

HALF THE NATION, A FRACTION OF THE FLOOR: REVIEWING THE NARI SHAKTI VANDAN ADHINIYAM, 2023

ABSTRACT

After thirty years, six failed attempts, and one unanimous vote- still, no woman has entered Parliament due to it. The Nari Shakti Vandan Adhiniyam, passed in September 2023 with remarkable cross-party consensus, promised one-third reservation (33%) for women in the Lok Sabha and State legislative assemblies. The act even though passed, lacked implementation. The 2023 Act tied its enforcement to a census that hasn't happened and delimitation that cannot begin without it, ultimately hinting any real change to take effect by 2030s'. This is the central paradox of India's Women's Reservation Bill what looks like a law celebrated on paper, remains inoperative in essence. On 8th April 2026, the Union Cabinet proposed to break this deadlock by expanding the Lok Sabha seats from 543 to 816 seats and proceeding with delimitation on the 2011 census data, targeting implementation by 2029. The proposal is ambitious but unfinished- OBC women still remain excluded, the southern states fear diluted representation, and much of the implementation architecture, from seat rotation to the Rajya Sabha's exclusion to the Act's own fifteen-year sunset clause, remains unlegislated. This article traces that arc, from constitutional promise to legislative failure, from symbolic passage to deferred enforcement, and from a Cabinet proposal to a law that Parliament has yet to write.

INTRODUCTION: THE STORY SO FAR...

India is the world's largest democracy and undisputedly so, it's not just because of its population. It is the spirit, that distinct it from others. India's uniqueness lies its diversity, the constitutional framework accommodates them according to their needs, *not* 'proportional equality' but 'equity' that serves its purpose. Various minority groups such as the Scheduled Castes, Scheduled Tribes, religious minorities, linguistic communities and others find protection in the constitutional fabric by way of 'reservations'. From time immemorable, India has recognised its "Nari shakti", only difference in modern times, is the change in perspective and form, from worship and reverence to one of policy and representation¹. One of the prime examples of this change, are the 73rd and 74th Constitutional Amendments of 1992-93, which mandated one-third (33%) reservation for women in Panchayati Raj institutions and Urban local bodies.

Even though, the Indian subcontinent makes up for the largest population in the World, the representation of women in politics, is pathetically low, ironic, considering it amounts to half of its total population. Internationally speaking, India is a signatory to *CEDAW*, the *Beijing Platform for Action*, and bound by *SDG 5* and *SDG 16*, it has international obligations to ensure women's equal participation in political life, obligations that are reflected domestically in

¹ PM Narendra Modi, *Together, We Shall Advance Nari Shakti*, Hindustan times, Apr. 8, 2026, <https://www.hindustantimes.com/opinion/together-we-shall-advance-nari-shakti-101775664440899.html>.

policies such as, the ‘National Policy for the Empowerment of Women (2001)²’ to ‘Beti Bachao Beti Padhao’ among others. In this context, the ‘Women’s Reservation Bill’ was always the missing capstone of this architecture. Statistically speaking, as of 2026, the number of women’s representation in Parliament is only 78 out of 542 members, out of which, only 6 are in the Ministerial position, the number drops even lower in Rajya Sabha, amounting to only 24 out of 224 total members. As of 2024, India ranks 147th out of 193 countries on the *Inter-Parliamentary Union’s (IPU)* index, below the global average of 26.5%, and 131st on the *World Economic Forum’s Global Gender Gap Index, 2025*, far behind its immediate neighbours like Bangladesh, Bhutan, Nepal, and Sri Lanka which compared to India are far smaller both in terms of population as well economy.

The history of Women’s legislative bill, is one of repeated failure dressed occasionally in political sincerity. The first attempt, was made by the 81st Constitutional Amendment Bill, it was tabled in 1996 and was referred to a Select Committee, it faced fierce opposition for not having a *quota within quota* for OBC women and consequently lapsed with that Lok Sabha’s dissolution. Successive attempts were made in the years 1998, 1999, and 2008 and 2010 only to meet the same fate; nevertheless the 2010 bill came closest, it was passed in the Rajya Sabha but ultimately lapsed when the 15th Lok Sabha dissolved³. By 2023, the bill had failed six times in 27 years. Finally, the 106th Constitution Amendment Act, better known as the ‘*Nari Shakti Vandan Adhiniyam, 2023*’ was passed on September 19, 2023⁴. It passed the Lok Sabha with 454 votes in favour, cleared the Rajya Sabha unanimously, and received Presidential assent on September 28th 2023, a near-unanimous vote, after 27 years of failure⁵.

Although well-intentioned, the act lacked implementation. For it to come into force, the delimitation exercise of the seats in Lok Sabha and State Assemblies was necessary to determine the reserved constituencies, which in turn was depended on the statistical data collected through Census⁶. As the last Census were conducted in 2011, the data was not updated, meaning, delimitation could happen based on that data, as it was insufficient. According, to the Government sources, the Census are Scheduled to begin in April 2026, in a phased manner and are estimated to be completed in 2027. This only means that, the earliest the reservation could realistically take effect after the Lok Sabha is reconstituted in 2029, hinting at a long wait in the enforcement of the Act.

² *Women Empowerment*, <https://byjus.com/free-ias-prep/women-empowerment/>.

³ *128th Amendment Bill, Indian Constitution, 2023*.

[https://prsindia.org/files/bills_acts/bills_parliament/2023/Constitution_\(128th_Amendment\)_Bill_2023.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2023/Constitution_(128th_Amendment)_Bill_2023.pdf).

⁴ *India Passes Law to Reserve Seats for Women Legislators*, (Oct. 4, 2023), <http://unwomen.org/en/news-stories/feature-story/2023/10/india-passes-law-to-reserve-seats-for-women-legislators>

⁵ *Parliament Passes Women’s Reservation Bill*, Sept. 22, 2023, <https://www.newsonair.gov.in/parliament-passes-womens-reservation-bill/>.

⁶ Puneet Yadav, *Women’s Reservation Bill Explained: Promise Made, Timeline Uncertain*, (2026), - <https://www.youtube.com/watch?v=rNfnj9vmiFo>.

A WORKAROUND, NOT A WAIT

When the Act was passed in 2023, no timeline was specified for its implementation, the opposition had suggested using the data obtained through 2011 census, however the Government firmly rejected this idea. Since then, the act remains suspended in the oblivion, not completed rejected but not in force either. On April 8, 2026, the Union Cabinet decided it had waited long enough, it proposed three draft amendment bills in the house, a *Constitution (131st Amendment) Bill*, a *Delimitation Bill*, and separate *UT Legislation* with the stated goal of making the reservation a reality by the 2029 Lok Sabha elections⁷. It is said that this, plan sidesteps the census problem by using 2011 data for delimitation, and instead of redrawing constituencies, simply expands the Lok Sabha from 543 to around 816 seats simply reserving the additional 273 seats for women⁸. In this manner, nobody loses their seat, no boundaries are redrawn, and the one-third target is met on paper. It is a clever solution, but it still requires fresh constitutional amendments, and Parliament is yet to debate on the issue⁹. What the Cabinet approved are mere proposals, not the letter of law.

THE OPPOSITION'S LEDGER OF CONCERNS

As the saying goes, “*A strong opposition is a government’s most effective critic, essential for identifying structural weaknesses and policy failures*”, so is the case in the matter at hand. The Government has proposed several things, but it is the opposition which has effectively pointed out the fault lines in the policy. The 2023 Act, gives a “*quota within quota*” for SC and ST Women but leaves out the OBC group, surprising given how, all its precedents were rejected on this very ground. The second reservation comes arises on using a 15-year-old data (2011), Akhilesh Yadav, questioned the entire exercise on this ground and said, “*if the representation is wrong, how can the policy be right?*”¹⁰. Moreover, the Government seeks to introduce the very thing, it once rejected in 2023 when the opposition suggested use of 2011 data census for faster implementation. Moving forward, Congress alleged that the special session, scheduled for April 16–18, was itself in itself, a violation of the Model Code of Conduct, timed to influence elections in West Bengal and Tamil Nadu rather than driven by any legislative urgency. The Concern of the Southern states makes one deliberate, whether the reservations really act as relief or punishment? They claim any expansion or delimitation that draws on ‘population numbers’ risks shrinking their relative share of seats (population of Southern states is far lesser compared to its Northern counterparts), a fear PM Modi tried to calm by promising

⁷ Dipak Dash & Rakesh Kumar, *Government Clears Bill to Amend Quota Law for Women*, Apr. 9, 2026, <https://timesofindia.indiatimes.com/india/government-clears-bills-to-amend-quota-law-for-women/articleshow/130124324.cms>.

⁸ *Cabinet Clears Draft Amendment Bill to Implement Women’s Quota*, Apr. 8, 2026, <https://www.thehindu.com/news/national/cabinet-clears-draft-amendment-bill-to-implement-womens-quota/article70839861.ece>.

⁹ *Government Confirms Extra Sittings to Debate Amendments to Women’s Reservation Act 2023*, The Hindu, Apr. 3, 2026, <https://www.thehindu.com/news/national/government-confirms-extra-sittings-to-debate-amendments-to-womens-reservation-act-2023/article70815501.ece>.

¹⁰ *SP Chief Akhilesh Yadav Questions Use of 2011 Census for Women’s Reservation Bill, Asks “What Is the Rush?”* ANI News, Apr. 7, 2026, <https://www.aninews.in/news/national/politics/sp-chief-akhilesh-yadav-questions-use-of-2011-census-for-womens-reservation-bill-asks-what-is-the-rush20260407201604/>.

no state would see a reduction¹¹. The 2023 Act, only introduced reservation in House of people and State legislative Assemblies, but Council of Ministers was not granted a similar immunity¹². Lastly, there also sits an older, quieter concern, the "sarpanch Pati" problem, the pattern where women elected through reservation effectively hand-over the power to their husbands or male relatives, and remain a nominal head. It needs to be seen if the bill achieves its aim of securing the female representation *or* only secures a female face on male power.

THE UNANSWERED MYSTERY

Even if the Amendment sails through Parliament, the ground reality of it remains to be seen. Since the Amendment remains to be discussed in Parliament, there are many concerns and uncertainties, will the reservation be rotational or permanent? Which seats get reserved for women, how is it decided, and how often will it change? The expansion model works more like a proportional party list than a traditional constituency system, with parties nominating women for the additional seats based on vote share; whether this is meant to be permanent or just a transitional fix for a cycle or two is not stated anywhere. There is also no clarity if the reservation seeks a single or dual constituency model? Will the same place, choose two faces or one? The Rajya Sabha is left out entirely, with its female membership sitting at around 10.7% and no amendment on the horizon to change that. Lastly, there is the 'sunset clause' baked into the 2023 Act itself, the reservation lapses after fifteen years unless Parliament chooses to renew it. Whether that was a thoughtful mechanism for review, or simply a way of avoiding a harder commitment, the law does not say.



¹¹ *Supra* at Note 6.

¹² *Id* at Note 11.