

Bill No. 33 of 2022

THE CONSTITUTION (AMENDMENT) BILL, 2022

By

SHRI C.P. JOSHI, 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.

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

2. After article 338B of the Constitution, the following article shall be inserted,
namely:—

Insertion of new
article 338C.

“338C. (1) There shall be a Commission for the Women to be known as
the National Commission for Women.

National
Commission for
Women.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson and five other Members and the conditions of service and tenure of office of the Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal. 5

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the women under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards; 10

(b) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(c) to make in such reports the recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of women; 15

(d) to review, from time to time, existing provisions of this Constitution and other laws affecting women and to recommend amendments thereto so as to remove any deficiencies, inadequacies or defects in such laws; 20

(e) to take up with the appropriate authorities the cases of violation of the provisions of this Constitution and other laws relating to women;

(f) to conduct a special study or investigation into specific problems or situations arising out of discrimination and atrocities against women and to identify obstacles so as to recommend action plans for their removal; 25

(g) to conduct research on promotion and education to suggest measures to:

(i) ensure adequate representation of women in all fields;

(ii) find out the factors responsible for hindering progress of women including lack of access to housing and basic services, inadequacy of supporting services and technology to reduce boredom and occupational health hazards and to increase the productivity of women; 30

(h) to participate in and advise on the planning process for the socio-economic development of women; 35

(i) to evaluate the progress of women's development under the Union and any State;

(j) to inspect or conduct inspection of any prison, correctional homes, women's institution or other place of custody where women are kept as prisoners or otherwise, and to take remedial action, if necessary, to interact with the concerned authorities; 40

(k) to provide funds for litigation relating to issues affecting the majority of women;

(l) to report, from time to time, to the President of any matter relating to women, and in particular the various difficulties under which women work; 45

(m) to inquire into the complaints and, take *suo motu* cognizance on matters relating to:

(i) deprivation of women's rights;

5 (ii) non-implementation of the laws enacted to protect women and to serve the purpose of equality and development; and

(iii) compliance with policy decisions, guiding principles or instructions for the purpose of mitigating the hardships of women and ensuring their welfare and providing relief to them, and raising questions arising out of such matters to the appropriate authorities.

10 (6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

15 (7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

20 (8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (m) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

25 (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

30 (e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Women.

STATEMENT OF OBJECTS AND REASONS

Women constitute half of the total population of the country. Unless women progress and become empowered, self-reliant India cannot be imagined. Now it is the appropriate time to move beyond the development of women towards the development of the leadership by women. For this it is necessary that women get a safe and conducive environment.

It is necessary that the National Commission for Women should be strong and empowered in order to work against the rapidly increasing crime against women and to solve their social, educational and economic development and other problems.

If constitutional status is provided to the National Commission for Women, it will increase its powers. This will facilitate the National Commission for Women to present the issues related to women more effectively and will also have a say in the formulation of government policies.

Hence this Bill.

NEW DELHI;
January 18, 2022

C.P. JOSHI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides, *inter alia*, that the National Commission for Women shall consist of a Chairperson and five other Members and the conditions of service and tenure of the office of the Chairperson and Members so appointed shall be such as the President may, by rule determine.

The requirement of funds for the establishment cost of the aforesaid Members of the Commission as well as for the existing staff of the National Commission for Women, who shall stand transferred to the establishment of the National Commission for Women constituted under article 338C will be the same as is budgeted and allocated for the National Commission for Women. Accordingly, the Bill on enactment will involve expenditure of about rupees twenty-seven crore per annum, *i.e.* the annual budgetary allocation for 2021-22, from the Consolidated Fund of India.

There shall be no one-time financial implication on account of creation of the National Commission for Women, since it will not only be taking on the existing staff strength of the National Commission for Women without any increment, but also utilise the same office premises that was being used by the National Commission for Women.

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further to amend the Constitution of India.

(Shri C.P. Joshi, M.P.)