

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also visible. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

## DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

## ABOUT WHITE BLACK LEGAL

*White Black Legal – The Law Journal* is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

## AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

# **WOMEN'S RESERVATION IN PARLIAMENT: A CONSTITUTIONAL AND CRITICAL ANALYSIS OF THE NARI SHAKTI VANDAN ADHINIYAM**

AUTHORED BY - ANANT HOODA

## **Abstract**

The question of women's political representation in India has long remained a subject of constitutional and democratic concern. Despite forming nearly half of the population, women continue to be underrepresented in legislative bodies, raising serious questions about inclusivity and substantive equality. The enactment of the Nari Shakti Vandan Adhiniyam, which provides for reservation of seats for women in the Lok Sabha and State Legislative Assemblies, marks a significant development in addressing this imbalance. This paper undertakes a constitutional and critical analysis of the legislation, examining its implications for equality, representation, and democratic governance. It evaluates the measure considering Articles 14, 15, and 16 of the Constitution, particularly focusing on the permissibility of affirmative action and its role in achieving substantive equality. The study also explores the challenges associated with implementation, including concerns regarding delimitation, rotation of seats, and intersectional representation. The paper argues that while the legislation represents a progressive step towards enhancing women's participation in politics, its effectiveness depends on addressing structural and institutional barriers that extend beyond formal legal provisions. It concludes that reservation, though necessary, must be complemented by broader reforms to ensure meaningful political empowerment.

## **Keywords:**

Women's Reservation; Political Representation; Nari Shakti Vandan Adhiniyam; Gender Equality; Affirmative Action; Article 15(3); Substantive Equality; Parliamentary Democracy; Constitutional Law; Reservation Policy; Political Empowerment; Indian Constitution

## Literature Review

The issue of women's political representation has been widely examined across constitutional theory, feminist jurisprudence, and democratic studies. **B.R. Ambedkar**, though writing in the context of social justice, emphasized that political democracy cannot succeed without social and economic equality, thereby indirectly supporting measures that enhance representation of marginalized groups, including women.<sup>1</sup>

**Upendra Baxi** has argued that constitutionalism in India must be understood as a transformative project, where the State actively intervenes to correct historical injustices.<sup>2</sup> This perspective provides a strong normative basis for reservation policies as instruments of structural reform rather than mere political accommodation. Similarly, Flavia Agnes has highlighted that formal legal equality often fails to address systemic gender discrimination, thereby necessitating targeted interventions such as reservation.

On the other hand, **Pratap Bhanu Mehta** has raised concerns about the effectiveness of reservation as a tool for genuine political empowerment, suggesting that institutional reforms must go beyond numerical inclusion.<sup>3</sup> **V. Geetha** also critiques the assumption that representation automatically leads to empowerment, pointing out that social hierarchies may persist within political structures.<sup>4</sup>

## Research Methodology

This research adopts a doctrinal and analytical methodology, focusing on constitutional provisions, legislative developments, and judicial interpretations relevant to women's reservation in Parliament.

### 1. Nature of Research

The study is qualitative in nature, based on constitutional and legal analysis rather than empirical data. It examines the theoretical foundations of equality and affirmative action, as well as their application in the context of political representation. The research is analytical and normative, aiming to evaluate whether the Nari Shakti Vandan Adhiniyam effectively advances constitutional goals of equality and democratic participation.

---

<sup>1</sup> B.R. Ambedkar, *Annihilation of Caste* (1936)

<sup>2</sup> Upendra Baxi, *The Future of Human Rights* (Oxford University Press 2002)

<sup>3</sup> Pratap Bhanu Mehta, 'The Rise of Judicial Sovereignty' (2007) 18 *Journal of Democracy* 70

<sup>4</sup> V. Geetha, *Gender* (Stree Publications 2002)

## 2. Sources of Data Primary Sources:

- The Constitution of India (Articles 14, 15(3), and 16 relating to equality and affirmative action)
- The Nari Shakti Vandan Adhiniyam (provisions relating to reservation in Lok Sabha and State Assemblies)
- Judicial decisions (cases interpreting equality, reservation, and affirmative action)
- Parliamentary debates (discussions in Parliament regarding women's reservation bill)

## Secondary Sources:

- Scholarly books (works on constitutional law and gender justice)
- Academic journal articles (research on political representation and reservation policies)
- Law Commission reports (reports addressing electoral reforms and representation)
- Comparative legal studies (analysis of women's reservation in countries like Rwanda and Norway)

## 3. Method of Legal Interpretation

- Doctrinal Analysis as examination of constitutional provisions and judicial precedents
- Critical Evaluation of the effectiveness and limitations of reservation
- Comparative method like study of global practices relating to women's political representation
- Historical analysis of the evolution of reservation policies in India

## 4. Scope and Limitations

- The study is confined to the constitutional and legal aspects of women's reservation.
- It focuses on the Parliamentary and legislative framework.
- It does not include empirical analysis of electoral outcomes.
- It does not attempt to propose a complete policy model but evaluates the existing framework.

## Hypothesis

This research is based on the hypothesis that:

“The introduction of women's reservation in Parliament through the Nari Shakti Vandan Adhiniyam constitutes a constitutionally valid and necessary step towards achieving substantive equality, but its effectiveness in ensuring meaningful political empowerment

depends on addressing structural and institutional limitations.”

Sub-Hypotheses: -

1. Reservation for women is constitutionally justified under the principle of substantive equality and affirmative action.
2. Mere numerical representation does not guarantee effective political empowerment.
3. Institutional mechanisms such as rotation and delimitation may affect the long-term impact of the legislation.

## Introduction

The issue of women’s representation in political institutions has long been a matter of concern in India’s democratic framework. Despite constitutional guarantees of equality, women have remained significantly underrepresented in legislative bodies, raising questions about the inclusiveness and legitimacy of democratic governance.

The enactment of the Nari Shakti Vandan Adhiniyam marks a significant milestone in addressing this imbalance. By providing for reservation of seats for women in Parliament and State Legislatures, the legislation seeks to enhance political participation and promote gender equality. However, the introduction of reservation also raises important constitutional and practical questions.

From a constitutional perspective, the measure must be examined considering equality provisions and the doctrine of affirmative action. While the Constitution permits special provisions for women, the scope and implementation of such measures require careful analysis. From a practical standpoint, issues such as seat rotation, delimitation, and intersectional representation pose significant challenges.

This paper seeks to critically analyse the constitutional validity, implications, and limitations of women’s reservation in Parliament. It aims to assess whether legislation can achieve its intended objectives and contribute to a more inclusive and representative democratic system.

### **1. Evolution of Women’s Political Representation and Need for Parliamentary Reservation**

The historical underrepresentation of women in legislative bodies has been a persistent feature of Indian democracy. Despite constitutional guarantees of equality, women have remained significantly marginalized in Parliament and State Assemblies. This disparity reflects structural

and institutional barriers that limit access to political power. The introduction of reservation at the local governance level demonstrated that affirmative measures could enhance participation and visibility of women in political processes. Judicial observations have acknowledged that representation of disadvantaged groups is essential for inclusive governance and democratic legitimacy.<sup>5</sup> The enactment of the Nari Shakti Vandan Adhiniyam must therefore be understood as a continuation of this constitutional effort to correct historical exclusion and ensure equitable participation in Parliament. Moreover, historical patterns indicate that social norms, economic dependency, and limited access to political networks have further constrained women's entry into formal politics. The success of Panchayati Raj reservations illustrates that institutional support can transform participation into leadership.

## **2. Constitutional Validity of Women's Reservation under Articles 14 and 15(3)**

The constitutional framework provides a strong foundation for women's reservation through the principles of equality and affirmative action. Article 14 guarantees equality before law, while Article 15(3) explicitly permits the State to make special provisions for women. Judicial interpretation has clarified that equality allows reasonable classification aimed at achieving substantive justice. In this context, reservation for women is justified as a means of addressing systemic discrimination and underrepresentation. Special provisions for women are therefore not exceptions but extensions of the equality principle. This establishes the constitutional validity of the Nari Shakti Vandan Adhiniyam. Constitutional jurisprudence has consistently emphasized that protective discrimination is essential for achieving real equality. The enabling nature of Article 15(3) empowers the State to take proactive measures for social reform. Such provisions are rooted in the objective of leveling the playing field rather than creating preferential treatment.

## **3. Women's Reservation and Democratic Representation in Parliament**

Political representation is central to the functioning of a democratic system. The exclusion of women from legislative bodies undermines the representative character of governance and limits the diversity of perspectives in policymaking.

Judicial reasoning has emphasized that democracy requires effective participation of all sections of society. Women's reservation in Parliament seeks to address this imbalance by ensuring that women have a meaningful presence in legislative processes. However,

---

<sup>5</sup> K. Krishna Murthy v Union of India (2010) 7 SCC 202

representation must extend beyond numerical inclusion. The effectiveness of the Act depends on whether it enables women to actively influence decision-making and contribute to governance. This enhances both the quality and responsiveness of governance. Therefore, representation is not merely symbolic but functionally significant in shaping democratic outcomes.

#### **4. Judicial Approach: Balancing Reservation, Merit and Constitutional Principles**

The judiciary has consistently upheld the legitimacy of reservation while emphasizing the need to maintain constitutional balance. Courts have rejected the notion that reservation undermines merit, instead recognizing that merit must be understood in the context of equal opportunity. Judicial decisions have highlighted that affirmative action is necessary to correct systemic inequalities, but it must remain within reasonable limits.<sup>6</sup> This approach ensures that reservation policies promote equality without compromising fairness. In the context of women's reservation, this balance requires careful implementation to ensure that the policy achieves both representation and effective governance. Courts have also underscored that merit cannot be assessed in isolation from social conditions that restrict access to opportunities. By acknowledging structural disadvantages, judicial reasoning supports inclusive measures as tools of fairness. At the same time, safeguards are necessary to ensure that such policies remain proportionate and constitutionally justified. This balanced approach preserves both equality and institutional integrity.

#### **5. Limitations of Nari Shakti Vandan Adhiniyam: Rotation, Delimitation and Intersectionality**

While the Act represents a significant step towards gender equality, it raises several practical concerns. The provisions relating to delimitation and rotation of seats create uncertainty regarding implementation and continuity of representation. Frequent rotation may discourage long-term political engagement and hinder the development of stable leadership among women representatives. Additionally, the absence of a clear framework for addressing intersectional inequalities raises concerns about equitable representation within the category of women. Judicial observations have emphasized that representation must be meaningful and not merely symbolic.<sup>7</sup> Without addressing these structural issues, the effectiveness of the Act may remain

---

<sup>6</sup> Indra Sawhney v Union of India (1992) Supp (3) SCC 217

<sup>7</sup> K. Krishna Murthy v Union of India (2010) 7 SCC 202

limited. The lack of clarity regarding timelines for implementation may delay the realization of its intended benefits. Intersectionality, particularly relating to caste, class, and regional disparities, remains insufficiently addressed within the framework. This may result in unequal distribution of opportunities even within the category of women. Addressing these concerns is essential to ensure that the Act achieves substantive rather than merely formal equality.

## **Legal Challenges & Constitutional Concerns**

### **1. Implementation Challenges of the Nari Shakti Vandan Adhiniyam**

While the enactment of women's reservation in Parliament represents a significant constitutional milestone, its implementation is accompanied by several structural challenges. One of the most critical concerns is the linkage of the Act to delimitation, which delays its operationalization. This conditional framework raises questions regarding the immediacy and effectiveness of the reform. Additionally, the provision for rotation of reserved seats introduces uncertainty in political representation. Frequent rotation may discourage long-term political investment by representatives and weaken constituency-level accountability. These structural features highlight the gap between legislative intent and practical realization.

### **2. Constitutional Concerns: Equality, Fairness and Representation**

The introduction of reservation must be evaluated within the broader constitutional framework of equality and fairness. While affirmative action is constitutionally permissible, it must satisfy the requirements of reasonableness and proportionality. The challenge lies in ensuring that reservation enhances representation without creating new forms of inequality. Issues such as unequal distribution of reserved constituencies and potential marginalization of certain groups within the category of women raise important constitutional questions. The principle of equality requires that such measures be carefully designed to achieve their intended objectives without unintended consequences.

### **3. Intersectionality and Inclusive Representation**

A significant limitation of the current framework is its insufficient engagement with intersectionality. Women do not constitute a homogeneous group, and their experiences are shaped by multiple social and economic factors such as caste, class, and religion. The absence of a clear mechanism to address these layered inequalities raises concerns about whether the benefits of reservation will be equitably distributed. Without an intersectional approach, the

policy risks reinforcing existing hierarchies within the category of women, thereby limiting its transformative potential.

#### **4. Beyond Numerical Representation: The Question of Substantive Empowerment**

While reservation ensures increased numerical representation, it does not automatically translate into substantive empowerment. Structural barriers such as political party control, lack of access to resources, and socio-cultural constraints continue to influence the effectiveness of women's participation in politics.

For reservation to achieve its intended purpose, it must be complemented by institutional reforms that enable women to actively participate in decision-making processes. This includes enhancing political training, ensuring equitable access to resources, and addressing systemic biases within political institutions.

### **Conclusion**

The introduction of women's reservation in Parliament through the Nari Shakti Vandan Adhiniyam represents a significant step in India's constitutional journey towards achieving equality and inclusive governance. The legislation reflects a recognition that formal equality is insufficient in addressing historical and structural disadvantages faced by women in political representation.

The analysis undertaken in this study substantiates the central hypothesis that women's reservation is a constitutionally valid and necessary measure for achieving substantive equality. At the same time, it also demonstrates that the effectiveness of such reservation depends on addressing structural, institutional, and intersectional challenges.

The constitutional legitimacy of the Act is firmly grounded in the principles of equality and affirmative action. However, its success lies not merely in increasing the number of women in legislative bodies but in ensuring that such representation translates into meaningful participation and influence.

In conclusion, women's reservation in Parliament should be understood as a transformative constitutional measure aimed at strengthening democracy by making it more inclusive and representative. Its long-term success will depend on a holistic approach that combines legal reform with broader socio-political changes, thereby ensuring that equality is not only formal but truly substantive.