

THE CONSTITUTION AMENDMENT BILL, 2017

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BILL

to further amend the Constitution of India

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitutional (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of Article 239 AA.

2. In article 239 AA of the Constitution, in clause (2), in sub-clause (b), for the words “Scheduled Castes”, the words “the Scheduled Castes and the women” shall be substituted.

Insertion of new articles 330A and 330B.

3. After Article 330 of the Constitution, the following articles shall be inserted, namely:

Reservation of seats for women in the House of the People.

“330 A. (1) Seats shall be reserved for women in the House of the People.

(2) Not less than one third of the total number of seats reserved under clause (2) of article 330 shall be reserved for women belonging to Scheduled Castes, or as the case may be, the Scheduled Tribes.

Provided that nothing in this clause shall apply in relation to a State or Union Territory so long as the number of seats reserved for Scheduled Castes or Scheduled Tribes, as the case may be, in the State or Union Territory, is less than three.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election to the House of the People in a State or Union Territory shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies in the State or Union Territory:

Provided that nothing in this clause shall apply in relation to a State or Union Territory so long as the number of seats allotted to such State or Union

Territory in the House of the People under clause (2) of Article 81, is less than three.”

Reservation of seats for women in the Council of States.

“330 B. (1) Seats shall be reserved for women in the Council of States

(2) Not less than one-third of the total number of members to be nominated to the Council of States by the President in accordance with clause (3) of Article 80 shall be women

(3) Not less than one-third of the total number of seats to be filled by the representatives of each State and Union Territory to the Council of States shall be reserved for women.

Provided that nothing in this clause shall apply in relation to a State so long as the number of seats allotted to such State or Union Territory in the Council of States, is less than three.”

Insertion of new article 332A and 332B.

4. After Article 332 of the Constitution, the following articles shall be inserted, namely:

Reservation of seats for women in the Legislative Assemblies of the States.

“332 A. (1) Seats shall be reserved for women in the Legislative Assembly of every State.

(2) Not less than one-third of the total number of seats reserved under clause (3) of article 332 shall be reserved for women belonging to Scheduled Castes, or as the case may be, the Scheduled Tribes:

Provided that nothing in this clause shall apply in relation to a State so long as the number of seats reserved for Scheduled Castes or Scheduled Tribes in the Legislative Assembly of the State, as the case may be, is less than three.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election to the Legislative Assembly of every State shall be reserved for women and such seats may be allotted by rotation to different territorial constituencies in the State or Union Territory.

Reservation of seats for women in the Legislative Council of the States.

“332 B. (1) Seats shall be reserved for women in the Legislative Council of every State, where such a Council exists.

(2) Not less than one-third of the total number of members elected to the Legislative Council of each State by electorates consisting of members of local authorities in accordance with sub-clause (a) of clause (3) of Article

171 shall be women

(3) Not less than one-third of the total number of members elected to the Legislative Council of each State by electorates consisting of graduates in accordance with sub-clause (b) of clause (3) of Article 171 shall be women

(4) Not less than one-third of the total number of members elected to the Legislative Council of each State by electorates consisting of teachers in accordance with sub-clause (c) of clause (3) of Article 171 shall be women

(5) Not less than one-third of the total number of members elected to the Legislative Council of each State by members of the Legislative Assembly of the State in accordance with sub-clause (d) of clause (3) of Article 171 shall be women

(6) Not less than one-third of the total number of members to be nominated to the Legislative Council of each State by the Governor in accordance with sub-clause (e) of (3) of Article 171 shall be women”

Amendment not to effect the representation in the House of the People or Legislative Assembly of a State or Legislative Assembly of the National Capital Territory of Delhi

The Amendments made to the Constitution, by this Act, shall not affect any representation in the House of the People or in the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the House or the Assembly, as the case may be, in existence at the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved. India moved a step towards realising the goal of equal political representation for women through the Seventy third and Seventy Fourth Constitutional Amendment Acts that provided for reservation of seats for women in rural and urban local bodies respectively.

However, despite the widespread movement towards democratization at the local level, women are largely underrepresented at the State and National level politics in India. For instance, out of the 543 elected members in the 16th Lok Sabha, only 66 are women, accounting for 12 % of the total strength of the house. Similarly, out of 244 sitting members in the Rajya Sabha, only 11% are women. Therefore, reservation of seats for women in State Legislatures and the Parliament is essential for enhancing women participation in decision making.

The Constitution (One Hundred and Eighth Amendment) Bill that provided for reservation of one-third of all seats for women in the Lok Sabha and the State legislative Assemblies was introduced in the Rajya Sabha in May, 2008. The Standing Committee on Personnel, Public Grievance, Law and Justice, in its 36th Report on the aforementioned Bill had recommended that the government should consider reservation for women in the Rajya Sabha and the Legislative Councils as well. However, the Bill lapsed with the dissolution of the 14th Lok Sabha, and has not yet been reintroduced.

The imbalance in gender representation in the law-making bodies at the Union and the State level ought to be immediately addressed to ensure that all sections of the society secure a sense of participation in nation-building and the legislative processes. Unless such mandatory provisions are made to secure representation of women in the parliamentary and legislative process, the object of women empowerment, which has only remained a political slogan, will not be achieved.

Therefore, in view of the need to ensure active participation of women at all levels of decision making, and in consonance with the recommendations of the Standing Committee on Personnel, Public Grievance, Law and Justice, the current Bill seeks to provide for reservation for women in both the Houses of the Parliament and the State Legislatures.

The Bill seeks to achieve the aforesaid objectives.

V. VIJAYSAI REDDY

ANNEXTURE

EXTRACT FROM THE CONSTITUTION OF INDIA

Special Provisions with respect to Delhi	239 AA.(2)(a)(b) The total number of seats in the Legislative Assembly, the number of seats reserved for Scheduled Castes, the division of the National Capital Territory into territorial constituencies (including the basis for such division) and all other matters relating to the functioning of the Legislative Assembly shall be regulated by law made by Parliament.
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