

The Women's Reservation Act, 2023: Constitutional Evolution, Political Dynamics and Challenges of Implementation in India

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Abstract

*The enactment of the **Women's Reservation Act, 2023**, marks a significant constitutional development in India's democratic framework after nearly twenty-seven years of legislative and political debate. Although the proposal for reserving seats for women in the Lok Sabha and State Legislative Assemblies was introduced repeatedly between 1996 and 2010, it failed to secure parliamentary approval on several occasions. The Act, however, was finally enacted in 2023 with an overwhelming parliamentary majority, representing an important milestone in the pursuit of women's political representation. This study examines the constitutional evolution, political dynamics, and implementation challenges associated with the Women's Reservation Act, 2023. It traces the historical debates surrounding women's reservation, beginning with the deliberations in the Constituent Assembly, where several prominent women members opposed legislative reservation in favour of equality based on merit and opportunity. The paper further analyses the constitutional provisions introduced through the Act, particularly the proposal to reserve one-third of the seats in the Lok Sabha and State Legislative Assemblies, including seats reserved for the Scheduled Castes and Scheduled Tribes.*

The study also critically examines the practical obstacles that may delay the implementation of the Act. The linkage of women's reservation with the completion of the national Census and the subsequent delimitation exercise has emerged as one of its most significant challenges. The paper discusses concerns regarding regional political representation, the prolonged suspension of delimitation, the exclusion of Other Backward Classes (OBC) women, the implications of constituency rotation, and the uncertainty surrounding the actual enforcement of the legislation. Finally, the study explores the changing political consensus that enabled the passage of the Act, highlighting the growing electoral significance of women voters in India. It concludes that while the Women's Reservation Act, 2023 represents a historic legislative achievement, its democratic objectives will depend substantially on the timely completion of constitutional and administrative processes required for its implementation.

Keywords: Women's Reservation Act, 2023; Nari Shakti Vandan Adhiniyam; Women's Political Representation; Constitutional Amendment; Parliamentary Democracy; Delimitation; Census; Electoral Politics; Gender Equality; Political Participation; Legislative Reservation; India.

INTRODUCTION

Women's political participation is widely regarded as an essential component of democratic governance and representative institutions. The inclusion of women in legislative bodies not only strengthens democratic legitimacy but also promotes broader participation in political decision-making. In India, the question of reserving legislative seats for women has remained one of the most debated constitutional and political issues since independence. Although the objective of ensuring greater representation for women has enjoyed widespread public support, the legislative process leading to its

realization has been marked by prolonged political disagreements, constitutional debates, and repeated parliamentary failures. The Women's Reservation Bill experienced an unusually long legislative journey before finally becoming law in 2023. Between 1996 and 2010, successive governments introduced the proposal on several occasions; however, despite repeated attempts, it failed to secure the necessary political consensus. The enactment of the Women's Reservation Act, 2023, therefore represents the culmination of nearly twenty-seven years of legislative deliberation and political negotiation. The Act was passed with an overwhelming majority in Parliament, demonstrating a significant shift in political attitudes towards women's representation in elected institutions. The historical roots of this debate extend beyond the introduction of the Bill itself. During the deliberations of the Constituent Assembly, several prominent women members expressed reservations about providing legislative quotas for women. They argued that women should achieve political representation through equality of opportunity rather than constitutionally guaranteed reservation. Their emphasis remained on securing political, economic, and social equality instead of special privileges. These early constitutional debates illustrate that the issue of women's reservation has always involved competing perspectives regarding equality, merit, and democratic representation. The Women's Reservation Act, 2023, introduces a constitutional framework for reserving 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 further extends this reservation to seats already reserved for the Scheduled Castes (SCs) and Scheduled Tribes (STs) by providing one-third reservation for women within those categories through constitutional amendments introducing Articles 330A and 332A. However, despite its enactment, the Act does not provide for immediate implementation. Instead, its enforcement has been made contingent upon the completion of a nationwide Census followed by a delimitation exercise, thereby creating considerable uncertainty regarding the actual commencement of women's legislative reservation. The linkage between women's reservation and delimitation has generated extensive constitutional and political debate. Questions relating to delayed implementation, regional representation, constituency rotation, exclusion of certain social groups, and the administrative complexity of delimitation have emerged as important issues in evaluating the effectiveness of the legislation. At the same time, the passage of the Act has coincided with a significant transformation in India's electoral landscape, particularly the steady rise in women's voter participation, which has influenced the political consensus supporting the legislation.

Against this background, the present study examines the constitutional evolution, political developments, and implementation challenges associated with the Women's Reservation Act, 2023. Drawing exclusively upon the source material provided, the paper analyses the historical progression of the legislation, the constitutional provisions incorporated through the Act, the implications of linking implementation with the Census and delimitation process, and the broader political circumstances that shaped its enactment. Through this analysis, the study seeks to provide a comprehensive understanding of one of the most significant constitutional developments in contemporary Indian democracy.

HISTORICAL EVOLUTION OF THE WOMEN'S RESERVATION BILL

The evolution of the Women's Reservation Bill reflects one of the longest and most complex legislative journeys in contemporary Indian democracy. Although the proposal to reserve seats for women in the Lok Sabha and the State Legislative Assemblies became law only in 2023, its origins can be traced back to the constitutional debates that took place during the framing of the Constitution of India. The historical development of the legislation demonstrates that the question of women's political representation has never been limited to numerical inclusion alone; rather, it has consistently involved broader debates concerning equality, merit, constitutional principles, and democratic participation.

The issue first emerged during the deliberations of the Constituent Assembly, where women members actively participated in discussions concerning the future political structure of independent India. Contrary to later political developments, the women members of the Assembly did not support the idea of legislative reservation for women. Instead, they unanimously opposed any constitutional provision reserving seats for women in the Lok Sabha and the State Legislative Assemblies. Their position was based on the belief that women should secure political participation through equal rights and equal opportunities rather than through constitutionally guaranteed quotas.

Among the most prominent voices was **Begum Aizaz Rasul**, the only Muslim woman member of the Constituent Assembly, who opposed reservation not only for Muslims but also for women. Her position reflected a broader

constitutional vision that emphasized equality within a democratic framework instead of political representation based on reserved categories. Similarly, **Hansa Mehta**, a distinguished member of the Constituent Assembly and Vice-Chairperson of the United Nations Human Rights Commission, argued that women did not seek special privileges but demanded political, economic, and social equality capable of ensuring genuine cooperation between men and women. Her statement emphasized that equality should be achieved through equal status rather than legislative preference.

Another significant intervention came from **Renuka Roy**, who maintained that women would obtain greater opportunities if public life recognized their abilities rather than granting them reserved representation. According to her view, reservation could become an obstacle to women's advancement by creating unnecessary distinctions based on gender and by undermining confidence in women's competence and intellectual capacity. These opinions collectively reflected the prevailing constitutional philosophy that equal citizenship rather than reserved political space should constitute the foundation of women's empowerment.

Interestingly, the source material notes that the principal demand for reservation within the Constituent Assembly was advanced not by a woman but by **Pattabhi Sitaramayya**. During the debates, he persuaded the Assembly that instead of introducing constitutional reservation for women, independent India could rely upon a "Gentlemen's Agreement" that would ensure equal progress for both men and women. Consequently, the Constituent Assembly refrained from adopting legislative reservation and instead expressed confidence that democratic institutions would naturally facilitate women's political advancement. The source describes this understanding as a "Gentlemen's Agreement," which later proved insufficient in achieving the expected level of women's representation in elected institutions.

Despite these constitutional expectations, women's representation in legislative bodies remained limited over the following decades. Consequently, the demand for institutional measures gradually gained political importance, leading to the introduction of the Women's Reservation Bill in Parliament. The legislative proposal sought to reserve one-third of the seats in the Lok Sabha and State Legislative Assemblies for women. However, despite repeated attempts, the Bill encountered persistent political resistance and repeatedly failed to secure parliamentary approval. According to the source material, the proposal was introduced during the H. D. Deve Gowda Government in 1996 but failed to pass. Similar attempts during the Atal Bihari Vajpayee Government in 1998, 1999, 2002, and 2003 also proved unsuccessful. The Bill again failed to become law when it was pursued through the Rajya Sabha during the Manmohan Singh Government in 2010. These repeated failures demonstrate the absence of sustained political consensus despite widespread public discussion regarding women's political representation.

A decisive transformation occurred in 2023 when the proposal, after nearly twenty-seven years of legislative uncertainty, was finally enacted with overwhelming parliamentary support. The Women's Reservation Bill received **454 votes in favour and only two votes against**, making it one of the most widely supported constitutional measures concerning democratic representation. Following presidential assent, the Bill became the **Women's Reservation Act, 2023**, thereby marking a significant constitutional milestone in India's democratic development. The enactment represented not merely the passage of a legislative proposal but the culmination of nearly three decades of constitutional debate, parliamentary negotiation, and political realignment surrounding the issue of women's legislative representation.

CONSTITUTIONAL FRAMEWORK OF THE WOMEN'S RESERVATION ACT, 2023

The **Women's Reservation Act, 2023**, represents a significant constitutional initiative aimed at strengthening women's participation in India's legislative institutions. After decades of parliamentary debate and repeated legislative failures, the enactment of the Act establishes a constitutional mechanism for increasing women's representation in the Lok Sabha and the State Legislative Assemblies. The legislation reflects Parliament's commitment to expanding women's participation within the democratic process while introducing constitutional provisions intended to institutionalize legislative reservation.

The central feature of the Act is the reservation of **one-third of the total seats** in the Lok Sabha, the State Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi for women. The legislation further extends this principle to constituencies already reserved for the Scheduled Castes (SCs) and the Scheduled Tribes (STs). Accordingly, one-third of the seats reserved for these constitutional categories are also earmarked for women belonging

to the respective communities. This framework follows the model that has previously been adopted in Panchayati Raj Institutions for promoting women's political participation at the local level.

To provide constitutional validity to these provisions, the Act introduces **Articles 330A and 332A** into the Constitution of India. These newly proposed constitutional provisions establish the legal foundation for women's reservation in the Lok Sabha and the State Legislative Assemblies. Through these amendments, the Act seeks to incorporate legislative reservation within the constitutional structure rather than treating it merely as an ordinary statutory measure. Consequently, the constitutional amendment provides the legal basis necessary for implementing women's reservation in representative institutions at the national and state levels.

Despite its constitutional significance, the Act does not provide for the immediate implementation of women's reservation. Although the legislation has received parliamentary approval and presidential assent, its operation has been made conditional upon the completion of two constitutional and administrative processes. First, the Central Government is required to conduct an all-India Census. Secondly, a nationwide delimitation exercise must be undertaken on the basis of the population figures obtained through that Census. Only after the completion of these two processes will the constitutional provisions relating to women's reservation become operational.

The source material notes that the national Census originally scheduled for **2021** was postponed because of the COVID-19 pandemic and is expected to be conducted in **2026**. Since the delimitation process can commence only after the completion of the Census, the implementation of the Women's Reservation Act has been deferred until these constitutional requirements are fulfilled. As a result, although the Act has formally become law, the actual reservation of legislative seats for women remains contingent upon future administrative and constitutional developments.

The constitutional framework further recognizes delimitation as an essential legal exercise carried out under **Article 170 of the Constitution of India** and the **Representation of the People Act, 1950**. Delimitation involves the redrawing of constituency boundaries in accordance with changes in population and also determines the distribution of seats reserved for the Scheduled Castes and Scheduled Tribes. By linking women's reservation to this constitutional exercise, the Act integrates its implementation within the broader constitutional framework governing electoral representation. However, the source also indicates that the duration of the delimitation process remains uncertain, making it difficult to determine the precise timeline for the enforcement of women's reservation.

Thus, the constitutional framework of the Women's Reservation Act, 2023 establishes a legally structured mechanism for enhancing women's representation in Parliament and State Legislatures while simultaneously making its implementation dependent upon the successful completion of constitutional procedures relating to the Census and delimitation. Although the Act constitutes a landmark constitutional reform in principle, its practical realization continues to depend upon the fulfilment of these procedural requirements, leaving the commencement of legislative reservation for women uncertain despite the enactment of the law.

DELIMITATION AND IMPLEMENTATION CHALLENGES

Although the **Women's Reservation Act, 2023** has been enacted as a landmark constitutional reform, its implementation is subject to significant constitutional and administrative constraints. The most important challenge identified in the source material is that the reservation of seats for women will not become operational immediately after the enactment of the legislation. Instead, its implementation has been made contingent upon the completion of an all-India Census followed by a nationwide delimitation exercise. Consequently, the realization of the constitutional objective of enhancing women's political representation remains dependent on processes whose completion is uncertain both in terms of timing and administrative complexity.

The source explains that the delimitation process has remained suspended for nearly five decades. The last delimitation exercise was conducted in **1976**, after which Parliament suspended further delimitation for twenty-five years owing to political disagreements regarding population-based redistribution of parliamentary and legislative seats. This suspension was subsequently extended until **2026**, resulting in an unprecedented delay in revising constituency boundaries. Since the implementation of women's reservation is directly linked to the resumption of delimitation, the prolonged suspension has become one of the principal reasons for the uncertainty surrounding the enforcement of the Act.

The historical background of the suspension illustrates the constitutional sensitivity of delimitation. During the 1976 exercise, it became evident that States experiencing greater population growth—primarily those in northern India—would receive an increase in legislative representation. This proposal was strongly opposed by several southern States, which argued that they had effectively implemented national population control policies and should not be politically disadvantaged as a consequence. They maintained that an increase in parliamentary representation based solely on population would produce unequal political representation and create asymmetry within India's federal structure. These disagreements ultimately resulted in the constitutional decision to postpone delimitation for an extended period.

The source further observes that the resumption of delimitation after 2026 may again generate regional political concerns. Once constituency boundaries are redrawn according to contemporary population figures, the total number of parliamentary seats is expected to increase beyond the present strength of Parliament, with northern States likely to receive the largest share of additional seats. Such changes have already generated indications of dissatisfaction among southern States, raising the possibility that political disagreements similar to those witnessed during the 1976 exercise may once again influence the delimitation process.

Apart from political disagreements, delimitation itself represents a highly complex administrative exercise requiring considerable time for completion. The source notes that the delimitation process conducted after the **2001 Census** commenced in **2002** and required approximately three to four years to complete. Considering India's substantially larger population today, it is argued that delimitation following the proposed **2026–27 Census** may require at least four to five years. Consequently, even if the Census is completed as expected, women's reservation is unlikely to be implemented immediately because the delimitation process itself will require additional time before the constitutional provisions can become operational.

These procedural requirements have become one of the strongest criticisms of the Women's Reservation Act, 2023. According to the source material, several political scientists contend that making women's reservation dependent upon the successful completion of delimitation is an unnecessary constitutional complication. They argue that the principle of reserving one-third of legislative seats for women bears no direct relationship to the geographical boundaries of constituencies. Consequently, linking implementation to delimitation has been viewed as an avoidable delay that postpones the practical realization of women's political representation despite the enactment of the legislation.

The source also identifies several additional implementation concerns. It observes that the Act does not provide reservation for women in the Union Territories and makes no provision for women belonging to the **Other Backward Classes (OBCs)**. Furthermore, questions have been raised regarding the operation of reservation in States possessing fewer than three parliamentary constituencies, such as **Sikkim, Manipur, Mizoram, Meghalaya, Goa, and Arunachal Pradesh**. These issues indicate that certain constitutional and representational questions remain unresolved within the present legislative framework.

Another significant concern discussed in the source relates to the **rotation of reserved constituencies**. Under the provisions of the **Nari Shakti Vandan Adhiniyam**, reserved seats may be rotated after fifteen years in accordance with the delimitation process. According to the source, this arrangement may reduce the incentive for legislators to invest in long-term constituency development because both male and female representatives may become uncertain about their future electoral prospects in the same constituency. Male legislators may lose the opportunity to seek re-election from their existing constituencies, while women representatives may also anticipate the loss of reservation following subsequent rotations. The source therefore argues that constituency rotation may adversely affect legislative accountability and continuity of representation while simultaneously restricting voter choice.

Finally, the source refers to an alternative approach that was suggested before the enactment of the legislation. It notes that the recommendations of the **Geeta Mukherjee Committee (1996)** and the advice of the then Chief Election Commissioner **M. S. Gill (2000)** favoured requiring political parties to nominate an agreed minimum number of women candidates rather than reserving constituencies through constitutional amendments. Within the source material, this recommendation is presented as an alternative mechanism that could have enhanced women's political participation without making implementation dependent upon delimitation and constituency rotation.

POLITICAL DYNAMICS AND CRITICAL ANALYSIS

The enactment of the **Women's Reservation Act, 2023** represents not only a constitutional development but also a significant transformation in India's political landscape. One of the most striking aspects of the legislation is the dramatic shift in the political positions of major parties that had previously opposed the proposal at different stages of its legislative journey. The overwhelming parliamentary support received by the Act reflects the emergence of an unprecedented political consensus on women's representation, despite earlier disagreements concerning its constitutional design and implementation.

A notable feature of the legislative process is that several political parties altered their long-standing positions on the issue of women's reservation. According to the source material, parties such as the **Samajwadi Party (SP)** and the **Rashtriya Janata Dal (RJD)** had opposed the Bill for nearly twenty-seven years on the ground that gender justice should be accompanied by social justice, particularly through reservation for women belonging to the Other Backward Classes (OBCs). Despite the absence of any specific provision for OBC women in the present legislation, these parties eventually supported the Act during its passage in Parliament. This shift illustrates a significant change in political strategy and demonstrates the emergence of a broader consensus in favour of women's legislative representation.

The source also highlights the changing position of the **Indian National Congress (INC)**. Although the Congress had opposed the introduction of the Bill during certain earlier parliamentary debates, it supported the legislation in 2023 while simultaneously maintaining that the proposal had historically originated under its own political leadership. Nevertheless, the party continued to express dissatisfaction regarding two important issues: the absence of reservation for OBC women and the decision to link implementation with the delimitation process. This position reflects a combination of legislative support and continuing constitutional criticism.

Similarly, the **Bharatiya Janata Party (BJP)** eventually enacted a legislative proposal that, according to the source material, had previously faced political resistance during earlier parliamentary debates. The enactment of the Women's Reservation Act under the BJP government therefore represents another important political realignment in the evolution of the legislation. Collectively, these developments demonstrate that parties with contrasting ideological and political positions ultimately converged in supporting the constitutional objective of enhancing women's representation in legislative institutions.

The source attributes this remarkable political convergence primarily to changing electoral realities rather than to an abrupt transformation in constitutional philosophy. It argues that the answer lies in the increasing political importance of women as an electoral constituency. Since the **1962 Lok Sabha elections**, women's participation in the electoral process has increased steadily. While male voter turnout substantially exceeded that of women during the early decades after independence, the gap gradually narrowed over successive elections. By the **2019 General Elections**, women not only matched but marginally surpassed male voter turnout, with approximately **67.2 percent** of eligible women participating in the electoral process compared with around **67 percent** of men. According to the source, this represented the first occasion in India's electoral history on which women voters participated in greater numbers than men.

The growing electoral significance of women is presented as the principal explanation for the overwhelming parliamentary support received by the Women's Reservation Act. As women increasingly emerged as an influential voting constituency, political parties across ideological lines recognized the importance of responding to their democratic aspirations. The source therefore argues that the rise in women's electoral participation created a favourable political environment that enabled the Bill to secure **454 votes in favour and only two against**. The legislation thus became the first Bill to be passed in the newly inaugurated Parliament

building and was considered sufficiently significant to justify the convening of a special session of Parliament exclusively for its consideration.

Despite acknowledging the historic character of the legislation, the source maintains a critical perspective regarding its practical consequences. It argues that although Parliament has formally approved the constitutional framework for women's reservation, the actual beneficiaries remain uncertain because implementation continues to depend upon the completion of the Census and delimitation exercise. Consequently, while the Act symbolically affirms the commitment to women's political empowerment, it does not provide immediate access to reserved legislative seats. This delay raises questions regarding the effectiveness of the constitutional reform and its capacity to produce timely democratic outcomes.

The source further characterizes this situation as reflecting a continuing imbalance within India's democratic institutions. Although the enactment of the Women's Reservation Act, 2023 marks a historic constitutional milestone, the State is described as continuing, by and large, to remain a **male organisation** until the constitutional promise embodied in the legislation is translated into actual political representation. From this perspective, the Act represents an important beginning rather than the final achievement of substantive gender equality in legislative politics. Its long-term significance will ultimately depend upon the successful implementation of its constitutional provisions and the effective realization of women's political participation within India's representative institutions.

CONCLUSION

The **Women's Reservation Act, 2023** represents the culmination of a legislative process that extended over nearly twenty-seven years and constitutes one of the most significant constitutional developments relating to women's political representation in India. The enactment of the legislation reflects a major shift in parliamentary consensus after repeated unsuccessful attempts under successive governments. By providing for one-third reservation for women in the Lok Sabha and the State Legislative Assemblies, including within the seats reserved for the Scheduled Castes and Scheduled Tribes, the Act seeks to strengthen women's participation in representative democratic institutions through constitutional means.

The historical evolution of the legislation demonstrates that the issue of women's reservation has consistently generated diverse constitutional and political perspectives. While several women members of the Constituent Assembly advocated equality based on merit rather than legislative reservation, subsequent decades witnessed growing demands for institutional measures to improve women's representation in elected bodies. The eventual enactment of the Act in 2023 therefore reflects the changing political and democratic context within which the question of women's participation has been reconsidered.

At the same time, the study indicates that the constitutional promise of the Act remains dependent upon the successful completion of the Census and the delimitation process. The linkage between reservation and delimitation has emerged as the principal implementation challenge, creating uncertainty regarding the actual commencement of women's reservation. The prolonged suspension of delimitation, the possibility of renewed regional political disagreements, the administrative complexity of redrawing constituencies, the absence of provisions for OBC women and Union Territories, and concerns relating to the rotation of reserved constituencies collectively illustrate that several constitutional and practical issues remain unresolved. These challenges suggest that the effectiveness of the legislation will ultimately depend not only on its constitutional validity but also on the timely completion of the procedures required for its implementation.

The study further reveals that the passage of the Women's Reservation Act was accompanied by a remarkable transformation in political attitudes. Political parties that had opposed the Bill at different stages of its legislative history eventually supported its enactment. According to the source material, this political convergence was closely associated with the increasing electoral participation of women, whose voter turnout has steadily expanded over successive general elections and, by 2019, marginally exceeded that of male voters. The growing electoral significance of women therefore emerged as an important factor contributing to the overwhelming parliamentary support received by the legislation.

In conclusion, the **Women's Reservation Act, 2023** marks a historic constitutional milestone in India's democratic journey by establishing a legal framework for enhancing women's representation in legislative institutions. However, the study also demonstrates that the realization of this constitutional objective remains contingent upon future constitutional and administrative processes. Until the Census and delimitation exercises are completed and the provisions of the Act are effectively implemented, the benefits of legislative reservation will remain prospective rather than immediate. Consequently, while the Act symbolizes a significant commitment towards expanding women's political participation, its long-term democratic impact will ultimately depend upon the effective translation of constitutional intent into practical political representation.

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