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**EDITORIAL ANALYSIS**

# Women's Reservation Act – The Unresolved OBC Sub-Quota Demand

THE HINDU

6 March 2026

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GS2

GS1

**TH**

The Hindu

MAINS RELEVANCE:

GS Paper 2

GS Paper 1



## INTERVIEW ANGLE

*"The 106th Constitutional Amendment reserves 33% of Lok Sabha and state assembly seats for women — but its implementation is tied to the next Census and delimitation exercise. Is this conditionality constitutionally necessary or politically motivated delay?"*

## WHY IN NEWS

The Hindu editorial of March 6, 2026 — Women's Day week — revisits the 106th Constitutional Amendment (Nari Shakti Vandan Adhiniyam), noting that two years after passage, implementation remains frozen awaiting a census and delimitation that have no fixed timeline, while the demand for an OBC sub-quota within the 33% reservation remains unaddressed.

## THE EDITORIAL'S ARGUMENT

The Hindu makes three interconnected arguments:

- 1. The implementation conditionality is a structural delay, not a constitutional necessity.** The Act ties its operation to a post-enactment Census and subsequent delimitation — but no constitutional provision requires this sequencing. The editorial argues this conditionality was inserted to defer the Act's politically inconvenient effects, and the ongoing Census delay makes "implementation" a vanishing horizon.
- 2. The OBC sub-quota omission is the Act's largest unresolved equity gap.** OBC women constitute a majority of India's female population but are underrepresented even within the limited seats currently held by women. Without a sub-quota, the 33% reservation will disproportionately benefit upper-caste and dominant-caste women — replicating the pattern seen after SC/ST reservations were introduced without gender sub-components.

**3. Political will, not constitutional architecture, is the real constraint.** Countries like Nepal have constitutionally mandated women’s representation without complex preconditions. The editorial argues India’s failure to implement a law it has already passed reflects political risk-calculation, not constitutional necessity.

## THE 106TH CONSTITUTIONAL AMENDMENT — FRAMEWORK

### What the Act Does

The **Nari Shakti Vandan Adhiniyam** (Constitution (106th Amendment) Act, 2023):

Inserts **Article 330A**: Reserves not less than 1/3 of Lok Sabha seats for women (including SC/ST reserved seats)

Inserts **Article 332A**: Reserves not less than 1/3 of state legislative assembly seats for women

Rotation: Reserved seats will be rotated after each delimitation exercise

Sunset clause: Reservation to continue for 15 years from commencement

### The Implementation Conditionality

The Act’s operative provision states it **comes into force only after**:

A Census is conducted following the Act’s commencement, AND

Delimitation of constituencies is carried out based on that Census

**Current position (2026):** The Census — originally scheduled for 2021 — has still not been conducted. No timeline has been officially announced for either the Census or the subsequent delimitation. This means the 2024 general elections were conducted without the reservation, and the Act’s implementation remains indefinitely deferred.

### Historical Attempts

Year	Bill	Status
1996	Women’s Reservation Bill (81st Amendment)	Introduced; lapsed
1998	Re-introduced	Lapsed
1999	Re-introduced	Lapsed
2008	108th Amendment Bill (UPA)	Passed Rajya Sabha; lapsed in Lok Sabha
2023	106th Amendment (Nari Shakti Vandan Adhiniyam)	<b>Passed both Houses; Presidential assent received</b>

## Current Women's Representation

Legislature	Women Members	Total	%
Lok Sabha (18th, 2024)	~74	543	~13.6%
Rajya Sabha	~27	245	~11%
State Assemblies (avg.)	—	—	~9–10%
Rwanda (global leader)	—	—	~61%
Nepal (constitutional mandate)	—	—	~33%

## THE OBC SUB-QUOTA DEMAND

### The Political Arithmetic

The opposition parties demanding an OBC sub-quota within the 33% (Samajwadi Party, RJD, JDU, AAP) argue:

**Numerical reality:** OBC women form the single largest group of Indian women by population share, yet remain dramatically underrepresented in legislatures

**Reservation precedent:** SC/ST reservations under Articles 330/332 are proportional to SC/ST population — no similar gender sub-component exists; the proposed women's reservation could be similarly stratified

**Historical pattern:** After the Mandal Commission reservations in government jobs (1992), upper-caste groups initially dominated the OBC quota in practice — a similar dynamic is feared for the women's reservation

### Why the Act Doesn't Include OBC Sub-Quota

The ruling BJP rejected the OBC sub-quota demand during the 2023 parliamentary debate on grounds:

A sub-quota would require a separate caste census to establish OBC population figures — politically contentious

The constitutional basis for OBC reservation in legislatures is unclear (unlike SC/ST, which have specific Art. 330/332 provisions)

Would complicate delimitation further

## Constitutional Basis

**Article 15(3):** Enables special provisions for women and children — the basis for the 106th Amendment

**Articles 330 and 332:** SC/ST reservation in legislatures — the model for Art. 330A/332A

**No OBC-specific legislative reservation:** Unlike executive employment (Art. 16(4) + 50-A clauses), there is no existing constitutional framework for OBC reservation in legislative bodies

### UPSC RELEVANCE

106th Constitutional Amendment 2023; Nari Shakti Vandan Adhiniyam; Art. 330A (Lok Sabha); Art. 332A (state assemblies); Art. 15(3); rotation of reserved seats; 108th Amendment Bill; Nepal's 33% mandate.

### MAINS GS-2:

Women's political representation — constitutional framework and gaps; OBC reservation in legislature — constitutional feasibility; federal vs. central implementation.

### MAINS GS-1:

Women in Indian society; social justice.

### ESSAY:

“Constitutional guarantees and their implementation are two different conversations.”

## ★ FACTS CORNER — KNOWLEDGEPEDIA

### 106TH CONSTITUTIONAL AMENDMENT (NARI SHAKTI VANDAN ADHINIYAM):

Passed: September 2023 (both Houses); Presidential assent: September 28, 2023

Reservation: **1/3 (33%)** of Lok Sabha + state assembly seats for women

Articles inserted: **Art. 330A** (Lok Sabha), **Art. 332A** (state assemblies)

Rotation: Reserved seats rotated after each delimitation

Sunset clause: **15 years** from commencement

Trigger: Census + Delimitation (post-Act) — **NOT yet done as of 2026**

### WOMEN'S REPRESENTATION — DATA:

18th Lok Sabha (2024): **~74 women / 543 seats = ~13.6%**

Rajya Sabha:  $\sim 27 / 245 = \sim 11\%$

State assemblies (avg.):  $\sim 9-10\%$

Rwanda: **~61%** (world leader; post-genocide reconstruction)

Nepal: **~33%** (constitutional mandate; implemented)

### HISTORICAL BILLS:

1996, 1998, 1999, 2008: Earlier Women's Reservation Bills — all lapsed

108th Amendment Bill: Passed Rajya Sabha (2010) — lapsed in Lok Sabha

### CONSTITUTIONAL FRAMEWORK:

Art. **15(3)**: Enabling provision for special laws for women and children

Art. **330/332**: SC/ST legislative reservation — model for 330A/332A

Art. **16(4)**: OBC reservation in executive employment

No constitutional provision for OBC reservation in legislatures (unlike SC/ST)

### OBC SUB-QUOTA DEMAND:

Proponents: SP, RJD, JDU, AAP

Core argument: OBC women are numerically dominant but politically excluded

Government counter: No constitutional basis; would require caste census data

### OTHER RELEVANT FACTS:

Census delay: Originally due 2021 (10-year cycle); still not conducted as of 2026

Delimitation freeze: Frozen until 2026 under 84th Amendment 2002 — post-Census delimitation awaited

First women in Lok Sabha: 1952 (22 women elected in first general elections)

India's ranking (IPU, women in Parliament): Around 140–150 out of 190+ countries

Source: The Hindu, Vajiram & Ravi

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