

Bill No. I of 2023

THE CONSTITUTION (AMENDMENT) BILL, 2023

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2023.

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

Insertion of new article 330A.

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

Reservation of seats for women in the House of People.

10 (2) One-third of the total number of seats reserved under clause (2) of article 330 shall collectively be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

Provided that where the seat reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State or Union territory is one, then, in every block comprising of three general elections to the House of the People, the seat in the first general election shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes and no seat shall be reserved in the other two general elections: 5

Provided further that where the seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State or Union territory are two, then, in every block comprising of three 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 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 10

(b) no seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes in the third general election.

(3) As nearly as may be, one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the 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 constituencies in that State or Union Territory in such manner, as Parliament may by law determine: 15

Provided that where the seat, not being a seat reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State or Union Territory is one, then, in every block comprising of three 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 and no seat shall be reserved for women in the other two general elections: 20

Provided further that where the seats, not being seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State or Union territory are two, then, in every block comprising of three general elections to the House of the People,— 25

(a) one seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes 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 in the third general election.

Insertion of
new article
330B.

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

Reservation of
seats for
women in the
Council of
States.

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

(2) One-third of the total number of seats to be filled under clause (2) of article 80 to the Council of States from a State or Union Territory shall be reserved for women. 35

(3) One-third of the total number of seats in the Council of States under clause (2) shall collectively be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

Provided that where the seat reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State or Union territory is one, then, in every block comprising of three elections to the Council of States from a particular State or Union territory, the seat in the first election shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes and no seat shall be reserved in the other two elections. 40

Insertion of
new article
332A.

4. After article 332 of the Constitution, the following article shall be inserted, namely:— 45

"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.

(2) One-third 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:

Provided that where the seat reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State is one, then, in every block comprising of three general elections to the Legislative Assembly of that State, the seat in the first general election shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes and no seat shall be reserved in the other two general elections:

Provided further that where the seats reserved for the Scheduled Castes or the Scheduled Tribes, as the case may be, in relation to a State are two, then, in every block comprising of three 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 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

(b) no seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes in the third general election.

(3) One-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) 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 by law determine."

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

Insertion of new article 334A.

"334A. Notwithstanding anything in the foregoing provisions of the Constitution, the provisions relating to the reservation of seats for women in the House of the People, the Council of States and the Legislative Assembly of a State shall cease to have effect on the expiration of a period of twenty-five years from the commencement of this Act".

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

6. The amendments made to the Constitution by this Act shall not affect any representation in the House of the People or the Council of States or the Legislative Assembly of a State until the dissolution of the House or the Legislative Assembly of a State or expiration of the term of present members, as the case may be, in existence at the commencement of the said Act.

Amendments not to affect representations in the House of the People or the Council of States or the Legislative Assembly of a State.

STATEMENT OF OBJECTS AND REASONS

The Bill to provide for one-third mandatory representation to women in the country was introduced in the Rajya Sabha in May 2008 and was referred to a Standing Committee. In 2010, it was passed in the House and transmitted finally to the Lok Sabha. However, the Bill lapsed upon the dissolution of the 15th Lok Sabha. The original idea for the above-mentioned Government Bill originated from seventy-third and seventy-fourth Constitutional Amendment Acts, which provided for reservation of seats for women in rural and urban local bodies respectively.

According to the Global Gender Gap Report 2021, India has declined on the political empowerment index by 13.5 percentage points, and a decline in the number of women ministers, from 23.1% in 2019 to 9.1% in 2021. The various surveys do indicate that women representatives from Panchayati Raj have worked commendably in the development and overall well-being of society in villages and many of them would definitely want to work on the larger scale, however, they face various challenges in the political structure prevalent in India. Challenges in this regard thus include lack of proper political education, low financial power of women in society, sexual violence, manifestations of insecure patriarchy and an uneven distribution of household work between men and women among others.

According to an Inter-Parliamentary Union study, India ranks 149th out of 193 countries in terms of female representation in the lower or single House of Parliament. It is inexcusable that in a country where women account for half of the population, they have an abysmally low 14% representation in the Lok Sabha and 11% in the Rajya Sabha. The scenario for women Members of Legislative Assemblies (MLAs) across all State Assemblies in India was even worse, with the national average being a pitiable 9%. Therefore, the political empowerment of women is rightly perceived as a powerful and indispensable tool for eliminating gender inequality and discrimination.

The Bill seeks to achieve the above objectives.

FAUZIA KHAN.

RAJYA SABHA

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further to amend the Constitution of India.

(Dr. Fauzia Khan, M.P.)