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## BR Ambedkar's ideas from the Hindu Code Bill to the Women's Reservation Act

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### Abstract

The tenacious warrior and erudite scholar Dr Ambedkar has worked tirelessly to guide society towards liberty, equality, and fraternity. He pioneered India in breaking down the obstacles that prevented women from advancing in society. He codified the common Civil Code for Hindus and other segments of Indian culture, laying the groundwork for real and serious endeavours. This study aims to present Dr Ambedkar's perspective on women's issues in pre- and post-independence India and its relevance to the current situation.

In 1920, Dr Ambedkar launched his movement. In the patriarchal Indian society, women have always been oppressed and subjugated by men. For the Dalit community, he has always been seen as the messiah. He established a social foundation that is considerate of the weaker and disadvantaged segments of society while serving as the head of the Constitution Drafting Committee, leaving a lasting impression on Indian politics.

To spread his ferocious propaganda against the Hindu social order, he founded the journals Mook Nayak in 1920 and Bahiskrit Bharat in 1927. Through its challenges, he addressed the issues of women and the depressed and appropriately emphasised the necessity for education and gender equality. Dr Ambedkar's encouragement of women to speak out was seen in Radhabai Vadale's 1931 news conference speech. He argued vehemently in the Bombay Legislative Assembly for women's access to family planning methods.

He was a unique combination of a devout scholar and a real freedom fighter who aspired to liberate India from British rule and make it a nation where everyone was free.

Throughout his life, he dedicated himself to promoting social justice and the welfare of the Dalits in society. He made every effort to support the growth of women connected to immoral activities such as prostitution. According to Dr Bhim Rao Ambedkar, women are the victims of a rigid, caste-based, hierarchical social structure. The loop of indecision, masculine ascendancy, ignorance of one's rights, and lack of decision-making authority imprisons today's women. He added numerous provisions for women's welfare to the Indian Constitution and made contributions to Hindu personal laws. Ambedkar was also a notable economist. The purpose of this paper is to explore Dr B.R. Ambedkar's contribution to women's liberation in Indian society, his contribution to women's emancipation, gender equality, and compulsory education for all segments of society, creating awareness about various unjust practices like child marriages and the devadasi system. It intends to discuss his contribution towards uplifting and empowering downtrodden women in Indian society. It would also explore and highlight how women have been treated in society from ancient to the present, leading to the enactment of the Women's Reservation Bill. The process of giving women a larger voice in society's financial, material, and decision-making spheres is women's empowerment.

**Keywords:** Hindu Code Bill, women's reservation act, women empowerment, social inclusion

### Introduction

"I measure the progress of a community by the degree of progress which women have achieved"  
-Dr. Ambedkar

Dr. B.R. Ambedkar, due to his keen observation of the appalling state of Indian women, tried his hardest to free them from a variety of societal and religious constraints. His innate understanding has enabled him to methodically combat several social ills. Ambedkar's works and speeches outline the ideals that India should embrace to modernise its social and political structures. Ambedkar believed that women were the victims of a rigid, caste-based, and oppressive social structure (Arumugam, 2011) <sup>[1]</sup>. He has made many reformatory actions to elevate the status of women in India.

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Thanks to Dr. BR Ambedkar, the Constitution's provisions have given women the same standing as men. He ensured that the ideas of liberty, equality, and fraternity were reflected in the Indian Constitution. V.R. Krishna Iyer claims that social conscience-driven revisions to the constitution have erected unstopable legal obstacles to women's emancipation (Chand, n.d.)<sup>[2]</sup>. The preamble to our Constitution guarantees national unity and individual dignity to all Indian citizens, without distinction based on caste, creed, or sex and also provides social, economic, and political justice; freedom of thought, expression, belief, faith, and worship and equality of status and opportunity are mentioned too (Alina, n.d.)<sup>[3]</sup>. The Constitution has several articles that support women in raising their standing and competing with men. This is made clear by a number of clauses in the Indian Constitution, including Article 14, which states that the State cannot refuse anyone's right to equality before the law and equal protection under the law anywhere in India. Discrimination against any citizen based on religion, race, caste, sex, or place of birth is forbidden by Article 15. The State may discriminate positively in favour of women and children under Article 15(3). Equal opportunity is guaranteed in situations pertaining to public employment under Article 16. Forced labour and human trafficking are forbidden by Article 23. The State is required by Articles 39(a) and (d) to offer equal income and benefits for equal labour. Article 42 requires the State to provide measures for maternity relief and fair and decent working conditions.

Every citizen is required by Article 51A (e) to abstain from actions that diminish the dignity of women. According to Article 243D (3), women must hold at least one-third of the seats in each Panchayat, which will be decided by direct election. These seats would be distributed by rotation among the Panchayat's several constituencies.

According to him, society should be examined from "the below," which implies that marginalised or oppressed groups such as women, tribal people, and Dalits must be given the attention they deserve. Ambedkar's entry into the Indian political sphere gave the social reforms a whole new perspective. He believed that no one else could allay the oppressed complaints unless and until the oppressed themselves stood up to fight their battle (Excelsior, 2017)<sup>[4]</sup>. He made a strong impression on the populace to recognise their situation. Ambedkar imparted his teachings on self-awareness, self-elevation, emancipation, and other concepts to the millions of devoid brains compelled to lead subhuman lives in India (SR, 2017)<sup>[5]</sup>. In his writings and speeches titled "Women and Counter-Revolution," Vol. III, Dr. B.R. Ambedkar made explicit reference to the historical enslavement of women in ancient India. He tried to demonstrate how gender interactions and variances are produced by the Hindu Brahminical order, which prepares women to copy a model feminine behaviour, desiring them to be meek and docile, suitable solely to a life of domestic and home accountabilities (Ambedkar, 2019)<sup>[6]</sup>.

Unfortunately, Gender inequality has been persistent throughout history, it has existed since the emergence of society be it in Indian culture (in the early Vedic the form of government was patriarchal) or any in the world, with women often being confined to their homes and men being the sole breadwinners (Bahodirovna, 2022)<sup>[7]</sup>. If we look at Indian history women have suffered violence and exploitation not only outside their homes but at their homes

as well, hence disturbing their place in society. Moreover, suppose we look at the present Indian society. In that case, this tradition has not completely been eradicated despite provisions (right to equality, right to dignity, right to work and many more) prevalent in the Indian Constitution, the majority of the people still carry the thought that the critical role of women in society is to take care of their house (Baisla, 2021)<sup>[8]</sup>. Even now women who move out of their homes are told to be within their limits as "family's reputation reflects on to them".

Social traditions such as the dowry system continue to exist. Despite legal prohibitions against child marriage, early marriages continue, and many women age prematurely as a result of continuing to have children year after year in the absence of family planning and receiving little support for sufficient maternity care or the welfare of their offspring. Their everyday lot is poverty and illiteracy, along with prejudices that stem from ignorance; most Indian men and women share this fate in a nation where the literacy rate is only seventeen per cent. By compiling the universal Civil Code for Hindus and other segments of the Indian social order, he established the foundation for concrete and sincere efforts. He stated that women should be granted rights related to sociocultural development, well-being, and social education in addition to receiving all-around growth.

### **The Hindu Code Bill**

A commission headed by Sir BN Rau was established by the government in 1941 to investigate legal reform issues. Two measures pertaining to Hindu marriage and intestate succession were drafted by this committee. The Rau Committee should be resurrected and given the responsibility of codifying all of Hindu law, as suggested by a joint committee of the two houses of the central legislature. The committee was reconstituted early in 1944 and conducted a nationwide tour the following year to get public input on the two measures that were being considered as well as on the codification of Hindu law in its entirety. Prominent attorneys and representative groups provided testimony and evidence, which served as the foundation for the development of the Hindu Code Bill. The old central legislation contained an introduction on August 1, 1946, but it was never passed. Following independence, the government introduced it in the Constituent Assembly in 1947, but conservative Hindu factions met with surprisingly strong opposition, which ultimately prevented its passage by delaying tactics.

The Hindu Code Bill was created to give men and women equal rights in marriage and property for most Indians who follow Hindu law (Ray, 1952)<sup>[9]</sup>. In 1950, when the cabinet was formed, Ambedkar began drafting the Hindu Code Bill as Law Minister. Ambedkar tried to modernise and codify Hindu law by modifying personal rules and granting women more rights. As the first Law Minister of India and the head of the Constituent Assembly's Drafting Committee, he believed it was right to amend Manu's Hindu social rules to free women from the centuries-old shackles of slavery (Mandal, 2011)<sup>[10]</sup>. Among many other changes, the Hindu Code Bill, a contemporary manifesto for women's emancipation, aimed to outlaw all other Indian marriage customs and only permit monogamous unions. Additionally, the Code aimed to grant women rights to property and adaptation that Manu had previously denied them. It levelled the playing field for men and women in all legal

affairs.

Ambedkar aimed to reform Hindu personal law to promote equality between men and women, particularly in marriage, inheritance, and divorce. The bill sought to give women greater autonomy and rights in property and family matters, challenging traditional patriarchal norms. Ambedkar believed that legal reforms were essential for social change, as laws could challenge entrenched inequalities and empower women (Ambedkar, 2019) <sup>[11]</sup>. Ambedkar ensured the reforms were based on Hindu tradition by appointing Sanskrit academics to translate significant scriptures and shlokas before drafting the law. Dr Ambedkar said, "I should like to draw attention of the house to one important fact. The great political philosopher Burke who wrote his book against the French Revolution said that those who want to conserve must be ready to repair. All I am asking this House is: If you want to maintain the Hindu system, Hindu culture and Hindu society, do not hesitate to repair where repair is necessary. This Bill asks for nothing more than to repair those parts of the Hindu system which have become dilapidated" (Singariya, 2014) <sup>[12]</sup>. Nehru postponed the bill's enactment due to fierce opposition and dissent inside the Congress party (Banningan, 1952) <sup>[13]</sup>.

Nevertheless, Ambedkar tendered his resignation following the legislation's repeated failure in the legislature. He stated in a letter that he made public that the administration's inaction on the Hindu Code Bill and the treatment it received were key influences in his choice (Banningan, 1952) <sup>[14]</sup>. India saw its first national elections in 1951-1952. One of Nehru's top campaign concerns was the Hindu Code Bill, which he pledged to see through Parliament if the Indian National Congress won. Following Congress's overwhelming victories, Nehru was reinstated as prime minister and pushed for four laws that included the same provisions as the Hindu Code Bill. Ambedkar's objective for Hindu reform was realised with the enactment of these bills:

**The Hindu Marriage Act (1955):** Amended in 1976 provides the provisions of marriageable age of females raised to 18 years, the legitimisation of illegitimate children, punishment of bigamy provision for alimony and Custody of children.

**Hindu Succession Act (1956):** Provides that, a widow has a right to adopt a son or a daughter, it also offers an opportunity for a female Hindu to be independent and dispose of her property by will as she wishes and desires, a uniform scheme of succession to the property of a Hindu female, who dies, intestate after the commencement of the Act. Previously under the uncodified law, the succession to Stridhan varied according to a woman's marital status.

**Hindu Minority and Guardianship Act (1956):** Natural guardians of a Hindu minor in the case of a boy or an unmarried girl the father, and after him, the mother but the custody of a minor who has not completed the age of five years shall ordinarily be with the mother, in case of an illegitimate boy or an illegitimate unmarried girl the natural guardian would be the mother, and after her, the father, and the mother is empowered to change the guardian, appointed by the father and may appoint a new guardian by will.

**Hindu Adoptions and Maintenance Act (1956):** Accepts the adoption of a male and a female child without any

difference. Before this, a daughter could not be adopted, in the uncodified law a spinster or a widow had no right to adopt whereas this Act grants them the right to adopt, under the old Hindu Law a wife was not consulted while adopting a child or while giving a child for adoption, whereas this Act made it compulsory to consult her in both cases, lays down that, a father should adopt a daughter at least 21 years younger than him and section 18 of this act provides many laws regarding the maintenance of a Hindu wife (Kapoor, n.d.) <sup>[15]</sup>.

"The Bill was the greatest social reform measure ever undertaken by the Legislature in this country," Dr. Ambedkar said. Its importance surpasses that of any other law passed by the India Legislature in the past or anticipated to be passed in the future. To continue creating laws pertaining to economic issues while ignoring the fundamental inequalities that exist between classes and sexes in Hindu society is to mock our Constitution and construct a castle over a heap of excrement. Ambedkar (2019) explains the relevance of the Hindu Code. (Ambedkar, 2019) <sup>[16]</sup>.

### Women's Reservation

The maturity of any democracy is marked by the representation and involvement of women in the electoral process. It is defined as equality and freedom with which women share political power with men (Chakravarty, n.d.) <sup>[17]</sup>. According to Mahatma Gandhi, women are the companions of men and possess equal mental capacities. As such, they can participate in every aspect of activities alongside men. Women also have an equal right to freedom and liberty just like men. Ambedkar's vision extended to political participation, advocating for reserved seats for women in legislative bodies to ensure their voices were heard. He understood that political representation is crucial for any meaningful change in societal norms and practices. While the reservation bill addresses women's rights, Ambedkar's broader perspective emphasizes the importance of considering caste, class, and gender together. Dr B.R. Ambedkar once said, "Unity is meaningless without the accompaniment of women." This statement is worth highlighting. Without educated women, education is useless, and without women's strength, agitation is insufficient (Ambedkar, 2019) <sup>[18]</sup>.

However, a milestone has been achieved in Indian history after almost three decades of debate on one-third (33 per cent) of women reservation in Lok Sabha, Legislative Assemblies and National Capital Territory of Delhi. The debate finally ended with the women's reservation (128<sup>th</sup> amendment) bill, 2023 or Nari Shakti Vandan Abhidhiyam unanimously being passed in the upper house and two members opposing it in the lower house. This will also apply to the seats reserved for SCs (scheduled castes) and STs (Scheduled Tribes) in Lok Sabha and State Legislatures. The bill would be effective (from 2029) after conducting a census based on which delimitation exercise would be carried out. So, does that mean women until now did not have any representation in state affairs? Talking about the women's reservation, the issue is much older than Indian Independence when an official memorandum was jointly submitted on the status of women in 1931 by Begam Shah Nawaz and Sarojini Naidu. Further, the National Perspective Plan for Women was recommended in 1988 for the reservation of seats for women in Panchayats as well as

in Parliament which resulted in the introduction of the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Act, 1992, this provided reservation of one-third of seats for women in panchayats and municipalities and greater say in the governance of their communities (*Reservation for Women in Elected Bodies: The 73rd and 74th Amendments*, n.d.)<sup>[19]</sup>. However, there was no reservation in the highest level of government. Women's reservation had garnered support and enthusiasm initially from Atal Bihari Vajpayee but faced barriers, and later with the dissolution of the 15<sup>th</sup> Lok Sabha the bill lapsed. Nevertheless, the representation of women has increased from the first Lok Sabha with just 5% to the seventeenth Lok Sabha with 15% (*Women's Reservation Bill 2023 [The Constitution (One Hundred Twenty-Eighth Amendment) Bill, 2023]*, n.d.)<sup>[20]</sup>. Nearly half of the Indian population constitutes women but the representation of women has been significantly low in government offices and decision-making roles.

The necessity of reserving seats for women in India's national and state legislative institutions has been emphasized by numerous studies and reports over the years in this area. Women's reservation in the Parliament and state assemblies is necessary, as stated in the National Policy for the Empowerment of Women (2001) and the Report on the Status of Women in India (2015). Legislative attempts to guarantee women's seat reservations have been made in 1996, 1998, 1999 and 2008. A measure proposing women's reservation in the Lok Sabha and state legislatures was passed by the Rajya Sabha in 2010, but the Lok Sabha was unable to approve it (*Women's Reservation Act*, n.d.)<sup>[21]</sup>. Nevertheless, the question that arises here is why there is a lack of representation. And why the bill after being in discussion for so long did not gain consent? Well, that is mainly because politics is considered a "male bastion." Moreover, women tend to face discrimination in politics because of the patriarchal mindset where women are considered inferior to men and taking commands from a woman hurts their "male ego." According to the majority of the people, women's vital role in society is to look after their houses and children and hence are discouraged from taking part in politics (little do they know women can be better leaders than men, fine examples of strong women leadership are Indira Gandhi, the only women Prime Minister, and Sushma Swaraj, second woman external affairs minister), moreover, lack of education is the crucial factor in the underrepresentation of women in decision-making roles and even those who make their way into politics face violence and harassment mainly from male counterpart thus deterring them to join politics (Sehta, 2015)<sup>[22]</sup>.

Along with social and cultural barriers, structural barriers such as lack of proper toilets and safe accommodation during fieldwork (conducting surveys) are also there, ultimately, resulting in the dropping out of women. Despite of 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments being in effect the representation of women may have increased officially but the issue of "Sarpanch Pati" has arisen, reportedly, in Madhya Pradesh husbands or male members of women's families took oath on behalf of the elected women representative of the panchayat ('*Sarpanch Pati*': *The Small Steps, and Giant Leaps of Women's Reservation | Political Pulse News-The Indian Express*, n.d.)<sup>[23]</sup>.

With the implementation of the Women's reservation, there is a simultaneous necessity to address the social and cultural

barriers, such as patriarchy and gender norms (through already existing schemes and campaigns such as Beti Padhao Beti Bachao scheme, Sukanya Samridhi Yojana) in women's representation both at a higher level and at the grassroots level of governance. The efficient involvement of women at various levels would not only empower them but will also help in the effective formulation of policies, thus, advocating issues such as violence, women's health, education and economic development (Chakravarty, n.d.)<sup>[24]</sup>. What is concerning here is, in a society where women's role is considered confined to the house and looking after their children and homes, with least to say in the home affairs, would they be listened to or allowed to speak in the state affairs? With no scepticism Women's Reservation Act is indeed a great achievement but what remains a concern is its effective implementation and the onus lies on women who after breaking all odds, have to be the leader of their choice. Lastly, the ability to influence decision-making is limited by the lack of proportional representation of that group.

### Conclusion

One could argue that Dr Ambedkar's life is best described as that of a "Crusader." Throughout his life, he battled against the societal ills and outdated ideologies that had imprisoned Hindu society before independence. Possessing a deep conviction in ethical principles and a humanistic outlook, Ambedkar never wavered from his chosen course. His treatment of the underprivileged and women in particular was simply admirable (आनन्द, 2017)<sup>[25]</sup>. He was a well-known public figure in his day who understood the importance of education for everyone, but notably for women, to progress society and the country. He repeatedly urged the women of the Depressed Class, in particular, to break free from the shackles and muck of Hindu society and take a new, progressive stance, believing that this was the only way to flourish in a world that was changing and evolving. Ambedkar was glad to see depressed-class women entering the political sphere and even urged them to do so. As the Chief Draftsman of the Indian Constitution, he dedicated all of his efforts to drafting a document that would guarantee women's equality with men and prohibit discrimination based solely on sexual orientation (Singh, 2024)<sup>[26]</sup>.

Since his vision of a gender-equal society has not yet come to pass, his ideas are crucial to the social reconstruction that supports women's empowerment. Dr Babasaheb shared his opinions about how all women's lives are going. He declared that women needed to be accorded equal status and treatment. A careful examination of these articles thus suggests that, while the legislative introduction of reservations for Indian women appears to be a positive beginning, it should be accompanied by an improvement in their capacity to exercise their political choices at all societal levels, to use their agency, and to take part in the nation's fundamental decision-making processes especially in a country as complex, heterogeneous, and multilayered as India of course, women would not be the only ones to benefit from this cause of equal participation.

The women's reservation is likely to have a deeper impact not just on the role of women in Indian politics but on Indian electoral politics at large. It is pertinent to remember the role of reservations in Indian politics and nation-building and why it was chosen as the path for the

emancipation of marginalised populations. The suspension of the democratic social contract led to Dr Ambedkar's departure, which signalled a turning point in the history of women's rights in India. Dr Ambedkar deserves credit for his defence of the Hindu Code Bill and his rationale for resigning from the government in the history of democratic battles for women's rights against the state's social and patriarchal hierarchy.

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