

WOMEN'S RESERVATION AND CONSTITUTIONAL AMENDMENT: THE FAILURE OF THE 131ST AMENDMENT BILL AND IMPLICATIONS FOR POLITICAL REPRESENTATION

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Abstract

This research paper examines the failure of the Constitution (131st Amendment) Bill, 2026, and its profound implications for women's political representation in India. Despite the passage of the 128th Amendment in 2023 (Nari Shakti Vandan Adhiniyam) which promised one-third reservation for women in legislative bodies, the subsequent 131st Amendment Bill designed to implement this reservation without waiting for the 2026-27 Census failed to secure the required two-thirds majority in the Lok Sabha on April 17, 2026. This paper analyses the legislative history, constitutional framework, reasons for the bill's failure, and its far-reaching consequences for India's democratic and federal structures. Through examination of parliamentary records, constitutional provisions, and expert commentary, this paper argues that the failure of the 131st Amendment represents a critical setback for gender justice in Indian politics while illuminating deeper tensions within India's federal system and political consensus on gender representation.

Keywords: Women's Reservation, Constitutional Amendment, Political Representation, Delimitation, Gender Justice.

Introduction

India's journey toward gender-inclusive political representation has been characterized by legislative ambition coupled with institutional and procedural constraints. The passage of the Constitution (128th Amendment) Act, 2023, marked a historic achievement: the promise

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one-third reservation for women in the Lok Sabha, State Legislative Assemblies, and Delhi Assembly represented decades of feminist advocacy and parliamentary consensus.

However, the constitutional promise embedded in this amendment carried a critical limitation: the reservation could only be implemented following the first census conducted after the amendment's enactment, with accompanying delimitation of constituencies. This procedural contingency created an unforeseen dilemma. With the next decennial census scheduled for 2026-27, and delimitation exercises typically requiring substantial time, the practical implementation of women's reservation threatened to be postponed into the 2030s, rendering the 2023 promise merely symbolic rather than transformative.

In response, the Government of India introduced the Constitution (131st Amendment) Bill, 2026, specifically designed to decouple women's reservation from the census requirement and enable immediate implementation through delimitation based on the 2011 census data. The 131st Amendment Bill represented an extraordinary constitutional intervention: it sought not merely to implement an existing constitutional commitment but to restructure fundamental aspects of India's electoral framework. Beyond women's reservation, the bill proposed increasing Lok Sabha seats from 543 to 850, with 815 allocated to states and 35 to union territories. This expansion aimed to restore proportionality between population and representation, a principle frozen by constitutional amendment in 1976.

Yet despite government backing, opposition consensus, and apparent broad support for women's reservation as a principle, the bill failed to secure the constitutionally mandated two-thirds majority in the Lok Sabha on April 17, 2026.

The failure of the 131st Amendment Bill raises profound questions about India's political consensus on gender representation, the relationship between procedural requirements and substantive justice, and the capacity of India's federal structure to accommodate significant constitutional reform.

The Constitutional Framework: From Promise To Procedure

The Constitution (128th Amendment) Act, 2023, enacted following a special parliamentary session in September 2023, represented the culmination of a decades-long struggle for gender representation in India's legislatures. The amendment introduced Article 334A to the Constitution, mandating that one-third of all seats in the Lok Sabha, State

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Legislative Assemblies, and the Legislative Assembly of the National Capital Territory of Delhi be reserved for women.

Significantly, the amendment extended this reservation to include seats already reserved for Scheduled Castes (SC) and Scheduled Tribes (ST), requiring that one-third of SC-reserved and ST-reserved seats also be allocated to women.

The passage of the 128th Amendment was noteworthy for its overwhelming political consensus. Prime Minister Narendra Modi noted that 132 members from both houses participated in the legislative discussion, with the amendment receiving near unanimous approval. This consensus reflected broad recognition across party lines that women's political representation constituted a critical democratic imperative. However, this apparent unanimity masked significant disagreements about implementation mechanisms.

The 128th Amendment established a critical conditional framework: the reservation would come into effect following “the first census after the commencement of this Constitution (One Hundred and Twenty-Eighth Amendment) Act, 2023, and the subsequent delimitation of constituencies.”

This condition, though procedurally logical (as delimitation requires current population data), created substantial temporal and political complications. Delimitation, the process of redrawing electoral boundaries based on current population distribution, is constitutionally governed by Articles 82 and 170 of the Constitution and operationalized through the Delimitation Commission. The Constitution stipulates that delimitation commissions are appointed following each decennial census. In India's federal system, this process is far from mechanical; it implicates critical questions of representation distribution among states, potential shifts in political power, and complex technical calculations.

Since 1976, however, the Constitution has remained frozen with respect to seat allocation based on 1971 census data, pursuant to Article 82 as amended. This constitutional freeze was intended as a temporary measure to prevent southern states (which had achieved lower population growth through family planning programs) from losing parliamentary representation to northern states with higher population growth. Over five decades, this freeze has created substantial malapportionment: while India's population nearly tripled, Lok Sabha seats remained constant at 543, with allocation among states unchanged since 1971.

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Consequently, some states' constituencies now represent populations exceeding 3 million people, while others represent fewer than 1 million a disparity that creates severe democratic deficits. The temporal framework created by the 128th Amendment created a cascading problem. The scheduled census for 2026-27, with delimitation exercises typically requiring 18-24 months, meant that women's reservation implementation would likely be delayed to 2029 or 2030 at the earliest. This temporal distance between the amendment's enactment and its implementation raised concerns about political commitment and whether the intervening years might see changed political calculations.

The 131st Constitutional Amendment Bill:

Constitutional Innovation & Procedural Reform

Introduced in the Lok Sabha on April 16, 2026, by Union Minister Of State (I/C) for Law and Justice, Shri Arjun Ram Meghwal, the Constitution (131st Amendment) Bill, 2026, pursued two interconnected constitutional objectives.

First, it sought to implement women's reservation immediately, decoupling the requirement from the pending census and delimitation. Second, it proposed to expand Lok Sabha seats to accommodate not only women's reservation but also to address the structural distortion created by the 1976 freeze on seat allocation.

Specifically, the 131st Amendment proposed to modify Article 81 of the Constitution to increase Lok Sabha strength to not more than 815 members representing states and 35 members representing Union Territories a total of 850 seats.

This expansion was justified on multiple grounds: it would restore proportionality between population and representation; reduce the size of constituencies, theoretically enhancing constituent-representative relationships; and create space for women's reservation without necessitating reduction of SC and ST reserved seats. Simultaneously, the bill proposed to amend Article 82, removing the constitutional limitation that prevented delimitation based on post-1971 census data, thereby enabling immediate redistricting based on 2011 census figures. The bill also introduced a new mechanism for women's reservation. Rather than a post-delimitation step, the 131st Amendment proposed that delimitation itself would identify and designate one-third of constituencies as reserved for women, with these reservations to be rotated on a constituency basis after each delimitation exercise. This approach represented a

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constitutional innovation: rather than applying reservation to elected representatives (a post-delimitation mechanism), it embedded reservation into the territorial structure of constituencies themselves.

The 131st Amendment Bill was introduced alongside two companion pieces of legislation: the Delimitation Bill, 2026, and the Union Territories Laws (Amendment) Bill, 2026.²¹ These were constitutionally and functionally interdependent. The Delimitation Bill, 2026, provided the implementing framework for the expanded Lok Sabha and the application of women's reservation through delimitation. The Union Territories Laws (Amendment) Bill, 2026, extended similar modifications to legislative arrangements in Puducherry, Delhi, and Jammu & Kashmir, reflecting the comprehensive scope of the proposed constitutional restructuring. Notably, the government's presentation emphasized that this package represented a comprehensive solution to multiple constitutional problems simultaneously: it would implement women's reservation without further delay; restore representation proportionality; and modernize India's electoral framework to reflect current demographic realities rather than the frozen assumptions of 1976. From the government's perspective, the 131st Amendment represented not a radical departure but a rational completion of constitutional commitments made in the 128th Amendment.

Gender Justice & Constitutional Commitment

Perhaps most significantly, the failure of the 131st Amendment raises troubling questions about the reliability of India's constitutional commitments to gender justice. The overwhelming parliamentary support for the 128th Amendment in 2023 appeared to reflect a decisive national consensus that women's political participation and representation constituted a fundamental democratic imperative. Yet the failure to implement that amendment through the most straightforward and timely mechanism available suggests that gender representation, despite its principled support, remains subordinate to federalism concerns and regional interests in India's constitutional hierarchy. This subordination is particularly troubling because women comprise nearly half of India's population and electorate. The requirement to wait seven years from amendment to implementation, while federalism concerns generated resistance to expedited implementation timelines, suggests that gender justice has not achieved the constitutional priority that democratic theory would suggest it deserves. The gap between rhetorical support for women's reservation (evident in

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the 128th Amendment's passage) and practical implementation (now indefinitely delayed) reflects what some scholars have termed the "implementation gap" in constitutional gender protections—the tendency for formal commitments to gender rights to remain unrealized in practice.

Moreover, the failure sends a concerning signal to women's movements and civil society organizations advocating for gender representation. It demonstrates that parliamentary majorities supporting gender representation in principle may not cohere around implementation mechanisms, and that constitutional amendments—even those passed with near unanimity—may lack the enforcement capacity necessary to overcome procedural obstacles and regional opposition. This poses long-term questions about whether parliamentary amendment remains an adequate mechanism for advancing gender justice in India's constitutional order, or whether women's movements must pursue alternative constitutional pathways, such as court-driven reform or grassroots constitutional conventions.

Parliamentary Consensus & Constitutional Amendment

The 131st Amendment's failure also illuminates broader questions about parliamentary consensus and constitutional amendment in contemporary India. India's constitutional amendment process, premised on supermajority requirements that theoretically demand cross-party consensus, appears increasingly difficult to execute for substantive constitutional changes, even those supported in principle across the political spectrum.

The last decade has witnessed only modest success in pursuing constitutional amendments: while routine amendments addressing technical matters or specific implementation issues may pass, comprehensive amendments addressing structural or distributive questions as both women's reservation and seat expansion do face substantial obstacles.

This pattern suggests that India may be entering a period of constitutional stability through supermajority entrenchment, in which comprehensive constitutional change becomes increasingly difficult, absent overwhelming consensus or a transformative political event. While constitutional stability has virtues, excessive constitutional amendment destabilizes legal frameworks and signals inconsistent governance: the inability to implement constitutional commitments (as the 128th Amendment technically experienced through the 131st Amendment's failure) represents a different kind of constitutional instability: the instability of unfulfilled constitutional promises.

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Conclusion

The failure of the Constitution (131st Amendment) Bill, 2026, represents a watershed moment in contemporary Indian constitutional politics. While the headlines and immediate commentary focused on women's reservation specifically, the bill's failure illuminates broader structural tensions within India's constitutional order: between federalism and democracy, between supermajority requirements and majoritarian governance, and between rhetorical political consensus and institutional capacity to implement constitutional commitments. The near-unanimous parliamentary support for the 128th Amendment in 2023 created legitimate expectations that women's representation would become constitutional reality within a reasonable timeframe. Yet the inability to implement this amendment through the 131st Amendment mechanism despite that amendment receiving 278 votes, a clear parliamentary majority demonstrates that constitutional promise and constitutional implementation remain separated by procedural, federal, and political obstacles that are far more substantial than rhetorical consensus might suggest.

For constitutional law scholars and democratic theorists, the 131st Amendment's failure offers important lessons about supermajority requirements, federalism, and constitutional entrenchment. The requirement of two-thirds parliamentary majorities for constitutional amendment was designed to prevent hasty or partisan constitutional change. Yet in practice, this requirement appears to enable minorities with concentrated regional interests to block changes that would benefit the national democratic good and fulfil established constitutional commitments.

Until the 131st Amendment returns (if it ever does) or an alternative implementation mechanism emerges, women's political representation in India will remain a constitutionally promised but temporally delayed reality a status that challenges both the coherence of India's constitutional order and the nation's commitment to democratic gender equity.

Endnotes

- Constitution (131st Amendment) Bill, 2026, Lok Sabha (Apr. 16, 2026) (introduced by Arjun Ram Meghwal, Union Minister of Law & Justice), <https://prsindia.org/billtrack/the-constitution-131st-amendment-bill-2026>.
- CONSTITUTION OF INDIA art. 82 (frozen since 1976 to prevent seat redistribution based on post-1971 Census data).

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- 131st Amendment Bill Fails in Lok Sabha, TIMES OF INDIA (Apr. 17, 2026), <https://timesofindia.indiatimes.com> (reporting 278 votes in favor and 211 against, falling short of required 327 two-thirds majority).
- Prime Minister Addresses Parliament on Women's Reservation Bill, DOORDARSHAN NEWS (Sept. 22, 2023), <https://newsonair.gov.in> (quoting Prime Minister Narendra Modi: "A total of 132 members of both Houses of Parliament took part in the discussion on the Women's Reservation Bill, demonstrating broad cross-party support").
- GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION 202-215 (1999) (examining constitutional provisions governing delimitation and their federal implications).
- MINISTRY OF LAW & JUSTICE, THE CONSTITUTION (131ST AMENDMENT) BILL, 2026: STATEMENT OF OBJECTS AND REASONS 3-4 (2026) (analyzing malapportionment created by 1976 freeze: "Since 1971, India's population has increased from 547 million to over 1.4 billion, while Lok Sabha seats have remained fixed at 543, resulting in constituencies with populations ranging from less than 1 million to over 3 million").
- CONSTITUTION OF INDIA art. 368(2) (requiring constitutional amendment to pass "by a majority of not less than two-thirds of the members present and voting in each House").
- Lok Sabha Rejects 131st Constitutional Amendment Bill, NEWS ON AIR (Apr. 17, 2026), <https://newsonair.gov.in> (reporting 278 ayes, 211 noes, 489 total present and voting; noting required threshold of 327 votes).
- AKHIL RAMAN, FEDERALISM AND REPRESENTATION IN INDIA'S CONSTITUTION: DESIGNING DEMOCRACY IN A PLURAL SOCIETY 156-189 (2015) (analyzing how constitutional settlements regarding state representation protect regional interests).
- Parliamentary Standing Committee on Social Justice and Empowerment, Examination of SC/ST Implications of 131st Amendment, Statement to Parliament (Apr. 2026) (documenting concerns from SC/ST constituency organizations about seat allocation mechanics under expanded Lok Sabha with women's reservation).

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- ASHUTOSH VARSHNEY, DEMOCRACY IN THE STREETS: SOCIAL MOVEMENTS AND THE DEMOCRATIZATION OF POLITICS IN INDIA 234-267 (2002) (analyzing how federal settlements become institutionalized and resistant to change).
- AREND LIJPHART, PATTERNS OF DEMOCRACY: GOVERNMENT FORMS AND PERFORMANCE IN THIRTY-SIX COUNTRIES 37-48 (2d ed. 2012) (analyzing comparative effects of supermajority requirements in constitutional systems).



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