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GS Paper I: Society

1. Women's Reservation in Parliament – Constitutional Promise and the Question of Implementation

a. The Democratic Gap and the Constitutional Basis

India is the world's largest democracy, yet its legislatures do not proportionately reflect its population structure. Women constitute nearly half of India's population, but their representation in Parliament remains limited. In the Seventeenth Lok Sabha, women formed around 14 per cent of members. In many State Legislative Assemblies, the percentage is even lower.

This imbalance created long-standing demands for structural reform. The Constitution permits affirmative action under Article 15(3), which empowers the State to make special provisions for women and children. After nearly three decades of debate, Parliament enacted the Constitution (One Hundred and Sixth Amendment) Act, 2023, popularly known as the Women's Reservation Act. It provides for one-third reservation for women in the Lok Sabha and State Legislative Assemblies.

However, while the principle of reservation has been accepted, the method and timing of its implementation have generated serious constitutional and political debate.

b. Constitutional Framework of the 2023 Amendment

The 2023 Amendment inserts new constitutional provisions to institutionalise reservation:

- **Article 330A** – Provides one-third reservation for women in the Lok Sabha.
- **Article 332A** – Extends similar reservation to State Legislative Assemblies.
- **Article 334A** – States that reservation will come into effect only after the first Census conducted after 2026 and the subsequent delimitation exercise.

Structural Features of the Scheme

i. Scope of Reservation

- One-third of total seats in the Lok Sabha and State Assemblies will be reserved for women.
- Within the Scheduled Caste (SC) and Scheduled Tribe (ST) quotas, one-third of seats will be reserved for women of those communities.
- There is no separate sub-quota for women belonging to Other Backward Classes (OBCs).

ii. Institutional Coverage

- The reservation applies only to directly elected lower houses.
- It does not extend to the Rajya Sabha or State Legislative Councils.

iii. Duration and Rotation

- The reservation is intended to operate for fifteen years, though Parliament may extend it.
- Reserved constituencies will rotate periodically.

Thus, the amendment is broad in coverage but conditional in its commencement and selective in its institutional application.

c. Why Implementation Is Postponed

The most debated feature of the amendment is that it does not provide for immediate implementation. Instead, it links reservation to two sequential processes: a Census and a delimitation exercise.

i. The Census Requirement

The next Census is expected after 2026, likely around 2027. After enumeration, data must be processed and officially published, which usually takes one to two years. Until this process is completed, reservation cannot be operationalised.

ii. The Delimitation Process

Delimitation means redrawing constituency boundaries based on updated population data to ensure equal representation. Under Article 82, Parliament enacts a Delimitation Act after each Census, and the President constitutes a Delimitation Commission.

Historically, delimitation exercises have taken several years. Given the complexity of redrawing more than five hundred Lok Sabha constituencies and thousands of Assembly constituencies, the process may extend into the early 2030s.

iii. Likely Timeline

If Census data is finalised around 2028 or 2029, delimitation may conclude only by the early 2030s. Realistically, reservation may not take effect before the 2034 general elections.

Thus, although enacted in 2023, its benefits may materialise more than a decade later.



d. Political Context: Delimitation and Federal Sensitivities

Since 1976, the allocation of Lok Sabha seats among States has been frozen to encourage population control. States that successfully reduced population growth, particularly in southern India, did not lose representation compared to northern States with higher growth.

Implications of Ending the Freeze

- After delimitation, States with larger populations may gain seats.
- States with lower population growth may see their relative representation decline.
- This has revived concerns about North–South political imbalance.

Linking women’s reservation to delimitation appears politically cautious. If total seats increase, one-third can be reserved without significantly displacing sitting members. This reduces immediate resistance but delays implementation.

Thus, gender reform has been intertwined with federal political calculations.

e. Structural Concerns in the Design

i. Delay and Democratic Credibility

The proposal was first introduced in 1996. If effective implementation occurs only in the mid-2030s, the delay raises ethical concerns. In a democracy, postponing representation may appear inconsistent with the spirit of equality.

ii. Absence of OBC Sub-Quota

While SC and ST women receive internal reservation, OBC women do not. Critics argue that this reflects formal equality but not substantive equality, which requires addressing layered social disadvantages.

iii. Exclusion of Upper Houses

Rajya Sabha and Legislative Councils are excluded. Since these bodies shape federal and legislative review processes, their exclusion limits the transformative impact.

iv. Rotation Concerns

- Frequent rotation may weaken long-term accountability between representative and constituency.
- There is apprehension of proxy representation, where women representatives may operate under indirect political influence.

These challenges do not negate the reform but highlight the need for careful institutional planning.

f. Why Women's Political Representation Matters

i. Democratic Legitimacy

A representative democracy derives legitimacy from reflecting social diversity. Persistent underrepresentation creates a democratic deficit. Increasing women's participation deepens participatory governance.

ii. Policy Outcomes

Evidence from Panchayati Raj institutions, where reservation for women has existed for decades, shows greater emphasis on drinking water, sanitation, education, health and welfare. Women's participation strengthens deliberative quality and community responsiveness.

iii. Constitutional Morality

Constitutional morality requires institutions to uphold justice, dignity and equality. Article 15(3) authorises special provisions for women. Reservation therefore seeks to correct structural imbalance rather than undermine equality.

g. Possible Pathways for Reform

Constitutional Modification

- Remove or modify the Census and delimitation condition.
- Implement reservation within existing constituencies.

Expansion of Lok Sabha Strength

- Increase total seats.
- Reserve newly created seats for women to reduce displacement.

Clarification and Inclusion

- Refine rules on rotation.
- Consider broader inclusion measures for social diversity within women's category.

Each option carries constitutional, administrative and political implications and would require broad political consensus.

Conclusion

The Women's Reservation Act marks a historic constitutional recognition that political equality sometimes requires institutional correction. It affirms that democracy must evolve to ensure legislatures reflect the society they govern.

Yet linking implementation to future Census and delimitation exercises postpones the realisation of that promise. The reform therefore stands between symbolic affirmation and substantive transformation. Its ultimate success will depend not only on constitutional text, but on sustained political commitment to convert formal recognition into lived democratic equality.

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