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LEGISLATION TRACKER

# Constitution (One Hundred and Sixth Amendment) Act, 2023 — Nari Shakti Vandan Adhiniyam

27 March 2026

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**ACT NUMBER**
**106th Constitutional Amendment 2023**
**YEAR ENACTED**
**REPLACES**
**Constitution (One Hundred and Eighth Amendment) Bill, 2008 (lapsed)**
**KEY PROVISIONS**

- 1 Article 330A — One-third reservation for women in Lok Sabha seats
- 2 Article 332A — One-third reservation for women in State Legislative Assembly seats
- 3 Article 334A — Reservation operative after delimitation exercise based on first Census conducted after commencement of this Act
- 4 Sub-reservation within women's quota for SC, ST, and Anglo-Indian women proportionate to their existing reservation
- 5 Reservation to remain in effect for 15 years from the date it becomes operative, extendable by Parliament
- 6 Does not apply to Rajya Sabha or State Legislative Councils
- 7 Rotation of reserved seats after each delimitation exercise

**BACKGROUND**

The Constitution (One Hundred and Sixth Amendment) Act, 2023, popularly known as the Nari Shakti Vandan Adhiniyam (literally, “Act to Salute Women’s Power”), provides for one-third reservation of seats for women in the Lok Sabha and State Legislative Assemblies. The Bill was introduced, debated, and passed in a special session of Parliament held in the newly constructed Parliament building from September 18-21, 2023. It received Presidential assent on September 28, 2023.

The demand for women’s reservation in legislatures has a long history. The 73rd and 74th Constitutional Amendments (1992) provided one-third reservation for women in Panchayats and Municipalities. The Women’s Reservation Bill for Parliament and State Assemblies was first introduced as the Constitution (81st

Amendment) Bill in 1996 by the H.D. Deve Gowda government, but it lapsed. Subsequent versions — the 84th Amendment Bill (1998), 85th Amendment Bill (1999), and the 108th Amendment Bill (2008) — were introduced by successive governments but failed to secure passage in the Lok Sabha despite being passed by the Rajya Sabha in 2010.

The current women's representation in the Lok Sabha stands at approximately 15% (78 women MPs out of 543 in the 18th Lok Sabha elected in 2024). India ranks 143rd globally in women's parliamentary representation according to the Inter-Parliamentary Union (IPU) data. The amendment aims to bring this to 33% — approximately 181 seats in the Lok Sabha.

## KEY CONCEPTS

- **Delimitation prerequisite (Article 334A):** The reservation will become operative only after a delimitation exercise is conducted based on the first Census held after the commencement of this Act. Since the last Census was in 2011 and the next Census (originally due in 2021, postponed due to COVID-19) has not yet been conducted as of March 2026, the actual implementation of women's reservation is tied to the Census-delimitation sequence. This means the reservation is unlikely to be in effect before the 2029 general elections at the earliest.
- **Rotation of reserved seats:** After each delimitation, the seats reserved for women will be rotated across different constituencies. This ensures that no constituency is permanently designated as a women-only seat and that women contest from different regions over successive elections.
- **Sub-reservation for SC/ST women:** Within the one-third women's quota, seats are sub-reserved for Scheduled Caste and Scheduled Tribe women in proportion to the existing SC/ST reservation in that state. For example, if a state has 20 reserved SC seats, approximately one-third of those will be reserved for SC women specifically.
- **Exclusion of Upper Houses:** The reservation applies only to the Lok Sabha and State Legislative Assemblies (directly elected bodies). It does not extend to the Rajya Sabha or State Legislative Councils, which are indirectly elected.
- **Duration:** The reservation operates for 15 years from the date it becomes effective (not from the date of the amendment). Parliament can extend this period through a subsequent constitutional amendment.
- **Local body precedent:** The 73rd and 74th Amendments (1992) providing one-third reservation for women in Panchayats and Municipalities have been operative for over three decades. Several states — Bihar, Uttarakhand, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tripura, and West Bengal — have since increased women's reservation in local bodies to 50%.

## IMPORTANT PROVISIONS

- **Article 330A (new):** Seats shall be reserved for women in the House of the People (Lok Sabha). The number of seats reserved shall be as nearly as may be one-third of the total number of seats to be filled by direct election.
- **Article 332A (new):** Seats shall be reserved for women in every State Legislative Assembly. One-third of the total seats, including seats reserved for SC and ST, shall be reserved for women.
- **Article 334A (new):** The reservation under Articles 330A and 332A shall come into effect after a delimitation exercise is undertaken for this purpose on the basis of the first Census conducted after the commencement of this Act. The reservation shall cease after a period of 15 years from the date it becomes effective.
- **Proviso to Article 330A:** Within the seats reserved for women, seats shall be reserved for women belonging to Scheduled Castes and Scheduled Tribes. The proportion shall be the same as the proportion of SC/ST reserved seats to total seats in the House.
- **Rotation mechanism:** After each subsequent delimitation, the allocation of reserved seats to different constituencies shall be rotated in such manner as Parliament may determine by law.

## LANDMARK JUDGMENTS

- **Vishaka v. State of Rajasthan (1997):** While this case dealt with sexual harassment, the Supreme Court emphasised gender equality as a constitutional mandate. The women's reservation amendment draws from the same constitutional imperative of substantive equality under Articles 14, 15, and 16.
- **K. Krishna Murthy v. Union of India (2010):** The Supreme Court upheld the constitutional validity of reservation for OBCs in Panchayats but struck down the manner of implementation. The case discussed the relationship between reservation, representation, and democratic governance — principles directly relevant to the women's reservation framework.
- **State of Madhya Pradesh v. Anupama Tiwari (2020):** The Madhya Pradesh High Court upheld the rotation of women-reserved seats in Panchayat elections, establishing that rotation does not violate the right to contest elections. This precedent supports the rotation mechanism in the 106th Amendment.

## RECENT AMENDMENTS / DEVELOPMENTS

- **Census Scheduled for 2027:** The Union Cabinet has scheduled the next Census (originally due in 2021, postponed due to COVID-19) with population enumeration set for February 2027. The completion of this Census is the critical prerequisite for triggering the delimitation process under the current law.

- **Proposed Amendment to Delink from New Census (March 2026):** The Government is exploring an amendment to the Nari Shakti Vandan Adhiniyam to delink women’s reservation from the upcoming Census. Under this proposal, delimitation would be based on the 2011 Census data instead of the 2027 Census. A Constitution amendment bill to tweak the Act and an ordinary bill to amend the Delimitation Act are under preparation. If passed, the reservation could become operative by March 31, 2029, in time for the next Lok Sabha elections.
- **Possible Lok Sabha Expansion:** Under the proposed delimitation-related amendments, the Lok Sabha strength may increase from 543 to as many as 816 seats, with approximately 273 seats reserved for women.
- **Delimitation timeline:** Even after Census/delimitation data is available, the Delimitation Commission must be constituted and complete the delimitation exercise. The last comprehensive delimitation was based on the 2001 Census (Delimitation Commission, 2002-08). This process typically takes 2-3 years.
- **Political debate:** Opposition parties have criticised the delimitation prerequisite as a deliberate mechanism to delay implementation indefinitely. The Congress party has also criticised the Government’s “special session” proposals as a “U-turn” on earlier commitments.
- **Global comparison:** As of 2024, 80+ countries have some form of gender quota for legislatures. Rwanda (61%), Cuba (56%), and Mexico (50%) have the highest women’s representation in their lower houses. The 106th Amendment, once implemented, would bring India to approximately 33%.

## UPSC RELEVANCE

106th Constitutional Amendment; Articles 330A, 332A, 334A (new); reservation quantum (one-third); duration (15 years from operative date); does NOT apply to Rajya Sabha/Legislative Councils; delimitation prerequisite; 73rd/74th Amendments provided local body reservation (1992); first Women’s Reservation Bill introduced in 1996. **Mains GS-2:** Women’s political representation; constitutional provisions for gender equality (Articles 14, 15, 16); comparison with local body reservation experience (73rd/74th Amendments); federalism and delimitation; political empowerment of women; India’s ranking in global women’s representation indices. **Interview:** “The 106th Amendment has been called both a historic milestone and a deferred promise. Given that implementation depends on Census and delimitation, how should we evaluate the sincerity of this reform?”

### RELATED TERMS

[Womens Representation](#)
[Delimitation](#)
[Reservation](#)





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