

The Politics of Postponement: Census, Delimitation, And the Implementation of The Nari Shakti Vandan Adhiniyam

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Abstract—The Constitution (One Hundred and Sixth Amendment) Act, 2023, known as the Nari Shakti Vandan Adhiniyam, completes a 27-year legislative effort to reserve one-third of seats for women in the Lok Sabha and State Assemblies. This article examines the Women's Reservation Bill through a historical-institutional lens, tracing its development from the 1988 National Perspective Plan, the 73rd and 74th Amendments, repeated parliamentary failures, and its passage in September 2023. Using statistics on women's representation (1952–2024), international data, and analysis of Articles 330A, 332A, and 334A, it evaluates the legislation's design, especially its conditional implementation linked to the census and delimitation. While the Adhiniyam is a significant constitutional milestone with symbolic value, concerns about delayed implementation, lack of OBC sub-quotas, exclusion of the Rajya Sabha and Legislative Councils, and constituency rotation highlight the gap between law and effective representation. The paper recommends timely implementation, intra-party democracy, and capacity-building to convert descriptive into substantive representation.

Index Terms—Women's Reservation Bill, Nari Shakti Vandan Adhiniyam, 106th Constitutional Amendment, political representation, gender quotas, delimitation, Indian Parliament, descriptive representation

I. INTRODUCTION

Few legislative proposals in independent India's history have experienced as long, contentious, and emotionally charged a journey as the Women's Reservation Bill. Initially introduced in the Lok Sabha in September 1996, the bill aimed to reserve one-third of seats in the Lok Sabha and State Legislative Assemblies for women. It was reintroduced multiple times, debated vigorously, physically obstructed, and lapsed across four Lok Sabhas before finally becoming law as the Constitution (One Hundred and Sixth

Amendment) Act, 2023, during a Special Session of Parliament in September 2023 at the new Parliament building. Named the Nari Shakti Vandan Adhiniyam ('the act of salutation to women's power'), it passed with overwhelming support — 454 to 2 in the Lok Sabha and 214 to 0 in the Rajya Sabha — a stark contrast to earlier scenes marked by torn bills and scuffles.

Despite the hopeful consensus in 2023, there are profound unresolved issues. The reservation will only apply after the first census following the Act's start and the delimitation based on it—a sequence that delays implementation to an uncertain future, likely during the 2029 general elections or later. The Act does not address reservation in the Rajya Sabha and State Legislative Councils, omits a sub-quota for OBC women, and leaves the politically sensitive issue of rotating reserved constituencies unresolved. This article places the Adhiniyam within the broader history of debates on gender and representation in India, examines its design and potential impacts, and questions whether a measure so delayed and conditionally applied can fulfill its transformative promises.

The core research questions are threefold: (1) Why did the Women's Reservation Bill repeatedly fail from 1996 to 2010, and what political factors led to its passage in 2023? (2) What are the constitutional and institutional characteristics of the 106th Amendment, and what consequences arise from its conditional implementation? (3) How effectively can electoral quotas convert descriptive representation into substantive representation for women in India?

II. REVIEW OF LITERATURE

The core principles behind gender quotas are based on Pitkin's (1967) distinction between descriptive representation—which involves women being present in legislatures in proportion to their share of the population—and substantive representation, which focuses on advancing women's interests through policy. Phillips (1995) introduced the 'politics of presence' concept, asserting that groups historically excluded need physical representation in decision-making bodies because their interests can't be fully addressed through proxies. Mansbridge (1999) added that descriptive representation enhances deliberation, legitimacy, and the expression of nascent interests.

In India, extensive empirical research has explored the impact of the 73rd and 74th Constitutional Amendments (1992–93), which mandated that one-third of seats in Panchayati Raj Institutions and urban local bodies be reserved for women—later increased to fifty percent in most states, including Karnataka. Chattopadhyay and Duflo (2004) conducted a pioneering randomized study in West Bengal and Rajasthan panchayats, showing that women pradhans prioritized public goods valued by women, such as drinking water. Beaman et al. (2009, 2012) observed that exposure to women leaders reduced voter biases and boosted the aspirations and educational levels of adolescent girls. These results challenge the 'proxy woman' critique, indicating that even when male relatives initially act on behalf of women, ongoing exposure to women's leadership can diminish stereotypes.

Scholarly attention on the national legislation has primarily centered around the politics of failure. Menon (2000) and John (2008) examined the 'quota within quota' demand from socialist and Mandal-era parties, which pushed for OBC sub-reservation and portrayed the Bill as a tool for elite ('par kati' or short-haired urban) women. Jenkins (1999) and Rai (2002) framed the Bill within debates on consociational design and the unintended consequences of rotation. Comparative researchers (Dahlerup, 2006; Krook, 2009) situate India in the global spread of gender quotas, noting that over 130 countries have adopted various quota systems—reserved-seat models (Rwanda, Bangladesh, Pakistan) and candidate-quota models (France, Argentina, Nepal)—leading to diverse outcomes. India's paradox of pioneering local-

level reservations yet lagging at the national level remains a key theme (Rai & Spary, 2019).

The post-2023 literature is still in its early stages. Initial commentaries (Verma, 2023; PRS Legislative Research, 2023) mainly examine the census-delimitation condition and how it interacts with the frozen allocation of Lok Sabha seats under the 84th Amendment, a connection that has significant federal implications for southern states. This article adds to this developing field by combining a historical-institutional perspective with constitutional analysis and representation theory.

III. OBJECTIVES OF THE STUDY

1. Trace the evolution of women's reservation demand in Indian legislatures from colonial times to the 106th Constitutional Amendment.
2. To examine the constitutional framework of the Nari Shakti Vandan Adhiniyam, 2023, focusing on Articles 330A, 332A, and 334A.
3. Analyze the trends in women's representation in the Lok Sabha from 1952 to 2024 and assess India's global standing.
4. To thoroughly analyze the Act's conditionalities, omissions, and implementation challenges.
5. To propose policy measures that transform descriptive representation into meaningful substantive representation.

IV. RESEARCH METHODOLOGY

This study employs a qualitative, doctrinal, and analytical approach, supported by descriptive statistics. Primary sources include the text of the Constitution (One Hundred and Sixth Amendment) Act, 2023; parliamentary debates from the Lok Sabha and Rajya Sabha (1996–2023); reports from the Joint Parliamentary Committee (1996) led by Geeta Mukherjee; the 2002 Report of the National Commission to Review the Working of the Constitution; and statistical reports on general elections (1952–2024) from the Election Commission of India. Secondary sources consist of peer-reviewed journal articles, books, Inter-Parliamentary Union (IPU) data on women in parliaments worldwide, and reports from PRS Legislative Research. The historical-institutional method analyzes legislative success and failure over time, while normative representation

theory assesses the potential impact of the Act. The research is limited by the absence of post-implementation data, as the reservation has not yet been operationalized.

V. HISTORICAL BACKGROUND: A CENTURY-LONG DEMAND

5.1 The Colonial and Constituent Assembly Phase

The issue of women's special representation existed before India became a republic. When the franchise was partially expanded through the Government of India Act, 1935, women had nominated and reserved seats in provincial legislatures. Notably, the leading women's organizations of the independence movement — including the All India Women's Conference, the Women's Indian Association, and the National Council of Women in India — opposed reserved seats in their 1931 submission to the British government, advocating for 'equality and no privileges' and a 'fair field and no favour'. In the Constituent Assembly, members like Renuka Ray and Hansa Mehta supported the same view, believing that universal adult franchise and equality under Articles 14 and 15 would naturally establish women's political representation. However, this initial optimism was misplaced; women's share of Lok Sabha seats stayed below ten percent for over the first forty years of independence.

5.2 The Turning Point: Towards Equality and the Panchayati Raj Amendments

The 1974 Report of the Committee on the Status of Women in India, *Towards Equality*, marked a turning point. It highlighted the paradox of regression—such as falling sex ratios and limited political visibility—despite formal equality. While the Committee was split on legislative reservation, it recommended establishing statutory women's panchayats and reserving seats in local bodies. The 1988 National Perspective Plan for Women proposed a thirty per cent reservation at local levels. These ideas culminated in the 73rd and 74th Constitutional Amendments (1992–93), which added Articles 243D and 243T, reserving at least one-third of seats and chairperson roles in panchayats and municipalities for women. Currently, states like Karnataka, Bihar, and Maharashtra offer fifty per cent reservation, resulting in over 1.4 million women representatives in local government—one of

the largest groups of elected women globally. This local success naturally prompted the question: why not extend this representation to Parliament?

5.3 The Failed Attempts: 1996, 1998, 1999, and 2008–2010

The 81st Amendment Bill, introduced by the Deve Gowda government on 12 September 1996, proposed reserving one-third of seats in the Lok Sabha and State Assemblies. It faced immediate opposition from parties in the Mandal coalition—such as the Samajwadi Party, Rashtriya Janata Dal, and parts of the Janata Dal—which demanded a sub-quota for OBC women and warned that the Bill would favor upper-caste, urban, elite women. The Bill was sent to a Joint Committee led by veteran communist parliamentarian Geeta Mukherjee. In December 1996, the committee's report supported the Bill, offering seven recommendations: reserving seats for Anglo-Indian women, extending provisions to Delhi's assembly, and considering OBC reservations once the Constitution permitted it. The Bill expired with the dissolution of the 11th Lok Sabha.

The pattern repeated with the 84th Amendment Bill (1998) — famously snatched and torn on the House floor — and the 85th Amendment Bill (1999), both of which lapsed amid disruptions. The most notable progress before 2023 was the 108th Amendment Bill, introduced in the Rajya Sabha in 2008 by the UPA government specifically to prevent it from lapsing due to Lok Sabha dissolution. On March 9, 2010, after marshals forcibly removed protesting members, the Rajya Sabha passed the bill by 186 votes to 1 — a historic milestone. However, the UPA, relying on support from parties opposed to the bill, never forwarded it to the Lok Sabha, leading to its lapse in 2014. This episode illustrated that the main challenge was not just parliamentary arithmetic but also coalition management and unresolved OBC issues.

Table 1 summarises the legislative attempts.

Table 1: Legislative History of the Women's Reservation Bill, 1996–2023

Attempt	Year / Lok Sabha	Outcome
81st Amendment Bill	1996 (11th Lok Sabha)	Referred to Joint Committee (Geeta Mukherjee)

		Committee); lapsed with dissolution
84th Amendment Bill	1998 (12th Lok Sabha)	Lapsed on dissolution amid disruptions
85th Amendment Bill	1999 (13th Lok Sabha)	Not put to vote; lapsed
108th Amendment Bill	2008–2010 (Rajya Sabha passage, 2010)	Passed in Rajya Sabha; never taken up in Lok Sabha; lapsed in 2014
128th Amendment Bill (Nari Shakti Vandan Adhiniyam)	2023 (Special Session, new Parliament building)	Passed by both Houses; enacted as the Constitution (106th Amendment) Act, 2023

Source: Compiled by the author from Lok Sabha and Rajya Sabha records and PRS Legislative Research (2023).

VI. THE NARI SHAKTI VANDAN ADHINIYAM, 2023: CONSTITUTIONAL DESIGN

6.1 Key Provisions

The Constitution (One Hundred and Sixth Amendment) Act, 2023 introduces three new articles. Article 330A aims to reserve approximately one-third of all seats in the House of the People for women, including one-third of the seats already reserved for Scheduled Castes and Scheduled Tribes under Article 330. Article 332A provides similar reservations for the Legislative Assemblies of states, and a corresponding change to Article 239AA extends these reservations to the Legislative Assembly of Delhi, the National Capital Territory. Article 334A — the key provision — states that the reservation will take effect 'after an exercise of delimitation is undertaken for this purpose after the relevant figures for the first census taken after the commencement' of the Act are published. This reservation is temporary, lasting fifteen years from the start unless Parliament extends it, and seats reserved

for women will rotate after each delimitation as specified by law.

6.2 The Census–Delimitation Conditionality

The most significant and disputed aspect of the Act is the conditionality in Article 334A. The 2021 decennial Census was delayed, and the delimitation of constituencies was postponed based on 1971 population data, a freeze introduced by the 42nd Amendment (1976) and extended by the 84th Amendment (2001) until after the 2026 census. The implementation of women's reservation is thus linked to the broader, politically sensitive issue of redistributing Lok Sabha seats among states — a change that, given current population trends, would favor northern states and disadvantage southern states like Karnataka, which stabilized their populations earlier. The government argues that linking these measures ensures constitutional correctness, since identifying reserved constituencies is a delimitation task under Article 82. Critics argue that one-third reservation could be achieved within the current constituency framework through lottery or rotation methods, as used in panchayat elections, and that the conditionality effectively leads to indefinite delay. Realistically, the earliest possible implementation might be in the 2029 general election, assuming that census and delimitation are completed on time.

6.3 Omissions: OBC Women, the Rajya Sabha, and Legislative Councils

Three key omissions shape the Act's political landscape. First, although one-third of SC/ST seats are reserved for women from these communities, there is no sub-quota for OBC women — the very issue that stalled the Bill for two decades. As caste enumeration returns to the political agenda, this omission ensures ongoing disputes. Second, the Act does not extend to the Rajya Sabha or State Legislative Councils, where women's representation is similar to that in directly elected chambers (about 13–14 percent in the Rajya Sabha). The official reason — that reservation isn't feasible under proportional representation by single transferable vote — is disputable, since candidate quotas could have been established. Third, the fifteen-year sunset clause combined with rotation introduces the 'musical chairs' problem noted in panchayat studies: if a reservation lasts only for one delimitation cycle, incumbent women may be displaced before

establishing a political base, while male incumbents often treat reserved terms as transitional periods managed through proxies.

VII. WOMEN'S REPRESENTATION IN THE LOK SABHA: EMPIRICAL TRENDS

Table 2 illustrates the evolution of women's representation in the Lok Sabha. Starting with 22 members (4.4%) in the first Lok Sabha, women's participation only surpassed ten percent in 2009, reaching a peak of 78 members (14.4%) in 2019. It then slightly declined to 74 members (13.6%) in 2024, the first general election after the enactment of the Adhiniyam. This serves as a sober reminder that passing legislation alone has limited impact without effective implementation.

Table 2: Women in the Lok Sabha, Selected General Elections (1952–2024)

Lok Sabha Election Year	Women Contestants	Women Elected	Percentage of Seats
1952	—	22	4.4%
1977	70	19	3.5%
1991	325	39	7.4%
2004	355	45	8.3%
2014	668	62	11.4%
2019	726	78	14.4%
2024	797	74	13.6%

Source: Election Commission of India, Statistical Reports on General Elections; PRS Legislative Research (2024).

India's international standing on women's representation is quite weak. According to the Inter-Parliamentary Union rankings, India ranks far below the global average of about 27% women in lower houses. It trails behind countries like Rwanda (over 60%) and Nordic democracies, as well as neighbors such as Nepal (around 33%, thanks to constitutional mandates), and Bangladesh and Pakistan (via reserved seats). This disparity highlights that, despite women making up roughly 46% of elected panchayat members locally, the gap is driven by institutional

factors rather than cultural or attitudinal ones. When quotas are in place, women participate in politics in large numbers; however, without mandates, parties tend to offer women only about 8–12% of tickets.

VIII. CRITICAL ANALYSIS AND DISCUSSION

8.1 Why 2023 Succeeded Where 1996–2010 Failed

Three factors account for the breakthrough. First, a single-party majority in Parliament eliminated the coalition veto that had blocked earlier efforts; parties demanding OBC sub-quotas could no longer prevent passage and instead chose symbolic acceptance over obstruction. Second, the importance of women voters in elections significantly shifted: recent elections saw women voters turn out in numbers equal to or greater than men, prompting parties across the spectrum to attract them as a separate electorate through targeted welfare programs. Supporting the Bill became strategically advantageous for all parties. Third, the symbolic significance — as the first major legislation in the new Parliament building, framed in civilizational terms — increased the political cost of opposition. Consequently, the nearly unanimous vote was more about postponing unresolved issues — the OBC question, the timing, and rotation concerns — rather than resolving them.

8.2 Descriptive versus Substantive Representation

Does increased female presence significantly influence outcomes? The evidence from panchayats is cautiously optimistic: women leaders tend to influence public-goods distribution, reduce minor corruption in certain cases, increase reporting of crimes against women, and inspire new aspirations. However, Parliament differs from panchayats in terms of scale, party discipline, and the influence of party leadership. With the anti-defection law limiting independent votes, women MPs' ability to act as a cross-party group for gender-focused legislation is constrained. Achieving meaningful representation will thus require additional reforms—such as intra-party democracy, gender-sensitive parliamentary procedures, and the empowerment of women's movements to hold representatives accountable. Additionally, the criticism of 'elite capture' remains relevant: many women MPs come from political families. Reservation widens access but does not automatically democratize who benefits. The panchayat experience offers hope,

having cultivated a genuine group of first-generation women politicians over three decades, some of whom have advanced to state and national levels.

8.3 The Federal Question

The connection between women's reservation and the post-2026 delimitation needs highlighting, especially from a southern perspective. If delimitation is based on new population data with an expanded Lok Sabha, implementing women's reservation depends heavily on an inter-state bargaining process of great importance. Karnataka and its southern neighbors risk experiencing a relative decrease in parliamentary influence just as the women's quota is introduced. A constitutional approach that separated the two processes — implementing women's reservation within current seat allocations and postponing inter-state redistribution — could have protected a consensual reform from becoming divisive. As it stands, the fate of the Adhiniyam is linked to one of the most challenging constitutional negotiations expected in the next decade.

IX. FINDINGS

1. Women's representation in the Lok Sabha has increased very slowly, from 4.4 per cent in 1952 to 13.6 per cent in 2024. It still lags well behind the global average and India's own local-government benchmark of about 46 per cent.
2. The repeated defeats of the Bill from 1996 to 2010 are primarily due to coalition politics and the unresolved demand for an OBC sub-quota, rather than a lack of formal parliamentary backing.
3. The 106th Amendment is strongly supported by its core provisions (Articles 330A and 332A), but its implementation depends on a future census and delimitation, meaning it will not take effect until at least 2029.
4. The exclusion of the Rajya Sabha and Legislative Councils, the lack of an OBC sub-quota, and the unresolved rotation mechanism are notable design shortcomings.
5. Evidence from Panchayati Raj Institutions shows that quotas lead to tangible shifts in policy focus and social attitudes, aligning with the expectation of significant progress at the national level, provided there are also party and procedural reforms.

X. SUGGESTIONS AND POLICY RECOMMENDATIONS

1. Carry out the decennial census promptly and finalise the important delimitation within a fixed timeline to ensure the reservation is in effect by the 2029 general election. Parliament should think about setting a legal deadline.
2. Decouple, as far as constitutionally possible, the process of identifying women-reserved constituencies from the reallocation of seats between states, to avoid federal disputes from delaying gender reform.
3. Implement rotation policies that keep constituencies reserved for a minimum of two delimitation cycles, based on panchayat research indicating that longer reservation periods enhance incumbency stability and voter support for women leaders.
4. Implement candidate-level gender quotas for Rajya Sabha and Legislative Council nominations via party-law reforms, and revise the Representation of the People Act to mandate that political parties disclose the gender breakdown of their ticket distribution.
5. Address the OBC sub-quota issue by using transparent caste-specific data and establishing a parliamentary consensus mechanism, instead of letting it serve as a reason for further obstruction.
6. Invest in training and campaign support for women candidates, enhance security measures, and establish a Women's Parliamentary Caucus with official status in legislative processes.

XI. CONCLUSION

The Nari Shakti Vandan Adhiniyam, 2023, ends a 27-year legislative saga and begins a new chapter, but the first page remains unturned. Its overwhelming passage shows the case for women's presence in India's legislatures is beyond dispute; its conditional start shows the institutional will to achieve this remains limited. The history suggests a pattern: women's political inclusion advances when mandated and stalls when left to party discretion. Quotas work, as shown by the panchayat revolution; their absence exacts a cost, as shown by the Lok Sabha's stagnant numbers. The task is to implement practices such as a census, fair delimitation, rotation rules, and party reforms to

turn reserved seats into real pathways to power. Only then will the Act's goal of empowering women move beyond ceremony, and India's democracy reflect half its population.

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