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**EDITORIAL ANALYSIS**

# Why Women's Reservation Cannot Wait Any Longer: From Symbolic Law to Substantive Representation

 **THE HINDU**

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**POLITY****SOCIAL ISSUES****GS2**

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# Why Women's Reservation Cannot Wait Any Longer: From Symbolic Law to Substantive Representation

 The Hindu
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GS2

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## INTERVIEW ANGLE

*"Women constitute 50% of India's population yet hold only ~9% of state assembly seats and 14-15% of Lok Sabha seats. The Nari Shakti Vandan Adhinyam (Constitution 106th Amendment Act, 2023) is in legal force but operationally inert — its implementation tied to a delimitation exercise that has not occurred. With the 131st Amendment defeated on April 17, 2026, the Centre has notified women's reservation in J&K and Puducherry separately. Should the Constitution be amended to delink women's reservation from delimitation entirely?"*

Source: [Original editorial](#)  The Hindu

## EDITORIAL SUMMARY

The Hindu argues women's reservation under the 106th Amendment cannot wait for delimitation alignment that has now twice failed (with 131st Amendment defeat April 17, 2026). Women hold only ~9-15% of legislative seats despite being 50% of population; India ranks 143rd globally in IPU rankings. Calls for constitutional delinking, phased state adoption, party quota incentives, and judicial pathway as needed.

## THE REPRESENTATION GAP — AT A GLANCE

BODY	TOTAL SEATS	WOMEN MEMBERS	WOMEN %
Lok Sabha	543	~78	~14.4%
Rajya Sabha	245	~31	~12.7%
Average State Assembly	varies	~9%	~9%
Panchayati Raj (~32 lakh seats)	~32 lakh	~14-15 lakh	~46%
Population share	50%	50%	50%
IPU Global Rank	India 143rd of 193		

## THE 106TH AMENDMENT VS INTERNATIONAL MODELS

COUNTRY	MECHANISM	WOMEN % IN PARLIAMENT
Rwanda	Constitutional 30%+	~64%
Mexico	Legislated 50%	~50%
Sweden	Voluntary party quotas	~46%
Argentina	Legislated 30%	~44%
<b>India (post-106th, when operational)</b>	<b>Constitutional 33%</b>	<b>Currently inert</b>

## PATHWAYS TO OPERATIONALISATION

PATHWAY	PROS	CONS
Constitutional delinking amendment	Immediate national implementation	Requires new Article 368 process
State-by-state adoption (J&K model)	Lower political cost	Creates state-wise heterogeneity
Wait for 2021 Census + delimitation	Constitutionally clean	May delay to 2029 or beyond
Voluntary party quotas + incentives	Avoids constitutional politics	Voluntary; uneven uptake
Judicial direction	Forces government action	Constitutional separation concerns

## UPSC RELEVANCE

PAPER	ANGLE
GS2 — Polity	Constitution 106th Amendment Act 2023 (Nari Shakti Vandan Adhiniyam); 73rd/74th Amendment 1992; Article 368 procedure
GS2 — Polity	Delimitation linkage; J&K and Puducherry UT operationalisation; state-level reservation
GS1 — Society	Women’s political participation; voter turnout vs candidate fielding gap; gender norms
GS2 — Social Justice	Substantive equality (Article 14, 15(3)); women’s empowerment; SC/ST reservation within women’s quota
GS2 — IR	IPU rankings; Rwanda, Nordic, Latin American comparators
GS4 — Ethics	Constitutional commitment vs implementation delay; representation justice
Mains Keywords	Nari Shakti Vandan Adhiniyam, Constitution 106th Amendment Act 2023, Article 14, Article 15(3), 73rd/74th Amendment 1992, Panchayati Raj reservation, IPU global rank, Beaman-Chattopadhyay-Duflo-Pande-Topalova research, women voter turnout, J&K Puducherry UT notification, 131st Amendment defeated

### ● KEY ARGUMENTS AT A GLANCE

**The Nari Shakti Vandan Adhiniyam (Constitution 106th Amendment Act, 2023) — reserving 33% of Lok Sabha and state assembly seats for women — is a historic constitutional achievement that remains operationally inert because of its self-imposed conditional trigger: implementation only after delimitation following a published census; with the 2021 Census unpublished and the 131st Amendment (which would have operationalised the Act through 2011-Census-based delimitation) defeated on April 17, 2026, women’s representation in Indian legislatures is effectively frozen at ~9-15% — a constitutional failure to operationalise constitutional commitment that requires either delinking the reservation from delimitation or finding alternative implementation pathways.**


**SUPPORTING**

- Women constitute approximately 50% of India's population but hold only ~9% of state legislative assembly seats and 14-15% of Lok Sabha seats. Voter participation among women now equals or exceeds men in several states — but this electoral mobilisation has not translated into legislative representation.

India ranks 143rd globally on women in national parliament (Inter-Parliamentary Union 2025).
- The Panchayati Raj reservation experience (Constitution 73rd Amendment Act, 1992 and 74th Amendment Act, 1992) demonstrates that mandatory women's reservation produces substantive empowerment outcomes. Approximately 14-15 lakh women hold Panchayati Raj positions today; states like Bihar, Madhya Pradesh, Rajasthan, Karnataka have raised reservation to 50%.

Studies (Beaman et al., MIT) have shown PR women representatives prioritise water, sanitation, and education investments differently from male counterparts.
- The 106th Amendment passed unanimously in 2023 — a moment of cross-party consensus. The conditional implementation tied to delimitation was inserted as a political compromise to address concerns from northern states about their seat allocation. With the 131st Amendment defeated, this compromise has unravelled. The Act now needs either (a) constitutional amendment to delink, or (b) a workable delimitation pathway that can pass federal scrutiny.
- The Centre's notification of women's reservation in Jammu & Kashmir and Puducherry Union Territories (April 17, 2026) demonstrates that the Constitution permits UT-by-UT operationalisation. This precedent suggests a state-by-state adoption pathway could be politically and constitutionally viable — though it would create representation heterogeneity across states.


**COUNTER**

The 106th Amendment's delimitation-linkage was a political necessity in 2023 — without it, the Bill would not have passed unanimously. Imposing women's reservation immediately on the existing 543-seat Lok Sabha would mean reducing male MPs from existing constituencies by one-third — a politically explosive prospect that would have defeated the Bill outright.

The conditional trigger was the price of constitutional consensus. Reform must work within this constitutional choice, not seek to undo it.


**WAY FORWARD**

Five-pillar pathway: (1) **Constitutional Amendment to Delink** — propose an amendment delinking the 33% reservation from delimitation, applying it to the existing 543-seat Lok Sabha through rotation. This requires the same Article 368 process the 131st Amendment failed; (2) **Phased State-by-State Adoption** — building on the J&K-Puducherry UT precedent, states can adopt reservation through state assembly resolutions and central operationalisation.

Tamil Nadu, Kerala, Karnataka are likely first movers; (3) **Voluntary Party Quotas with Tax Incentives** — political parties that field 33%+ women candidates receive tax benefits, election expense relief, or central funding enhancement. This is the model used in some European democracies; (4) **Election Commission Action** — ECI to issue guidelines on women candidate fielding, monitor party compliance, and publish annual women's representation reports; (5) **Judicial Pathway** — PIL to Supreme Court arguing that the indefinite delay in operationalising the 106th Amendment violates Article 14 (equality) and Article 15(3) (special provisions for women), seeking judicial direction for time-bound implementation.

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#### MAINS ANSWER FRAMEWORK

##### QUESTION

*The Nari Shakti Vandan Adhiniyam, 2023 was a historic constitutional commitment to women's political representation but remains operationally inert due to its delimitation linkage. Critically examine the constitutional design choices that have delayed implementation, and suggest a way forward for substantive women's representation in Indian legislatures. (250 words)*

##### INTRODUCTION

Women constitute approximately 50% of India's population yet hold only ~9% of state legislative assembly seats and 14-15% of Lok Sabha seats. The **Nari Shakti Vandan Adhiniyam (Constitution 106th Amendment Act, 2023)** — reserving 33% of Lok Sabha and state assembly seats for women — is in legal force but operationally inert because its implementation was tied to a delimitation exercise after a published census.

With the 2021 Census unpublished and the 131st Amendment (which would have operationalised the Act) defeated on April 17, 2026, women's political representation remains structurally constrained. The

Hindu's editorial argues that women's reservation cannot wait any longer for the constitutional alignment to fall into place.

### BODY

**The current representation deficit:** India ranks 143rd globally on women in national parliament (IPU 2025). Lok Sabha has approximately 78 women members of 543 (~14.4%); Rajya Sabha approximately 31 of 245 (~12.7%).

State legislative assemblies average ~9% women representation. Voter mobilisation has reached parity — women voter turnout now equals or exceeds men in many states — but legislative representation has lagged behind electoral participation, indicating the binding constraint is **political party gatekeeping** rather than voter preference. **The Panchayati Raj precedent:** The 73rd and 74th Constitutional Amendments (1992) introduced one-third reservation for women in Panchayati Raj Institutions and Urban Local Bodies.

Today approximately 14-15 lakh women hold Panchayati Raj positions; many states (Bihar, MP, Rajasthan, Karnataka) have raised reservation to 50%. Research evidence (notably Beaman, Chattopadhyay, Duflo, Pande, Topalova in *Science* 2009) demonstrates that women PR representatives prioritise public goods (water, sanitation, education) differently from male counterparts, with measurable outcomes for child welfare and female school enrollment.

The PR experience validates the substantive impact of mandated representation. **The 106th Amendment design:** The Nari Shakti Vandan Adhiniyam was passed unanimously in September 2023 — a rare cross-party constitutional consensus. The Act provides for 33% reservation in Lok Sabha and state legislative assemblies (NOT Rajya Sabha or Legislative Councils), includes SC/ST reserved seats within the 33%, and provides for rotation of reserved seats every 15 years.

The conditional trigger — implementation only after delimitation following a published census — was inserted as political compromise to address northern-state concerns. With the 131st Amendment defeated, this compromise has unravelled. **The implementation challenge:** Three constitutional pathways remain: (a) **Delink through new constitutional amendment** — politically difficult, would require fresh Article 368 special-majority + state ratification; (b) **Phased state adoption** — building on J&K-Puducherry UT precedent (notified April 17, 2026), but creating representation heterogeneity; © **Wait for 2021 Census publication and acceptable delimitation formula** — possibly delaying operationalisation to 2029 or beyond. **The international comparators:** Rwanda has highest women's parliamentary representation (~64%) due to constitutional mandate.

Nordic countries achieve ~40-46% through party quotas. Many developing democracies (Mexico, Argentina, Belgium) use legislated quotas successfully without inviting representation crises.

India's PR success demonstrates feasibility; the legislative-level delay reflects political sequencing, not constitutional impossibility.

### CONCLUSION

The 106th Amendment is a historic constitutional commitment that requires immediate operationalisation. The most defensible pathway combines: a constitutional amendment delinking reservation from delimitation (allowing immediate implementation in the existing 543-seat Lok Sabha through rotation); phased state-by-state adoption building on the J&K-Puducherry precedent; voluntary party quota incentives for early adopters; Election Commission active monitoring and reporting; and ultimately a judicial pathway if political consensus continues to fail. Women’s representation cannot indefinitely await the alignment of unrelated constitutional questions like census timing and delimitation politics. The Constitution’s commitment requires action, not waiting.

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