
FROZEN IN TIME, FRACTURED BY DESIGN: THE DEFEAT OF THE CONSTITUTION (131ST AMENDMENT) BILL, 2026 AND INDIA'S IMPENDING ELECTORAL RECKONING

Ankush Kumar, B.A.LL.B., Government Law College, Mumbai

ABSTRACT

When the Constitution (131st Amendment) Bill, 2026 came before the Lok Sabha, it carried with it two of India's longest-deferred democratic promises, a more representative Parliament and a meaningful seat for women within it. Both promises survived the debates, neither survived the vote. The Bill secured 298 votes where the Constitution demanded roughly 352, and in that arithmetic shortfall, an entire reform architecture collapsed. What followed was not merely a legislative defeat but the crystallisation of a constitutional deadlock whose consequences will shape the 2029 General Elections and well beyond. This essay reads that defeat through three overlapping lenses. The article begins with the 'Implementation Gap', the way in which the Bill's failure has pushed women's reservation, already trapped behind a census-linked conditionality, even further out of reach. It then turns to the federal fault line that the vote exposed, arguing that the north-south demographic asymmetry is not a political inconvenience but a structural challenge to the Basic Structure doctrine's own commitment to representational equity. Finally, this article considers what the defeat has preserved and what it has imperilled in India's bicameral framework. Taken together, the three arguments point toward the same conclusion, the 2029 elections will be fought under a constitutionally mandated but substantively exhausted framework, and the reckoning that the 131st Amendment failed to manage will return, harder and less tractable, in the post-2029 delimitation cycle.

Keywords: Constitution (131st Amendment) Bill, 2026; Nari Shakti Vandan Adhiniyam, 2023; Delimitation; Women's Reservation; Basic Structure Doctrine; Federal Balance; 2029 General Elections.

I. INTRODUCTION

India has long used constitutional amendments as tools of structural repair in the moments when ordinary legislation could not reach the asymmetry that needed fixing, and the constitutional text itself had to change. The Constitution (131st Amendment) Bill, 2026 was one such attempt.¹ Introduced in the Lok Sabha on April 16, 2026, it set out to do three things at once; expand the Lok Sabha from a maximum of 550 to 850 seats, shift the basis of constituency allocation from the 1971 Census to the 2011 Census, and thereby finally set in motion the one-third women's reservation that the Nari Shakti Vandan Adhiniyam, 2023 had promised but never quite delivered.²

It failed. The Bill got 298 votes, roughly 54 short of the two-thirds majority that Article 368 requires for constitutional amendment.³ On the surface, this reads as a familiar story of political miscalculation or inadequate coalition management. But the defeat is more than a parliamentary misfire. It has locked in three compounding structural deficits at once; women's reservation stays deferred, seat allocation stays tethered to a census that is now more than fifty years old, and the growing imbalance in the weight of individual votes across the country continues unchecked. Each of these problems was difficult on its own. Together, they shape an electoral landscape for 2029 that is simultaneously legally valid and substantively indefensible.

The analysis begins with the Bill's legislative architecture, the strategic logic behind the three-bill package of which it formed the centrepiece, and why the collapse of one constitutional amendment was enough to disable an entire reform framework. The article then turns to the 'Implementation Gap' - what the Bill's defeat means for the women's reservation mandate and for the women who will vote in 2029 without the constitutional protection they were promised in 2023. The north-south demographic fault line that the defeat has further entrenched comes next - a tension that raises questions implicating the Basic Structure doctrine and India's constitutional guarantee of equal protection. It then looks at what the defeat has preserved and what it has put at risk in the relationship between the Lok Sabha and the Rajya Sabha, and in the composition of the executive. Finally, it considers the specific electoral

¹The Constitution (One Hundred and Thirty-First Amendment) Bill, 2026, Bill No. ___ of 2026 (India) [hereinafter "131st Amendment Bill"].

²The Constitution (One Hundred and Sixth Amendment) Act, 2023 (Nari Shakti Vandan Adhiniyam), No. 44, Acts of Parliament, 2023 (India) [hereinafter "NSVA 2023"].

³INDIA CONST. art. 368, § 2 (requiring "a majority of the total membership of each House and by a majority of not less than two-thirds of the members of that House present and voting").

contours that the 2029 cycle will inherit. A closing reflection asks what all of this reveals about where Indian constitutional democracy now stands and what an honest path forward might look like.

II. THE ARCHITECTURE OF REFORM: THE THREE-BILL PACKAGE

To understand what was lost when the Bill failed, it helps to understand what the Bill actually was. It was not a standalone measure. It was the centrepiece of a coordinated legislative package, and the other two bills in that package, the Delimitation Bill, 2026 and the Union Territories Laws (Amendment) Bill, 2026 were designed to function only in its wake.⁴ The Delimitation Bill would have constituted a new Delimitation Commission with the authority to redraw constituency boundaries using 2011 Census data. The Union Territories Bill would have aligned Delhi, Jammu and Kashmir, and Puducherry with the reformed framework. When the parent constitutional amendment fell short, there was nothing left for these bills to do, and the government withdrew them. Three pieces of legislation failed on a single vote.

The logic that held the package together was a response to a structural problem that the Nari Shakti Vandan Adhiniyam, 2023 had itself created. Parliament passed the Adhiniyam amid considerable political celebration, inserting Articles 330A and 332A into the Constitution to guarantee that no less than one-third of Lok Sabha and State Assembly seats would be reserved for women.⁵ But Section 5 of the Adhiniyam quietly undid much of the celebration. It said that these provisions would only come into effect after a delimitation exercise following the publication of census data from the "first census taken after the commencement of this Act."⁶ That conditionality transformed a constitutional right into a constitutional aspiration, something scholars have not been slow to notice, with one characterising it as a promise constitutionally deferred.⁷

The 131st Amendment tried to sever that linkage by doing two things at once. First, it proposed using the 2011 Census as the basis for an immediate delimitation, so that Parliament

⁴The Delimitation Bill, 2026, Bill No. ____ of 2026 (India); The Union Territories Laws (Amendment) Bill, 2026, Bill No. ____ of 2026 (India).

⁵NSVA 2023, supra note 3, art. 330A, 332A.

⁶NSVA 2023, supra note 3, § 5 ("The provisions of articles 330A and 332A shall come into effect after an exercise of delimitation is undertaken after the relevant figures for the first census taken after the commencement of this Act are published.")

⁷See Arun Kumar, Women's Reservation and the Delimitation Dilemma, 58 J. INDIAN L. INST. 211, 219 (2024).

would not have to wait for a post-2026 census that could push implementation well past the 2029 elections.⁸ Second, it proposed expanding the Lok Sabha to 850 seats - 815 for States and 35 for Union Territories, so that women's reservation could be absorbed into newly created constituencies rather than by converting one-third of existing seats.⁹ That second step was politically clever. If you simply carve 33% of 543 seats into reserved categories, you displace sitting MPs and create an irresistible coalition of opponents. If you instead add new seats and reserve those, you give women a constitutional foothold without threatening anyone currently in the building. The arithmetic was tidy but the politics were not, and the Bill fell 54 votes short of the threshold it needed to clear.

What the failure of this package illustrates is the particular fragility of reform that must travel through the Article 368 threshold. Structural change in India - the kind that touches seat allocation, federal balance, or representational rights requires a supermajority that is by design difficult to assemble. When reform is bundled into interdependent legislation, the failure of any single component can collapse the whole. That is precisely what happened here, and the country is left not with a partial reform but with none at all.

III. THE IMPLEMENTATION GAP: WOMEN'S RESERVATION IN LIMBO

The most immediate casualty of the Bill's defeat is the women's reservation mandate. Not because the Nari Shakti Vandan Adhiniyam has been repealed, it has not, but because the only realistic mechanism for operationalising it has now failed, and nothing obvious has taken its place. The Adhiniyam's conditionality ties reservation to a delimitation exercise that must follow a post-2026 census. We do not have that census yet. The 2021 Census was postponed because of the pandemic and had not been conducted as of 2025.¹⁰ Even once the census is done, publishing the final figures typically takes another year or two. And delimitation itself includes consulting States, publishing provisional orders, receiving objections, finalising boundaries, which has historically taken at least two to three years.¹¹ Stack those timelines and the picture becomes clear, women's reservation will not be operationalised before the 2034 elections. Thus, the 2029 Lok Sabha will be constituted without any structural guarantee of

⁸131st Amendment Bill, supra note 1, Statement of Objects and Reasons.

⁹131st Amendment Bill, supra note 1, § 2 (proposing revised Article 81(1) allocating 815 seats to States and 35 seats to Union Territories, totalling 850).

¹⁰Census of India, Office of the Registrar General, Ministry of Home Affairs, Government of India (the 2021 Census was postponed due to the COVID-19 pandemic and remained unscheduled as of 2025).

¹¹See Delimitation Commission of India, Final Order, Constituency-wise Data (2008).

gender representation.

India's female parliamentary representation has hovered around fourteen to fifteen percent of total Lok Sabha seats through successive elections.¹² That figure puts India well below the global average for national legislatures. Scholars of comparative electoral systems consistently show that voluntary party quotas, the kind that emerge in the absence of binding mandates produce smaller and less durable gains than structural ones do.¹³ Without the legal floor that the 131st Amendment would have helped create, what we are likely to see in 2029 is not transformation but increment, individual parties making calculative decisions about female candidature based on electoral incentives, not constitutional obligation. Some gains may happen but they will be contingent, not guaranteed, and they will reflect partisan calculation rather than democratic right.

There is also a deeper constitutional question sitting under all of this, and the Bill's defeat makes it sharper rather than softer. One can ask whether the Adhiniyam's self-disabling conditionality is itself defensible under the Basic Structure doctrine. Kesavananda Bharati established that constitutional amendments cannot destroy the Constitution's basic structure, which includes its democratic and republican character.¹⁴ An amendment that nominally confers a representational right while procedurally suspending it for an indeterminate period raises the question of whether that constitutes an erosion of meaningful democratic representation - one that the courts may one day be asked to examine. If the Implementation Gap cannot be bridged by constitutional amendment, the question of whether the gap itself is constitutionally permissible is one that will not stay dormant indefinitely.

And then there is the simpler, more political problem. The government that championed the Adhiniyam in 2023 as a landmark achievement for women now presides over its continued non-implementation. Women's organisations, civil society, and an increasingly politically aware female electorate will not forget the gap between what was promised and what has materialised. That accountability deficit may well become a structuring feature of the 2029 electoral contest, not a marginal issue but a central one, shaping manifestos, coalition

¹²Election Commission of India, Statistical Report on General Elections to the 17th Lok Sabha, 2019 (reporting women won 78 of 543 seats, approximately 14.4%).

¹³See Drude Dahlerup & Lenita Freidenvall, Quotas as a "Fast Track" to Equal Representation for Women, 11 INT'L FEMINIST J. POL. 28, 42 (2009).

¹⁴Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225 (India).

negotiations, and the commitments of prospective governments on both sides of the aisle.

IV. THE FEDERAL FAULT LINE: DEMOGRAPHIC ASYMMETRY AND CONSTITUTIONAL EQUITY

The Bill's defeat has also brought into stark relief a tension that has been lying in the constitutional architecture since 1976. Article 81 requires that seats in the Lok Sabha be allocated among States in proportion to their populations.¹⁵ Article 82 requires that territorial constituencies be readjusted after each census.¹⁶ Read together, they describe a system designed to keep parliamentary representation in step with demographic reality - a dynamic, census-responsive arrangement grounded in the democratic norm of proportionality. The 42nd Amendment in 1976 suspended that dynamism, freezing seat allocation on 1971 Census data¹⁷ so that States which had successfully implemented family planning measures would not be penalised for their own demographic discipline by losing seats in Parliament. The 84th Amendment in 2001 extended that freeze until the first census after 2026.¹⁸

The concern was legitimate in 1976 and it remains legitimate today. States in southern India such as Tamil Nadu, Kerala, Andhra Pradesh, Karnataka have achieved Total Fertility Rates well below the national replacement level, while States in northern and central India continue to experience considerably higher rates of population growth.¹⁹ Between 1971 and 2011 alone, India's population grew from roughly 548 million to 1.21 billion²⁰, but that growth was not evenly spread. The 131st Amendment proposed replacing the 1971 Census with the 2011 Census as the basis for delimitation, a change that would have shifted parliamentary representation somewhat northward, altering the distribution of political power between demographically divergent States. That prospect was enough to generate the federal resistance that contributed to the Bill's defeat.

What this leaves us with is what we might call the One Vote, One Value problem, and it is a serious one. A parliamentary constituency in a northern state today encompasses

¹⁵INDIA CONST. art. 81.

¹⁶INDIA CONST. art. 82.

¹⁷The Constitution (Forty-Second Amendment) Act, 1976, No. 91, Acts of Parliament, 1976 (India) § 28.

¹⁸The Constitution (Eighty-Fourth Amendment) Act, 2001, No. 38, Acts of Parliament, 2001 (India).

¹⁹National Family Health Survey (NFHS-5), International Institute for Population Sciences (2019-21) (reporting TFRs of 1.8 in Tamil Nadu and Kerala, against 2.7 in Uttar Pradesh and 3.0 in Bihar).

²⁰Office of the Registrar General and Census Commissioner, India, Census of India 2011: Primary Census Abstract Data (2013).

significantly more voters than a constituency in Tamil Nadu or Kerala, and conservative estimates put the ratio somewhere between 2.5:1 and 3:1 in the most extreme inter-State comparisons.²¹ That disparity means that a citizen's vote carries systematically different weight depending on where in the country she happens to live. This is not merely an administrative inconvenience. It engages Article 14's guarantee of equality before law,²² and it sits uncomfortably against the democratic principle that the Supreme Court has placed at the heart of the Basic Structure doctrine.²³

What is particularly troubling about the Bill's defeat is that it has not simply preserved this disparity, it has foreclosed the most politically viable mechanism for managing it. The seat expansion that the Bill proposed would have given something to everyone, northern States would have gained seats commensurate with their population growth, and southern States would not have lost any existing seats. That arrangement was imperfect, but it was the only serious attempt in recent memory to partially bridge the north-south representational gap without directly threatening anyone's existing political position. Its defeat leaves the same tensions in place, but removes the one instrument that might have softened them. Any future government that tries again will start in a harder position than this one did.

V. INSTITUTIONAL CONSEQUENCES: BICAMERALISM AND EXECUTIVE COMPOSITION

Beyond the questions of gender and federal equity, the Bill's defeat has had a concrete effect on the institutional balance within Parliament. Under Article 108, when the two Houses of Parliament reach a deadlock on legislation, they may meet in a joint sitting where numbers ultimately decide the outcome.²⁴ The Lok Sabha currently has 543 elected seats against the Rajya Sabha's 238 elected members,²⁵ giving the lower house a ratio of roughly 2.2:1, enough to prevail in a joint sitting under most foreseeable political configurations. An expansion to 850 Lok Sabha seats would have pushed that ratio to approximately 3.3:1. That would have been a substantial change in the institutional weight of the two Houses, and not a neutral one.

²¹See Milan Vaishnav & Saksham Khosla, *The Indian Parliament at 70*, CARNEGIE ENDOWMENT FOR INT'L PEACE 18 (2016).

²²INDIA CONST. art. 14.

²³Kesavananda Bharati, *supra* note 15; *Indira Nehru Gandhi v. Raj Narain*, (1975) 2 SCC 159 (India).

²⁴INDIA CONST. art. 108.

²⁵INDIA CONST. art. 80 (Rajya Sabha maximum strength of 250, of whom 238 are elected and 12 nominated).

The Rajya Sabha is not simply a revising chamber. It functions, among other things, as a forum for federalism, a space in which State-level interests, minority communities, and political formations that lack dominance in the lower house can exercise deliberative influence over national legislation. A dramatically diminished numerical weight in joint sittings would have made it considerably easier for a government with a strong Lok Sabha majority to override the Rajya Sabha by simply calling a joint sitting and relying on sheer numbers. In this specific and somewhat paradoxical sense, the Bill's defeat has preserved a degree of bicameral balance that was genuinely at risk of erosion.

There is also the more prosaic matter of ministerial arithmetic. Article 75(1A) caps the Council of Ministers, the Prime Minister included at fifteen percent of the Lok Sabha's total strength.²⁶ At 543 seats, that ceiling is roughly 81 Ministers. At 850 seats it would have risen to approximately 122, an additional 41 ministerial berths.²⁷ In Indian coalition politics, ministerial appointments are instruments of political cohesion. They are how governing alliances hold together when ideological glue runs thin.²⁸ The defeat maintains the tighter cap, and with it a constraint that has historically required Prime Ministers to make difficult choices among coalition partners and that has, at least in principle, kept some limit on the degree to which governmental office can be used as a pure patronage resource.

VI. THE 2029 ELECTORAL HORIZON: GOVERNING UNDER CONSTITUTIONAL OBSOLESCENCE

Set against this background, what we can say with some confidence is that the 2029 General Elections will be fought under a framework that is constitutionally intact and substantively exhausted. The constituency map will still reflect India as it was in 1971. Women's reservation will still be waiting on the other side of a census and a delimitation exercise that have not yet begun. And the votes cast in Uttar Pradesh will continue to count for more, in parliamentary terms, than the votes cast in Tamil Nadu. The elections will be legal, however, they will not be equitable.

For political parties, the structural logic of this situation pushes resources toward the high-constituency-density belt of northern India, where electoral seats are most concentrated

²⁶INDIA CONST. art. 75, cl. 1A (inserted by the Constitution (Ninety-First Amendment) Act, 2003).

²⁷The Constitution (Ninety-First Amendment) Act, 2003, No. 44, Acts of Parliament, 2003 (India).

²⁸See Granville Austin, *Working a Democratic Constitution: A History of the Indian Experience* 1–24 (Oxford University Press, 2d ed. 2003).

and where demographic weight translates most efficiently into parliamentary arithmetic.²⁹ Southern States which are wealthier on average, more demographically stable, and in many respects better governed, will nonetheless find their influence over national policy outcomes structurally limited by a seat allocation that does not reflect their current share of the population. That is an odd incentive to have built into a constitutional democracy, and the 2029 elections will not resolve it.

On the question of women's representation, the absence of any binding mandate means that individual parties will continue making strategic rather than structural decisions about female candidature. Some incremental gains are likely, driven by the growing electoral salience of female voters and by competitive pressure among parties seeking to signal commitment to gender equity.³⁰ But incremental is the operative word. Research in comparative electoral systems is fairly clear on this point: voluntary arrangements produce smaller and less durable gains than structural mandates. The 2029 Lok Sabha will almost certainly have more women than the 17th, but it will not have the one-third that the Constitution now nominally guarantees, and the gap between promise and reality will be visible to anyone who looks.

Perhaps the most consequential constraint that the 2029 government will inherit is not electoral but constitutional. Article 82 is mandatory in its terms, once census figures are published, they trigger an obligation to readjust territorial constituencies.³¹ The courts have affirmed that this obligation is not discretionary.³² The government that wins in 2029 will therefore face an inescapable constitutional imperative, conduct a delimitation exercise on the basis of a post-2026 census, in a political environment shaped by precisely the north-south tensions that defeated the 131st Amendment. It will have to do this without the seat expansion that might have softened the distributional stakes. The Bill's defeat has not removed the reckoning, it has made it harder.

Underlying all of this is a question about democratic legitimacy that is qualitatively different from ordinary legislative controversy. Federalism is a Basic Structure element, as the Supreme Court confirmed in *S.R. Bommai*.³³ When citizens in one region find that their votes

²⁹See Prannoy Roy & Dorab Sopariwala, *The Verdict: Decoding India's Elections 201–235* (Penguin Viking 2019).

³⁰See Alistair McMillan, *Standing at the Margins: Representation and Electoral Reservation in India 78–89* (Oxford University Press 2005).

³¹INDIA CONST. art. 82.

³²See *Bhim Singh v. Union of India*, (2010) 5 SCC 538 (India).

³³See *S.R. Bommai v. Union of India*, (1994) 3 SCC 1 (India).

carry systematically lower weight than those of citizens elsewhere, or when a constitutionally guaranteed representational right remains inaccessible for over a decade after its enactment, Parliament's democratic legitimacy is not merely diminished in theory, it is subject to contestation in political practice. The 2029 elections will not resolve this. They will inherit it and carry it forward, loading the post-2029 delimitation cycle with pressures that the current political system has not yet found the vocabulary to address.

VII. CONCLUSION

The defeat of the Constitution (131st Amendment) Bill, 2026 is in one sense a familiar outcome. Constitutional democracies regularly fail to achieve structural reform when the threshold for change is set high, when affected interests are powerful, and when the distributional consequences of change are asymmetric across regions and communities. India has been here before, and it will be here again. What makes this episode worth dwelling on is not the failure itself but the particular combination of things the failure has left unresolved and the way those unresolved things compound one another.

Women's reservation stays deferred, not because anyone opposes it in principle but because it is knotted to a delimitation exercise that is itself knotted to a census that has not been conducted. The seat allocation framework stays frozen on 1971 data, not because it is fair but because unfreezing it would redistribute political power in ways that powerful State governments cannot accept. And the voting weight disparity persists, not because it is constitutionally defensible but because no coalition has yet assembled the political will to confront it directly. These are not three separate problems. They are one compounding problem with three faces, and the defeat of the 131st Amendment has made each face harder to look away from.

What India needs is not simply another attempt at the same amendment. We have seen where that leads. What is needed is a more fundamental renegotiation of the federal compact, one that separates women's representational rights from the politics of demographic redistribution, so that the former can be advanced without being held hostage to the latter. One that develops an agreed and principled framework for managing the demographic transition in parliamentary representation, perhaps through a phased approach that gives southern States the certainty of continuity while gradually incorporating contemporary population realities. And one that finds a way to honour Article 82's mandatory demands without treating delimitation

as a zero-sum reallocation of political power.

None of that is easy. It will require more political courage than the 131st Amendment mustered and more federal consensus than the vote demonstrated. But the 2029 elections will not make these questions easier. They will make them more urgent. And if the government that emerges from 2029 inherits the delimitation obligation without having built the political architecture to manage it, India may find itself confronting not a constitutional impasse but a constitutional crisis, one that has been visible on the horizon for some time and that this vote has done nothing to prevent.