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# The Need of Sub Quotas in Women Reservation Bill in India: A Critical Analysis on 106th Constitutional Amendment Act

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## Abstract

The Constitution (One Hundred and Sixth Amendment) Act, 2023, popularly known as the Women's Reservation Act or the Nari Shakti Vandan Adhiniyam, represents a significant constitutional intervention towards enhancing women's political representation in India. The Act provides for the reservation of approximately one-third of seats in the Lok Sabha, State Legislative Assemblies and the Legislative Assembly of the National Capital Territory of Delhi for women. It also provides for the reservation of one-third of the seats reserved for Scheduled Castes and Scheduled Tribes for women belonging to these communities. However, the legislation does not provide a separate sub-quota for women belonging to Other Backward Classes (OBCs) and religious minorities.

This paper critically examines the need for sub-quotas within the women's reservation framework by analysing the intersection of gender, caste and religious identity in determining political representation. It argues that treating women as a homogeneous category overlooks the structural inequalities experienced by women belonging to socially, economically and politically marginalised communities. Drawing upon the theories of descriptive representation, substantive representation, intersectionality and social justice, the paper evaluates the limitations of the 106th Constitutional Amendment Act in ensuring inclusive political representation. It also examines the constitutional foundations of affirmative action, the experience of gender reservations in local self-government institutions and the arguments advanced in favour of extending internal reservations to OBC and minority women. The paper concludes that gender justice in representative democracy requires an intersectional approach that recognises differences among women and develops appropriate institutional mechanisms to ensure equitable political participation.

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## 1. Introduction

Political representation is an essential component of democratic governance because it provides different sections of society with opportunities to participate in decision-making and influence public policy. The democratic principle of political equality assumes that every citizen should have an equal opportunity to participate in political institutions. However, the practical experience of representative democracy demonstrates that formal political equality does not necessarily translate into equal political representation.

In India, women's participation in electoral politics has historically remained considerably lower than that of men. Despite constitutional guarantees of equality and universal adult franchise, women have encountered structural barriers arising from patriarchy, social hierarchies, economic inequalities, gender-based discrimination and the unequal distribution of political resources. These barriers become more complicated when gender intersects with caste, class and religious identities.

The demand for women's political reservation in India emerged from the recognition that constitutional equality alone was insufficient to overcome the historical exclusion of women from legislative institutions. The passage of the Constitution (73rd and 74th Amendment) Acts, 1992, established a significant foundation for women's political participation by introducing reservations in Panchayati Raj Institutions and urban local bodies. These constitutional amendments created opportunities for women to enter grassroots democratic institutions and participate in local governance.

However, the demand for reservation in Parliament and State Legislative Assemblies remained unresolved for several decades. The Women's Reservation Bill was introduced in different forms, beginning with the Constitution (81st Amendment) Bill in 1996. Subsequent attempts included the Constitution (108th Amendment) Bill, 2008, which was passed by the Rajya Sabha in 2010 but lapsed following the dissolution of the Fifteenth Lok Sabha.

After a prolonged political and constitutional debate, Parliament passed the Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023, which subsequently received presidential assent on 28 September 2023 and became the Constitution (One Hundred and Sixth Amendment) Act, 2023.

The Act provides for the reservation of approximately one-third of seats for women in the Lok Sabha, State Legislative Assemblies and the Delhi Legislative Assembly. It also recognises the need for representation of women belonging to Scheduled Castes and Scheduled Tribes within the existing constitutionally reserved constituencies.

Nevertheless, an important question remains unresolved: Can a general reservation for women ensure equitable representation for women belonging to different caste and religious communities?

The Act recognises the intersection of gender with Scheduled Caste and Scheduled Tribe identities but does not extend a comparable explicit sub-quota to women belonging to Other Backward Classes or provide a distinct framework addressing the political underrepresentation of religious minority women.

This limitation raises concerns about the possibility that the benefits of women's reservation may disproportionately reach women from socially and economically privileged sections. Gender-based exclusion cannot be adequately addressed without considering the additional disadvantages experienced by women belonging to historically marginalised communities.

Therefore, the need for sub-quotas must be examined not as an opposition to women's reservation but as an essential extension of its democratic and social justice objectives.

**2. Historical Evolution of Women's Political Reservation in India**

The constitutional history of women's political reservation reflects the gradual recognition that women's equal citizenship requires meaningful participation in political institutions. The Constitution of India guarantees equality before the law under Article 14, prohibits discrimination under Article 15 and provides equal opportunity in public employment under Article 16. Article 15(3) specifically empowers the State to make special provisions for women and children. These constitutional provisions establish a framework for affirmative action to address historical and structural inequalities.

However, the Constitution originally did not provide for general reservation of seats for women in Parliament and State Legislative Assemblies. Political reservation was initially extended to Scheduled Castes and Scheduled Tribes under Articles 330 and 332.

A significant development occurred through the 73rd and 74th Constitutional Amendments, which institutionalised women's reservation in rural and urban local governance. Article 243D provides for reservation of seats for women in Panchayats, including women belonging to Scheduled Castes and Scheduled Tribes. Article 243T establishes a corresponding

framework for municipalities. The Constitution also empowers states to provide reservations for backward classes in these institutions under Articles 243D(6) and 243T(6).

The experience of local governance demonstrated that institutional reservation could increase women's numerical participation in political institutions. Nevertheless, the demand for similar constitutional protection at the national and state legislative levels continued.

The 106th Constitutional Amendment Act, 2023, represents the culmination of this prolonged constitutional process. However, the absence of an explicit OBC sub-quota in the Act revives an important question that was already raised during earlier legislative debates.

The Joint Parliamentary Committee chaired by Geeta Mukherjee, which examined the 1996 Bill, considered the issue of extending reservation benefits to women belonging to backward classes. The question of OBC women's representation also featured in subsequent parliamentary discussions. Kannabiran (2024) situates the 2023 legislation within this longer history of debates concerning women's equality, caste representation and political inclusion.

Thus, the demand for sub-quotas is not a new development but an unresolved dimension of the historical struggle for inclusive political representation in India.

## 3. Constitutional Provisions of the 106th Amendment Act, 2023

The Constitution (One Hundred and Sixth Amendment) Act, 2023, introduces constitutional provisions intended to enhance women's representation in legislative institutions.

The principal constitutional changes are as follows:

| Constitutional provision | Nature of amendment |
|---|---|
| Article 239AA | Provides for women's reservation in the Delhi Legislative Assembly, including reservation for SC women within SC-reserved seats. |
| Article 330A | Provides for women's reservation in the Lok Sabha and one-third reservation for SC/ST women within seats reserved for SCs and STs. |
| Article 332A | Provides for women's reservation in State Legislative Assemblies and one-third reservation for SC/ST women within SC/ST-reserved seats. |
| Article 334A | Specifies the commencement, duration and rotation arrangements for women's reservation. |

### 3.1 One-third reservation for women

The Act provides that approximately one-third of the total seats filled through direct elections in the Lok Sabha and State Legislative Assemblies shall be reserved for women. The

provision includes seats reserved for women belonging to Scheduled Castes and Scheduled Tribes.

**3.2 Reservation for Scheduled Caste and Scheduled Tribe women**

The legislation provides that approximately one-third of the seats reserved for Scheduled Castes and Scheduled Tribes shall be reserved for women belonging to these communities. This provision recognises that women belonging to historically disadvantaged caste groups experience overlapping forms of exclusion.

**3.3 Absence of OBC sub-quota**

The Act does not provide a separate sub-quota for OBC women. Although OBC communities constitute an important component of India's social structure, women belonging to these communities are not specifically recognised through an internal reservation arrangement in the new legislation.

**3.4 Absence of a specific religious minority sub-quota**

Similarly, the Act does not provide a separate reservation arrangement for women belonging to religious minorities. Consequently, Muslim, Christian, Sikh, Buddhist and other minority women must compete within the general women's reservation framework or other applicable constitutionally reserved categories.

**3.5 Conditional implementation**

Article 334A links the commencement of women's reservation to the publication of relevant figures from the first census conducted after the commencement of the Amendment and a subsequent delimitation exercise. The provision also specifies a fifteen-year period, subject to Parliament's power to determine continuation by law, and provides for rotation following subsequent delimitation exercises. Therefore, the Act establishes an important constitutional commitment, but its implementation is linked to further constitutional and electoral processes. The constitutional provisions reveal that the legislature has acknowledged the intersection of gender with SC/ST identities but has not provided an equivalent express framework for OBC and religious minority women.

**4. Theoretical Framework: Representation, Gender and Intersectionality**

The argument for sub-quotas can be understood through several important theoretical perspectives.

**4.1 Descriptive and substantive representation**

Hanna Fenichel Pitkin (1967), in *The Concept of Representation*, distinguishes between different dimensions of political representation, including descriptive and substantive representation.

Descriptive representation refers to the extent to which elected representatives reflect the social characteristics of the population they represent. Substantive representation concerns the actual actions, interests and concerns represented through political decision-making. In

the context of women's political reservation, descriptive representation implies increasing the numerical presence of women in legislative institutions. However, numerical representation alone does not necessarily ensure that the interests of all sections of women receive adequate political attention.

For instance, the political experiences of an upper-caste woman may differ significantly from those of a Dalit, Adivasi, OBC or Muslim woman. Their experiences of discrimination, access to education, economic opportunities, political networks and social power are not necessarily identical. Therefore, women's political representation must be evaluated not only in terms of the number of women elected but also in terms of the diversity of social groups represented among them.

**4.2 Politics of presence**

Anne Phillips (1995), in *The Politics of Presence*, argues that the presence of historically excluded social groups in political institutions is important for democratic legitimacy. She emphasises that political representation cannot be understood exclusively through the representation of ideas and interests. The presence of women in legislative institutions matters because their experiences and social positions have historically been excluded from political decision-making.

However, the politics of presence also raises an important question concerning differences within the category of women. If women from dominant social groups occupy most of the positions created through women's reservation, the political presence of women may increase without adequately addressing the exclusion of marginalised women. Consequently, the politics of presence must be expanded to include diversity among women.

**4.3 Intersectionality**

Kimberlé Crenshaw (1989) introduced the concept of intersectionality to explain how multiple systems of discrimination interact and produce distinctive forms of disadvantage. Although developed in the context of Black women's experiences in the United States, intersectionality provides an important analytical framework for understanding Indian society.

In India, gender intersects with caste, class and religion in determining women's access to political institutions. A woman belonging to a Scheduled Caste may experience gender discrimination alongside caste-based exclusion. Similarly, an OBC woman or a woman belonging to a religious minority may face overlapping barriers arising from social identity, economic disadvantage and political marginalisation. An intersectional approach rejects the assumption that all women experience gender inequality in the same manner.

Therefore, the women's reservation framework must recognise the diversity of women's experiences and provide institutional mechanisms to address multiple forms of exclusion.

**4.4 Critical mass theory**

The concept of critical mass is associated with the work of Drude Dahlerup (1988), who examined the relationship between the numerical presence of women and their influence in

political institutions. The central argument is that increasing the number of women in political institutions can create opportunities for greater participation and influence. However, the numerical presence of women does not automatically guarantee substantive political empowerment. The social composition of women representatives also matters.

If women from marginalised communities remain underrepresented within the reserved seats, the broader objective of inclusive representation may remain incomplete. Thus, critical mass must be examined alongside the social diversity of women representatives.

**5. The Need of Sub-Quotas in Women Reservation Act**

The demand for sub-quotas emerges from the recognition that gender-based reservation alone may not address the multiple inequalities operating within Indian society.

**5.1 Women are not a homogeneous category**

One of the major limitations of the women's reservation framework is the assumption that women constitute a single, socially homogeneous category. Indian society is characterised by caste-based stratification, religious diversity, economic inequalities and regional differences. These social structures influence women's opportunities to enter political institutions. Women from socially dominant communities may have comparatively better access to education, financial resources, political networks and party leadership. In contrast, women belonging to marginalised communities may encounter additional barriers.

Consequently, a general reservation for women may create opportunities for women as a collective category without ensuring proportionate representation for women from disadvantaged social groups. Sub-quotas can provide an institutional mechanism to address this inequality.

**5.2 Political marginalisation of OBC women**

The absence of an OBC sub-quota is one of the major concerns surrounding the 106th Constitutional Amendment Act. The OBC category includes numerous socially and educationally backward communities whose experiences of political representation differ across regions and states. Women belonging to OBC communities may experience gender discrimination within their communities as well as social and political exclusion in wider electoral institutions.

The absence of a separate sub-quota means that OBC women must compete for positions within the broader women's reservation framework, where access to party nominations, electoral resources and political networks may be unequal.

Research by Albarello et al. (2020) provides important empirical evidence concerning this concern. Their study of women's electoral quotas in Delhi found that constituencies reserved for women were less likely to elect representatives belonging to certain traditionally disadvantaged caste groups, particularly OBC communities, and more likely to elect women from upper-caste groups.

This finding is particularly relevant because it demonstrates that gender quotas can have unintended consequences for representation along other social dimensions. The study does not establish that every women's reservation arrangement necessarily disadvantages OBC

women. Rather, it demonstrates why the social composition of women representatives must be examined when designing electoral quotas.

**5.3 Political exclusion of religious minority women**

Religious minority women constitute another important category for examining the limitations of gender-only reservation. Women belonging to Muslim, Christian, Sikh, Buddhist and other religious minority communities may experience political marginalisation arising from the interaction of gender, religious identity, economic conditions and community-specific social structures.

For example, Muslim women may face barriers associated with educational and economic disadvantage, limited access to political networks and inadequate representation within political parties. The Sachar Committee Report (2006) highlighted the wider socio-economic and institutional disadvantages experienced by the Muslim community in India. Although the report was not specifically concerned with women's legislative representation, its findings provide an important context for examining the structural conditions affecting Muslim women's political participation. A gender-only reservation framework does not specifically address these inequalities.

However, a separate religious reservation arrangement requires careful constitutional consideration. The demand should not be treated as an automatic entitlement to religion-based legislative reservation. Instead, the representation of minority women must be examined through constitutional equality, social and educational backwardness, evidence of political exclusion and the permissible scope of affirmative action.

The objective should be to ensure that women from religious minorities are not excluded from the benefits of political reservation merely because their identities do not receive explicit recognition in the legislation.

**5.4 Dominance of socially privileged women**

A general reservation for women may increase women's numerical representation without necessarily changing the social composition of political institutions. Political parties often prefer candidates who possess financial resources, established political connections, family backgrounds in politics and social influence. These conditions may favour women from socially dominant groups over women belonging to marginalised communities.

The possibility of elite capture is particularly important in the Indian context, where political participation is influenced by caste hierarchies, economic resources and party structures. Sub-quotas can help ensure that women's reservation does not become an institutional opportunity available predominantly to socially privileged women.

**5.5 Equality must include social diversity**

The constitutional commitment to equality cannot be limited to formal equality between men and women. Substantive equality requires the State to recognise the unequal social conditions in which different groups participate in democratic institutions. An approach that treats all

women identically, irrespective of their social location, may fail to address the structural disadvantages faced by historically marginalised communities.

Therefore, sub-quotas can be understood as an extension of the principle of substantive equality rather than a departure from gender equality.

**6. Constitutional and Legal Justification for Sub-Quotas**

The demand for sub-quotas must be examined within the constitutional framework of equality, affirmative action and political representation. The Constitution of India contains several provisions that provide the foundation for affirmative action.

**6.1 Article 14: Equality before law**

Article 14 guarantees equality before the law and equal protection of the laws. However, constitutional equality does not necessarily require identical treatment of individuals belonging to unequal social conditions. The principle of substantive equality recognises that special measures may be necessary to address historical and structural disadvantages. Therefore, providing additional representation opportunities to marginalised women can be justified as a measure to achieve meaningful equality.

**6.2 Article 15(3): Special provisions for women**

Article 15(3) empowers the State to make special provisions for women and children. This provision provides an important constitutional basis for affirmative measures intended to improve women's participation in public life. However, women's experiences of discrimination are not uniform. The application of Article 15(3) should therefore be considered alongside other constitutional provisions addressing social disadvantage.

**6.3 Article 15(4): Socially and educationally backward classes**

Article 15(4) empowers the State to make special provisions for the advancement of socially and educationally backward classes of citizens and Scheduled Castes and Scheduled Tribes. This provision establishes the constitutional recognition that certain communities require special measures to overcome historical disadvantages. The principle underlying Article 15(4) is relevant to the argument that gender-based reservation should also consider the social and educational backwardness experienced by women belonging to different communities.

**6.4 Articles 330 and 332: Political reservation for SCs and STs**

Articles 330 and 332 provide for reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies respectively. The 106th Amendment builds upon this existing arrangement by providing for one-third reservation for women within the seats reserved for SCs and STs. This demonstrates that the Constitution recognises the need to address overlapping dimensions of political disadvantage. The same principle can provide the basis for examining the possibility of extending internal reservation to other disadvantaged categories of women, subject to appropriate constitutional amendments and legal safeguards.

**6.5 Articles 243D and 243T: Experience of local self-government**

Articles 243D and 243T provide particularly important constitutional precedents for understanding the possibility of multiple categories of reservation.

Article 243D provides for reservation of seats for women in Panchayats, including women belonging to Scheduled Castes and Scheduled Tribes. It also enables state legislatures to provide reservation for backward classes.

Similarly, Article 243T establishes reservation arrangements for women and constitutionally recognised categories in municipalities.

These provisions demonstrate that gender and social-category reservations can coexist within the same institutional framework. However, the constitutional provisions governing local bodies cannot automatically be applied to Parliament and State Legislative Assemblies. They provide a relevant institutional precedent, not an automatic legal entitlement to identical sub-quotas at higher legislative levels.

**6.6 Judicial interpretation of affirmative action**

The Supreme Court of India has developed important principles concerning affirmative action and the identification of disadvantaged groups. In *Indra Sawhney v. Union of India* (1992), the Supreme Court examined the constitutional framework governing reservations for socially and educationally backward classes. The judgment established important principles concerning backward-class identification and reservation in public employment. However, it should not be interpreted as directly establishing an OBC sub-quota in elected legislative bodies.

More recently, in *State of Punjab v. Davinder Singh* (2024), the Supreme Court recognised the constitutional permissibility of sub-classification within Scheduled Castes for the purpose of reservations, subject to relevant constitutional requirements and evidentiary justification. The judgment is relevant to the broader principle that constitutionally recognised disadvantaged categories may contain internal inequalities requiring differentiated policy responses. Nevertheless, its direct subject is reservation in the context of Articles 15 and 16, not electoral reservation.

Taken together, these constitutional provisions and judicial developments provide a framework for examining the need for differentiated affirmative action. Any proposal for OBC or minority women's sub-quotas in Parliament and State Assemblies would still require an appropriate constitutional and legislative design.

**7. Lessons from Women's Reservation in Local Self-Government Institutions**

The experience of the 73rd and 74th Constitutional Amendments offers important insights into the relationship between gender reservation and social representation.The introduction of women's reservation in Panchayats and municipalities significantly expanded opportunities for women to participate in political institutions.

Unlike the proposed framework for Parliament and State Assemblies, the local-government framework includes provisions for reservation for women belonging to Scheduled Castes and Scheduled Tribes and permits states to make provisions for backward classes.This institutional arrangement recognises that women's political exclusion is influenced by multiple social identities.

However, the experience of local governance also demonstrates that numerical representation does not automatically eliminate inequalities in political participation.

Turnbull (2021), in his study of gender quotas in Indian municipal corporations, highlights the complex relationship between gender reservation, community reservations and political incumbency. His findings suggest that overlapping reservation arrangements can create both opportunities and institutional challenges.

Similarly, research on intersectional effects of electoral quotas in India demonstrates that the benefits of gender reservation may differ among women belonging to privileged and disadvantaged communities (Whose Upward Mobility? 2024). These findings reinforce the argument that the effectiveness of women's reservation should be evaluated not merely by counting the number of women elected but also by examining which categories of women benefit from the policy.The experience of local self-government therefore provides two important lessons:

1. Gender-based reservation can substantially expand women's opportunities for political participation.
2. Internal social differences among women require attention to ensure that reservation benefits are distributed inclusively.

Consequently, the proposed reservation framework for higher legislative institutions should incorporate lessons from the local-government experience while recognising the distinct constitutional and electoral conditions governing Parliament and State Assemblies.

**8. Critical Evaluation of the 106th Constitutional Amendment Act**

The 106th Constitutional Amendment Act represents a significant achievement in the struggle for women's political representation. However, its provisions also raise several concerns from the perspective of inclusive democracy.

**8.1 Recognition of gender inequality**

The Act recognises that women's underrepresentation in legislative institutions cannot be addressed merely through constitutional guarantees of formal equality. By introducing a one-third reservation framework, it establishes an institutional mechanism for increasing women's numerical presence in political decision-making. This is an important step towards gender justice.

**8.2 Limited recognition of intersectional inequality**

Although the Act recognises SC and ST women through internal reservation, it does not provide similar explicit arrangements for OBC women and religious minority women. This creates an important limitation because the social experiences of women belonging to different communities are not identical. A uniform reservation framework may therefore produce unequal outcomes among women.

**8.3 Possibility of elite capture**

The absence of explicit internal reservations may create the possibility that politically influential and socially privileged women will benefit disproportionately from the new arrangement. Political parties may prefer candidates with established family backgrounds, financial resources and electoral influence. Without institutional safeguards, women from marginalised communities may continue to face difficulties in securing party nominations and electoral opportunities.

**8.4 Delay in implementation**

Article 334A makes the implementation of women's reservation dependent on a census exercise and subsequent delimitation. Consequently, the constitutional commitment does not translate into immediate reservation in legislative elections. This raises questions about the relationship between constitutional recognition and the timely realisation of political equality.

**8.5 Rotation of constituencies**

The Act provides for rotation of reserved seats after subsequent delimitation exercises, as Parliament may determine. While rotation may distribute opportunities across constituencies, frequent changes can also create challenges for political continuity, constituency development and the development of experienced women leaders. This issue becomes particularly significant for women entering politics for the first time.

**8.6 Absence of a comprehensive intersectional framework**

The Act primarily approaches political exclusion through gender and recognises SC/ST women's representation within that framework. However, it does not establish a comprehensive mechanism for assessing representation across caste and religious categories. A more inclusive framework should consider whether women from different social groups are proportionately represented in political institutions.

Thus, the principal limitation of the legislation is not its recognition of gender inequality but the incomplete recognition of the multiple social dimensions through which political inequality operates.

**9. Arguments Against Sub-Quotas and Their Critical Examination**

The demand for sub-quotas has also generated constitutional, political and administrative debates. A scholarly examination must consider these objections.

**9.1 Argument: Women constitute one unified political category**

One argument against sub-quotas is that all women experience gender discrimination and therefore should be treated as a single category for political reservation.

From this perspective, introducing internal quotas may fragment women's collective political identity and weaken the broader struggle for gender equality.

**Critical examination:** The argument overlooks the fact that women experience gender discrimination differently depending on caste, class and religious identity. Recognising internal differences does not weaken women's collective struggle. Rather, it strengthens democratic representation by ensuring that the interests of marginalised women are not overlooked.

**9.2 Argument: Sub-quotas may complicate the electoral system**

Another concern is that introducing multiple categories within women's reservation may make constituency allocation, delimitation and electoral administration more complicated.

**Critical examination:** Administrative complexity cannot be the sole justification for excluding disadvantaged communities from political representation. Appropriate electoral

rules, transparent criteria and reliable population and representation data can help address these challenges.

**9.3 Argument: OBC reservation in legislative bodies lacks an existing constitutional framework**

Unlike SC/ST reservation in Parliament and State Assemblies, the Constitution does not currently provide an equivalent general framework for OBC legislative reservation. Therefore, extending OBC sub-quotas within women's reservation raises questions concerning constitutional design and the identification of eligible communities.

**Critical examination:** This is a genuine legal and constitutional issue. The demand for OBC women's sub-quotas must therefore be accompanied by a clear constitutional proposal, evidence-based identification and a democratic legislative process. The existence of this legal challenge does not make the question of OBC women's political underrepresentation irrelevant.

**9.4 Argument: Religious reservation may conflict with secular principles**

The demand for religious minority sub-quotas raises concerns about the relationship between affirmative action and the secular character of the Indian Constitution.

**Critical examination:** The issue requires careful differentiation between religion as an identity and social or educational backwardness among communities belonging to religious minorities. A policy should not assume that all members of a religious community experience identical disadvantage. Any proposed arrangement must be consistent with constitutional equality, secularism and applicable affirmative-action principles.

**9.5 Argument: Political parties should voluntarily nominate diverse women**

Some argue that political parties should increase the representation of women from marginalised communities through internal nomination policies rather than introducing additional constitutional reservations.

**Critical examination:** Voluntary party nomination may contribute to inclusive representation, but its effectiveness depends on political commitment. Without enforceable institutional mechanisms, marginalised women may continue to remain dependent on the priorities of party leadership. Therefore, party-level reforms can complement but should not necessarily replace the debate on sub-quotas.

**10. Suggestions for an Inclusive Women's Reservation Framework**

An inclusive women's reservation framework should move beyond the general numerical representation of women and recognise the social diversity of Indian society.

The following measures are suggested.

**1. Introduction of OBC women's sub-quotas**

The constitutional framework should be examined for the possibility of providing separate representation opportunities for women belonging to socially and educationally backward classes. Such a proposal should be supported by reliable data and an appropriate constitutional amendment.

**2. Recognition of religious minority women's underrepresentation**

A systematic assessment should be undertaken to identify the extent of political underrepresentation among women belonging to religious minorities. The assessment should consider social and educational disadvantage, regional variations and barriers to political participation. Any proposed affirmative-action mechanism must satisfy constitutional requirements.

**3. Collection of disaggregated electoral data**

The Election Commission of India and relevant research institutions should encourage systematic collection and publication of electoral data disaggregated by gender and constitutionally relevant social categories, subject to privacy and data-protection safeguards. Such data would help researchers examine the representation of SC, ST, OBC and minority women in Parliament and State Legislative Assemblies.

**4. Establishment of an intersectional representation index**

A representation index can be developed to compare the proportion of women belonging to different social categories in legislative institutions with their corresponding population shares. Such an index would help identify gaps between population representation and actual political representation.

**5. Strengthening political party nomination mechanisms**

Political parties should adopt transparent and inclusive nomination policies to improve the participation of women from marginalised communities.

**6. Strengthening political leadership among marginalised women**

Training, leadership development, political education and institutional support should be provided to women from disadvantaged communities to facilitate their participation in electoral politics.

**7. Review of reservation implementation**

A periodic review mechanism should examine the extent to which the women's reservation framework improves representation across different social categories.

**8. Learning from state-level experiences**

The experience of states in implementing reservations for women and backward classes in local institutions should be studied to identify suitable institutional practices for wider legislative representation. These measures would help transform women's reservation from a numerical representation mechanism into a broader instrument of democratic inclusion.

**11. Research Methodology**

The present paper adopts a qualitative and analytical research methodology based on constitutional analysis, secondary literature and a critical examination of political representation. The study is primarily descriptive and analytical in nature.

**Sources of data**

The paper relies on the following sources:

- The Constitution of India and the Constitution (One Hundred and Sixth Amendment) Act, 2023.
- Parliamentary debates and committee reports relating to women's political reservation.

- Reports of the Election Commission of India.
- Parliamentary research publications and government reports.
- Scholarly books and journal articles on gender, caste, affirmative action and political representation.
- Research studies examining women's reservation in local self-government institutions.

**Analytical approach**

The paper examines the constitutional provisions of the 106th Amendment and evaluates their implications for women belonging to different social categories.

It employs the theoretical perspectives of descriptive representation, substantive representation, intersectionality and critical mass to examine the relationship between gender and social identity. The paper also adopts a comparative institutional approach by examining the reservation provisions applicable to local self-government institutions and those introduced for Parliament and State Legislative Assemblies.

**Scope and limitation:** This is a conceptual and constitutional analysis rather than an empirical assessment of the actual impact of the 106th Amendment. Since implementation is linked to the requirements of Article 334A, the paper evaluates the legislative framework and its potential implications rather than claiming to establish its electoral outcomes.

**12. Conclusion**

The Constitution (One Hundred and Sixth Amendment) Act, 2023, marks an important milestone in India's constitutional journey towards gender equality and women's political empowerment. By providing for one-third reservation in the Lok Sabha, State Legislative Assemblies and the Delhi Legislative Assembly, the legislation acknowledges the historical underrepresentation of women in political institutions and seeks to create greater opportunities for their participation in democratic governance.

However, the effectiveness of women's political reservation must be examined beyond the numerical increase in the representation of women. Indian society is characterised by deep-rooted caste hierarchies, religious diversity and socio-economic inequalities that influence access to political power. Women belonging to different social categories experience these inequalities in different ways. Consequently, a uniform reservation framework may not adequately address the political exclusion of women from marginalised communities.

The inclusion of SC and ST women within the women's reservation framework represents an important recognition of intersectional inequality. Nevertheless, the absence of explicit sub-quotas for OBC women and the absence of a specific institutional framework addressing the political underrepresentation of religious minority women remain significant concerns.

The theoretical perspectives of Pitkin, Phillips, Crenshaw and Dahlerup demonstrate that meaningful political representation involves more than numerical presence. It also requires the recognition of diverse social experiences and the inclusion of historically marginalised groups in decision-making institutions.

The experience of local self-government institutions further demonstrates the importance of examining the relationship between gender and social-category reservations. Empirical

research also suggests that gender quotas may produce different representational outcomes for women belonging to different caste groups.

Therefore, the need for sub-quotas should be understood as an extension of the democratic objectives of the women's reservation framework rather than as a challenge to women's collective political empowerment.

An inclusive reservation policy must recognise that gender equality cannot be achieved independently of social justice. The political empowerment of women requires the representation of women across caste, class and religious boundaries.

The ultimate objective of women's reservation should not merely be to ensure that more women enter legislative institutions, but to ensure that women from all sections of society have a meaningful and equitable opportunity to participate in the exercise of political power. In this context, the introduction of appropriate sub-quotas, supported by constitutional provisions, reliable demographic evidence and democratic consultation, deserves serious consideration as an essential step towards strengthening inclusive and representative democracy in India.

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