

# WOMEN'S RESERVATION AND DELIMITATION: ASSESSING THE CONDITIONAL IMPLEMENTATION UNDER THE 106<sup>TH</sup> CONSTITUTIONAL AMENDMENT

**Shalini Singh**

Research Scholar  
Deen Dayal Upadhyaya Gorakhpur University, Uttar Pradesh.

**Om Prakash Singh**

Assistant Professor  
Deptt.Of Law, D D U Gorakhpur University, Gorakhpur

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## I. ABSTRACT

The Indian Constitutions 106<sup>th</sup> (One Hundred and Sixth Amendment) Act, 2023 guarantees one-third of the seats that is 33% seats in the Lok Sabha, State Legislative Assemblies, and the Delhi Assembly. The whole point is to get more women in politics. But don't expect this to happen anytime soon. The law, through Articles 330A, 332A, and 334A, basically pushes the start date down the road. It all hinges on a new census and another round of redrawing the electoral map by the Delimitation Commission. So, until the government finishes those steps, women's reservation is on pause. It's all tangled up with how the country decides where and how seats get assigned. In short, women's reservation won't actually take effect until these steps are done, so it's tied into the bigger system that decides how seats are distributed across the country.

This research paper inspect how the 106<sup>th</sup> constitutional Amendment review women's reservation as a right that is dependent on regulatory frameworks rather than a guarantee of equality that is self-acting. It looks into the democratic implications of this delay, the constitutional rationale for linking reservations to delimitation, and the connections between federal balance, seat distribution, and caste enumeration in relation to gender justice concerns. The argument is made that the amendment is normatively transformative while also being structurally incomplete, and the actual success of the amendment will depend on the timing, design, and political will regarding the delimitation process, ultimately determining when and how women will receive their reserved seats.

II. **Keywords:-** Women's reservation, 106<sup>th</sup> Constitutional Amendment, Delimitation, Lok Sabha, State Legislative Assemblies, Conditional implementation, Gender representation, Constitutional reforms.

## III. INTRODUCTION

In India, the issue of women's political representation has existed in a contradictory space, being praised in constitutional language while remaining limited in actual electoral practice. Women are still underrepresented in both the Lok Sabha and State Assemblies despite long-standing promises from various governments to improve their representation in legislatures. These promises have not materialized into enforceable rights. The 106th (One Hundred and Sixth Amendment) Act 2023 guarantees one third reservation for women in Lok Sabha, State Legislative Assemblies and Delhi Assembly and constituencies which is already pronounced for Scheduled Castes and Scheduled Tribes making it crucial moment in historical context.

On the surface, the 106<sup>th</sup> Amendment seems to be substantial progress regarding a gender inclusive democracy, indicating a shift from uncommon political bragging to binding

constitutional agreement. Having said that, the real blueprint introduces a turning point-execution is delayed.<sup>1</sup> In accordance with Article 330A and 334A of Indian Constitution, the reservation will only take effect after a new census data and delimitation exercise takes place.<sup>2</sup> As a consequence, delimitation ultimately becomes the pivotal point between what has been guaranteed in 106th amendment act and its execution because obviously this includes redrawing of constituency boundaries which will be based in new census data. One of the important question that arises is the concerning nature of constitutional rights, regarding connection between equality and delineation democracy, and how the change in politics can be delayed through institutional machinery.

The correlation between women's reservation and delimitation is the foremost focus of this article, which establishes the 106th Constitutional Amendment inside broader discussions.

The argument is that the amendment should be viewed as a conditional experiment in constitutional engineering, linking women's access to legislative power to the completion of one of India's most sensitive constitutional tasks rather than merely a gender-quota provision. The study aims to clarify how the amendment reshapes the promises and limits of women's political engagement in contemporary Indian democracy through an analysis of this conditionality.

#### IV. HISTORICAL BACKGROUND OF WOMEN'S RESERVATION

In 1931, Sarojini Naidu and Begum Shah Nawaz decided to write a letter to the British Prime Minister in which they urged that Indian Women should get equal representation in politics by mentioning that how women are not given fair chance and how their opinion are concealed and not seen or heard which also violate the right of equality and idea of special treatment. That was really the first spark for what we now call women's reservation in India.

Fast forward to independence: women still barely made it into government. The idea of reservations didn't pick up real steam until the National Perspective Plan for Women came out in 1988. So the plan finally got serious and people started talking about women's reservation seat at every stage be it local or parliament.

The real development came in 1992 by 73<sup>rd</sup> and 74<sup>th</sup> Amendments. This amendment guaranteed one third of all seats for women in Panchayati Raj Institution and municipalities.<sup>3</sup> There were also quotas specifically for women from Scheduled Castes and Scheduled Tribes. That was the first big move, constitutionally speaking.

At last in 2023, 106<sup>th</sup> (One Hundred and Sixth Amendment) Act which is also known as "Women's Reservation Act" or Nari Shakti Adhiniyam was passed by parliament and by this amendment one third seat was reserved for women in Lok Sabha, State Assemblies, and the Delhi Assembly. But again it is not that easy this act would not actually be implemented unless there's a new delimitation of constituencies.<sup>4</sup>

So if we look back, it is not at all an easy journey from asking to be treated fairly to reserving seats for women in politics so that their voices can be heard that too through tons of debates and delay which ultimately led to the legal guarantee of women's seat although it comes with strings attached.

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<sup>1</sup> The Constitution (One Hundred and Sixth Amendment) Act, 2023, Gazette of India Extraordinary, Part II, No. 1 of 2024.

<sup>2</sup> Vajiram & Ravi, Women's Reservation Act and Delimitation – Explained (23 March 2026).

<sup>3</sup> Paris Rajaram, 'Upstream Effects of Female Political Reservations' (2022), European Journal of Political Economy.

<sup>4</sup> Vajiram & Ravi, Women's Reservation Act and Delimitation – Explained

## V. KEY FEATURES OF THE 106TH CONSTITUTIONAL AMENDMENT

One third of directly elected seats in Lok Sabha , State Legislative Assembly and in the Delhi Assembly will be reserved for women that is 33% . Moreover one third of seats already set aside for Scheduled castes and Scheduled Tribes will go to women from these communities. .

This change adds a few new articles to the Constitution: Article 330A for the Lok Sabha, Article 332A for State Assemblies, and Article 239AA for the Delhi Assembly.<sup>5</sup> But don't expect this to happen overnight. The reservation will kick in only after the next census and a fresh delimitation decide exactly which constituencies are reserved.

There's a time frame: the reservation will last for 15 years, though Parliament can extend it if they want. Keeping things in check, the seats which has been set aside will rotate with every delimitation ,so no area gets labeled as women only for good.

## VI. DELIMITATION IN INDIA

Delimitation means to fix limits or boundaries of territorial constituencies of India to represent any changes in population and it also helps in identifying that how many seats each state will get in Lok Sabha and State Legislative Assemblies. The Constitution says this has to happen after every Census—just look at Articles 82 and 170. There's a special Delimitation Commission for the job. Their work is self standing and almost has the power like court which means no one can interfere and can not be challenged. Till now delimitation commission has been set up in India four times which is in 1952, 1963, 1973 and 2002 After that, the government hit pause. The main reason? They didn't want to penalize states that had worked hard to control their population. Now, this freeze is a big reason there's so much debate about reserving seats for women.

## VII. WHY DELIMITATION MATTERS

**Equal Representation:** Delimitation helps make sure every vote really counts. When some constituencies have way more voters than others, it kind of throws off the balance—one person's vote shouldn't carry less weight just because of where they live. Delimitation fixes these gaps.<sup>6</sup>

**Federal Tensions:** This isn't just about numbers—it's political. Delimitation can shift how many Lok Sabha seats each state gets. States up north, where populations are growing fast, could grab more seats. States down south worry about losing their say in Parliament as their share slips. That's why people argue so much about it.

**Women's Reservation:** The whole idea of reserving one-third of seats for women—the 106th Constitutional Amendment—really comes down to when delimitation happens. Women won't actually get these reserved seats until officials redraw electoral boundaries after the next census. So, if the government stalls this process, women's political representation gets delayed, too.

In simple words, delimitation in India is when officials again draws the electoral maps by using the latest census data so that each and everyone is represented justly. Under Article 82 and 170 of Constitution of India , an independent Commission handles it.

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<sup>5</sup> The Constitution (One Hundred and Sixth Amendment) Act, 2023 (Gazette text).

<sup>6</sup> Learnpro, Delimitation and Women's Reservation in India.

## VIII. LINKING WOMEN'S RESERVATION WITH DELIMITATION: RATIONALE

The 106th Amendment ties women's reservation to delimitation. Delimitation again works on to draw electoral maps which decides the number of seats in every state and again draw boundaries. And if parliament really intends to reserve seats for women, then it should make both the major changes at the same time. It is unnecessary to do major changes twice when it can be done together. You need to know which constituencies you're going to set aside, so combining the two is just practical.

Tying reservation to delimitation does a few things. Main thing is to extend reserved seats all around evenly, so that no area ends up with an unjust advantage. It also helps the system evolve and adaptable for future upgrades- for example if in future parliament grows and more seat is needed then it can be done without disturbing the system. . And by letting the Delimitation Commission handle it, which is supposed to use data, not politics, the hope is the process stays fair and doesn't turn into a political tug-of-war.<sup>7</sup>

But honestly, a lot of people aren't happy with how this is set up. The main problem? It means women's reservation gets stuck waiting for delimitation. And let's be real, both the census and delimitation have stalled before. That gives the government an easy reason to keep delaying things—"We're just waiting for the process"—so what sounds like a huge win for women can turn into something that never actually happens.

Some folks argue: women live everywhere—why wait for new boundaries? Why not just start reserving seats in the current Lok Sabha? Here's another problem if delimitation commission has made decision ,it can not be challenged in court. And this is what worrying people about possible gerrymandering , reduction of minority seats, or just getting unjust outcomes which one can not do anything about.

## IX. CRITICAL ANALYSIS OF CONDITIONAL IMPLEMENTATION

The Indian Constitution 106th Amendment Act which was passed in 2023 was as a turning point for women in political world. It guarantees to set aside one third of the seats in the Lok Sabha, State Legislative Assemblies, and the Delhi Assembly only for women. Sounds bold, right? Only, it wasn't a straightforward fix. The real catch is, the law delays everything until India finishes a new census and redraws electoral boundaries. So, right now, no one really knows when women will actually start seeing these benefits. Everything depends on a pile of future administrative steps, which the amendment itself makes mandatory. That's exactly what frustrates so many people.

For a lot of critics, this isn't just about some paperwork. Instead of handing women a real, immediate right, the law gives them a "post-dated cheque" that's only worth something later. People point out: Parliament had the momentum to pass the law—why not just kick things off now? There's nothing stopping them from using temporary seat allocations to get things moving, and then adjusting later after the fresh boundaries come in. By attaching all of this to the census and delimitation, the government can publicly celebrate a milestone, but quietly punt the difficult work into the future. It's a way to score political points today while making the delivery of this change someone else's problem down the line.

Another issue is how much the whole thing depends on the delimitation process. Every time redrawing electoral boundaries comes up in India, it's a political minefield, and almost always drags out longer than expected. The official explanation is that this long wait ensures

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<sup>7</sup> The News Minute, Explained: What the Union Government's New Delimitation Bills Change (15 April 2026).

fairness and lines up the reservation neatly with the next round of parliamentary changes, but honestly, a lot of people just don't buy it.

The catch? Delimitation. That's the process where states haggle over who gets how many seats, usually based on population. It's a classic north-versus-south standoff. By linking women's reservation to this messy process, the amendment pretty much opens itself up to endless debate, delays, and backdoor deals.. Something that could've been a clear win for women risks getting sucked into bigger fights about federalism and electoral reforms.

This setup also makes it harder for the courts to step in. Historically, the judiciary's kept its hands off delimitation decisions—they're almost untouchable. Sure, the Supreme Court has recently said it can act if there's something obviously unfair or unconstitutional (like in the *Kishorchandra Chhanganlal Rathod v Union of India* case in 2024)<sup>8</sup>, but their power here is still pretty limited. So if the government drags its feet, women may be stuck waiting a long time, with very little real help coming from the courts to speed things up.

And then there's the fact that nobody knows exactly when the next census or boundary redraw will actually happen. Plus, there's no real deadline. The government has all the space it needs to stall, even though the change is technically written into the Constitution now. Most of the people believe that nothing will actually happen before 2030, if not even later. For the time being, women remain on the sidelines.<sup>9</sup> One can't help but wonder, if the government was intending for real change, or just trying to score points with a catchy headline. Sure, it's a written win for the Constitution. But by making women's reservation depend on a complicated political process, the government leaves the door open for endless argument, slow progress, and very little pushback. The real impact? It's entirely up in the air—everything depends on when, and how honestly, the government moves on those key steps. Until that happens, the promise of real representation for women is just that—a promise, waiting on a timeline no one can actually see.

## **X. IMPLICATIONS FOR INDIAN DEMOCRACY**

The 106th Constitutional Amendment could change Indian democracy in big ways, but honestly, it's a mixed bag. If this reservation actually happens—setting aside 33% of seats for women—you'd see their numbers in Parliament and state assemblies jump to match their share in the population. Debates would get way more varied, and stuff that usually gets pushed aside, like gender-based violence, social security, education, and health, would finally get the attention it deserves.

First, this creates a delay. The amendment doesn't actually hand over the quota right away. It ties it to a future census and redrawing of constituencies, which means real change won't happen for years. That kind of wait takes the wind out of the amendment's sails, turning a historic promise into something distant and uncertain. People might start doubting whether the government is really serious about gender-equal representation.

Second, it drags gender equality issues into the mess of federal and electoral politics. Delimitation never goes smoothly—it always kicks off a bunch of arguments. You've got the usual north versus south tension, squabbles over seat sharing, and discussions about making the Lok Sabha bigger. And women's reservation? It's not just about bringing more women into politics. It's tangled in bigger battles for control, so everyone digs in their heels.

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<sup>8</sup> *Kishorchandra Chhanganlal Rathod v Union of India and Others*, Civil Appeal No. 7930 of 2024, decided on 23 July 2024, reported as 2024 INSC 579.

<sup>9</sup> The News Minute, Explained: What the Union Government's New Delimitation Bills Change

Third, this setup muddies accountability in democracy. The government gets to trumpet the amendment, but passes the actual job of implementation to bureaucratic bodies—like the Election Commission and the Delimitation Commission—that aren't directly under the public's watch. When the delimitation process drags on or gets manipulated behind closed doors, women lose out. Their influence in government shrinks. The constitution promises a lot, but when the time comes to make real changes, things can fall apart pretty quickly.

Here's the truth: The 106th Amendment puts women first, at least on paper. But as soon as you tie it to delimitation, everything gets complicated. It gives politicians an excuse to stall, twist the rules, and create confusion. Unless the census and delimitation happen soon—and everyone can see what's going on—the amendment doesn't make a real difference. It just stays words on a page.

## **XI. CONCLUSION**

The 106th Constitutional Amendment really shakes things up in Indian politics. It's not some polite speech about women's rights—it's actual law. Now, a third of seats in the Lok Sabha, State Assemblies, and the Delhi Assembly are set aside for women. This isn't just political lip service anymore. Women get a reserved spot where decisions get made.

This is where everything gets complicated. The government waits until they've done redrawing all the constituency boundaries after the next census before making any moves. That whole process is slow—lots of surveys, changing maps, piles of paperwork. It makes sense to update seats so they fit where people actually live, but honestly, it takes forever. And honestly, politicians love this moment. They stall, cut deals behind closed doors, sometimes even mess up the whole process on purpose.

This amendment is bold, but there's a serious risk it ends up as just more empty promises. If the government can actually pull off a clean census and redraw the map without all the usual drama, women get real power. Parliament would finally start looking like the country it represents.

At the end of the day, sure, the law might be on paper. But you know what? It's up to lawmakers to really bring it to life. They've got to push past all the usual fluff and actually get things done.

If not, it's all talk. Indian democracy misses a real chance to change.

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