responsible for the slow progress and suggest remedial measures.
4. To examine the problems of working women including discrimination in employment and remuneration.
5. To examine the status of women as housewives and mothers in the changing social pattern and their problems in the sphere of further education and employment.
6. To undertake survey or case studies on the implications of the population policies and family planning programmes on the status of women.
7. To suggest any other measure which would enable women to participate fully and actively in building up the nation (Rao 2012:31).

The Committee toured throughout the country and interviewed more than five hundred women in each state. The women’s groups with whom it met repeatedly expressed reserved seats as the only visible solution for improving women’s access to political office/structure at the Local, State and National level. The committee included these arguments in its final report, but a majority of the CSWI members rejected the step on the ground that the reserved seats were retrogressive measure that contradicted with the principle of equality in the Constitution (Parween 2014: 99).

The Committee submitted its report entitled “Towards Equality” in December 1974. The report revealed that the condition of mass of Indian women had not changed despite progressive legal changes. On inadequate representation of women, the report stated that the reason for declining trend in the number of women legislatures is the result of reluctance of political parties to sponsor women candidates. The parties reflect the established values of a male dominated society, which would be difficult to alter without some structural changes in the socio-political setup. The political parties would continue to pay lip service to the cause of women’s progress and the policy of ‘tokenism’ by having a few women in the legislative and executive wings of Government whose minority and dependent status offer serious obstacles of their acting as representatives for women’s rights and opportunities (Ministry of Education and Social Welfare 1975: 300-305).

The committee conceded that reservation might be necessary at local level to ensure the interest of rural and poor women. For this reason it recommended that a women's council, elected directly by local women, be formed in every village and given the responsibility of managing and administering women's and children's welfare and development programmes as part of the broader system of local government. At the same time, it encouraged political parties to increase the proportion of women among their candidates, using party based quota if necessary. But on the question of quota for women at State and National level the CSWI by majority decided to uphold the position (decision) that was taken in the Constituent Assembly (Parween 2014:99).

The report has been a landmark in the social history of India heralding a conscious change in attitudes, behaviour, law, establishment of special institutions and creating both infrastructure and environment for equality for women. The report served as an eye opener for the government, lawmakers, experts, and activists in the field and community as a whole on the low status of women on many counts and on the wide gulf between what was intended in the Indian Constitution and what prevailed on ground in terms of law, conventions and practices (Rao 2012: 31). It was only after the report of the Committee that there were seen developments towards mainstreaming and empowering women in a comprehensive manner.

Despite progress there has not been any major change in the low status of women as representatives. The then Prime Minister Rajiv Gandhi identified women's status as a greater priority issue, and agreed to reopen the CSWIs recommendations including that the female representation in political institutions especially at the grass-roots level needed to be increased through a policy of reservation of seats for women. Consequently, his government responded with a National Perspective Plan for Women known as NPP (Parween 2014: 99-100). Put together by a 14-member core group, constituted in 1987 and headed by Margaret Alva, the then Minister of State for Women, Youth Affairs and Sports, the National Perspective Plan for Women (1988-2000) makes 353 far-reaching recommendations (Chandra:1989). The NPP in its first draft, acknowledged the problem of under-representation of women and recommended 30% reservation for women in all elected bodies from Panchayat to Parliament. But the committee was encountered by a great deal of opposition to the idea of mandating reservation at all levels of Government. So after the consultations with women groups and the women wings of various political parties, the NPP decided to pursue reservation at local level first and then, once women had gained experience in elected politics, to seek to extend reservation to the national level. Therefore NPP (1988-2000) in its final draft recommended reservation of at least 30% of the total seats for the women in the local government institutions (Parween: 2014).

Pursuing these recommendations, in 1989, Central Government headed by Rajiv Gandhi as Prime Minister introduced two Constitutional Amendments. It was Sixty-Fourth and Sixty-Fifth Amendment Bills, which later became the Seventy-Third and Seventy-Fourth Amendments. These Amendments were the first major constitutional efforts with the stated objective of transferring power to the grassroots level and aimed at strengthening local governments and ensuring an element of uniformity in their structure and functioning across the country along with reservation of one-third seats for women at local level. It was during the tenure of P. V. Narasimha Rao, the then Prime Minister, when in 1992, the 73rd and 74th Constitutional Amendment was passed by the Parliament. Implementation of the provision of 33 percent reservation of seats for women in the local bodies in India recorded steady increase in women representation in the formal structures of governance at the local level. Later this motivated a big number of States to provide 50 percent reservation to women in Panchayati Raj Institutions.

On the way to more women representation and for their advancement, in 2001, a National Policy for the Empowerment of Women was announced by the Government of India. The main objective of this Policy was to bring advancement, development and empowerment of women, to eliminate all forms of discrimination against women and to ensure their active participation in all spheres of life and activities. The Policy prescribes affirmative action in areas like legal system, decision making structure, mainstreaming of gender perspective in development process, social empowerment of women through, inter-alia, universalisation of education, adoption of holistic approach to women's health etc. and economic empowerment through increased access to resources like micro credit, better resource allocation through Women's Component Plan, Gender Budget exercises and development of Gender Development Indices (Ministry of Women and Child Development 2001-02). According to National Policy for the Empowerment of Women, there still exists a wide gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes, and related mechanisms on the one hand and the ground reality of the status of women in India, on the other. This fact had also been analyzed extensively in the Report of the Committee on the Status of Women in India, "Towards Equality", 1974 and highlighted in the National Perspective Plan for Women, 1988-2000, the Shramshakti Report, 1988 and "Platform for Action, Five Years After- An Assessment" (National Policy for the Empowerment of Women 2001). Though highlighted in various reports and plans and despite the efforts on the part of Government for the advancement of women, the number and level of women participating in politics and decision-making remains insignificant. It is also a fact that there are unlimited obstacles in the way to political empowerment of women. Either, it is subjugation of women, patriarchal approach (that is still very persistent in the society) or failure on the part of Government, women are at the receiving end. Resistance to the idea of reservation for women, when the Constitution was being framed, resulted into underrepresentation of women because since then they are never provided ample opportunities to enter in the decision-making bodies and prove their talent. Whosoever got the opportunity they showed best of their talent.

To improve their representation in National and State Legislatures, a Bill seeking to reserve seats for women has been introduced many times in Parliament since 1996. But due to narrow political interests of different political parties and lack of consensus among them, it could not succeed to get the approval of the Parliament for more than 26 years. In the span of 14 years since its introduction till the approval by Rajya Sabha it has been put before the House of Lok Sabha many times. But every time the Bill lapsed with the dissolution of respective Lok Sabha. The enthusiasm that followed among women's organizations culminated in the joint demand made by them to all the political parties before the general elections of 1996, for one-third reservation in the State Assemblies and Parliament. All the major parties accepted the demand and it appeared in their manifestoes (Manon 2000: 3835-3839). The Common Minimum Program of the coalition government of the United Front led by H. D. Deve Gowda included the commitment to reserve one-third seats for women in State Legislatures and in the Parliament. The said Government after assuming office, introduced the 81st Amendment Bill in 1996 for providing reservation of one third seats to women in Lok Sabha and State Assemblies.

Formally the demand for reservation of seats for women in Parliament and State Legislatures was raised by Smt Krishna Bose, the then Member of Parliament (INC) in the second session of the XIth Lok Sabha on July 18, 1996 (XI Lok Sabha Debate 1996: 266). After great efforts the idea of providing reservation of one third seats to women in Lok Sabha and State Assemblies was first conceived in 1996 by Central Government headed by H. D. Deve Gowda. First time on September 12, 1996, Women Reservation Bill

(WRB) was introduced as the Constitution (Eighty-First Amendment) Bill, 1996 by the then Prime Minister H. D. Deve Gowda in Session II of the Eleventh Lok Sabha (Rajya Sabha Secretariat 2008: 10-11). In the session, the Bill was referred to the Joint Committee of Parliament consisting of 31 members from both the Houses of Parliament for scrutiny.

This Bill was examined by the Joint Committee under the Chairmanship of (late) Smt. Geeta Mukherjee, that presented its report to the Lok Sabha on the 9th December, 1996. The Committee in its report recommended that:

1. The words ‘not less than one-third’ occurring in the Bill should be replaced with ‘as nearly as may be, one-third’.
2. The Legislative Assembly of the National Capital Territory of Delhi should also be brought under the purview of the Bill.
3. The provision for reservation of seats for women should also be made in respect of nominations made under article 331 and 333 of the Constitution.
4. The provision of reservation for women should cease to effect on the expiry of a period of fifteen years from the commencement of the Constitution (Eighty-First Amendment) Act, 1996.
5. The issue of extending the benefit of reservation to Other Backward Classes may be considered by the Government at the appropriate time.
6. The Government should work out the modalities for providing reservation of seats for women in Rajya Sabha and in the Legislative Councils and bring out suitable legislation in this regard at the appropriate time (Rajya Sabha Secretariat 2008: 11-12).

H. D. Deve Gowda government did not push the Bill for discussion in Lok Sabha for want of consensus. On 21 April 1997 I.K. Gujral replaced H. D. Deve Gowda as Prime Minister of the United Front Government. During Gujral’s tenure there was no progress on Women Reservation Bill in Lok Sabha and ultimately the Bill lapsed with the dissolution of Eleventh Lok Sabha in March 1998.

Next General Elections held in 1998, BJP secured more seats and was able to coble a majority by joining several parties. A Government headed by A B Vajpayee was installed in office in March 1998. His government also made two attempts to pass the Women Reservation Bill. First attempt was made during the tenure of 12th Lok Sabha. It was in Session III of the 12th Lok Sabha on December 14, 1998 that the WRB was successfully introduced as the Constitution (Eighty-Fourth Amendment) Bill, 1998 by getting the leave/vote of the House in favour of the Bill. After the leave was granted, it was introduced by then Minister of Law, Justice and Company Affairs, Dr. M. Thambi Durai of AIADMK (a constituent of the NDA at that time).

In Session IV, on International Women’s Day on March 08, 1999 in 12th Lok Sabha, the issue of 84th Amendment Bill on women reservation was raised. Mr. I. K. Gujral, the former Prime Minister of India, while asserting that women reservation is not the demand of women only rather it is a demand of all democrats of India, said “the women must get their due in Parliament and Legislative Assemblies, i.e., 33 per cent reservation ...women are playing very vital role in our national life. Therefore we are all for it and we stand with them” (XII Lok Sabha Debates 1999: 631-632). The Bill was opposed by some political parties on the ground that until provisions of reservation for Backward Classes and Minority Societies would be added to it, they will not support the Bill. This Constitution (Eighty Fourth Amendment) Bill, 1998 was never discussed in the House and met the fate of the previous Bill and lapsed with the dissolution of 12th Lok Sabha in 1999.

Now it was the turn of the Thirteenth (XIIIth) Lok Sabha to pass the Bill. After the General Elections held

in 1999, BJP was again successful in putting together a majority by joining several parties together. A government headed by Atal Bihari Vajpayee was again put in office and survived the full term of five years till May 2004. The Government of A B Vajpayee made second attempt to put Women Reservation Bill through by introducing the Constitution (Eighty-Fifth Amendment) Bill, 1999 on December 23, 1999 (13th Lok Sabha Debates 1999). Even after hard efforts on behalf of the Government to pass the Bill, the Bill was neither discussed nor passed, because of lack of consensus among the Members of 13th Lok Sabha this Bill was also never discussed in the house and lapsed when the term of 13th Lok Sabha came to an end.

Now it was the turn of the 14th (XIV) Lok Sabha to get the Bill passed. Fourteenth General Election was held in 2004, BJP lost the elections and Congress Party formed a coalition government (United Progressive Alliance) headed by Dr. Manmohan Singh. During the full term of five years, the UPA government could not succeed to introduce the Bill. Only a Resolution (Private Member's Resolution) demanding for ensuring adequate representation to women in the State Legislatures and Parliament was moved by C. K. Chandrappan in Session 4 of 14th Lok Sabha on May 06, 2005 (14th Lok Sabha Debates 2005).

After many efforts of different Governments at the Centre since 1996, it could not become possible for any one of them to get the approval of lower house, the Lok Sabha. Therefore, the Bill was lapsed time and again after the dissolution of the respective Lok Sabhas. To protect the Bill from being lapsed UPA Government headed by Dr. Manmohan Singh decided to introduce the WRB in the Rajya Sabha, a Permanent House, of which term never expires and therefore there was no threat to the Bill of being consigned as lapsed. Hence WRB was successfully introduced as the Constitution (One Hundred and Eighth Amendment) Bill, 2008 on May 06, 2008 in the last day of 213th Session of Rajya Sabha (Rajya Sabha Official Debates 2008: 293-296). Finally after many hurdles the Bill was passed by the House on 9 March 2010. After getting passed from Rajya Sabha the WRB was never introduced in the Lok Sabha to get the consent thereof till 2023. This shows the narrow political interests of all political parties. After 13 years on 20th September 2023, the Narendra Modi-led National Democratic Alliance (NDA) government had brought the Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023 during a special parliamentary session in Lok Sabha and passed with 454 members voting in favour of its consideration, and two against it. The Bill seeks to amend the Constitution and provide one-third reservation to women in the Lok Sabha and State Assemblies. Also, one-third of the total number of seats reserved for Scheduled Castes and Scheduled Tribes shall be reserved for women of those groups in the Lok Sabha and the Legislative Assemblies. Reserved seats may be allotted by rotation to different constituencies in the state or union territory. The bill says the reservation of seats for women shall cease to exist 15 years after the commencement of the amendment act. The women's reservation bill can only be put into action following the completion of the delimitation process, that involves the reconfiguration of assembly and Lok Sabha constituencies based on the upcoming census in India soon.

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