

Bill No. 148 of 2022

THE CONSTITUTION (AMENDMENT) BILL, 2022

By

SHRIMATI APARUPA PODDAR, M.P.

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and commencement.

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

2. In article 239AA 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.

Amendment of article 239AA.

Amendment of article 330.

3. In article 330 of the Constitution, in clause (1), after sub-clause (c), the following sub-clause shall be inserted, namely:—

“(d) the other Backward Classes;”.

Insertion of new article 330A.

4. After article 330 of the Constitution, the following article shall be inserted, namely: —

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

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

(2) As nearly as may be, one-fifth of the total number of seats reserved under clause (2) of article 330 shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be:

Provided that where the seat reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be, in relation to a State or Union territory is one, then, in every block comprising of five general elections to the House of the People, the seat in the first general elections shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes and no seat shall be so reserved in the other four general elections:

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Provided further that where the seats reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be, in relation to a State or Union territory are two, then, in every block comprising of five general elections to the House of the People, —

(a) one seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes in the first two general elections in such a manner that the same constituency is not reserved for women in both the aforesaid elections; and

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(b) no seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes in the third, fourth and fifth general elections.

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(3) As nearly as may be, one-fifth (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes or the Other Backward Classes) 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 constituencies in that State or Union territory in such manner, as Parliament may by law determine:

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Provided that where the seat, not being a seat reserved for the Scheduled Castes or the Scheduled Tribes or Other Backward Classes, in relation to a State or Union territory is one, then, in every block comprising of five general elections to the House of the People, the seat in the first general elections shall be reserved for women and no seat shall be so reserved for women in the other four general elections:

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Provided further that where the seats, not being seats reserved for the Scheduled Castes or the Scheduled Tribes, in relation to a State or Union territory are two, then in every block comprising of five general elections to the House of the People,—

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(a) one seat shall be reserved for women in the first two general elections in such a manner that the same constituency is not reserved for women in both the aforesaid elections; and

5 (b) no seat shall be reserved for women in the third, fourth and fifth general elections.”

5. In article 332 of the Constitution, in clause (1), for the words “the Scheduled Tribes”, the words “the Scheduled Tribes and the Other Backward Classes” shall be substituted.

Amendment of article 332.

10 6. After article 332 of the Constitution, the following article shall be inserted, namely:

Insertion of new article 333A.

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

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

15 (2) As nearly as may be, one-fifth of the total number of seats reserved under clause (3) of article 332 shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

20 Provided that where the seat reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be, in relation to a State is one, then, in every block comprising of five general elections to the Legislative Assembly of that State, the seat in the first general elections shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be:

25 Provided further that where the seats reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be, in relation to a State are two, then, in every block comprising of five general elections to the Legislative Assembly of that State, —

(a) one seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or Other Backward Classes in the first two general elections in such a manner that the same constituency is not reserved for women in both the aforesaid elections; and

30 (b) no seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes in the third, fourth and fifth general elections.

(3) As nearly as may be, one—

35 Fifth (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes or the Other Backward Classes) of the total number of seats to be filled by direct election in the Legislative Assembly of every State shall be reserved for women and such seats may be allotted by rotation to different constituencies in that State in such manner, as Parliament may by law determine.”.

Insertion of new article 334A.

7. After article 334 of the Constitution, the following article shall be inserted, namely: —

Reservation of seats for women to cease after twenty-five years.

“**334A.** Notwithstanding anything in the foregoing provisions of this Part or Part VIII, the provisions of the Constitution relating to the reservation of seats for women in the House of the People, the Legislative Assembly of a State and the Legislative Assembly of the National Capital Territory of Delhi shall cease to have effect on the expiration of a period of twenty-five years from the commencement of the Constitution (Amendment) Act, 2022: 5

Provided that nothing in this article shall affect any representation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the then existing House, Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi, as the case may be.”. 10

Amendments not to affect the representation in the House of the People or Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi.

8. The amendments made to the Constitution by this Act, 2022 shall not affect any representation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the House, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi, as the case may be, in existence at the commencement of the said Act. 15

STATEMENT OF OBJECTS AND REASONS

As of June, 2021, India ranked 148th in a list of 193 countries on the basis of the percentage of elected women representatives in the national parliaments. In March 2021, there were seventy-eight women Members of Parliament in the House of the People, which was the highest ever number recorded. As on April 2022, the highest number is now eighty-one. The first ever House of the People had only twenty-four. Women's representation in the House of the People comprises only 14.4 per cent, significantly lower than the global average of 25.8 per cent for lower houses of the Parliament. When it comes to occupying leadership roles, the numbers are even lower, a paltry 6 per cent. The staggeringly slow rate of growth, years after independence, indicates that steps must be taken to mitigate this lack of representation. India's numbers are lower than even the likes of Afghanistan, Pakistan and Saudi Arabia.

The Constitution of India guarantees equality before the law and also equality of opportunity, that is not biased based on sex, gender, religion, caste, creed or any other consideration. While this law exists on paper, this amendment seeks to make it a reality in the House of the People, by enhancing the opportunities available to women, and especially women from the lower strata of society, *i.e.*, those belonging to Scheduled Castes, Scheduled Tribes, or Other Backward Classes.

The absence of a large chunk of the country's population, *i.e.*, around 48.5 per cent. from the annals of the highest policy and law-making institution of the country is alarming and a cause of concern about the roundedness of the policing being churned out. More women reservation can lead to more diversity in decision making. It can also enable proper addressing of all gendered perspectives that governance issues are rife with. Countries such as Rwanda and Finland are exceptional examples of how a shift in gender roles leads to better functioning of democracies.

Twenty States of India have implemented a fifty percent representation of women at the Panchayat or Village Council level. This has had many benefits, including better policies, governance and even fiscal expenditure. But there is not much to celebrate. More often than not, cases of women leaders being used as proxies come to light. The State of Nagaland has never seen a woman Member of Legislative Assembly and there is no woman Member of Parliament from the erstwhile State of Jammu and Kashmir and States such as Tripura, Nagaland, Arunachal Pradesh, and Himachal Pradesh.

Thus, by way of this amendment, an attempt is being made to bring to fruition an endeavor that was spearheaded more than two decades ago. There is enough evidence to suggest that doing so would lead to more investments in public goods related to socio-economic concerns, such as drinking water and roads. It will also lead to more nuanced legislations, a rising from lived experiences. Lastly, it will enhance women participation, self-esteem, public confidence and be an excellent step in fulfilling the constitutional mandate of gender equality.

Hence this Bill.

NEW DELHI;
5 July, 2022.

APARUPA PODDAR

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

	*	*	*	*	*
Special provisions with respect to Delhi.	239AA. (1) *	*	*	*	*
	(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.

Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.	330. (1) Seats shall be reserved in the House of the People for —	*	*	*	*
	(b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and	*	*	*	*

Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.	332. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, [except the Scheduled Tribes in the autonomous districts of Assam], in the Legislative Assembly of every State ***.				
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further to amend the Constitution of India.

(Shrimati Aparupa Poddar, M.P.)