



Lok SABHA

Letter From Executive Board

Honourable Members of Parliament,

It is with great respect that I welcome all of you to this important sitting of the Lower House of Parliament (Lok Sabha). Today, we gather here not only as members of different political parties but also as representatives of the people of India, entrusted with the responsibility of upholding the values of our Constitution and serving the interests of the nation.

The agenda before us "Discussion on the implementation of the Nari Shakti Adhiniyam in light of pending delimitation and census concerns" is both timely and significant. It invites us to deliberate upon an issue that lies at the intersection of democratic representation, gender equality, and constitutional governance. The Nari Shakti Vandan Adhiniyam (Constitution (One Hundred and Sixth Amendment) Act, 2023) reflects India's commitment to increasing the participation of women in the Lok Sabha and the State Legislative Assemblies. However, under the constitutional framework created by the Act, the reservation of seats becomes operational only after the publication of the first Census conducted after the commencement of the Act and the subsequent delimitation exercise. This has led to important discussions regarding the timeline for implementation and the constitutional processes that must be completed before the Act can be brought into effect. As Members of Parliament, it is our responsibility to carefully examine how the objective of greater women's representation can be achieved while respecting the constitutional framework. Delimitation is intended to ensure that parliamentary constituencies reflect changes in population and continue to provide fair and effective representation, while the Census provides the population data required for this exercise.



The relationship between these constitutional processes and the implementation of the Nari Shakti Adhiniyam deserves thoughtful consideration, keeping in mind both constitutional requirements and the aspirations of women across the country. This debate goes beyond questions of law and procedure. It concerns the nature of representative democracy, the inclusiveness of our elected institutions, and the confidence that citizens place in the democratic process. The discussions held in this House are intended to encourage thoughtful debate on one of the most significant constitutional and electoral reforms in recent years.

I encourage all Honourable Members to participate in this discussion with sincerity, dignity, and mutual respect. Let us engage with different viewpoints, examine the constitutional, legal, and practical aspects of the issue, and work towards solutions that strengthen democratic representation while remaining faithful to the spirit of our Constitution. Our objective should not be to score political points, but to contribute meaningfully to a constructive parliamentary debate.

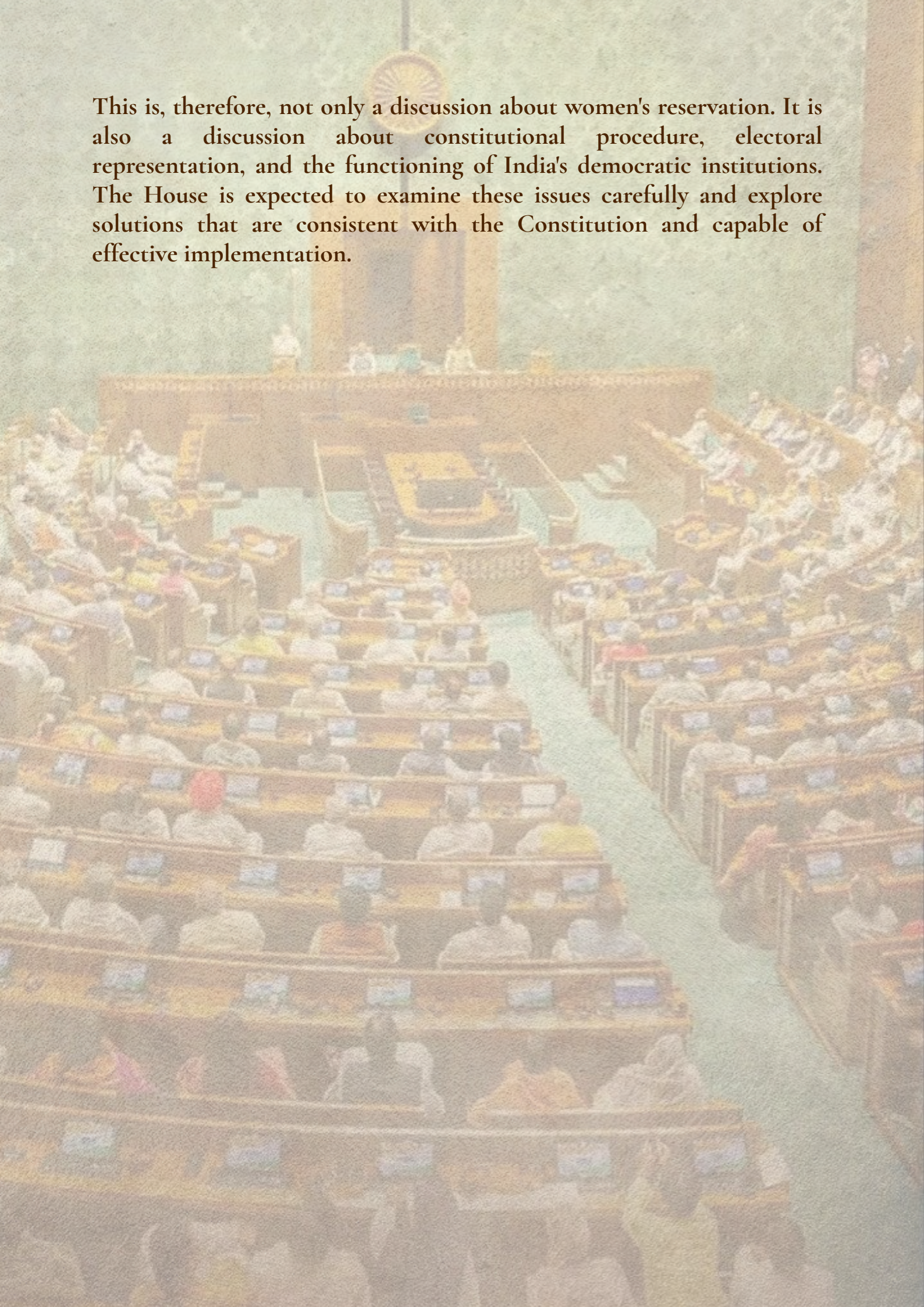
I thank all Honourable Members for their presence and participation. I hope that the deliberations of this House remain informed, balanced, and guided by constitutional values and the best interests of the people of India

Introduction

The agenda, "Discussion on the implementation of the Nari Shakti Adhinyam in light of pending delimitation and census concerns," focuses on one of the most important constitutional developments in recent years. It brings together questions of women's political representation, electoral reforms, and the constitutional process through which these reforms are implemented. While the Nari Shakti Vandan Adhinyam (Constitution (One Hundred and Sixth Amendment) Act, 2023) provides for greater representation of women in legislatures, its implementation depends on certain constitutional steps that are yet to be completed. The Act reserves one-third of the seats in the Lok Sabha, the State Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi for women. It also reserves one-third of the seats already reserved for Scheduled Castes and Scheduled Tribes for women belonging to those communities. However, Article 334A provides that these reservations will come into effect only after the publication of the first Census conducted after the commencement of the Act and the delimitation exercise based on that Census. As a result, the present discussion is not about the validity of the law itself, but about the process and timeline for its implementation.

The Census and delimitation exercise are closely connected. The Census provides the population data required for delimitation, while delimitation redraws constituency boundaries to reflect changes in population. Since the implementation of women's reservation depends on these two processes, any delay in completing them also affects the implementation of the Act. This agenda also provides an opportunity to discuss the practical and constitutional issues that may arise during implementation. Members may consider whether the existing framework is sufficient, whether the objectives of the Act can be achieved within the present constitutional scheme, and how the implementation process can balance constitutional requirements with the need for greater participation of women in elected bodies.

This is, therefore, not only a discussion about women's reservation. It is also a discussion about constitutional procedure, electoral representation, and the functioning of India's democratic institutions. The House is expected to examine these issues carefully and explore solutions that are consistent with the Constitution and capable of effective implementation.



Current Status of Women's Representation in India

Representation in Parliament

Women's representation in Parliament has increased gradually over the years but remains relatively low. Women currently constitute around 14% of the Lok Sabha and around 17% of the Rajya Sabha, which is below the global average for women's representation in national legislatures. The comparatively low participation of women in Parliament has been one of the principal reasons for introducing constitutional measures to increase their representation.

Representation in State Legislatures

Women's representation is lower in State Legislative Assemblies than in Parliament. On average, women constitute around 9% of the total membership of State Legislative Assemblies, and no State Assembly has yet achieved 20% representation by women. Although some States have comparatively higher representation than others, women continue to remain underrepresented across most State legislatures. This continuing gap has strengthened the demand for greater representation through constitutional reform.

Representation in Local Government

The position is significantly different at the local level. The 73rd and 74th Constitutional Amendments require not less than one-third reservation for women in Panchayati Raj Institutions and Urban Local Bodies, while many States have increased this reservation to 50% through their own laws. As a result, women today constitute around 46% of elected representatives in Panchayati Raj Institutions, making local government the strongest example of women's political participation in India. This experience is frequently referred to in discussions on expanding women's representation in Parliament and State Legislatures.

Regional Concerns Relating to Delimitation

The implementation of the Nari Shakti Vandan Adhiniyam has also brought renewed attention to the issue of delimitation. One of the principal concerns expressed by several States is that a future delimitation based on updated population figures may alter the distribution of seats in the Lok Sabha. Southern States, including Tamil Nadu, Kerala, Karnataka, Telangana, and Andhra Pradesh, have expressed concerns that their comparatively lower population growth could affect their relative representation in Parliament. At the same time, States with higher population growth may receive a larger share of seats if delimitation is carried out primarily on the basis of population. Since the reservation under the Act becomes operational only after the completion of the Census and the subsequent delimitation exercise, these concerns form an important part of the present debate.

Implementation Framework

The Constitution (One Hundred and Sixth Amendment) Act, 2023, popularly known as the Nari Shakti Vandan Adhiniyam, provides for the reservation of one-third of the seats in the Lok Sabha, the State Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi for women. It also reserves one-third of the seats already reserved for the Scheduled Castes and the Scheduled Tribes for women belonging to those communities. The Act does not extend to the Rajya Sabha or State Legislative Councils.

The Act does not provide for immediate implementation. Under Article 334A of the Constitution, the reservation will become effective only after the publication of the first Census conducted after the commencement of the Act and the completion of the subsequent delimitation exercise based on that Census. The Census provides the population data required for delimitation, while delimitation redraws constituency boundaries to ensure fair representation based on population changes. Consequently, the reservation was not applicable to the 2024 General Election, and its implementation continues to depend upon the completion of these constitutional processes. This relationship between women's reservation, the Census, and delimitation forms the central issue before this House

Challenges in the Implementation

Although the Constitution (One Hundred and Sixth Amendment) Act, 2023 has been enacted, its implementation depends upon constitutional processes that are yet to be completed. The principal challenges are as follows:

Dependence on the Census and Delimitation

Under Article 334A of the Constitution, reservation for women becomes operational only after the publication of the first Census conducted after the commencement of the Act and the completion of the subsequent delimitation exercise. Consequently, any delay in either process postpones the implementation of the reservation. This remains the central constitutional issue surrounding the Act.

Concerns Regarding Delimitation

Delimitation is intended to ensure fair representation by readjusting parliamentary and assembly constituencies on the basis of population. However, several States have expressed concerns that a future population-based delimitation may alter their relative representation in the Lok Sabha. Since the implementation of the Act is linked to this process, these concerns have become an important part of the present debate.

Administrative and Electoral Preparation

Implementation of the Act requires the identification of reserved constituencies and the rotation of those constituencies after each delimitation exercise, as provided under Article 334A. These steps require coordination between the Census authorities, Parliament, the Delimitation Commission, and the Election Commission of India before the reservation can be implemented.

Scope of the Act

The Act applies only to the Lok Sabha, the State Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi. It does not extend to the Rajya Sabha or State Legislative Councils, where members will continue to be elected under the existing constitutional framework.

Supreme Court Judgments

MEGHRAJ KOTHARI V. DELIMITATION COMMISSION 1966 SCC ONLINE SC 12 : AIR 1967 SC 669.

Facts

The petitioner challenged a Delimitation Commission order reserving the Ujjain Parliamentary Constituency for the Scheduled Castes after the order had been published in the Official Gazette.

Issue

Whether a Delimitation Commission order, after acquiring the force of law, can ordinarily be challenged before constitutional courts.

Rule

The Court interpreted Articles 327 and 329(a) of the Constitution together with the Delimitation Commission Act, 1962.

Application / Reasoning

The Constitution Bench held that once delimitation orders are published in accordance with the statute, they acquire the force of law. The purpose of Article 329(a) is to prevent repeated litigation from delaying or obstructing the electoral process.

Held

The Court held that delimitation orders, once validly published, are generally protected from judicial challenge.

Relevance to the Agenda

Since the implementation of the Nari Shakti Vandan Adhiniyam depends upon a future delimitation exercise, this judgment explains why the delimitation process enjoys substantial constitutional finality

KISHORCHANDRA CHHANGANLAL RATHOD V. UNION OF INDIA 2024 SCC ONLINE SC 1879.

Facts

The appellant challenged aspects of the delimitation exercise concerning reserved constituencies in Gujarat and questioned whether constitutional courts could examine such actions.

Issue

Whether Article 329(a) creates an absolute bar on judicial review in every matter connected with delimitation.

Rule

The Court examined Article 329(a) along with earlier decisions, including *Dravida Munnetra Kazhagam v. State of Tamil Nadu* and *State of Goa v. Fouziya Imtiaz Shaikh*, to determine the scope of judicial review.

Application / Reasoning

The Supreme Court clarified that Article 329(a) does not completely exclude judicial review. Constitutional courts may exercise limited review where there is manifest arbitrariness, mala fide action, or a clear violation of constitutional principles, particularly where such intervention does not disrupt the election process. The Court distinguished *Meghraj Kothari*, explaining that it was intended to prevent unnecessary interference with elections rather than to create an absolute prohibition on judicial review.

Held

The Court recognised a limited scope for judicial review in delimitation matters while reaffirming the constitutional importance of ensuring that elections are not unnecessarily delayed.

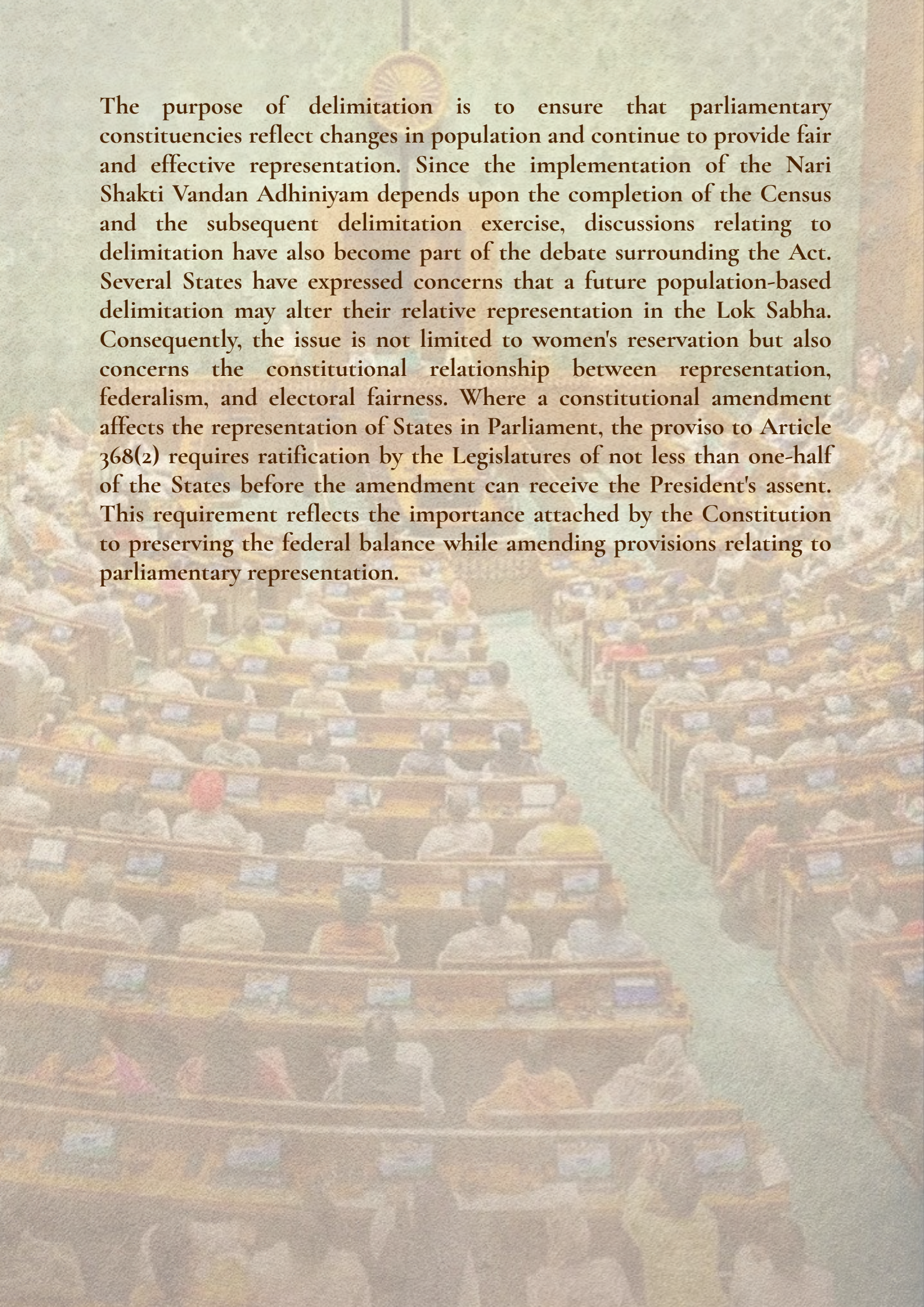
Relevance to the Agenda

This judgment is significant because it explains that, although delimitation generally enjoys constitutional protection, courts retain a limited power to intervene in exceptional cases involving constitutional violations. This principle may become relevant if disputes arise during the implementation of the Nari Shakti Vandan Adhiniyam.

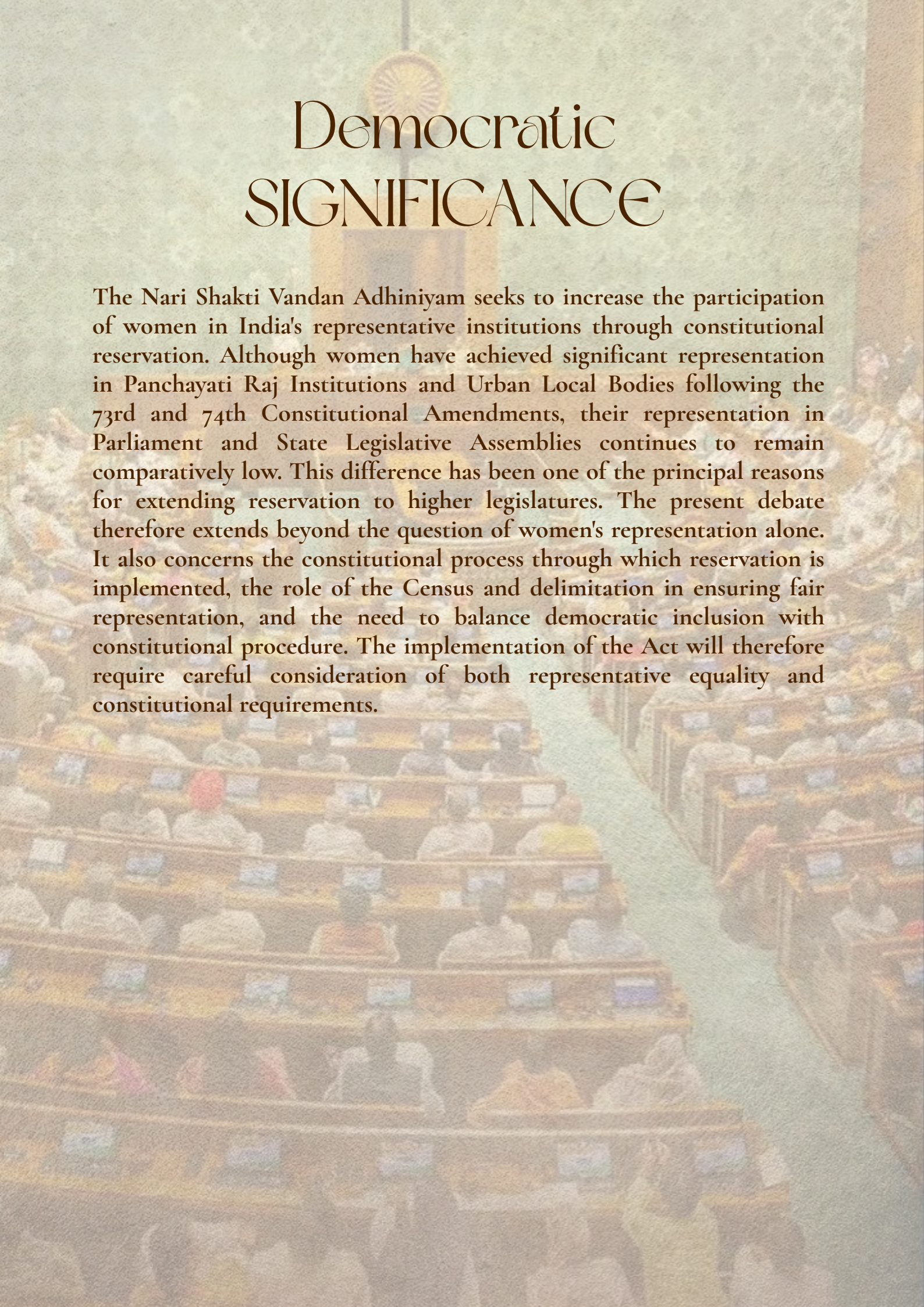
Absence of Direct JUDICIAL PRECEDENT

The Supreme Court has not delivered any judgment directly examining the constitutional validity or implementation of the Constitution (One Hundred and Sixth Amendment) Act, 2023, popularly known as the Nari Shakti Vandan Adhiniyam. This is because the reservation provisions introduced under Articles 330A, 332A, and 334A have not yet become operational. Under Article 334A, the reservation will come into effect only after the publication of the first Census conducted after the commencement of the Act and the completion of the subsequent delimitation exercise. If constitutional challenges arise after the Act is implemented, the Supreme Court is likely to examine them in light of established constitutional principles. The Basic Structure Doctrine laid down in *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225, which governs Parliament's power to amend the Constitution under Article 368, may become relevant. Similarly, the principles relating to reservation discussed in *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217, may provide broader constitutional guidance on affirmative action, although that judgment did not concern reservation in legislatures. At present, however, neither of these decisions has been applied directly to the Nari Shakti Vandan Adhiniyam.

Federal Implications of the Nari Shakti Vandan Adhiniyam India's Constitution establishes a federal system in which representation in the Lok Sabha is linked to population while also recognising the constitutional position of the States. Articles 81 and 82 provide for the allocation and readjustment of seats after every Census through a law enacted by Parliament.



The purpose of delimitation is to ensure that parliamentary constituencies reflect changes in population and continue to provide fair and effective representation. Since the implementation of the Nari Shakti Vandan Adhiniyam depends upon the completion of the Census and the subsequent delimitation exercise, discussions relating to delimitation have also become part of the debate surrounding the Act. Several States have expressed concerns that a future population-based delimitation may alter their relative representation in the Lok Sabha. Consequently, the issue is not limited to women's reservation but also concerns the constitutional relationship between representation, federalism, and electoral fairness. Where a constitutional amendment affects the representation of States in Parliament, the proviso to Article 368(2) requires ratification by the Legislatures of not less than one-half of the States before the amendment can receive the President's assent. This requirement reflects the importance attached by the Constitution to preserving the federal balance while amending provisions relating to parliamentary representation.



Democratic SIGNIFICANCE

The Nari Shakti Vandan Adhiniyam seeks to increase the participation of women in India's representative institutions through constitutional reservation. Although women have achieved significant representation in Panchayati Raj Institutions and Urban Local Bodies following the 73rd and 74th Constitutional Amendments, their representation in Parliament and State Legislative Assemblies continues to remain comparatively low. This difference has been one of the principal reasons for extending reservation to higher legislatures. The present debate therefore extends beyond the question of women's representation alone. It also concerns the constitutional process through which reservation is implemented, the role of the Census and delimitation in ensuring fair representation, and the need to balance democratic inclusion with constitutional procedure. The implementation of the Act will therefore require careful consideration of both representative equality and constitutional requirements.

Relevant Constitutional Provisions

Article 81 – Provides for the composition of the Lok Sabha and the allocation of seats among the States.

Article 82 – Provides for the readjustment of parliamentary constituencies after every Census through a Delimitation Act enacted by Parliament.

Article 170 – Provides for the composition and readjustment of seats in the State Legislative Assemblies.

Article 239AA – Applies the reservation provisions introduced by the Constitution (One Hundred and Sixth Amendment) Act, 2023 to the Legislative Assembly of the National Capital Territory of Delhi

Article 327 – Empowers Parliament to make laws relating to elections, including delimitation.

Article 328 – Empowers State Legislatures to legislate on election matters where Parliament has not enacted a law.

Article 329(a) – Bars judicial interference in matters relating to delimitation and allotment of seats, subject to the limited scope of judicial review recognised by the Supreme Court.

Article 330A – Provides for reservation of seats for women in the Lok Sabha.

Article 332A – Provides for reservation of seats for women in the State Legislative Assemblies.



Article 334A – Provides that reservation for women shall become effective only after the publication of the first Census conducted after the commencement of the Constitution (One Hundred and Sixth Amendment) Act, 2023 and the completion of the subsequent delimitation exercise. It also provides for the rotation of reserved seats after each subsequent delimitation.

Article 368 – Prescribes the procedure for amending the Constitution, including the requirement of State ratification in specified cases

Constitutional Remedies

Judicial intervention in matters relating to delimitation is significantly restricted by Article 329(a) of the Constitution. In *Meghraj Kothari v. Delimitation Commission*, 1966 SCC OnLine SC 12 : AIR 1967 SC 669, the Supreme Court held that once a delimitation order has been validly published, it ordinarily cannot be challenged before the courts because repeated litigation would delay or disrupt the electoral process.

However, in *Kishorchandra Chhanganlal Rathod v. Union of India*, 2024 SCC OnLine SC 1879, the Supreme Court clarified that Article 329(a) does not create an absolute bar in every situation. Constitutional courts may exercise limited judicial review where a delimitation order is alleged to be manifestly arbitrary, mala fide, or inconsistent with constitutional principles, particularly where such intervention does not interfere with an ongoing election. Apart from judicial remedies, constitutional concerns relating to delimitation may also be addressed through public participation before the Delimitation Commission during its consultation process, parliamentary deliberation, and, where necessary, constitutional amendment under Article 368.

Key Constitutional and Policy Issues

The implementation of the Nari Shakti Vandan Adhiniyam depends upon the publication of the first Census conducted after the commencement of the Constitution (One Hundred and Sixth Amendment) Act, 2023 and the completion of the subsequent delimitation exercise under Article 334A.

The linkage between women's reservation and delimitation has raised constitutional and administrative questions regarding the timing of implementation.

The Act applies only to the Lok Sabha, State Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi. It does not extend to the Rajya Sabha or State Legislative Councils.

The Act does not provide a separate reservation for women belonging to the Other Backward Classes (OBCs), an issue that has formed part of parliamentary and public discussions.

The constitutional balance between the finality of delimitation under Article 329(a) and the limited scope of judicial review recognised by the Supreme Court continues to remain an important legal issue.

The implementation of the Act requires coordination between the Census authorities, Parliament, the Delimitation Commission, and the Election Commission of India before reservation can become operational.

What is Delimitation?

Delimitation is the constitutional process of redrawing the boundaries of electoral constituencies and readjusting the allocation of seats in the Lok Sabha and State Legislative Assemblies on the basis of population as determined by the Census. Its objective is to ensure that representation remains fair by maintaining, as far as practicable, an equal ratio between the population and the number of seats allotted to each constituency.

Under Articles 82 and 170 of the Constitution, Parliament enacts a Delimitation Act after a Census, following which an independent Delimitation Commission is constituted to carry out the exercise. Once a Delimitation Order is published and comes into force, it ordinarily has the force of law and is protected from judicial challenge under Article 329(a), subject to the limited scope of judicial review recognised by the Supreme Court in *Kishorchandra Chhanganlal Rathod v. Union of India*, 2024 SCC OnLine SC 1879.

Delimitation assumes particular importance in the present agenda because the Constitution (One Hundred and Sixth Amendment) Act, 2023 (Nari Shakti Vandan Adhiniyam) provides under Article 334A that reservation for women in the Lok Sabha and State Legislative Assemblies will become operational only after the publication of the first Census conducted after the commencement of the Act and the completion of the subsequent delimitation exercise.

Historical background

The constitutional framework for delimitation was established soon after the commencement of the Constitution to ensure fair electoral representation. Constituencies for India's first general election were initially demarcated under the Representation of the People Act, 1950. Parliament subsequently enacted the Delimitation Commission Act, 1952, under which the first statutory Delimitation Commission was constituted. Further delimitation exercises were undertaken on the basis of the 1961 Census and the 1971 Census. However, the Constitution (Forty-second Amendment) Act, 1976 froze the allocation of seats in the Lok Sabha and State Legislative Assemblies until after the first Census to be conducted following the year 2000. The objective was to ensure that States implementing population-control measures were not disadvantaged by an immediate reduction in parliamentary representation. The freeze was later extended through the Constitution (Eighty-fourth Amendment) Act, 2001, under which the allocation of seats among States continues to remain frozen until the first Census conducted after 2026. At the same time, Parliament permitted the readjustment of constituency boundaries on the basis of the 2001 Census without altering the number of seats allotted to each State. This constitutional position explains why the forthcoming Census and delimitation exercise have become central to the implementation of the Nari Shakti Vandan Adhiniyam.

Evolution of the Delimitation Process

The experience of the first general election highlighted the need for an independent institution to undertake delimitation. Parliament therefore entrusted this responsibility to the Delimitation Commission through the Delimitation Commission Act, 1952. Since then, delimitation has been carried out by independent Delimitation Commissions constituted under parliamentary legislation rather than by the executive, thereby strengthening the impartiality and credibility of the process.

Illustrative Examples of Delimitation

Jammu and Kashmir - Following the enactment of the Jammu and Kashmir Reorganisation Act, 2019, a Delimitation Commission was constituted for the Union Territory. In its Final Order, 2022, the Commission increased the number of elected Assembly seats from 83 to 90, allocating six of the seven additional seats to the Jammu region and one to the Kashmir region. The exercise generated significant public and political debate regarding regional representation, although the Commission maintained that the delimitation was carried out in accordance with the applicable constitutional and statutory framework.

Assam - In 2023, the Election Commission of India, exercising powers under the Delimitation Act, 2002, completed the delimitation of Parliamentary and Assembly constituencies in Assam. The exercise involved the redrawing of constituency boundaries and the readjustment of seats reserved for the Scheduled Castes and the Scheduled Tribes on the basis of demographic and administrative changes. The exercise also attracted public and political debate regarding its likely electoral impact, while the Election Commission stated that the process had been conducted in accordance with constitutional and statutory requirements.

Relevance to the Present Agenda

Delimitation is not merely a technical exercise of redrawing electoral boundaries. It determines the allocation of seats, affects the manner in which citizens are represented in Parliament and State Legislative Assemblies, and plays an important role in maintaining the constitutional principle of representative democracy. Since the implementation of the Nari Shakti Vandan Adhiniyam is expressly linked to the completion of the first Census conducted after the commencement of the Act and the subsequent delimitation exercise, an understanding of the constitutional framework governing delimitation is essential for an informed discussion on the present agenda.

Why is Delimitation Necessary?

Delimitation is necessary to ensure that India's system of representative democracy continues to reflect changes in population over time. As populations grow and shift, constituencies that once represented similar numbers of people may gradually become unequal in size. If constituency boundaries and the allocation of seats are not periodically revised, some Members of Parliament and Members of Legislative Assemblies may come to represent substantially larger populations than others, affecting the constitutional objective of fair and effective representation. The Constitution therefore provides under Articles 82 and 170 for the readjustment of seats and constituency boundaries after every Census through a law enacted by Parliament. However, the allocation of seats among the States has remained frozen on the basis of the 1971 Census following the Constitution (Forty-second Amendment) Act, 1976, and this freeze was subsequently extended by the Constitution (Eighty-fourth Amendment) Act, 2001 until the publication of the figures of the first Census conducted after the year 2026. During this period, India's population has increased substantially, while the number of Lok Sabha seats allocated to the States has remained unchanged.

The importance of delimitation has increased further because the Constitution (One Hundred and Sixth Amendment) Act, 2023 (Nari Shakti Vandan Adhiniyam) links the implementation of reservation for women in the Lok Sabha and State Legislative Assemblies to the completion of the first Census conducted after the commencement of the Act and the subsequent delimitation exercise under Article 334A. Consequently, delimitation is not merely an electoral exercise but also a constitutional requirement for implementing the Act.

Constitutional and Practical IMPLICATIONS

Representation of States in Parliament

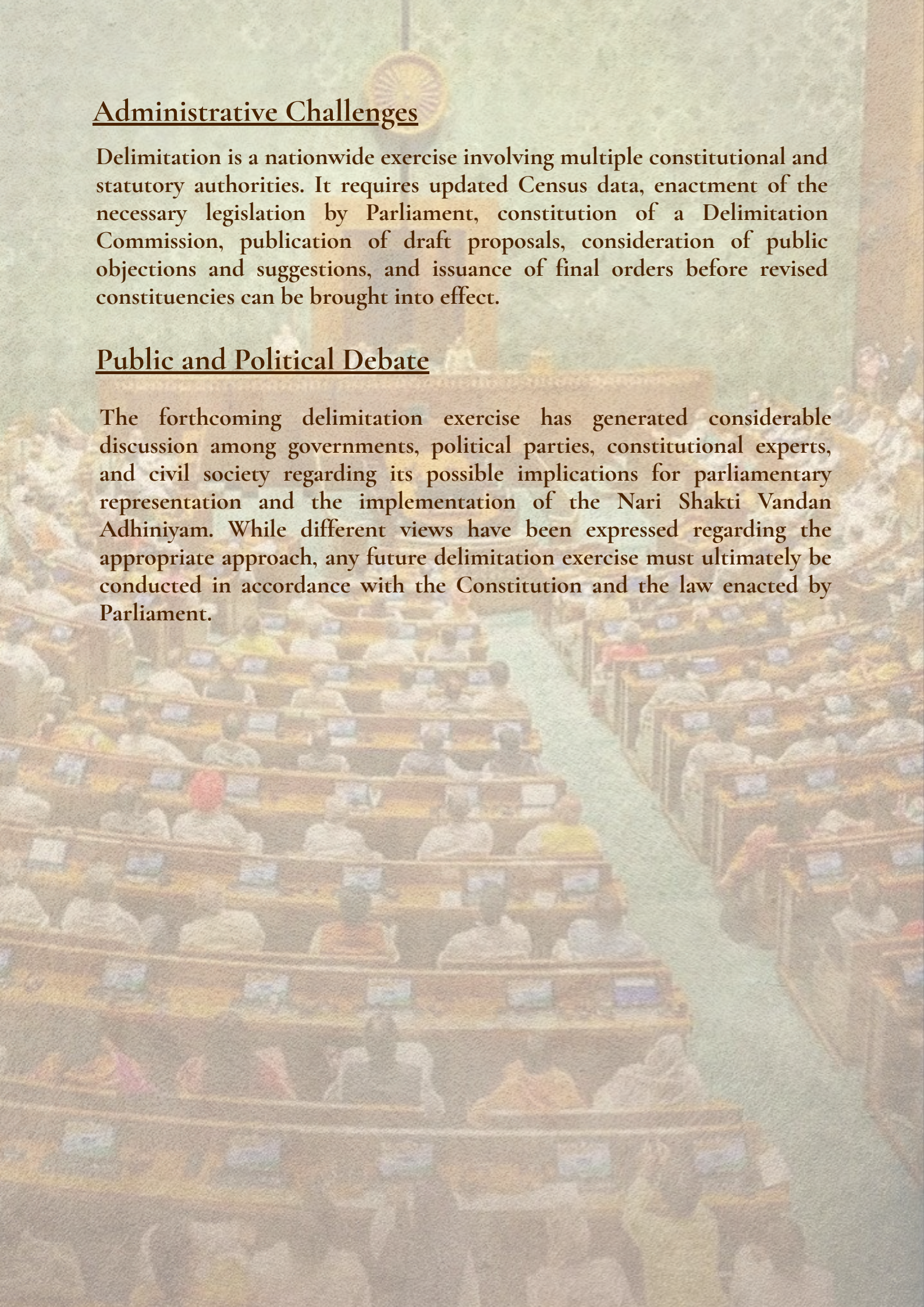
One of the principal issues in the forthcoming delimitation exercise is the possible redistribution of Lok Sabha seats among the States based on updated population data. Several States have expressed concerns that such redistribution could alter their relative representation in Parliament, while others argue that representation should continue to reflect demographic changes. This remains one of the central constitutional debates surrounding delimitation.

Federal Balance

The discussion on delimitation also raises questions regarding India's federal structure. The Constitution seeks to balance the democratic principle of representation based on population with the federal character of the Union. Any future readjustment of seats is therefore likely to have implications not only for electoral representation but also for the relationship between the Union and the States.

Implementation

The implementation of reservation for women under Article 334A cannot begin until the completion of the first Census conducted after the commencement of the Act and the subsequent delimitation exercise. As a result, the timing and completion of delimitation directly determine when the reservation provisions can become operational.



Administrative Challenges

Delimitation is a nationwide exercise involving multiple constitutional and statutory authorities. It requires updated Census data, enactment of the necessary legislation by Parliament, constitution of a Delimitation Commission, publication of draft proposals, consideration of public objections and suggestions, and issuance of final orders before revised constituencies can be brought into effect.

Public and Political Debate

The forthcoming delimitation exercise has generated considerable discussion among governments, political parties, constitutional experts, and civil society regarding its possible implications for parliamentary representation and the implementation of the Nari Shakti Vandan Adhiniyam. While different views have been expressed regarding the appropriate approach, any future delimitation exercise must ultimately be conducted in accordance with the Constitution and the law enacted by Parliament.

Women's Reservation Bill

The Women's Reservation Bill, officially introduced as the Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023, was enacted as the Constitution (One Hundred and Sixth Amendment) Act, 2023, popularly known as the Nari Shakti Vandan Adhiniyam. The Act provides for the reservation of as nearly as may be one-third of the total number of seats to be filled by direct election for women in the Lok Sabha, State Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi. It also reserves one-third of the seats already reserved for the Scheduled Castes and the Scheduled Tribes for women belonging to those communities. The Bill was introduced in the Lok Sabha on 19 September 2023, passed by both Houses of Parliament, and received the President's assent on 28 September 2023, thereby becoming the Constitution (One Hundred and Sixth Amendment) Act, 2023. Its implementation, however, remains linked to the constitutional requirements laid down in Article 334A.

INTRODUCTION

The proposal to reserve seats for women in Parliament was first introduced on 12 September 1996 as the Constitution (Eighty-first Amendment) Bill, 1996 during the Government headed by Prime Minister H. D. Deve Gowda. The proposal followed the successful introduction of reservation for women in local self-government through the 73rd and 74th Constitutional Amendment Acts, 1992, which provided reservation in Panchayati Raj Institutions and Urban Local Bodies. The 1996 Bill was referred to a Joint Parliamentary Committee chaired by Geeta Mukherjee, which examined the proposal and submitted its recommendations. However, the Bill was not enacted and lapsed with the dissolution of the Lok Sabha. Similar Bills introduced in later years also lapsed before Parliament could reach a final decision, resulting in a legislative process that continued for more than twenty-five years before the enactment of the 2023 law.

Historical Background

The demand for greater political representation of women existed even before Independence, although the Constitution ultimately adopted the principle of equality without providing reservation for women in Parliament or State Legislatures. The issue gained greater attention after the publication of the Committee on the Status of Women in India report, *Towards Equality* (1974), which highlighted the limited participation of women in public and political life and recommended greater institutional measures to improve their representation.

A major constitutional development followed through the 73rd and 74th Constitutional Amendment Acts, 1992, which inserted Articles 243D and 243T, requiring reservation of not less than one-third of seats, including one-third of the seats reserved for Scheduled Castes and Scheduled Tribes, for women in Panchayats and Municipalities. The success of these provisions strengthened the demand for extending reservation to Parliament and State Legislative Assemblies.

The proposal was first introduced in Parliament in 1996 and was subsequently reintroduced on several occasions. The most significant attempt before 2023 was the Constitution (One Hundred and Eighth Amendment) Bill, 2008, which was passed by the Rajya Sabha in 2010 but lapsed with the dissolution of the 15th Lok Sabha before it could be considered by the Lok Sabha. The proposal was finally enacted in 2023 through the Constitution (One Hundred and Sixth Amendment) Act

Why Was the Act Not Implemented Earlier?

The earlier Bills were not implemented because they were never enacted into law. Successive proposals introduced between 1996 and 2010 lapsed due to the dissolution of the Lok Sabha or because Parliament could not reach the political consensus required for the passage of a constitutional amendment. During these debates, one of the principal issues raised was the demand for a separate reservation for women belonging to the Other Backward Classes (OBCs). The position is different in the case of the Constitution (One Hundred and Sixth Amendment) Act, 2023, because it has already become part of the Constitution. Its implementation is delayed not because of pending parliamentary approval but because Article 334A expressly provides that the reservation shall come into effect only after the publication of the figures of the first Census conducted after the commencement of the Act and the completion of the subsequent delimitation exercise. Since the Census originally due after 2011 has not yet been completed, the constitutional conditions necessary for implementing the reservation have not yet been fulfilled. During the parliamentary debate, the Government stated that implementation would follow the completion of these constitutional processes.

Key Constitutional Provisions of the Act

Article 330A – Provides for the reservation of seats for women in the Lok Sabha. It also reserves one-third of the seats already reserved for the Scheduled Castes and the Scheduled Tribes for women belonging to those communities.

Article 332A – Provides for the reservation of seats for women in the State Legislative Assemblies, including one-third of the seats reserved for the Scheduled Castes and the Scheduled Tribes.

Article 239AA (as amended) – Extends the reservation framework to the Legislative Assembly of the National Capital Territory of Delhi.

Article 334A – Provides that the reservation shall become effective only after the publication of the figures of the first Census conducted after the commencement of the Constitution (One Hundred and Sixth Amendment) Act, 2023 and the completion of the subsequent delimitation exercise. It further provides that the reservation shall operate for fifteen years from its commencement, while also providing that it may continue until such date as Parliament may determine by law. The Article also provides for the rotation of reserved constituencies after each subsequent delimitation exercise.

Scope of the Act – The reservation applies only to the Lok Sabha, State Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi. It does not extend to the Rajya Sabha or State Legislative Councils.

Key Stakeholders

Every constitutional issue affects multiple institutions and groups. Understanding the role of each stakeholder is essential for evaluating the implementation of the Nari Shakti Vandan Adhiniyam and the broader implications of delimitation.

Parliament of India – Responsible for enacting constitutional amendments, passing delimitation legislation, and overseeing the implementation of the reservation framework.

Union Government – Responsible for conducting the Census through the Registrar General and Census Commissioner of India, initiating the delimitation process, and implementing the constitutional amendment.

State Governments – Represent the interests of their respective States during discussions on delimitation and are directly affected by any change in parliamentary or legislative representation.

Delimitation Commission – An independent statutory body entrusted with redrawing constituency boundaries and readjusting the allocation of seats in accordance with the Constitution and the Delimitation Act.

Election Commission of India – Responsible for conducting free and fair elections after the delimitation process is completed and the revised constituencies come into effect.

Women Representatives and Prospective Candidates – The principal beneficiaries of the reservation framework introduced by the Constitution (One Hundred and Sixth Amendment) Act, 2023.

Political Parties – Responsible for selecting candidates and adapting their electoral strategies to the constitutional reservation framework.

Citizens and Civil Society Organisations – Participate in public consultations during delimitation, contribute to public discourse, and play an important role in ensuring transparency and accountability

Composition of the Delimitation Commission

The Delimitation Commission is an independent statutory body constituted by the Central Government under the Delimitation Act enacted by Parliament. It is responsible for redrawing constituency boundaries and readjusting the allocation of seats in accordance with the Constitution. Traditionally, the Commission consists of:

A retired Judge of the Supreme Court as the Chairperson.

The Chief Election Commissioner of India, or an Election Commissioner nominated by the Chief Election Commissioner.

The State Election Commissioners of the States concerned, who participate as ex officio members during the delimitation process.

In addition, Members of Parliament and Members of the State Legislative Assemblies from the concerned States are nominated as Associate Members to assist the Commission. While they may submit suggestions and participate in consultations, they do not possess voting powers in the Commission's final decisions.

Note to Participants

This Background Guide has been prepared to provide an overview of the constitutional, legal, and policy issues relating to the agenda. It is intended only as a starting point for your research and should not be treated as a complete or exhaustive source of information.

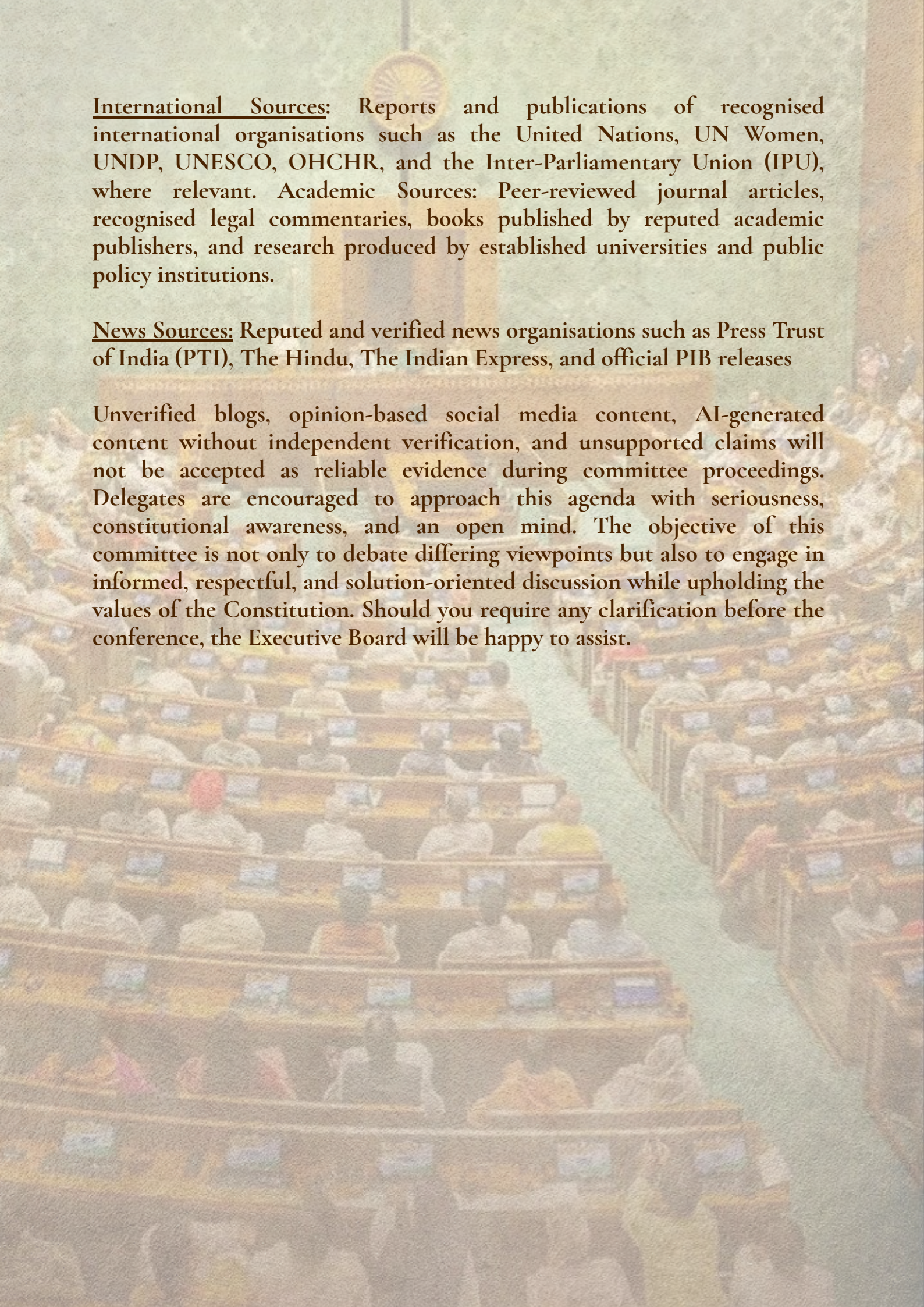
Delegates are expected to conduct independent research and verify all legal propositions, case laws, constitutional provisions, statutory materials, and factual information before the conference. The scope of debate will not be limited to the contents of this guide and may develop based on the research, interpretation, and arguments presented by delegates during committee proceedings. While every effort has been made to ensure the accuracy of the information contained in this guide, participants are advised to independently verify all material before relying upon it.

For research and committee proceedings, delegates should rely only on credible and authoritative sources, including:

Government Sources: Official reports, notifications, publications, and data issued by the Government of India, Ministries, statutory authorities, constitutional bodies, the Press Information Bureau (PIB), the Election Commission of India, the Census of India, and the Gazette of India.

Judicial Sources: Judgments of the Supreme Court of India and High Courts, along with recognised legal databases such as SCC Online, Manupatra, and LexisNexis.

Legislative Sources: The Constitution of India, Bare Acts, Constitutional Amendment Acts and Bills, Parliamentary Debates, Parliamentary Committee Reports, Law Commission Reports, and official notifications.



International Sources: Reports and publications of recognised international organisations such as the United Nations, UN Women, UNDP, UNESCO, OHCHR, and the Inter-Parliamentary Union (IPU), where relevant. Academic Sources: Peer-reviewed journal articles, recognised legal commentaries, books published by reputed academic publishers, and research produced by established universities and public policy institutions.

News Sources: Reputed and verified news organisations such as Press Trust of India (PTI), The Hindu, The Indian Express, and official PIB releases

Unverified blogs, opinion-based social media content, AI-generated content without independent verification, and unsupported claims will not be accepted as reliable evidence during committee proceedings. Delegates are encouraged to approach this agenda with seriousness, constitutional awareness, and an open mind. The objective of this committee is not only to debate differing viewpoints but also to engage in informed, respectful, and solution-oriented discussion while upholding the values of the Constitution. Should you require any clarification before the conference, the Executive Board will be happy to assist.