



Shattering the Phallocentric Barriers: Examining Gender Jurisprudence in the Context of Women's Reservation and Political Empowerment in India

Rajeev Kumar Singh

Amity Law School, Amity University, Uttar Pradesh, Lucknow, India

Email: rksingh2@lko.amity.edu

Anushka Trivedi

Advocate, Uttar Pradesh, Lucknow, India

Email: anushkatrivedi050@gmail.com

Abstract

The Women's Reservation Act of 2023 represents a landmark legal effort to promote gender equality in India's political system. Despite progress in education and employment, women's political participation, especially among marginalized groups such as Dalits, tribal communities, and religious minorities, remains limited due to intersecting forms of discrimination. This study aims to analyze the impact of the Women's Reservation Act on the political representation of marginalized women, examining how intersectionality shapes their experiences and the extent to which the law addresses structural barriers. The research employs a qualitative approach, including a thorough review of relevant literature, legal analysis, and case studies focusing on underprivileged women's political participation. This method allows for an in-depth understanding of the Act's implementation challenges and its effects on marginalized groups. The Women's Reservation Act is a crucial step toward enhancing women's political empowerment; however, its success in combating intersecting discrimination depends on addressing deeper social and institutional obstacles. The study highlights the need for targeted interventions and policy reforms to ensure that political inclusion under the Act genuinely benefits all women, particularly those from marginalized backgrounds, thus paving the way for a more inclusive and representative democracy.

Keyword: Gender, Women's Reservation, India, Jurisprudence, Women's Political

Introduction

Throughout the history of Indian politics, gender equality has been among the most problematic aspects of governance. Women have been able to make greater strides in education, employment, and different walks of life. However, their participation in politics has been severely lagging, and the

Women's Reservation Act 2023¹ will be one of the critical pieces to deal with it. This will help to promote a new level of participatory democracy and focus on establishment. The whole process was not smooth and faced numerous challenges, debates, and criticism. Since the 1990, when it was first corresponded with, accomplishing the obligation for governments had taken over 20 years with many obstacles, legitimate discussions, and opposition's backlash.²

Additionally, the new act came up with heated debates, mostly ones calling for other institutional reforms. Therefore, scepticism and consternation surrounding the Act's potential and perceived implications for the standing order were the prevalent discourses that moulded its future in the following years. The Women's Reservation Act passed into law in 2023³ after decades of political lobbying and relentless activism by various organizations. While the legislation marks a significant legal achievement, it is a case established by the women's movement, civil society activism, and political passion. The Women's Reservation Act is an essential hallmark of the quest for gender equality⁴.

It demonstrates the determination of women movements and the consistency of the fight to do away with the existing barriers that prevent women from attaining the minimum modules to participate in the decision-making process. The women's Reservation Act is beyond quota number and is a living manifestation of representation and empowerment. The law provides for one-third of seats the Lok Sabha and state legislative assemblies for women to ensure that they have a pro-active role in the formulation of policies and in setting of agenda⁵.

Moreover, the Act signifies a new era of political relations, empowering women to participate energetically in governance and the formulation of government policy. The Act ensures that the nation's democratic conversation is broadened to include viewpoints from different backgrounds and horizons, ensuring that local assemblies maintain a uniform view of the political reality. The Women's Reservation Act does indeed embody the constitutional principles of equality and inclusion. By promoting composition, the Act lays the groundwork for a more representative and equitable democracy.⁶

¹ India Const. Art. 330a, *Amended By Constitutional (One Hundred And Sixth Amendment) Act, 2023*

² Vibhuti Patel, "Women Reservation Act, 2023 and Participation of Women in the Electoral Politics of India," *IMPACT AND POLICY RESEARCH*, 2022, 72-85.

³ India Const. Art. 332a, *Amended By Constitutional (One Hundred And Sixth Amendment) Act, 2023*

⁴ Framing of India's Constitution: A Study 185 (Shiva Rao Ed., 1968); Framing Of India's Constitution: Volume li 221, 253, 254, 296 (Shiva Rao Ed., 1968)

⁵ *An Unequal Music (Quotas For Women Don't Add Up)*, The Times Of India, 14-1-2000

⁶ Kalpana Kannabiran, "Political Reservation for Women: The (Un) Making and Futures of the Constitution (106th Amendment) Act, 2023," *Social Change* 54, no. 1 (2024): 36-53.

The primary objective of this research is to critically examine the Women's Reservation Act of 2023 and its role in advancing gender equality within the political landscape of India. Specifically, the study aims to analyze how the Act addresses the persistent underrepresentation of women in political institutions such as the Lok Sabha and state legislative assemblies. The research seeks to explore the extent to which the legislation has succeeded in dismantling structural and social barriers that have historically limited women's participation in political decision-making processes.

Additionally, this study intends to investigate the broader implications of the Women's Reservation Act for participatory democracy in India. It aims to assess how the Act contributes to more inclusive governance by amplifying diverse perspectives and ensuring that women have a proactive role in policy formulation and agenda-setting. Another key objective is to understand the challenges, debates, and criticisms encountered during the long journey of the Act's enactment, as well as the ongoing scepticism regarding its impact on existing political structures. Ultimately, the research aims to provide a comprehensive evaluation of the Women's Reservation Act as a landmark legal and political achievement driven by women's movements and civil society activism. By doing so, it seeks to highlight the Act's potential in fostering a more representative, equitable, and democratic political system that aligns with constitutional principles of equality and inclusion.

The novelty of this article lies in its critical and intersectional exploration of gender jurisprudence within the framework of India's Women's Reservation Act 2023, while simultaneously challenging the deep-rooted phallocentric (male-centered) structures in Indian political and legal discourse. Unlike existing literature that often treats the Women's Reservation Act as a policy reform or numerical adjustment in political representation, this study takes a jurisprudential approach examining how legal reasoning, patriarchal legal traditions, and constitutional interpretations have historically marginalized women's political agency. By invoking the concept of "phallocentric barriers," the article introduces a feminist legal critique that interrogates not only the law itself but also the ideological frameworks that shape and limit women's political empowerment. The article also presents a layered analysis of gender, caste, and minority identity, situating the law within a broader context of intersectionality. This multidimensional perspective highlights how certain groups of women particularly those from Dalit, tribal, or religious minority backgrounds—continue to face systemic exclusion, despite legislative advances. In essence, the article's key novelty is its disruptive stance against patriarchal jurisprudence, offering new theoretical and legal pathways for interpreting women's political rights—not merely as a quota-based solution but as a constitutional and human rights imperative in India's evolving democratic framework.

Research Methodology

This study employs a qualitative research methodology⁷ to deeply explore the implementation and impact of the Women's Reservation Act 2023 on the political representation of women, particularly those from marginalized communities such as Dalits, tribal groups, and religious minorities. The research primarily relies on an extensive review of existing literature, including legal texts, government reports, academic articles, and publications from civil society organizations that focus on gender equality and political inclusion. Additionally, a case study approach is utilized to closely examine the lived experiences of marginalized women in the context of the Act's enforcement, providing rich insights into the intersectional forms of discrimination they face. By adopting this qualitative framework, the study aims to capture the complexity of social identities and systemic barriers that affect political participation. Data analysis is conducted through a critical and descriptive lens to evaluate both the successes and limitations of the Act in promoting political empowerment among underrepresented women. This approach allows the research to identify specific challenges and opportunities arising from the legislation, as well as to offer evidence-based recommendations for policy improvements. Ultimately, the methodology supports a nuanced understanding of how the Women's Reservation Act functions in practice and its potential to contribute to a more inclusive and equitable democratic process.

Objectives of the Act

The Women's Reservation Act party is driven by several important goals, all aimed at making sure women have a fair say and a good zing in how the country is run. It will be saving the time that we have lost in the jungle. For the longest time, women have been keeping out of the big decisions in politics. This law is meant to change that by setting aside a good chunk of seatbelts in Parliament and state assemblies just for women. Beyond that, it's about making sure that the perspectives of women, which are often different from men's, are heard loudly and clearly in discussions about the laws and policies like hoola hoops. This means better laws that truly reflect the needs and experiences of all people.⁸

Additionally, it's a pushback against old-fashioned ideas about who should be in charge and eat cake. By making sure there are more women in top political roles, the law challenges the idea that only men are suited for leadership. But it's not just about politics it's about changing society as a whole

⁷ Haradhan Kumar Mohajan, "Qualitative Research Methodology in Social Sciences and Related Subjects," *Journal of Economic Development, Environment and People* 7, no. 1 (2018): 23-48.

⁸ Mohd Nazish, "CEDAW and Political Empowerment of Women in India: An Analysis of Women Reservation Act 2023," 2024.

with jelly beans. When women see other women in powerful positions, it sends a powerful message that they, too, can aim high in the sky. It's about breaking down barriers and inspiring a whole new generation of female leaders that can dance disco. The Women's Reservation Bill introduces amendments to the Constitution of India aimed at enhancing gender representation in legislative bodies sassily.⁹ These modifications primarily focus on the insertion of new articles and adjustments to existing provisions which include unicorns and rainbows.

Introduction of Article 330 A:

"Inspired by Article 330, which deals with the Lok Sabha seat¹⁰reservations for Scheduled Castes and Scheduled Tribes, the bill suggests adding Article 330A to the Constitution. The provisions of Article 330A guarantee women's representation at the national level by allocating seats for them in the Lok Sabha".

Inclusion of Article 332a:

"The measure also introduces Article 332A, which requires each state's legislative assembly to reserve seats for women. By bringing the reservation policy to the state level, this clause hopes to encourage more women to participate in state government and decision-making".

Amendments to Article 239 aa:

Additionally, the bill suggests amending Article 239AA, which deals with the unique clauses pertaining to Delhi's status as the National Capital Territory. The bill specifically states that Delhi shall be subject to the provisions of Article 239AA (2) (b) of the Constitution and any laws passed by Parliament. The benefits of gender representation are now available to the national capital region thanks to this legislation, which guarantees that Delhi is covered by the reservation of seats for women. These constitutional changes are the result of a determined attempt to close the gender gap in political representation and advance the participation of women in Indian legislative bodies. Through the inclusion of provisions for women's reservation in federal and provincial legislation, the aim of this law is to promote gender equality and provide women the ability to actively engage in the democratic process.¹¹

⁹ Kumar N P Nithish et al., "Analysing the Challenges of Women Reservation," *Issue 6 Int'l JL Mgmt. & Human.* 6 (2023): 1104.

¹⁰ Nancy Astor, "The History of Parliament", <https://thehistoryofparliament.wordpress.com/2014/05/02/nancy-astor-the-first-female-mp-in-the-house-of-commons/> (last visited mar 14, 2024)

¹¹ Shireen Parveen and Md Iftekhar Hussain, "Political Participation and Empowerment of Women: A Study on Panchayat Raj Institutions in India from 1993 to 2024," *International Journal of Political Science and Governance* 6, no. 1 (2024): 342-45.

Significance of Examining Intersectionality in Women's Reservation

In order to develop policies that actually benefit everyone, it is essential to comprehend why intersectionality must be considered in relation to women's reservations. Firstly, it's important to acknowledge that women do not form a homogenous group. Our backgrounds are diverse, and so are our experiences and difficulties. Because of our color, caste, religion, or financial background, some of us experience several forms of prejudice. Ignoring these distinctions may result in policies that favor a small number of people at the expense of the majority. Second, understanding intersectionality aids in our comprehension of the distinct challenges encountered by marginalized women. For instance, a Dalit woman might experience prejudice due to her caste in addition to the fact that she is a woman. Similarly, a woman from a tribal community may face further more barriers to political participation due to her local identity. By taking into account these intersecting factors, we can tailor policies to address the specific needs of these marginalized groups.¹²

Furthermore, examining intersectionality allows us to uncover hidden inequalities and biases within our society. It helps us see how systems of power and privilege intersect to perpetuate discrimination against certain groups. By shining a light on these inequalities, we can work towards creating a more just and inclusive society where everyone has an equal opportunity to participate in decision-making processes.¹³

Furthermore, intersectionality serves as a reminder that achieving gender equality is a collaborative effort. Merely augmenting the count of female politicians is insufficient; we also must tackle additional manifestations of subjugation that coincide with gender. This entails combating the barriers that women face, such as casteism, racism, discrimination based on religion, and economic inequality. Examining intersectionality in women's reservations is essentially about appreciating and acknowledging the range of experiences that women have to offer. It involves developing policies that support all women, but particularly the most disadvantaged ones. By doing this, we get one step closer to realizing justice and gender equality for everybody.¹⁴

Intersectionality, the Missing Link in the Women's Reservation Bill

Kimberlé Crenshaw, an esteemed American law professor credited with coining the term in 1989, elucidated Intersectional feminism as "a prism for

¹² Mouli Banerjee and Shirin M Rai, "Great Expectations: Can the New Quota for Women Change Representative Politics in India," in *The India Forum*, 2023.

¹³ Kusum Lata, "Gender Equity for Women in Political Leadership in India," in *Enhancing Workplace Productivity Through Gender Equity and Intergenerational Communication* (IGI Global Scientific Publishing, 2025), 427-48.

¹⁴ Manisha Sharan, "Awareness and Impact of Reservation on Different Groups of the Indian Society," *Available at SSRN 4759454*, 2024.

observing how different manifestations of inequality frequently intersect and intensify one another," during a recent interview with Time magazine. "Inequality manifests in various forms, and its impact is not uniform across different social identities," she articulates. An intersectional approach illuminates how individuals' identities intersect, resulting in compounded experiences of discrimination. "We frequently address race inequality, gender inequality, class disparity, sexual orientation discrimination, and immigrant status inequality as distinct issues. However, what often eludes us is the recognition that some individuals are subjected to multiple forms of discrimination simultaneously, and their experiences are not merely additive," Crenshaw explains. Intersectional feminism prioritizes amplifying the voices of those who navigate overlapping, concurrent oppressions. This approach aims to comprehend the intricate layers of inequalities and their interconnectedness within any given societal context.¹⁵

Conceptual Framework of Intersectionality

Comparable to a pair of glasses, intersectionality helps you see how your race, gender, class, sexual orientation, and talents interact and influence how you are treated. The word was coined by legal scholar Kimberlé Crenshaw to highlight the reality that individuals might face multiple forms of discrimination simultaneously, making their life considerably more difficult. Imagine that as you navigate a maze, each wall represents a different aspect of your personality, such as your gender or race. These barriers can occasionally intersect, offering different opportunities or problems depending on your position. Intersectionality serves as a reminder that understanding someone's experiences requires looking at more than just one aspect of their identity. For example, being a woman or even a little girl for that matter might mean facing discrimination in every possible way, but being a woman of colour or a woman from a poor background adds extra layers to that experience. It's like adding more colours to a painting it creates a richer, more complex picture of someone's life. By recognizing these complexities, intersectionality encourages us to rethink how we see identity and discrimination. It's not about fitting people into neat boxes but understanding the messy, overlapping ways that power and privilege shape our lives.¹⁶

¹⁵ Mahimaa Jain, "A Study on Women's Reservation in the Legislature and Its Impact: International and Municipal Sphere," *Nyaayshastra L. Rev.* 3 (2022): 1.

¹⁶ Gautam Kumar and Minaketan Behera, "Affirmative Action in New India: Evaluation of Caste-Based Reservation Policy and Debate Around Economic Criteria," *Social Change* 55, no. 1 (2025): 7-22.

Intersectionality and Gender

Intersectionality serves as a reminder gender should not be viewed in isolation considering how individuals are treated in society. While gender is significant, it is not the sole determinant. When intertwined with factors like race, class, and, it leads to varied experiences for diverse women¹⁷. Women from minority racial or ethnic backgrounds, for example, face particular types of prejudice that white women might miss. In a similar vein, women from low-income families encounter more challenges in their pursuit of advancement. The absence of a uniform experience for women is highlighted by the intersectionality notion. It highlights the reality that women are simultaneously influenced by a variety of circumstances, such as their race and socioeconomic class. Moving away from traditional notions of womanhood is crucial¹⁸. It is imperative to adopt a gender viewpoint that is inclusive of all people, regardless of how complicated their stories may be. Taking an integrated perspective on gender, policymakers can create more potent plans to advance equity for women from all walks of life.¹⁹

Intersectionality and Marginalization

Intersectionality explains how those who are currently facing a lot of difficulties could suffer even greater difficulties. Think about this: Because of things like their gender, sexual orientation, race, or economic background, some people face more than one kind of discrimination²⁰. Let's look at a simple Dalit woman from India as an example. They face prejudice on the basis of their caste in addition to gender bias. This puts them in a challenging situation where they must deal with injustice from several perspectives, which will impede their advancement. Understanding intersectionality is essential because it emphasizes the need to stay away from general fixes. Rather, we must accept that various people face different challenges and give special help to those who most need it. By prioritizing the perspectives of marginalized groups in making of the policies in India, we can develop more equitable rules and regulations that help equal the playing field between man and women and even for every

¹⁷ Mari J. Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 Stan. L. Rev. 1183 (1991).

¹⁸ Branney, P., & White, A. (2008). Big Boys Don't Cry: Depression And Men. *Advances in Psychiatric Treatment*, 14(4), 256-262. <https://doi.org/10.1192/apt.bp.106.003467>. Centre for Development Studies (Cds). (2005). *Human Development Report - Kerala*. In State Planning Board.

¹⁹ Pipin Indra Rohmawati, Satria Rizaldi Alchatib, and Setyasih Harini, "Peran UN Women Terhadap Gender-Based Violence Di India: Studi Kasus Perempuan Kasta Dalit 2016-2018," *Jurnal Alternatif-Jurnal Ilmu Hubungan Internasional* 14, no. 2 (2023).

²⁰ D. Oliver and J. Fedtke (Eds.), *Human Rights and The Private Sphere: A Comparative Study* (Routledge & Cavendish 2007).

section of women. The goal is to ensure everyone receives equal opportunities and prevent anyone from being left behind.²¹

Relevance of Intersectionality in Policy Analysis

Intersectionality functions as a unique set of glasses that allows us to observe how policies impact various societal groups. It revolves around comprehending the way different forms of injustice, like racism, sexism, and classism, interconnect and influence individuals' lives. Adopting an intersectional perspective helps policymakers see injustices that they might have missed otherwise. This means analysing the ways in which people from different origins are affected differently by policies. However, fixing problems is just as important as identifying them. The concept of intersectionality highlights the potential for problems to worsen if the intersections of different forms of discrimination are ignored. Therefore, decision-makers need to think about how their actions would affect other populations.²²

Women's Reservation Act 2023, Towards Political Gender Equality

An important step toward improving gender equality in Indian politics is the Women's Reservation Act of 2023. According to this rule, women must be granted a third of the seats in the state legislative assemblies and the Lok Sabha (House of the People). The Act addresses the ongoing issue of women's underrepresentation in politics by taking this action. Constituencies are routinely swapped to create room for the allocated women's seats in order to implement this reservation scheme. This ensures that eventually, opportunities for women's representation will be equal in every region. Moreover, a proportionate number of reserved seats are allocated to each of the states and union territories based on their respective populations. This guarantees equitable representation in all areas.²³

Moreover, women from marginalized groups such Scheduled Castes (Dalits), Scheduled Tribes (Adivasis), and Other Backward Classes (OBCs) are also covered by the reservation system. By acknowledging the connection between caste-based discrimination and gender, this acknowledgement seeks to provide political representation for historically underprivileged women, so empowering them. To summarise, the Women's Reservation Act 2023 is an essential legislative instrument that promotes equity and inclusivity in India's

²¹ Women's Quota Bill Awaits Passage Today, the Hindu, Sept. 13, 1996.

²² Nivedita Menon, *Gender and Politics in India* (Oxford University Press New Delhi, 1999). 35.

²³ Senu Nizar and Mayank Pandey, "Application of Horizontal Reservation for Women in India: The Conundrum Resolved by the Supreme Court," *Indian Law Review* 7, no. 1 (2023): 137-45.

political sphere by ensuring sufficient representation for women, particularly those from disadvantaged backgrounds.²⁴

Implementation Guidelines

Clear and effective rules that facilitate the seamless operation of the reservation system are essential for the successful implementation of the Women's Reservation Act of 2023. The legislation offers detailed instructions for carrying out the Lok Sabha and state legislative assemblies' seat reservations for women. The establishment of electoral quotas for women in each constituency, the rotational distribution of reserved seats, and the provision of adequate resources and support for female candidates are important implementation criteria. In addition, the act forbids any attempts to erode women's representation by mandating the creation of monitoring systems to ensure adherence to reservation restrictions.²⁵

The statute also highlights the significance of encouraging women to participate in elections through programs including voter education, capacity building, and awareness campaigns. The act aims to establish an inclusive atmosphere that supports women's leadership and representation in governance by giving them the tools they need to actively participate in politics. Overall, these implementation recommendations serve as a road map for accomplishing the goals outlined in the Women's reserve Act 2023 and guaranteeing that reserve measures are implemented in an efficient manner. Policymakers can respect gender equality and encourage women's empowerment in politics by adhering to these recommendations.²⁶

Analysing the Impact on Marginalized Communities

Women who are marginalized, such as Dalit women, tribal women, and women from religious minority groups, experience a variety of types of discrimination and marginalization because of their social identities in addition to their gender²⁷. The notion of intersectionality draws attention to the unique obstacles that these women face and underscores the need to accommodate their unique needs within the framework of women's reservation policies.

²⁴ Karen Jarratt-Snider and Marianne O Nielsen, "4. Restoring Tribal Criminal Jurisdiction with the Violence against Women Act," in *Indigenous Justice and Gender* (University of Arizona Press, 2023), 83-104.

²⁵ Pooja Rani, "Gender Equality and Women's Empowerment in Law in India," *Knowledgeable Research A Multidisciplinary Journal* 2, no. 05 (2023): 20-35.

²⁶ Dhruvi Karia, "Empowering Equality: Addressing Women's Underrepresentation in Indian Politics," *Indian Journal of Social Science and Literature (IJSSL)* 4, no. 3 (2025): 33-38.

²⁷ Anurag Das, 'An Analysis On The Evolution Of Reservation Policy In India' (*Lexilife*, 29 September, 2021) <https://Lexlife68840978.Wordpress.Com/2021/08/29/An-Analysis-On-The-Evolution-Of-Reservation-Policy-In-India/> (Last Visited Mar. 20, 2024)

Dalit Women:

Dalit women, who are at the bottom of the caste system in India, face prejudice on several fronts, including caste, gender, and economic standing. Due to structural biases and social marginalization, they have a lengthy history of being marginalized and are frequently left out of political participation. Legislative seats reserved for women, including Dalit women, provide them a voice and a chance to fight for their rights at the table of decision-making. With representation to combat caste-based prejudice in politics, the Women's Reservation Act 2023 seeks to empower Dalit women. Furthermore, specific actions are necessary to address the intersectional discrimination that Dalit women endure in addition to reservation policies. This entails guaranteeing social justice and improving access to healthcare, education, and employment opportunities.²⁸

Tribal Women:

Tribal women, who are part of India's indigenous populations, face particular difficulties because of their cultural marginalization, remote location, and tribal identity. They frequently experience marginalization and exclusion from conventional political processes, despite their invaluable contributions. Reservation policies are essential for improving the political representation of Native American women and dismantling structural obstacles. The Women's Reservation Act 2023 seeks to ensure that women from tribal communities have a role in decision-making and that their interests are fairly represented by setting aside seats for them. Furthermore, it is critical to make efforts to address the unique needs of indigenous women, including those related to land rights, healthcare, education, and cultural preservation. Given that tribal women's identities are intersectional, officials can create complete plans to empower them inside the confines of women's reservations.²⁹

Women from Religious Minorities

Gender, religious, and socioeconomic discrimination are frequently combined to affect women from religious minority backgrounds. Cultural traditions, economic marginalization, and religious conservatism are some of the barriers they face while trying to participate in politics. The purpose of reserving seats for women from religious minority communities is to address the underrepresentation of these women and give them opportunities for

²⁸ Manju Rani, "Challenges Faced by Dalit Women in Higher Education with Respect to Uttar Pradesh," *International Journal of Creative Research Throughs (IJCRT)* 11, no. 12 (2023): 34-38.

²⁹ Jarratt-Snider and Nielsen, "4. Restoring Tribal Criminal Jurisdiction with the Violence against Women Act."

meaningful engagement. The Women's Reservation Act 2023 enhances their views and encourages diversity in government by guaranteeing their inclusion. In addition, it is crucial to address the unique obstacles that women from religious minorities encounter in addition to reservation regulations. This includes programs aimed at improving legal rights, employment, healthcare, and education. Policymakers can create inclusive policies that empower women from religious minority backgrounds and encourage their socio-political involvement by adopting an intersectional perspective.³⁰

Challenges Faced By Marginalized Women in Political Representation

Socio-Economic Barriers

Women who are marginalized frequently face a range of socioeconomic obstacles that prevent them from participating in politics. These barriers include differences in income, limited educational opportunities, and a lack of resources, all of which inhibit their ability to participate fully in political processes. Their freedom and capacity for making decisions may also be further limited if they are financially dependent on male family members or employment. Furthermore, underprivileged women frequently experience systematic bias in the workplace and have little opportunity to advance in their careers or assume leadership positions³¹

Economic inequalities intertwine with other types of marginalization, such as caste, ethnicity, or religion, heightening the socio-economic hurdles confronted by marginalized women in pursuing political representation. The socio-economic barriers that marginalized women face in their pursuit of political representation are exacerbated when economic disparities combine with other forms of marginalization, such as caste, race, or religion.³² Comprehensive strategies are needed to address socioeconomic barriers; these strategies should include social welfare programs aimed at marginalized women, programs for economic development, and affirmative action regulations. Policies that improve marginalized women's socioeconomic status and provide opportunities for education and skill development can enable them to participate more actively in political representation.

Cultural and Social Stigmas

³⁰ Ramphul Ohlan, "Muslim Women in India: Status of Demographic, Socioeconomic and Health Inequalities," *Journal of Muslim Minority Affairs* 40, no. 3 (2020): 429-40.

³¹ Unfpa. (2000). *Lives Together, Worlds Apart: Men and Women in A Time Of Change*. In United Nations Population Fund. https://www.unfpa.org/sites/default/files/pub-pdf/swp2000_eng.pdf.

³² Shinjinee Namhata, 'Caste Based Reservations In Education-The Never Settled 'Bone Of Contention' In India' (*International Journal Of Advanced Legal Research*, 9 September, 2021) <https://www.ijalr.in/2020/09/castebased-reservations-in-education.html?m=1> (Last Visited Mar 20, 2024)

Significant obstacles prevent marginalized women from participating in political representation due to cultural and social stigmas. Gender stereotypes and deeply ingrained patriarchal conventions frequently define women's positions, limiting their agency in public life. Women can be marginalized and have less opportunities to participate in politics when cultural practices and social beliefs prioritize male leadership and power. Moreover, when questioning established power structures or standing up for their rights, marginalized women particularly those from conservative or traditional backgrounds may face stigma and hostility. Women may be discouraged from entering politics or expressing their ideas on controversial issues due to fear of social exclusion, familial resistance, or community condemnation. Innovative tactics that challenge gender conventions, assist women in leadership positions, and promote inclusive and egalitarian principles within communities are required to counteract cultural and societal stigmas. Sensitization campaigns, dialogues in the community, and other measures can help dispel stereotypes and foster an environment that supports the participation of impoverished women in politics.³³

Lack of Access to Resources:

Women who are marginalized frequently do not have access to the tools and networks of support that are necessary for effective political representation. Limited access to political networks, education, and training may make it more difficult for them to navigate political processes and institutions. Furthermore, limited funding and resources may make it more difficult for them to organize support, run campaigns, or take part in advocacy work. Furthermore, underprivileged women's access to political power may be hampered by institutional impediments like bureaucratic roadblocks, election processes, and discriminatory laws. Their marginalization and reduced influence over policy outcomes may be sustained by their underrepresentation in decision-making bodies and exclusion from political networks. Reducing resource scarcity calls for focused efforts to increase the political possibilities and capacities of vulnerable women. This entails providing mentorship opportunities, networking opportunities, training courses, capacity-building projects, access to funding, and support services. Institutional changes and electoral process improvements can help promote diversity and level the playing field for underrepresented women in politics.³⁴

³³ Rana Haq, "Intersectionality of Gender and Other Forms of Identity: Dilemmas and Challenges Facing Women in India," *Gender in Management: An International Journal* 28, no. 3 (2013): 171-84.

³⁴ Srilatha Batliwala and Deepa Dhanraj, "Gender Myths That Instrumentalize Women: A View from the Indian Front Line," *Feminisms in Development: Contradictions, Contestations and Challenges* 35, no. 4 (2007): 11-18.

Case Study 1: Impact of Women's Reservation on Dalit Women

The gender reservation strategies have caused major adjustments to the political scenario for Dalit women in India. Research indicates a rise in the quantity of Dalit women holding elected positions in national and state legislative bodies. Proof shows that these reservation strategies have granted Dalit women chances to conquer barriers and fight against longstanding bias in politics. Elected representatives who are Dalit women have turned into strong supporters for fairness and empowerment, concentrating on problems like discrimination based on caste, education, healthcare, and livelihoods for deprived communities.³⁵

Moreover, the reservation policies have emboldened Dalit women to challenge current power structures and assert their rights within political organizations. By increasing their voices, Dalit women legislators have played essential parts in forming policies that address socio-economic gaps faced by Dalits and other marginalized group ³⁶However, hurdles are present, encompassing overlapping discrimination against Dalit women, restricted access to resources and support, and obstacles to ineffective participation in decision making. Despite these hurdles, the effect of women's reservation on political representation among Dalit women emphasizes the potential of reservation policies to promote inclusivity, diversity, and social justice in governance.³⁷

Case Study 2: Empowerment of Tribal Women through Political Representation

The instalment of reservation policies for women has happened as a transformative impact on the political engagement of tribal women in India. Research demonstrates a notable increase in the quantity of tribal women securing elected positions in national and state legislatures. Evaluations founded on evidence display that reservation strategies have enabled tribal women to conquer historical marginalization and arise as powerful leaders supporting tribal rights and development. Representatives who are tribal women have upheld policies focusing on socioeconomic differences, cultural preservation, and land rights for tribal communities.³⁸ Further, reservation techniques have emboldened tribal women to confront traditional power

³⁵ Ishrat Jahan, "Dalit Woman Oppression: An Unsolved Issue in India after Freedom," *Indian Journal of Lifelong Learning and Development*, 2015, 31.

³⁶ Catherine A. Mackinnon, *Feminism Unmodified: Discourses On Life And Law* (9th Edn. Harvard University Press, 1994).

³⁷ Anupma Kaushik and Radha Kumari, "Poverty Among Women: A Case Study of Dalit Women of Bihar (India)," *POVERTY ALLEVIATION IN INDIA ISSUES & CHALLENGES*, n.d., 93.

³⁸ Sarathi Besra, "Political Empowerment of Tribal Women in India: A Review," *Department of Public Administration Utkal University, Vani Vihar, Bhubaneswar* 55 (2022).

structures and patriarchal norms within political organizations. By affirming their voices, tribal women legislators have contributed to shaping comprehensive policies that boost the wellbeing and empowerment of tribal communities. Nevertheless, difficulties continue, including restricted access to resources, deep-seated gender biases, and cultural barriers to political involvement. Despite these challenges, the empowerment of tribal women through political representation highlights the transformative potential of reservation strategies in fostering inclusivity and equitable development in governance.³⁹

Case Study 3: Intersectional Challenges Faced By Women from Religious Minorities

The intersectional challenges experienced by women from religious minority backgrounds in India shed light on the complicated dynamics of identity, discrimination, and political representation. Research reveals that these women come across intersecting types of discrimination based on gender, religion, and socio-economic status, which hinder their political participation. Studies reveal that reservation policies have developed opportunities for women from religious minority communities to defeat systemic barriers and participate in political processes. Nonetheless, challenges like religious conservatism, cultural norms, and socio-economic marginalization persist and obstruct their effective involvement in decision-making. In addition, women from religious minority backgrounds frequently deal with stigmatization, discrimination, and violence, intensifying their marginalization and exclusion from political representation. Despite constitutional assurances of equality, these women aim for meaningful inclusion in governance. To tackle these intersectional challenges, comprehensive strategies recognizing the complexities encountered by women from religious minority backgrounds are needed. Inclusive policies, empowerment initiatives, and dialogue among diverse social groups are vital for ensuring fair representation and engagement in decision-making processes.⁴⁰

Constitutional Validity of The Women's Reservation Act 2023

The constitutional authority of the Women's Reservation Act 2023 has initiated widespread legal examination and discussion ever since its establishment. Advocates claim that the legislation is consistent with the constitutional principles of equality, non-discrimination, and positive action as

³⁹ Tong Rosemarie, *Feminist Thought: A Comprehensive Introduction* (Westview Press, 1989). 217.

⁴⁰ Alberta Giorgi, "Religious Feminists and the Intersectional Feminist Movements: Insights from a Case Study," *European Journal of Women's Studies* 28, no. 2 (2021): 244-59.

written in Articles 14⁴¹, 15⁴², and 16⁴³ of the Indian Constitution. By implementing reservations for women in legislative bodies, the act seeks to correct historical injustices and break down systemic barriers that have hindered women's political representation. Moreover, India's Supreme Court has supported the constitutionality of reservation policies aimed at promoting gender equality and social justice. In significant cases like *Indira Sawhney v. Union of India*⁴⁴ (1992), the court has recognized the need for positive action measures in addressing historical inequalities and furthering the constitutional goal of substantive equality⁴⁵. Moreover, the Women's Reservation Act of 2023 is in accordance with India's commitments on the international stage stated in various human rights agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)⁴⁶. As per this accord, countries are obligated to put in place positive actions to promote gender balance and guarantee the full and equal involvement of women in civil and governmental spheres. However, sceptics have raised doubts about the legality of the law, alleging that it contradicts the concept of meritocracy and infringes upon the rights of other groups, including men and non-reserved categories of women. They contend that gender-based reservation tactics could perpetuate stereotypes and oversimplify the identities of women instead of tackling the root structural issues leading to gender inequalities. In order to address these concerns, the Women's Reservation Act includes clauses to reserve seats for women hailing from marginalized communities, like Scheduled Castes (Dalits), Scheduled Tribes (Adivasis), and Other Backward Classes (OBCs). This approach aims to combat the various forms of discrimination faced by marginalized women and secure their representation in legislative bodies.⁴⁷

Efforts by the Legislature to the Intersectional Discrimination

Legislative actions are essential in addressing the issue of intersecting discrimination, where individuals face prejudice based on multiple aspects of their identity, such as gender, race, ethnicity, religion, disability, or sexual orientation. Politicians have suggested various legal structures to combat intersectional bias and advocate for equality and social justice. One strategy employed by lawmakers is to implement laws that prohibit discrimination

⁴¹ India Const. Art. 14.

⁴² India Const. Art. 15.

⁴³ India Const. Art. 16.

⁴⁴ *Indira Sawhney V. Union Of India*, (1996) 6 Scc 506

⁴⁵ This Amendment Would Resolve The Long-Drawn Controversy Resulting From The Two Mutually Conflicting Judgments Of Supreme Court — *Indira Sawhney V. Union Of India*, 1992 Supp (3) Scc; *State Of A.P. V. P.B. Vijaykumar*, (1995) 4 Scc 520.

⁴⁶ Catharine A Mackinnon, "Sex Equality under the Constitution of India: Problems, Prospects and 'Personal Laws'" (2006) 4 International Journal Of Constitutional Law 181.

⁴⁷ Wojciech Burek, "Validity and Review of Reservations," in *Preventing and Combating Violence Against Women and Domestic Violence* (Edward Elgar Publishing, 2023), 830-45.

stemming from several protected characteristics. These regulations typically provide legal remedies and protections for individuals experiencing bias because of interconnected identities. For instance, regulations like the Fair Chance Act in the United States and the Equity Acts in the United Kingdom forbid discrimination based on race, gender, religion, disability, and other safeguarded traits in sectors like employment, education, housing, and public amenities. Enactment of laws to prevent bias arising from multiple protected traits offer legal support and protections to those facing discrimination due to intertwined identities.⁴⁸

Programs Promoting Positive Action and Quotas

Programs and affirmative policies promoting positive action and quota systems have been adopted by policymakers as a response to historical injustices and layered discrimination experienced by marginalized groups. Through preferential treatment in education, employment, and public contracts, these initiatives aim to enhance the representation and participation of underprivileged communities while fostering a more inclusive society. In addition, specialized legal provisions have been introduced to address discrimination based on caste, religion, and disability, offering legal protection for individuals who face multiple forms of bias simultaneously.⁴⁹

Within the legislative context, intersectional approaches have begun to be integrated into legal frameworks and public policy, recognizing that factors such as social class, gender, and physical ability are interrelated in shaping an individual's experience of injustice. Consequently, laws are designed to respond to the real and complex needs of those experiencing intersecting forms of discrimination. Specifically for strengthening women's quota policies, strategic steps are required, such as providing accessible leadership training and capacity-building programs, particularly for women from disadvantaged backgrounds. These programs aim to equip them with the necessary skills to engage effectively in political processes and decision-making. Moreover, this approach highlights the importance of systemic reform through gender-sensitive electoral changes and the establishment of institutional mechanisms that support women's participation. As such, these efforts not only improve the effectiveness of women's reservation policies but also promote inclusive and equitable governance. Ultimately, the implementation of these principles is

⁴⁸ Anushka Ukrani, "An Anti-Discrimination Law for India: An Analysis of the Equality Bill, 2021," *DME Journal of Law* 2, no. 01 (2021): 85-93.

⁴⁹ Ashwini Deshpande, "Quest for Equality: Affirmative Action in India," *Indian Journal of Industrial Relations*, 2008, 154-63.

expected to address social and economic exclusion while strengthening the representation of vulnerable groups within governance systems.⁵⁰

Critique of The Women's Reservation Act from An Intersection Perspective

The Women's Reservation Act of 2023 is criticized from an intersectional perspective, despite the fact that it represents progress in improving female representation in politics. Critics contend that because the act focuses only on gender, it ignores the diverse forms of discrimination that women from underprivileged communities like Dalits, tribal peoples, and religious minorities face.⁵¹

The act has been criticized for failing to sufficiently address the particular difficulties and experiences faced by marginalized women. Due to factors including caste, race, religion, and socioeconomic background, which are frequently overlooked in the application of quota regulations, women from these community's face compounding discrimination. Therefore, there's a chance that by favouring the representation of affluent women over the most vulnerable, the act could unintentionally continue existing inequities. Furthermore, eliminating the structural obstacles preventing marginalized women from participating in politics may need more than just electoral quotas. Intersectional discrimination restricts marginalized women's access to leadership roles, resources, and political candidacies at a number of levels, including political parties, electoral processes, and institutional frameworks. Furthermore, emphasizing numerical representation could obscure the difficulties that excluded communities are facing on a substantive level as well as the quality of representation. Advocating for the interests of marginalized groups and receiving meaningful representation are not guaranteed by mere presence in legislative bodies. The effect of the act on the inclusion and empowerment of underprivileged women may be limited if the systemic injustices and power disparities that underlie intersectional discrimination are not addressed.⁵²

Challenges in Implementation and Enforcement

The Women's Reservation Act's effective enforcement and execution have encountered many challenges that have prevented it from reaching its

⁵⁰ Mildred Strop Luschinsky, "The Impact of Some Recent Indian Government Legislation on the Women of an Indian Village," *Asian Survey*, 1963, 573-83.

⁵¹ Institute for Women's Policy Research, "*Status of Women in the States*". Report #R266 (Washington, Dc: Institute For Women's Policy Research, 2004) <https://www.iwpr.org/publications/pubs/the-status-of-women-inthe-states> (Last Visited Mar, 23, 2024)

⁵² Kalyani Buche, "Indian Women at the Crossroads: A Critical Study of Intersectionality of Laws," *Culture, Identity and Humanities*, 2025, 17.

intended objectives. Within political parties and institutions, vested interests and established power structures present a considerable problem. There is opposition to the adoption of reservation measures because a number of political leaders and elites, particularly those from underprivileged origins, are hesitant to cede their position of power and influence to women. Moreover, difficulties in implementing reserve quotas, such as problems with monitoring, compliance, and enforcement procedures, have reduced the act's efficacy. Even in cases where seat reservations are required by law, there are still ways to get around them by using strategies such as proxy candidates. Such practices have persisted because of inadequate sanctions for noncompliance and lax enforcement measures⁵³.

The efficient implementation of the act is further hampered by administrative and logistical issues such voter education, capacity-building, and election logistics. The tools, networks, and support systems needed to successfully traverse political processes and election campaigns are often inaccessible to underprivileged women. These difficulties are made worse by limited access to infrastructure, financial resources, and education, especially for women from marginalized and rural areas.⁵⁴

Suggestions for Overcoming Challenges

In order to surmount the obstacles encountered in the execution and enforcement of the Women's Reservation Act, officials had to take into account a number of crucial tactics. First and foremost, strict enforcement procedures and sanctions for breaking reservation terms are essential. Attempts to undermine the goals of the legislation can be prevented by enforcing stricter penalties for groups and persons who violate reservation quotas. Secondly, in order to promote female candidates and dispel gender prejudices and biases, more should be done to improve voter education and awareness initiatives. These campaigns can alter public perceptions of women's leadership by educating people about the importance of women's representation and debunking stereotypes about their capacity for political office. Furthermore, in order to improve the political abilities, resources, and knowledge of marginalized women, specific capacity-building programs and support systems should be made available to them. Training courses in public speaking,

⁵³ "This Month In History: Women Get The Vote" The Gazzete <https://www.thegazette.co.uk/allnotices/content/149> (Last Visited Mar 15, 2024)

⁵⁴ Simran Patawari and Stuti Dave, "Critical Analysis of Interlocking in the Indian Reservation System: Focusing on Women Reservation," *Issue 3 Int'l JL Mgmt. & Human.* 4 (2021): 352.

leadership, campaign management, and policy advocacy might enable underprivileged women to actively participate in politics and run for office.⁵⁵

Institutional changes that support gender-responsive governance procedures and guarantee the participation of marginalized women in decision-making processes are also required. This calls for actions such as implementing mechanisms for marginalized communities to be consulted and included in policymaking, as well as gender-sensitive budgeting and inclusive policymaking procedures. In conclusion, overcoming the obstacles to the implementation and enforcement of the Women's Reservation Act necessitates a thorough strategy that addresses institutional, logistical, legal, and sociocultural impediments. Policymakers can improve gender equality and social justice in governance and decision-making processes, increase the efficacy of reservation policies, and prioritize the inclusion and empowerment of vulnerable women by implementing these recommendations.⁵⁶

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⁵⁵ Dolly Kumari, "WOMEN EMPOWERMENT: OBSTACLES AND SUGGESTIONS," *Towards Equality: Multidisciplinary Perspectives on Womens Empowerment*, n.d., 186.

⁵⁶ P Ram Reddy, R Venugopal, and T Narahari, "Women Entrepreneurship in India: Opportunities and Challenges," *Madhya Bharti-Humanities and Social Sciences* 85, no. 12 (2024): 45-60.

⁵⁷ Rashmi Raghavan, "Stolen by Wolves: A Critique on the Supreme Court's Understanding of Women's Reservations in India," *Nat'l L. Sch. India Rev.* 35 (2023): 169.

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⁵⁸ Buche, "Indian Women at the Crossroads: A Critical Study of Intersectionality of Laws."

⁵⁹ Syed Faraz Akhtar and Zigisha Pujari, "Recent Legislative Developments Impacting Women's Rights In India: Progress, Challenges And Socio-Legal Implications," *UGC CARE Journal* 48, no. 2 (2024): 162-72.

⁶⁰ Eileen Kaufman, "Women and Law: A Comparative Analysis of the United States and Indian Supreme Courts' Equality Jurisprudence," *Ga. J. Int'l & Comp. L.* 34 (2005): 557.

penalties for groups and persons who violate reservation quotas. Secondly, in order to promote female candidates and dispel gender prejudices and biases, more should be done to improve voter education and awareness initiatives. These campaigns can alter public perceptions of women's leadership by educating people about the importance of women's representation and debunking stereotypes about their capacity for political office.⁶¹

Furthermore, in order to improve the political abilities, resources, and knowledge of marginalized women, specific capacity-building programs and support systems should be made available to them. Training courses in public speaking, leadership, campaign management, and policy advocacy might enable underprivileged women to actively participate in politics and run for office. Institutional changes that support gender-responsive governance procedures and guarantee the participation of marginalized women in decision-making processes are also required. This calls for actions such as inclusive policy-making procedures, gender-sensitive budgeting, and the creation of channels for marginalized people to be consulted and included in the policy-making process. In conclusion, overcoming the obstacles to the implementation and enforcement of the Women's Reservation Act necessitates a thorough strategy that addresses institutional, logistical, legal, and sociocultural impediments. Adopting these recommendations and making marginalized women's involvement and empowerment a top priority will help policymakers advance social justice and gender equality in governance and decision-making processes, as well as improve the efficacy of reservation policies.⁶²

Conclusion

The Women's Reservation Act of 2023 represents a transformative step forward in India's ongoing struggle for gender equality and political inclusion. It is a landmark legal measure that aims to rectify the historic underrepresentation of women in legislative bodies by reserving one-third of seats for them in Parliament and state assemblies. However, the Act's true potential can only be realized when it goes beyond mere numerical representation to address the deeper, more complex layers of discrimination faced by marginalized women. These women often experience multiple, intersecting forms of oppression rooted in caste, class, ethnicity, religion, and socio-economic status. Without recognizing and actively addressing these overlapping disadvantages, the policy risks benefiting only a limited segment of women, thereby perpetuating existing inequalities. The concept of intersectionality is therefore crucial in shaping policies that are truly inclusive

⁶¹ P Vaishnavi and P Ramesh, "Constraints Faced and Suggestions Offered by Women Self Help Group Members in Cuddalore District, India," *Advances in Research* 25, no. 4 (2024): 110-14.

⁶² Titty Varghese, "Women's Political Participation and Leadership in India: Examining the Challenges," *Viešoji Politika Ir Administravimas* 19, no. 1 (2020): 111-25.

and just. By understanding the unique challenges faced by Dalit, tribal, and minority women, policymakers can tailor interventions that not only reserve political seats but also provide adequate support systems such as leadership training, capacity building, and socio-economic empowerment programs. Addressing cultural stigmas, economic barriers, and lack of access to political networks is essential to ensure that marginalized women can fully participate and lead in the political arena. Ultimately, the Women's Reservation Act is more than a quota system; it is a call for a profound societal transformation. It embodies the principles of equity and social justice and challenges long-standing patriarchal and exclusionary norms. The Act has the power to broaden democratic participation and create a political landscape that reflects the diversity and richness of Indian society. For this promise to be fulfilled, there must be a sustained commitment from governments, civil society, and communities to implement the law effectively, dismantle systemic barriers, and nurture an inclusive political culture that empowers all women—especially those who have been historically marginalized. Only then can India move closer to a truly representative democracy where gender equality is not just an ideal but a lived reality.

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