

Original Article



# CEDAW and Political Empowerment of Women in India: An Analysis of Women Reservation Act 2023

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## ABSTRACT

Being half the population of the world, women form a major part of the assets that cannot be ignored in the journey toward a better world. On the other hand, women are equal and deserve an equal share of opportunities and results. Concerning the role of women in shaping a better world and their equal status, they have been witnessing positive efforts at the domestic and global levels. Among these efforts, the milestone was the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It is a gender-specific treaty and exclusively deals with human rights from a women's lens. Even after achieving milestones in many areas, women have very little participation in politics and decision-making. It is a universal phenomenon that most countries are unable to achieve de facto equality in the area of political empowerment for women. India is further no exception to this and is still striving to provide equal opportunities to women. India, being a believer in equality of men and women and a party to CEDAW, is under obligation to ensure the political empowerment of women. Consequently, after long efforts, India has been successful in passing a law that will reserve thirty-three percent of seats in national politics. The present paper analyses whether this reservation law is up to par for providing *de facto* equality to women and domesticates Articles 7 and 8 of CEDAW that specifically deal with the political participation of women.

## Introduction

In the global era, it is considered to have a crucial role of women in development, peace-making, and peace-keeping at the national and international level [1]. Being half the population of the world, women form a major part of the assets that cannot be ignored in the journey toward a better world.

On the other hand, women are equal and deserve an equal share of opportunities as well as of results [2]. Concerning the role of women in shaping a better world and their equal status, they have been witnessing positive efforts at the domestic and global levels [3]. There are various conventions, laws, conferences, commissions, declarations, etc. for the promotion and protection of the rights of

women under the aegis of the United Nations. Since its inception, the United Nations has been paving the way for equality of men and women. In the early phase, the United Nations established the Commission on the Status of Women, adopted various conventions, declared the International Year for Women and the International Decade for Women, etc. [4]. Among these efforts, the milestone was the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It was adopted in 1979 and came into force in 1981 [5]. It is a gender-specific treaty and exclusively deals with human rights from women's lens.

Although various positive actions have been taken for the promotion and protection of women's rights, women still form one of the most vulnerable groups. They have witnessed the various positive changes but remain restricted in many areas. They are still facing various challenges and obstacles in their journey of their empowerment [6]. Even after achieving milestones in many areas, women have very little participation in politics and decision making. Being in a position to take or at least influence the decision is a prerequisite for women's empowerment [7]. Women's empowerment is a wider concept and has various facets. It can be better understood by analysing the term "woman empowerment."

### *Women Empowerment*

According to the definition, "empowerment is the expansion of the assets and capabilities of poor people to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives" [8].

When the term is being interpreted from a women's lens, it can be argued that the phrase "women empowerment" is used in two broad senses, i.e. general and specialised [9]. In a general sense, it refers to enabling women to be self-dependent by offering them access to all the freedoms and possibilities that they have been denied in the past just because they are just "women". In a specific sense, women's

empowerment refers to increasing their position in the power structure of society [9].

In its broadest meaning, women's empowerment requires enhancing one's capacity to engage in decisions that influence one's life. Women's empowerment is a tool to experience freedom of choice and action. It cannot be denied that political representation is an integral component of women's empowerment [10].

The state and its agencies are the most powerful decision-making bodies of our day. Thus, the empowerment of women would be a hoax if they are not given their appropriate representation in the state and its supported institutions.

### *Political Empowerment*

There has been a widespread understanding that political empowerment is one of the most vital areas to be reached for the holistic development of women. It has been believed that the most effective remedy to the marginalisation of women is empowering them by offering political and legal rights and ensuring their successful implementation [11]. Political empowerment needs effective political engagement in the process of decision-making that might be multifaceted. It may start with involvement at the party level and local level to the national and international level.

According to Verba and Pye, political participation is defined as "those activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and the actions they take" [12].

In continuation of examining the modes of political participation, Schonfeld has mentioned ten types of activities, which include (I) running for or holding public or party offices; (II) belonging to a party or other political organization; (III) working in an election; (IV) attending political meetings or rallies; (V) making financial contributions to a party or a candidate; (VI) contacting a public official; (VII)

publicly expressing a political opinion to convince others; (VIII) partaking in political discussion; (IX) voting; and (X) exposing oneself to political stimuli [13].

Regarding the wide scope of the above-mentioned definitions of political participation, it can be considered that political participation is not restricted to a few activities, such as casting votes, etc. It requires covering many activities of politics that range from membership in political parties, electoral campaigning, attending party meetings, demonstrations, to communication with leaders, holding party positions, contesting elections, membership in representative bodies, influencing decision-making, and other related activities. But unfortunately, *de facto* equality at the grass-roots level shows the huge gap between theory and practice.

It is a universal phenomenon that most countries are unable to achieve *de facto* equality in the area of the political empowerment of women [14]. India is also no exception to this and is still striving to provide equal opportunities to women [15]. India, with the adoption of its constitution, believes in the equality of men and women and provides various provisions to make this belief a reality [16]. India is also a party to CEDAW, which requires the empowerment of women in all walks of life. However, after all these existing provisions, women in India also have a very low percentage of elected representatives at the national and state levels [17]. India, concerning the low participation of women, has been striving to fill this gap with temporary special measures that are required under CEDAW also [18]. Consequently, after long efforts, India has been successful in making a law that will reserve thirty-three percent of seats in the central's legislature and the states' legislature. The law was made through the Constitution (One Hundred and Sixth Amendment) Act, 2023, also called the Women's Reservation Law 2023 [19]. India, with this law, has taken one step ahead in the journey of equality of women and in compliance with CEDAW. CEDAW, along with other provisions, also specifically requires the equality of women in political areas at both

national and international levels. Now it is a question of inquiry whether this reservation law is up to par for providing *de facto* equality to women and domesticating Articles 7 and 8 of CEDAW that specifically deal with the political participation of women. For that, one has to be familiar with the scope and provisions of Articles 7 and 8 of CEDAW.

### *The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*

The United Nations, in its journey toward women empowerment adopted various conventions, but the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the most important one, adopted in 1979. The Convention was recognised as an International Bill of Rights for Women due to its wide-scope and gender-specific approach. It came into force on September 3, 1981, and comprises 30 articles, which are separated into six sections. CEDAW has a holistic approach and tackles all walks of life of women. It is a treaty that exclusively considers the different needs of women and breaks the wall between public and private. It is dealing with non-discrimination, equal status of women in economic, political, and social areas, the elimination of stereotypes and negative practises against women, and temporary special measures [5]. With other areas, CEDAW specifically requires equal representation of women in the political arena through Articles 7 and 8.

#### *Article 7*

*"Article 7: States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

*7(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*

*7(b) To participate in the formulation of government policy and the implementation*

*thereof and to hold public office and perform all public functions at all levels of government; and*

*7(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

Article 7 is the first article that starts dealing with the political rights of women, specifically in the convention. Under Article 7, the States Parties are under an obligation to provide and ensure political rights for women. The same article also incorporates some specific political rights, such as the right to vote, the right to contest elections of all public bodies, the right to participate in the formulation and implementation of public policy, the right to hold public office at all levels, and the right to participate in NGOs related to the public and political life of the country in particular. The same article in another clause, 7(c), makes the convention distinct from other human rights instruments concerned with political rights by including the right to engage in NGOs and groups linked to the country's political life [20].

Article 7 requires meaningful engagement by women that affects decision-making. When we go through Article 7, the first question is: What is public and political life? It is an umbrella term that incorporates the authority to enjoy power in all wings of democracy, which are judiciary, executive, and legislative. Its scope ranges from international, national, to public boards, local councils, and organisations associated with political and public life. Effective participation requires participation in various bodies such as political parties, trade unions, professional or industrial associations, and community-based groups or other organisations [21].

Article 7(a) provides women with the opportunity to exercise their political rights through direct and indirect participation. On the one hand, it ensures the indirect participation of women in country politics by providing an opportunity for them to take part in all elections and public referenda by picking the representative through their right to vote. On the other hand, Article 7(a) creates a

platform for women to fight the election and engage in government, which is a direct form of its involvement. It refers to the notion that women must not be prevented from running any election owing to their sex or gender and have equal opportunity to gain seats democratically. The phrase "publicly elected bodies" broadens the scope of Article 7 beyond elections and encompasses even those groups that are purely advisory in character [21].

Article 7(b) shifts from only one-time engagement to a continual process of influencing the country's decision making. It grants women the right to participate in the development and implementation of public policy and occupy public posts at all levels, against one-time involvement at the time of creating governments [5]. The inclusion of the opportunity to participate in public policy and public offices makes the scope of the convention more widen. Government policy encompasses all areas of public administration and the creation and execution of policy at international, regional, and local levels. Public offices are authorities that are funded by the public authority. It includes administrative posts to government ministry posts, judges, police and security forces, educational and academic institutions, boards of trustees of foundations under public law, district health boards, municipal councils, advisory councils and mayors to government, advisory boards, and publicly owned companies [22].

Article 7(b) employs the word "at all levels," which has two facets: it signifies involvement at all levels of public dealing, from international to national and local levels. On the other hand, it permits women to represent at all posts and positions within the international, national, and local levels [21].

Article 7 in its next clause, 7(c), ensures the right to participate in NGOs and other associations connected to the public and political life of the country. It brings a change from the previous approach of incorporating just the public realm to an approach that includes private players. The term "associations" here refers to all private groups

while functioning under public and political life, including political parties, trade unions, religious organisations, employer associations, and employee associations [22].

#### Article 8

*"States parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their governments at the international level and to participate in the work of international organizations."*

Article 8 reinforces Article 7 by guaranteeing equal rights to women with men to represent at the international level and participate in the activities of international organisations. It expands the provision of Article 7 to the international level and beyond the limits of the states. The decision to establish a separate article on the representation of women at the international level rather than incorporating the paragraph on the same in Article 7 indicates the importance of obtaining equal representation of women at the international level. It also shows the importance of equal participation of women in decision-making at the international level on peace-making and conflict resolution, military expenditure and nuclear disarmament, development and the environment, foreign aid, and economic restructuring [22]. It is the single article that provides women equality at the international level.

The CEDAW Committee also expands the scope of Article 8 by interpreting the term "representation." The CEDAW Committee considers that the scope of the term "representation" is the representation of women in all domains of international affairs. It covers diplomacy, formal delegation to international conventions, and male-dominated fields such as economic and military concerns. States Parties are obligated to offer equal opportunity to women to work as permanent staff members or temporary representatives of a particular mission. At the time of founding the organisation, the state must assure the gender-sensitive constitution of the organisation. It also

demands equitable distribution of the vacancies based on gender at the time of nomination for the appointment of personnel to these international organisations and their subordinate bodies.

Article 8 demands the equality of women and men in the negotiations of international-level actions connected to peace-keeping, mediation, humanitarian aid, and social reconciliation. In acknowledgment of the significance of women's engagement in peace-making, Security Council issued 'Resolution 1325 on Women, Peace, and Security'. It promotes women's engagement in peacekeeping. Women are smaller in number among diplomatic personnel, notably in higher ranks. Indeed, Article 8 mandates the removal of this under-representation and asks for the consideration of gender in the recruitment of foreign services [23].

Political participation is not limited to the right to vote. It aims to put women in a position of taking and influencing decision-making. CEDAW clearly reflects that Articles 7 and 8 are not limited to the representation of women within national boundaries, but also emphasise representation at the international level. CEDAW obliges the state parties to undertake actions for the equality of women at the *de jure* and *de facto* levels. India, being a state party to CEDAW, is also under the obligation to comply with it. Consequently, it is important to look at the existing provisions of India and evaluate its compliance with CEDAW in general and Articles 7 and 8 of CEDAW in particular.

The Indian Constitution provides an extensive list of provisions for the promotion and protection of women. This list includes general and gender-specific articles. It means there are some articles that do not specifically mention the provision for women but are available to all, including women. On the other hand, there are some articles that specifically use gender-specific language and have specific provisions for them.

The principle of equality between men and women is fundamental to the Indian Constitution and enshrined in its Preamble and

extent through Part III, Part IV, and other sections. The preamble denotes the basic philosophy of the constitution and ensures the equality of men and women. The preamble is the key to the Indian Constitution, and the inclusion of the principle of non-discrimination

on the basis of sex in it shows the spirit of the Indian Constitution. The preamble is like a guiding principle and requires that the provisions of the Constitution be interpreted in a way that is in consonance with its provisions, such as non-discrimination [24].

**Table 1.** Women and India's Constitutional Provisions

Provisions Concerning the Promotion and Protection of Rights of Women

- Article 14: **Equality before the law or Equal protection of the law**
- Article 15: **Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth**
- Article 16: **Equality of opportunity in matters of public employment**
- Article 39: **Men and women equal right to adequate livelihood, equal pay for equal work, protection from abuse, equal justice, and free legal aid**
- Article 42: **Provision for just and humane conditions of work and maternity relief**
- Article 47: **Duty of the State to raise the level of nutrition and the standard of living and to improve public health**
- Article 243: **Reservation of minimum a thirty-three percent of seats for women in local government**
- Article 326: **Adult franchise**

Source: [24]

Apart from the Preamble, Part III and Part IV of the Constitution are gender sensitive and emphasize women's well-being. As we have discussed, there are some articles that are exclusively gender-specific and use language accordingly. Article 14 gives equality before the law or equal protection of the law to its residents, including women. It ensures that men and women are equal in the eyes of the law. Of course, this article does not talk specifically about women. However, the equal legal status of women will help them to ensure equal status in society [24].

Article 15 is the article that is gender sensitive, enshrines the non-discrimination principle, and forbids discrimination on the basis of, inter alia, sex. It restricts discrimination against women and ensures their equality in all walks of life. Commendably, Article 15 is not limited to just eliminating discrimination based on sex; it also provides positive discrimination in its clause 15(3). It says that any positive action taken for the promotion and protection of women shall not be considered discrimination. In strengthening Article 15, Article 16 stresses the equality of opportunity in public employment and ensures the equality of men and women in the same area [25]. It strives to ensure women's

equality in the economic field, which is necessary for doing good in other areas, whether they are political or social. Fundamental rights are the basic rights that are justiciable in nature and strive to achieve the development of women.

Along with Fundamental Rights, Part IV, Directive Principles of State Policy (DPSP), makes the Indian Constitution stronger in relation to the basic rights of women. DPSP are not justiciable in nature. It means they cannot be challenged before the courts. However, their significance cannot be ignored. DPSP have various provisions for the protection and promotion of the rights of women. Article 39 protects the right to an adequate means of livelihood, free legal aid, health, and equal pay for equal work for both men and women. Article 39 is gender-sensitive in its language and particularly strives to ensure equal rights for women to earn a livelihood. Interestingly, the same article also tackles the area that was important: equal pay for equal work. It means men and women cannot be discriminated against in their wages, remuneration, etc. Besides this, it protects the citizens from economic necessity, which forces them to engage in occupations unsuited to their age or

strength. Article 39 protects women from doing any work due to an economic necessity that is unsuitable for them.

Besides Article 39, another article that specifically deals with women is Article 42. It provides maternity relief and a just and humane condition of work. It is the article of the constitution that deals with maternity benefits and becomes the foundation for the same. Article 47 talks about increasing the level of nutrition and standard of living of its people; however, it does not use the term "woman" specifically. However, it is the area in which women are facing more challenges and fighting for minimum nutrition [24].

Besides constitutional provisions under the domain of fundamental rights and DPSP, India also has various other provisions in the constitution, such as Article 243 and Article 326. Article 243 provides 33 percent reservation to women in local government, which is discussed below under the domain of the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts. Article 326 has the provisions of adult franchise. There will be no discrimination between men and women in providing the right to vote. It means no woman can be restricted from choosing a government only because she is a woman [24].

Besides constitutional provisions, there are separate gender-specific laws and policies for achieving equal status for women. These provisions deal with different areas such as domestic violence, maternity benefits, trafficking, crime against women, equal remuneration, etc. [26]. Among these, the Immoral Trafficking Act 1956, the Maternity Benefit Act 1961, the Dowry Prohibition Act 1961, the Medical Termination of Pregnancy Act 1971, the Equal Remuneration Act 1976, the Indecent Representation of Women Act 1986, the Sati (Prevention) Act 1987, the Protection of Women from Domestic Violence Act 2005, the Prohibition of Child Marriage Act 2006, the Protection of Children from Sexual Offences Act 2012, the Sexual Harassment Act 2013, etc. are major provisions that directly and

indirectly aim to provide protection to women [18].

### *India and Political Status of Women*

As discussed earlier, India has been gender-sensitive since its adoption of the constitution and has been striving to achieve equality for women. Due to the fact that political participation is required to do well in other areas, or, in other words, until and unless there is equality between men and women in the political arena, other laws and provisions may be hoaxes of equality. All areas are interconnected with each other. That is why India adopted two constitutional amendments to fill this gap and provide reservation to women in local governments.

### *The 73rd and 74th Constitutional Amendments Acts*

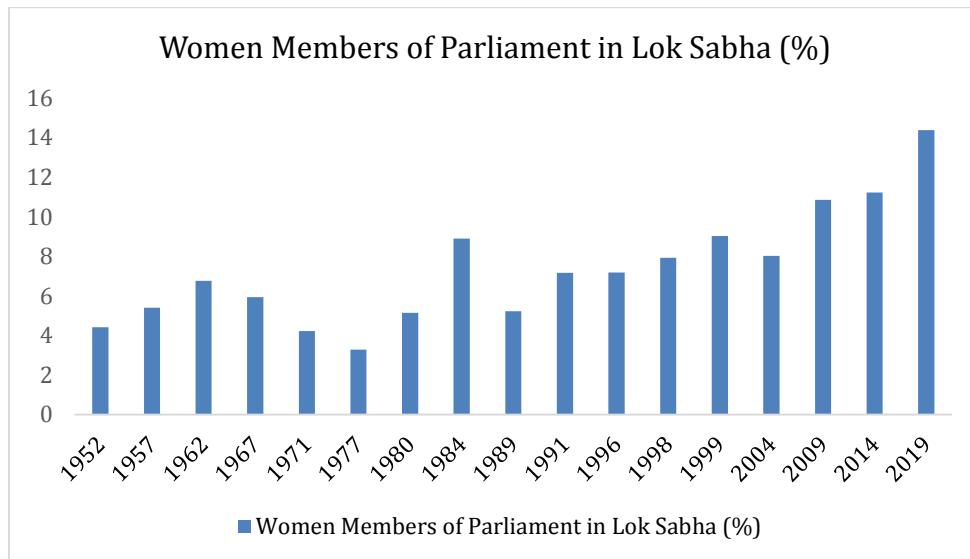
The 73<sup>rd</sup> Amendment Act 1992, which provides a three-tier structure of local government, provides a provision that requires a 33 percent quota of seats for women in the Panchayti Raj Election. It was the first time that not just the well-being of women was addressed; alongside that, it also promotes a platform for the actual development of women. This modification was adopted in order to improve the situation of women, notably at the grass-roots level, and therefore to offer political choice at the ground level. Besides, the 74<sup>th</sup> Amendment Act of 1992 established the laws pertaining to urban local governments (Nagarpalikas). The total seats (including the seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) to be filled by direct election in every municipal (Nagarpalikas) election should not be less than one-third reserved for women, and such seats may be allotted by rotation to different constituencies in the municipality. The most noticeable aspect of the 73<sup>rd</sup> and 74<sup>th</sup> Amendments is the one-third reserve of elected posts for women and for SCs and STs in proportion to their numbers [27].

Women's political engagement at the municipal level is good, at least on paper. There

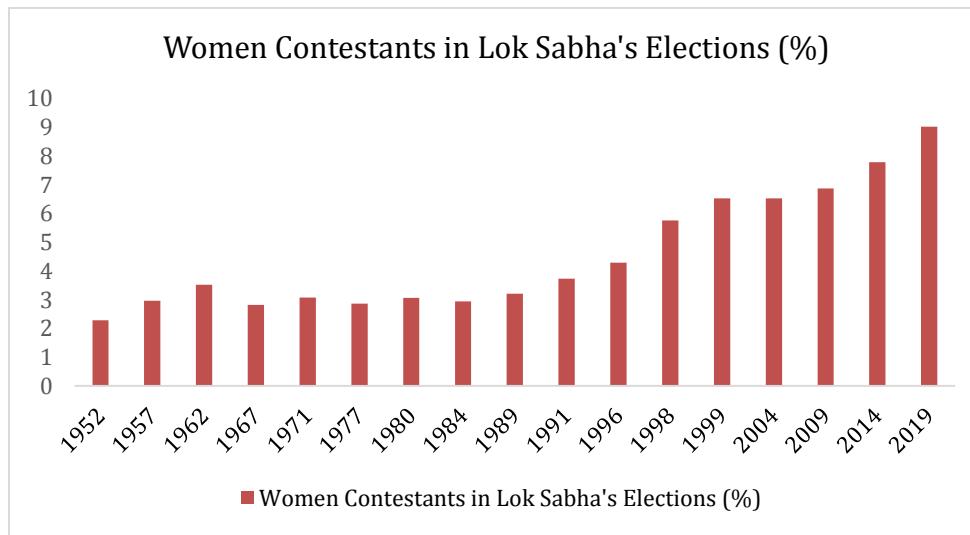
are 13.42 lakh elected women representatives in Panchayat Raj Institutions, which comprise 46 percent of the total number of elected representatives. But unfortunately, they acted just as the dummies of their male family members. Interestingly, there are certain states that are more sensitive towards women's involvement at the local level, and they exceeded reservations from 33 percent to 50 percent in their respective states. Assam, Andhra Pradesh, Bihar, Rajasthan, West Bengal,

Uttarakhand, etc. are a few samples of those states [28].

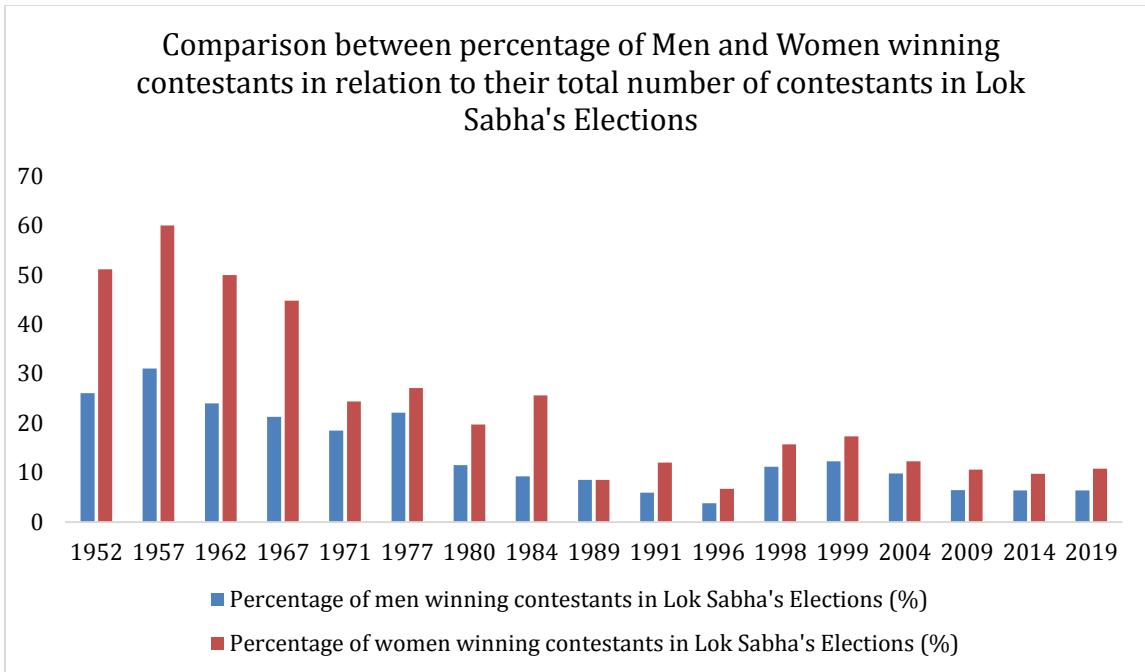
Indeed, the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Acts enhanced the political participation of women but restricted it to local governments. Consequently, these amendments were not successful in improving the participation of women in national politics. Women's representation in the Lok Sabha and state legislatures remains unsatisfactory. It can be better analyzed with the following charts:



**Figure 1.** Share of women members of parliament in Lok Sabha since 1952  
**Source:** Election Commission of India

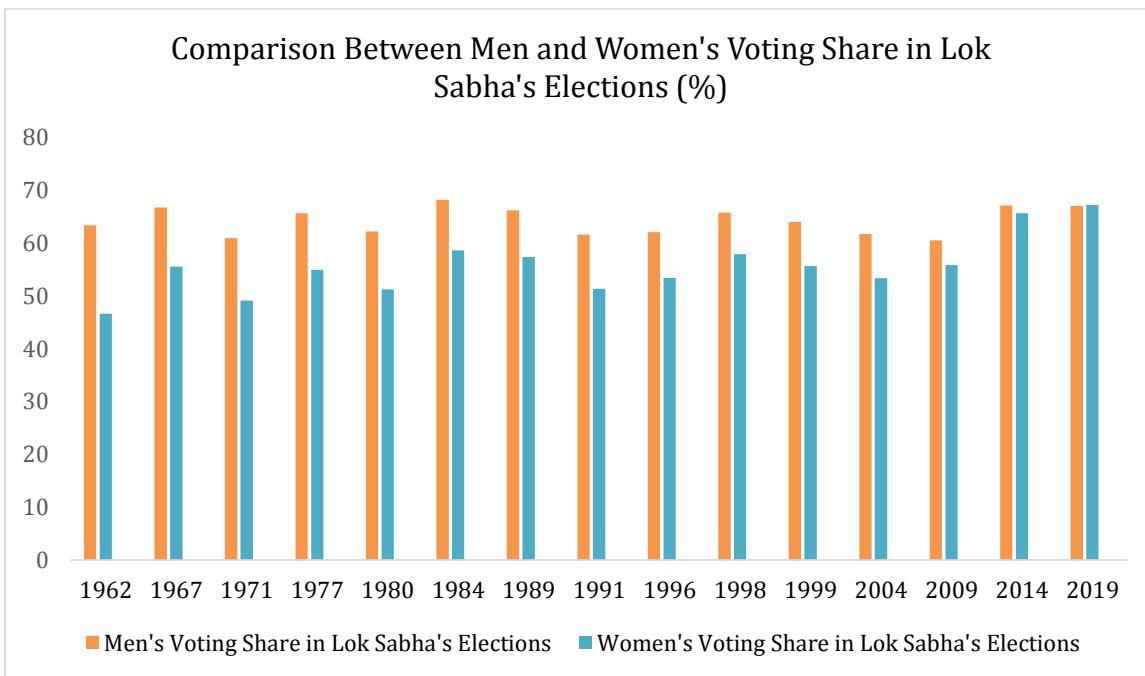


**Figure 2.** Share of women contestants in Lok Sabha's elections since 1952  
**Source:** Election Commission of India



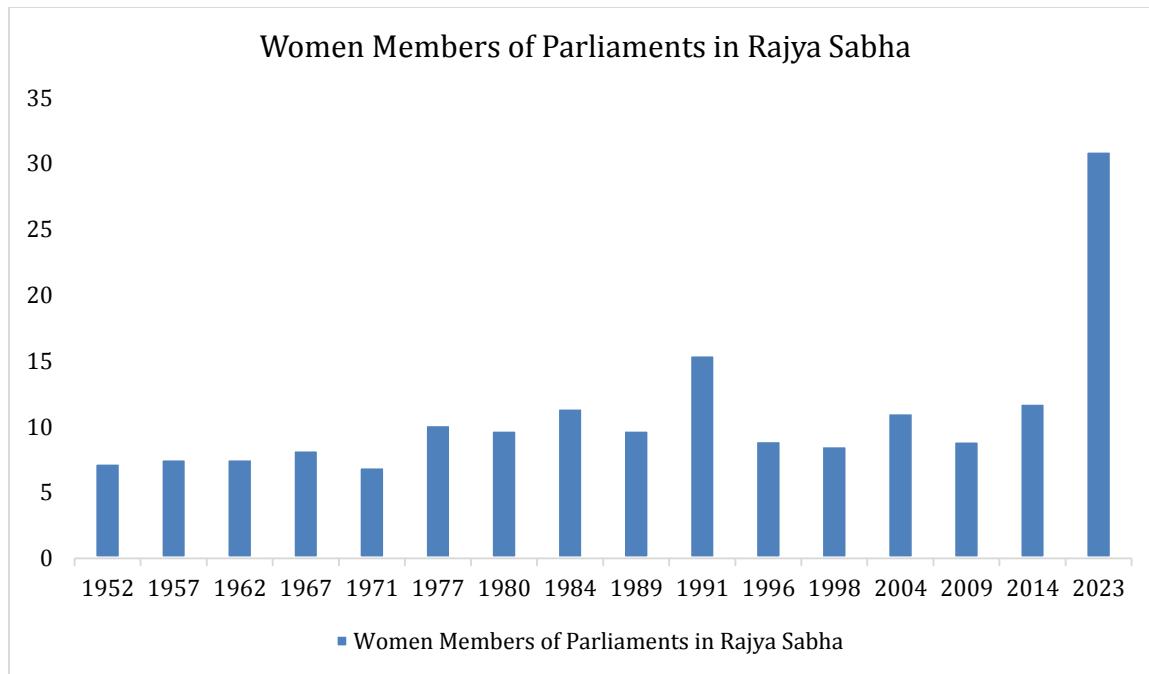
**Figure 3.** Comparison between winning percentage of men and women contestants in Lok Sabha's Elections since 1952

**Source:** Election Commission of India



**Figure 4.** Comparison between voting share of men and women in Lok Sabha's elections since 1952

**Source:** Election Commission of India

**Figure 5.** Number of women members of parliament in Rajya Sabha

**Source:** Election Commission of India

It is clear from the above-mentioned data that even in the present Lok Sabha, there are only 78 women members out of 542 total members. Likewise, the number of women members in the Rajya Sabha is also very low, at 31 out of 245 total members. 15% of the total members of the 17<sup>th</sup> Lok Sabha are women, while in state legislative assemblies; women on average constitute 9% of the total members. However, female voter turnout is slightly higher than male voter turnout. That is 67.02% of women and 67.18% of men [29].

It is clear that existing provisions and protections for women could not achieve equal representation of women in national politics. That makes the adoption of temporary special measures the need of the hour in India. Being unique, CEDAW also requires to undertake temporary special measures and positive discrimination for the equality of women at the *de facto* level. India, in compliance with CEDAW's provisions and to achieve equal political status for women at the national level, has been striving to adopt a law reserving seats for women. Commendably, India has been successful in adopting a law that secures thirty-

three percent reservation of seats for women under the Women Reservation Act.

#### *Historical Background of Women Reservation Act*

The mile stone in the form of the Women Reservation Act is not the result of one session, one election, or even one decade. It took a long time for the originating idea of the reservation of women to be converted into a law. It was not only once that a bill concerning affirmative action for the political representation of women was introduced. The years 1996, 1998, 1999, and 2008 witnessed the introduction of the constitutional amendment bill to lock the seats for women in legislatures at the national as well as state levels. The bills that were introduced by the initial three attempts were lapsed due to the dissolution of their respective Lok Sabhas. The fourth attempt to introduce the bill was in the Rajya Sabha, and it has been passed. However, like previous bills, it has also lapsed with the dissolution of the 15<sup>th</sup> Lok Sabha [30].

The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023, was introduced in Lok Sabha on September 19, 2023, and

passed the next day. commendably, in consideration of the importance of the law, the bill has also been passed in the Rajya Sabha on September 21, 2023. The bill seeks to reserve one-third of the total number of seats in the Lok Sabha and state legislative assemblies for women.

The law secures the reservation of thirty-three percent of all seats for women in the central legislature, state legislatures, and legislatures of Union Territories (UTs). Although the seats at the national level are locked only in the Lok Sabha, not in the Rajya Sabha, and only in the Legislature of Delhi, not in all UTs. The same act also provides reservations within reservations. It means the same proportion of seats, one-third, will also be secured for women among the reserved seats for SCs and STs. The implementation of the bill is subject to the publication of the census conducted after the passing of this law. The mandatory nature of the publication of the census is there because the delimitation that will select the constituencies for reserved seats will be there on the basis of the recent census. The law initially locks fifteen years period as the duration of this reservation. However, it may be continued for such a period as determined by a law made by Parliament. The seats reserved for women will be changed on a rotational basis after each delimitation [18].

The temporary special measures in the form of reserving seats for women were the need of the hour. The Women Reservation Act 2023 fulfilled this need and provides hope for a better political future for women in India.

#### *Women Reservation Act 2023 and CEDAW*

Indeed, the Women Reservation Act is a commendable step in ensuring equal participation of women in the political system. Now it is a question of inquiry whether this law is in compliance with the concerned provisions of CEDAW, Articles 7 and 8. Whether the Women Reservation Act 2023 is capable enough to domesticate the holistic approach of CEDAW and ensure the participation of women

in all areas required by Articles 7 and 8 of CEDAW or not.

Article 7 of CEDAW calls for equal rights for men and women in representing and participating in decision-making. It goes beyond the traditional meaning of political rights, which revolved around to just right to vote. It calls for the equal participation of women in all ways and means by which one can influence decision-making. It includes equal opportunities in contesting public bodies' elections, participation in a policy-cycle that ranges from policy-making to policy-evaluation, and most importantly, equally holding public offices.

The Women Reservation Act 2023 provides confirmed seats to women in only public legislatures at the national and state levels, not in all public bodies as required in Article 7 of CEDAW. The provisions relating to the participation of women in the public policy-cycle and in holding public offices are implicit, in contrast to CEDAW's article, in which they are explicit. The law does not explicitly have any provisions ensuring public offices for women and participation in policy-making; however, the increase in participation in the legislature may increase the opportunities for women for the same. It can be considered that the reservation law is an early step in ensuring the domestication of CEDAW provisions concerning political participation.

CEDAW, in Article 8, broadens the scope of Article 7 from national to international. It ensures the participation of women in representing countries at the international level and working opportunities in international organizations. As discussed earlier, the role of women in peace-making and conflict resolution has become crucial. The Security Council, in its "Resolution 1325 on Women, Peace, and Security", recognized the same and calls for the participation of women in international missions. As we discussed, the recent reservation law exclusively deals with the participation of women at the national level and is silent on the representation of women at the international level. It does not have any explicit

provisions for the participation of women in diplomacy, official delegations at the international level, or economic and military matters at the international level. But it may be an injustice to say that the reservation law would not influence the participation of women at the international level. It is right that the law does not ensure public offices such as ministries and other posts for women, but confirmed female seats in the legislature would have a positive impact on women's participation in public offices, policy-making, and representation at the international level. The law is like making women eligible for all these posts because, without being members of the legislature, it is hard to hold any of these posts at the national and international levels.

## Conclusion

On the basis of the above discussion, it may be concluded that Women Reservation Act was the need of the hour. It is not rapid change but is the result of long struggle and patience. The law is like hope for the political empowerment of women. The law also enhanced the domestication of CEDAW in India and implemented the provisions required under Articles 4, 7, and 8. In its unique article, Article 4, CEDAW calls for temporary special measures for the rights of women, and the Indian reservation law is a suitable example of this.

Of course, the scope of the recent Indian law is limited compared to that provided in CEDAW, but it cannot devalue its importance. Even the law is not providing reservation to women in the Rajya Sabha, which is somehow equally responsible for law-making and policy formulation. The non-inclusion of reservation in the Rajya Sabha in the recent law may be due to the reservation of women in states' (provinces) legislatures, and the Rajya Sabha is a representation of that.

Accepting these lacunas, it may be said that the Women Reservation Act is like a foundation on which the building of holistic development of women in the political arena can be made at the national as well as at international level. To go parallel with the scope of CEDAW, the law

would have adopted the provisions as mentioned in the 73<sup>rd</sup> and 74<sup>th</sup> Amendment Acts that require 33 percent reservation of the post of chairpersons, etc. Another issue with the law is its implementation clause, which has provisions that require a long time to be fulfilled.

Despite with these tiny issues and challenges, the Women Reservation Act 2023 is a much-needed step in eliminating the gap between political participation of men and women in India. The law is like a beacon for women and a hope that may fulfil the public legislatures with women's roar.

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