



NARI SHAKTI VANDAN ADHINIYAM: A CRITICAL ANALYSIS

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ABSTRACT

Recently there has been a discussion on The Nari Shakti Vandan Adhiniyam, 2023 (106th Constitutional Amendment) which mandates 33 per cent reservation for women in the Lok Sabha and State Legislative Assemblies represents a watershed moment in India's constitutional history, yet its substantive impact remains fiercely contested. This paper critically examines whether the Act constitutes genuine gender justice or merely symbolic politics. Tracing the legislation's tortuous journey since 1996—marked by repeated parliamentary lapses, political obstructions, and sustained grassroots advocacy—the analysis situates the Act within India's broader commitment to substantive democracy under Articles 14, 15, and 16. While the Act's constitutional recognition of women's political representation breaks a decades-long legislative deadlock and holds transformative potential, its implementation is fraught with limitations. Key symbolic features include deferred enforcement contingent upon an indefinite census and delimitation exercise; exclusion of the Rajya Sabha and State Legislative Councils; absence of an OBC women-specific sub-quota; mandatory rotation of reserved constituencies that disincentivizes incumbency; a fifteen-year sunset clause; and significant risks of proxy representation and elite capture. As of April 2026, despite formal notification, the enabling bills required for operationalisation have stalled in Parliament, with implementation unlikely before 2029. The paper argues that while the Act is constitutionally significant and potentially transformative, its symbolism will outweigh its substance unless accompanied by timely implementation, political party reforms, capacity-building measures, and mechanisms to prevent tokenism. Ultimately, the Nari Shakti Vandan Adhiniyam is both a historic milestone and a test of political will—its legacy will be determined not by its passage, but by whether it translates deferred promises into actual representation of women in India's legislative halls.



KEYWORDS: Nari Shakti Vandan Adhiniyam, Women's Reservation, Gender Justice, Symbolic Politics, Constitutional Amendment, Political Representation, India.

INTRODUCTION

The Nari Shakti Vandan Adhiniyam, 2023, popularly known as the Women's Reservation Act, marks a significant constitutional development in India's democratic framework. Enacted through the Constitution (One Hundred and Sixth Amendment) Act, 2023, it seeks to reserve one-third of the total seats for women in the House of the People (Lok Sabha), the Legislative Assemblies of the States, and the Legislative Assembly of the National Capital Territory of Delhi. This reservation also extends to seats already reserved for Scheduled Castes and Scheduled Tribes, thereby attempting to ensure broader inclusiveness within political representation. The legislation was presented as a historic step

toward strengthening women's participation in governance and realizing the constitutional promise of equality and justice.¹

Women constitute nearly half of India's population, yet their representation in legislative institutions has remained disproportionately low. Despite constitutional guarantees under Articles 14, 15, and 16 ensuring equality before law and permitting affirmative action, women's political participation at higher legislative levels has been limited. While the 73rd and 74th Constitutional Amendments successfully introduced reservation for women in Panchayats and Municipalities, similar reform at the parliamentary and state legislative levels remained pending for decades.² The demand for women's reservation in Parliament was first formally introduced in 1996, but repeated political disagreements caused the Bill to lapse several times.

As of April 2026, the Act has formally come into force following a notification by the Union Law Ministry on April 16, 2026.³ Yet, its operationalisation is contingent upon a completed census and delimitation exercise. The Union government recently convened a three-day special parliamentary sitting (April 16-18, 2026) to introduce three enabling bills—the Constitution (131st Amendment) Bill, 2026; the Delimitation Bill, 2026; and the Union Territories Laws (Amendment) Bill, 2026—aimed at implementing the quota by the 2029 general elections.⁴ However, the Constitution (131st Amendment) Bill failed to secure the required two-thirds majority in the Lok Sabha, garnering 298 votes in favour against 230 opposed, thereby stalling immediate progress.⁵ Opposition parties have expressed deep apprehension, arguing that linking women's reservation to delimitation—which proposes increasing Lok Sabha seats from 543 to over 800 based on 2011 census data—is a politically motivated stratagem to advantage certain States.⁶ More than 260 academics and transparency activists have also condemned the government for proceeding in “complete secrecy,” without releasing draft texts or holding mandatory pre-legislative consultations.⁷

Although the enactment of the Nari Shakti Vandan Adhinyam appears to fulfill a long-standing promise, its implementation is subject to the completion of the next Census and subsequent delimitation exercise. This condition has generated criticism that the reform may be more symbolic than substantive, as immediate representation is still deferred. Therefore, an important constitutional and political question arises: does this Act represent genuine structural reform for women's empowerment, or is it merely symbolic legislation designed for political messaging? The answer lies not only in its text but in its practical execution.⁸

2. HISTORICAL BACKGROUND

The idea of reserving seats for women in legislative bodies is not new in India. The demand for greater political representation of women has existed since the pre-independence period, when women

¹ The Constitution (One Hundred and Sixth Amendment) Act, 2023, §§ 330A, 332A and 239AA.

² The Constitution (Seventy-Third Amendment) Act, 1992; The Constitution (Seventy-Fourth Amendment) Act, 1992.

³ *Nari Shakti Vandan Adhinyam comes into force*, Telangana Today (April 17, 2026), <https://telanganatoday.com/nari-shakti-vandan-adhinyam-comes-into-force>.

⁴ *Three-day special sitting of Budget Session of Parliament begins today to discuss constitutional amendments to Nari Shakti Vandan Adhinyam*, News On AIR (April 16, 2026), <https://www.newsonair.gov.in/special-3-day-parliament-sitting-begins-today-to-advance-womens-reservation-implementation/>.

⁵ *Women's Reservation Bill stalls amid trust deficit across aisles*, The New Indian Express (April 17, 2026), <https://www.newindianexpress.com/editorial/2026/Apr/17/womens-reservation-bill-stalls-amid-trust-deficit-across-aisles>.

⁶ *Reservation ruse: The Hindu Editorial on women's quota and delimitation*, The Hindu (April 15, 2026), <https://www.thehindu.com/opinion/editorial/reservation-ruse-the-hindu-editorial-on-womens-quota-and-delimitation/article70862476.ece>.

⁷ *Activists, academics slam secrecy over women's reservation, delimitation Bills*, Frontline (April 13, 2026), <https://frontline.thehindu.com/social-issues/gender/womens-reservation-delimitation-2026-bills-secrecy/article70858397.ece>.

⁸ M.P. Jain, *Indian Constitutional Law* 1456–1459 (8th ed., LexisNexis 2018).

leaders and social reformers emphasized the importance of equal participation in governance. However, after independence, although the Constitution guaranteed equality and non-discrimination under Articles 14 and 15, no specific provision was made for reservation of women in Parliament or State Legislative Assemblies. Women continued to remain underrepresented in formal political institutions despite their active contribution to nation-building.⁹

The journey of the Women's Reservation Bill—spanning nearly three decades—is one of the longest and most tortuous legislative sagas in India's parliamentary history. Before its eventual passage as the Nari Shakti Vandan Adhiniyam, 2023, the proposal witnessed repeated introductions, political obstructions, parliamentary lapses, and sustained grassroots advocacy, reflecting both the promise and the paralysis of Indian democracy on questions of gender justice.¹⁰

First Introduction (1996): The Bill was first introduced in the Lok Sabha on September 12, 1996, as the 81st Constitutional Amendment Bill by the United Front government headed by H.D. Deve Gowda.¹¹ However, it lapsed with the dissolution of the 11th Lok Sabha without being passed.

Multiple Attempts Under the NDA Government (1998–2003): The Bill was reintroduced several times under Prime Minister Atal Bihari Vajpayee's National Democratic Alliance (NDA) government—in 1998 as the 84th Amendment Bill, and again in 1999, 2002, and 2003. In 1998, a dramatic low point occurred when an RJD MP snatched the Bill from the Speaker and tore it into pieces. Each time, the legislation lapsed with the dissolution of successive Lok Sabhas or failed to secure parliamentary consensus.

UPA Era and the Historic Rajya Sabha Passage (2004–2010): The United Progressive Alliance (UPA) government included the Bill in its Common Minimum Programme in 2004. In 2008, the Bill was introduced in the Rajya Sabha and referred to the Parliamentary Standing Committee, which recommended its passage without delay. On March 9, 2010, the Rajya Sabha finally passed the Bill—marking a historic first—but it was never taken up by the Lok Sabha due to intense opposition, particularly from regional parties like the Samajwadi Party and Rashtriya Janata Dal, who demanded an OBC sub-quota and questioned the social profile of women who would benefit. The Bill lapsed with the dissolution of the 15th Lok Sabha in 2014.

Key Points of Opposition: Throughout its journey, opponents raised several arguments—that reservation would benefit only upper-caste, urban, educated women; that it would lead to "proxy" representation controlled by male relatives; that it would upset caste arithmetic; and in the infamous words of a prominent leader in 2010, that it would reduce Parliament to a space of "wolf-whistling". The 1992 constitutional amendments reserving one-third of Panchayati Raj and urban local body seats for women had already demonstrated both the possibilities and limitations of quotas—showing increased participation but also concerns about elite capture and tokenism.

Growing Demand for Representation: The urgency for the Bill was underscored by persistently low numbers. Even at its highest in 2023, women constituted only about 15 per cent of the Lok Sabha—below the global parliamentary average of 24 per cent—and less than 10 per cent in the legislative assemblies of twenty states.¹² India ranked 103rd out of 140 countries in women's parliamentary representation. The data from Panchayati Raj, where women held nearly 46 per cent of seats after many states extended reservation to 50 per cent, offered cautious optimism that quotas could shift policy priorities toward water, sanitation, health, and education.

⁹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 158–160 (Oxford University Press, 1966).

¹⁰ K C Monnappa, *Promise, Politics and Paralysis: The Unending Saga of Women's Reservation in India*, *The Shillong Times* (April 21, 2026), <https://theshillongtimes.com/2026/04/21/promise-politics-and-paralysis-the-unending-saga-of-womens-reservation-in-india/>

¹¹ *Chequered history of women's reservation bill*, *Hindustan Times* (March 7, 2010), <https://www.hindustantimes.com/delhi-news/chequered-history-of-women-s-reservation-bill/story-escgvBMYhyHVEVQ05o47YL.html>.

¹² Sharmistha Mukherjee, *Pass women's quota bill, then India will celebrate*, *The Asian Age* (May 24, 2017), <https://www.asianage.com/opinion/columnists/240517/pass-womens-quota-bill-then-india-will-celebrate.html>.

Final Passage (2023): On September 19, 2023, the Constitution (128th Amendment) Bill was introduced in the Lok Sabha by Union Law Minister Arjun Ram Meghwal. On September 20, the Lok Sabha passed it with 454 votes in favour and only 2 against; on September 21, the Rajya Sabha passed it unanimously with 214 votes in favour. President Droupadi Murmu gave her assent on September 28, 2023, and the Act became the Constitution (106th Amendment) Act, 2023, popularly known as the Nari Shakti Vandan Adhiniyam. However, Section 1(2) of the Act deferred its commencement to a date to be notified by the Central Government—a date that would finally arrive on April 16, 2026.

A major breakthrough came with the 73rd and 74th Constitutional Amendments in 1992, which introduced one-third reservation for women in Panchayats and Municipalities. These amendments demonstrated that reservation could significantly improve women's participation in grassroots democracy and created a strong foundation for demanding similar representation in higher legislatures. The success of local self-government reservations strengthened the argument that women's political empowerment required institutional support beyond the local level.¹³

The first Women's Reservation Bill was introduced in Parliament in 1996 as the Constitution (Eighty-First Amendment) Bill, proposing 33% reservation for women in the Lok Sabha and State Assemblies. However, the Bill faced repeated opposition on issues such as sub-quota for Other Backward Classes (OBC) women, rotation of reserved seats, and concerns regarding merit and political competition. As a result, the Bill lapsed several times despite being reintroduced in different forms in 1998, 1999, 2003, and 2008.¹⁴

Although the Rajya Sabha passed the Bill in 2010, it could not be passed in the Lok Sabha and eventually lapsed again. This long legislative delay reflected Parliament's inability to build consensus on gender justice in representation. After nearly twenty-seven years of political debate and repeated assurances, the Nari Shakti Vandan Adhiniyam, 2023 was finally enacted, reviving the promise of women's reservation at the national and state levels. Its passage represents both a historic achievement and a reminder of the prolonged struggle for equal political participation.

3. KEY FEATURES OF THE ACT

The Nari Shakti Vandan Adhiniyam, 2023, enacted through the Constitution (One Hundred and Sixth Amendment) Act, 2023, introduces a constitutional framework for reserving one-third of seats for women in legislative bodies at the national and state levels. Its primary objective is to enhance women's political participation and ensure more inclusive representation in law-making institutions. The Act inserts new provisions, namely Articles 330A, 332A, and 334A, and also amends Article 239AA relating to the Legislative Assembly of the National Capital Territory of Delhi.¹⁵

One of the most significant features of the Act is the reservation of not less than one-third of the total number of seats for women in the Lok Sabha and the Legislative Assemblies of every State. This reservation also applies within the seats already reserved for Scheduled Castes and Scheduled Tribes, thereby ensuring representation for women belonging to marginalized communities as well. The Act thus attempts to combine gender justice with social justice by extending benefits across multiple disadvantaged groups.¹⁶

Another important feature is the provision for rotation of reserved constituencies. The reserved seats for women shall be rotated after each delimitation exercise as determined by Parliament by law. This is intended to distribute the benefits of reservation across different constituencies over time and

¹³ The Constitution (Seventy-Third Amendment) Act, 1992; The Constitution (Seventy-Fourth Amendment) Act, 1992.

¹⁴ Niraja Gopal Jayal, *Representing India: Ethnic Diversity and the Governance of Public Institutions* 112–115 (Palgrave Macmillan, 2006).

¹⁵ The Constitution (One Hundred and Sixth Amendment) Act, 2023, inserting Arts. 330A, 332A, 334A and amending Art. 239AA.

¹⁶ Id., Arts. 330A and 332A.

prevent permanent reservation of particular seats. However, critics argue that frequent rotation may discourage long-term political accountability and constituency development.¹⁷

The Act does not provide for immediate implementation. It states that reservation shall come into effect only after the publication of the first Census conducted after the commencement of the Act and the subsequent delimitation exercise. This condition has attracted criticism because the practical enforcement of the reservation may be delayed for several years. Additionally, the reservation is intended to continue for fifteen years from its commencement, although Parliament retains the power to extend it by law.

Thus, while the Act is constitutionally significant and symbolically powerful, its effectiveness depends largely on timely implementation and political commitment.

4. WHY IT APPEARS SYMBOLIC

Although the Nari Shakti Vandan Adhiniyam, 2023 has been celebrated as a landmark step toward women's political empowerment, several features of the Act make it appear more symbolic than immediately transformative. The most significant concern is that the reservation will not be implemented instantly. The Act clearly states that its operation will begin only after the first Census conducted after its commencement and the subsequent delimitation exercise. Since both these processes require considerable time and administrative preparation, women's actual representation in Parliament and State Assemblies may remain unchanged for years. This delay has led many critics to question whether the legislation is a genuine reform or merely a political declaration.

Another reason for criticism is the exclusion of the Rajya Sabha and State Legislative Councils from the scope of reservation. While the Act covers the Lok Sabha, State Legislative Assemblies, and the Delhi Legislative Assembly, it does not extend reservation to the Upper Houses of Parliament and State legislatures. This selective approach weakens the claim of comprehensive political empowerment and leaves important legislative spaces outside the framework of gender justice.¹⁸

The absence of a specific sub-quota for women belonging to Other Backward Classes (OBCs) has also been a major point of debate. Many political parties and social justice advocates argue that without an OBC-specific reservation, the benefits of the Act may remain concentrated among socially and economically privileged groups. Since the Act provides reservation only for women within the SC and ST reserved categories, the exclusion of OBC women raises concerns about incomplete representation and unequal access to political opportunities.¹⁹

Further, the long history of repeated promises regarding women's reservation has created public skepticism. The Women's Reservation Bill was first introduced in 1996, and despite decades of political assurances, it remained unimplemented until 2023. Even now, the delayed operational mechanism makes the reform appear uncertain. Therefore, many scholars view the Act as a form of symbolic constitutionalism, where legal recognition exists but practical realization remains postponed. Unless timely steps are taken for implementation, the Act risks being remembered more as a political gesture than a substantive democratic reform.²⁰

5. WHY IT CAN BE SEEN AS GENUINE REFORM

Despite criticism regarding delayed implementation, the Nari Shakti Vandan Adhiniyam, 2023 can still be viewed as a genuine constitutional reform because it gives formal legal recognition to women's political representation at the highest legislative levels. For decades, women's reservation in Parliament remained a political promise without constitutional backing. By incorporating reservation through the Constitution (One Hundred and Sixth Amendment) Act, 2023, Parliament has transformed a long-pending demand into an enforceable constitutional commitment. This marks a significant shift

¹⁷ M.P. Jain, *Indian Constitutional Law* 1458 (8th ed., LexisNexis 2018).

¹⁸ M.P. Jain, *Indian Constitutional Law* 1458–1460 (8th ed., LexisNexis 2018).

¹⁹ Niraja Gopal Jayal, *Representing India: Ethnic Diversity and the Governance of Public Institutions* 118–120 (Palgrave Macmillan, 2006).

²⁰ Rajeev Bhargava (ed.), *Politics and Ethics of the Indian Constitution* 243–245 (Oxford University Press, 2008).

from policy discussion to constitutional guarantee, strengthening the legitimacy of women's participation in governance.

The Act also breaks a legislative deadlock that continued for nearly twenty-seven years. Since the first introduction of the Women's Reservation Bill in 1996, repeated failures to secure parliamentary consensus reflected deep structural resistance within the political system. The eventual passage of the Act demonstrates that women's representation is no longer treated as a peripheral issue but as a central question of democratic justice. In this sense, the Act is not merely symbolic; it represents the culmination of decades of constitutional struggle and political advocacy.²¹

Another reason it can be regarded as substantive reform is its potential to improve the inclusiveness and legitimacy of Indian democracy. Representative democracy requires that legislative institutions reflect the diversity of the population. Since women constitute nearly half of India's citizens, their underrepresentation weakens the democratic character of Parliament and State Assemblies. Reservation seeks to correct this imbalance by ensuring descriptive as well as substantive representation. Greater presence of women lawmakers may also influence policy priorities in areas such as education, healthcare, social welfare, and gender-based violence.²²

The success of women's reservation in Panchayats and Municipalities under the 73rd and 74th Constitutional Amendments provides practical evidence that reservation can lead to meaningful political participation. Many women leaders at the grassroots level have emerged through these provisions. Extending a similar framework to higher legislatures can encourage long-term leadership development and institutional transformation. Therefore, even if implementation is delayed, the Act remains a genuine step toward constitutional equality and democratic inclusion rather than a mere symbolic gesture.

6. CONSTITUTIONAL AND DEMOCRATIC SIGNIFICANCE

The Nari Shakti Vandan Adhiniyam, 2023 holds deep constitutional and democratic significance because it directly advances the constitutional vision of equality, justice, and inclusive governance. The Indian Constitution guarantees equality before law under Article 14 and prohibits discrimination on grounds of sex under Article 15(1). At the same time, Article 15(3) empowers the State to make special provisions for women and children, recognizing that formal equality alone may not be sufficient to remove historical disadvantages. Similarly, Article 16 promotes equality of opportunity in public life. Women's reservation in legislative bodies reflects the principle of substantive equality by addressing structural barriers that have historically limited women's participation in political decision-making.²³

The Act strengthens the idea that democracy is not merely about the right to vote, but also about fair representation in institutions of power. Political equality requires that all sections of society have a meaningful voice in law-making processes. Although women form nearly half of India's population, their representation in Parliament and State Assemblies has remained disproportionately low for decades. Such imbalance weakens democratic legitimacy and limits the diversity of perspectives in governance. By reserving one-third of seats for women, the Act seeks to move Indian democracy from formal representation to substantive participation.²⁴

The legislation also reflects the constitutional philosophy of social justice embedded in the Preamble and the Directive Principles of State Policy. Social justice requires not only legal equality but also corrective measures to ensure access to power for historically excluded groups. Just as reservation for Scheduled Castes and Scheduled Tribes was designed to remedy systemic exclusion, women's reservation aims to correct gender-based political marginalization. This aligns with the broader constitutional commitment to building a participatory and inclusive republic.²⁵

²¹ Granville Austin, *Working a Democratic Constitution: The Indian Experience* 634–636 (Oxford University Press, 1999).

²² M.P. Jain, *Indian Constitutional Law* 1459–1461 (8th ed., LexisNexis 2018).

²³ INDIA CONST. arts. 14, 15, 16.

²⁴ M.P. Jain, *Indian Constitutional Law* 1460–1462 (8th ed., LexisNexis 2018).

²⁵ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 50–54 (Oxford University Press, 1966).

Further, the Act reinforces India's democratic image in the global context by aligning with international commitments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which encourages states to take affirmative action for women's political participation. Thus, the Nari Shakti Vandan Adhinyam is not merely a legislative amendment but a constitutional affirmation that democracy must be representative, inclusive, and socially just in both principle and practice.²⁶

7. CHALLENGES IN EFFECTIVE IMPLEMENTATION

Although the Nari Shakti Vandan Adhinyam, 2023 is a major constitutional step toward women's political representation, its success depends largely on effective and timely implementation. One of the most serious challenges is the delay caused by linking the reservation to the next Census and subsequent delimitation exercise. Since the Act will become operational only after these two processes are completed, the actual enforcement of women's reservation may take several years. This postponement creates uncertainty and weakens public confidence in the seriousness of the reform. Without a clear timeline, the constitutional promise risks remaining only on paper.²⁷

Another important challenge is the possibility of tokenism and proxy representation. Experience from local self-government institutions has shown that in some cases, elected women representatives are influenced or controlled by male family members, often referred to as the "proxy politics" problem. If similar patterns continue in Parliament and State Assemblies, the purpose of reservation may be defeated. Genuine empowerment requires that women not only occupy seats but also exercise independent political authority and decision-making power.²⁸

The internal structure of political parties also presents a major obstacle. Reservation of seats alone cannot ensure equal participation if political parties do not provide women with opportunities for leadership, candidate selection, and decision-making roles. Many parties continue to remain male-dominated, with women often placed in less influential positions. Without reforms in party organization and political culture, reservation may lead to formal presence without substantive power.²⁹

Capacity-building and institutional support are equally necessary for meaningful implementation. Many women entering politics may face barriers such as lack of political training, financial resources, social support, and exposure to leadership opportunities. Reservation should therefore be accompanied by training programs, legal awareness, and policy support to strengthen women's ability to function effectively as legislators. Thus, the true success of the Act lies not only in constitutional amendment but in creating conditions where women can participate as equal and independent political actors.³⁰

8. COMPARATIVE PERSPECTIVE

A comparative perspective helps in understanding the significance of the Nari Shakti Vandan Adhinyam, 2023 by examining how other countries have addressed women's political representation. Several democracies across the world have adopted constitutional or legislative mechanisms to ensure greater participation of women in legislative institutions. These examples show that reservation or quota systems can substantially improve representation when supported by effective implementation and political commitment. India's approach, though constitutionally important, appears delayed when compared with many other nations that have already institutionalized women's representation at the parliamentary level.³¹

²⁶ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art. 7.

²⁷ The Constitution (One Hundred and Sixth Amendment) Act, 2023, Art. 334A.

²⁸ B.L. Fadia, *Indian Government and Politics* 412–414 (Sahitya Bhawan Publications, 2021).

²⁹ Niraja Gopal Jayal, *Representing India: Ethnic Diversity and the Governance of Public Institutions* 120–123 (Palgrave Macmillan, 2006).

³⁰ M.P. Jain, *Indian Constitutional Law* 1461–1463 (8th ed., LexisNexis 2018).

³¹ Dr. Subhash C. Kashyap, *Our Constitution* 198–200 (National Book Trust, 2019).

Rwanda is often cited as the most successful example of women's political reservation. Its Constitution provides reserved seats for women, and additional political party quotas further strengthen representation. As a result, Rwanda has consistently recorded one of the highest percentages of women in Parliament in the world, with women holding more than sixty percent of seats in the lower house. This demonstrates that affirmative action can transform not only representation but also policy priorities and institutional culture.³²

Nepal also provides a strong regional example. Its Constitution and electoral laws ensure substantial representation of women in Parliament and local bodies. Political parties are required to maintain gender balance while nominating candidates, which creates both direct and indirect representation mechanisms. Similarly, Bangladesh has reserved seats for women in Parliament, although these are often indirectly elected rather than filled through direct constituency-based elections. These systems highlight different models of quota implementation and show that reservation can be adapted according to constitutional structure.³³

Compared to these countries, India has had successful women's reservation at the Panchayat and Municipal level since the 73rd and 74th Constitutional Amendments, but national-level implementation remained pending for decades. While the Nari Shakti Vandan Adhiniyam finally establishes constitutional recognition for reservation in Parliament and State Assemblies, its dependence on future Census and delimitation delays its practical effect. This makes India's model appear more cautious and politically deferred than the immediate implementation seen in countries like Rwanda and Nepal. Therefore, comparative analysis shows that constitutional amendment alone is not enough; timely execution determines whether reservation becomes real empowerment or remains symbolic reform.

9. CRITICAL ANALYSIS

The Nari Shakti Vandan Adhiniyam, 2023 stands at the intersection of constitutional reform and political strategy, making its critical evaluation both necessary and complex. On one hand, it is celebrated as a historic legislative achievement that finally recognizes women's right to equal participation in parliamentary democracy. On the other hand, the delayed implementation and selective scope of the Act raise doubts about whether it is a genuine instrument of empowerment or an example of electoral symbolism. This tension between constitutional promise and political practicality forms the core of the debate surrounding the legislation.

A major criticism is that the Act may function more as an electoral strategy than as an immediate reform measure. Since the reservation will take effect only after the next Census and delimitation process, no immediate seats are guaranteed for women in the upcoming elections. This postponement allows political credit without requiring immediate structural change, leading some scholars to argue that the Act serves symbolic politics rather than substantive transformation. In democratic governance, timing is often as important as intent, and delayed justice can weaken public trust in constitutional commitments.

Another issue is whether legal reservation alone can produce political equality. Representation in numbers does not automatically ensure empowerment in practice. Women legislators may still face patriarchal barriers within political parties, lack of financial support, limited access to leadership roles, and social resistance to independent decision-making. Without reforms in political party structures and institutional culture, reservation may increase visibility without significantly altering power relations. Therefore, descriptive representation must be supported by substantive participation to achieve meaningful equality.³⁴

³² Constitution of Rwanda, 2003, art. 76; Inter-Parliamentary Union, Women in National Parliaments Report (latest available data).

³³ Constitution of Nepal, 2015; Constitution of the People's Republic of Bangladesh, provisions relating to reserved seats for women.

³⁴ Niraja Gopal Jayal, *Representing India: Ethnic Diversity and the Governance of Public Institutions* 121-124 (Palgrave Macmillan, 2006).

At the same time, dismissing the Act as purely symbolic would ignore its constitutional importance. The formal recognition of women's reservation through constitutional amendment creates a lasting legal framework that future governments cannot easily disregard. It also sends a strong normative message that gender justice is central to democratic legitimacy. Thus, the Act should be viewed neither as complete reform nor as empty symbolism, but as a constitutional beginning whose true value will depend on implementation, institutional support, and political will. Parliament's intent will ultimately be judged not by the passage of the law, but by whether women actually enter and shape legislative power in equal measure.³⁵

10. CONCLUSION

The Nari Shakti Vandan Adhiniyam, 2023 is a landmark constitutional reform aimed at strengthening women's political representation in India. By reserving one-third seats for women in the Lok Sabha and State Legislative Assemblies, it acknowledges the need for substantive equality and inclusive democracy. After decades of delay, the Act finally converts a long-standing political promise into a constitutional commitment. However, its implementation remains dependent on the next Census and delimitation process, which raises concerns about delay and symbolic politics. The exclusion of Rajya Sabha, Legislative Councils, and the absence of an OBC women's sub-quota also limit its scope. Despite these concerns, the Act has strong constitutional significance as it advances equality, social justice, and democratic legitimacy. Its real success will depend not on its enactment alone, but on timely execution and the genuine empowerment of women as equal participants in legislative governance.

³⁵ Granville Austin, *Working a Democratic Constitution: The Indian Experience* 640–642 (Oxford University Press, 1999).