

**Bill No. XXXIX of 2018**

THE WOMEN (EQUAL PARTICIPATION IN INTERNATIONAL PEACE  
NEGOTIATIONS, TREATIES AND AGREEMENTS) BILL, 2018

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BILL

*to ensure equal participation of women in representing the Government of India while entering into any international treaty, agreement, covenant, resolution or negotiation, including those relating to war or peace, in order to uphold the values of international human rights and convention to which India is a signatory and for matters connected therewith or incidental thereto.*

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

1. (1) This Act may be called The women (Equal participation in International Peace Negotiations, Treaties and Agreements) Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

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

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Committee" means the International Negotiations Committee constituted under section 3 of the Act.

10 (b) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, within six months of coming into force of this Act, by notification in the Official Gazette, constitute a Committee to be known as the International Negotiations Committee.

Constitution of  
the  
International  
Negotiations  
Committee.

**(2) The Chairperson of the Committee shall be a person who is or has been a judge of the Supreme Court to be appointed, in consultation with the Chief Justice of India, for a period of three years.**

**(3) The Committee shall also consist of three members to be appointed by the Central Government, of whom one shall be a person who is or has been a judge of the High Court to be appointed in consultation with the Chief Justice of India and other two members shall be appointed from amongst persons having knowledge and experience of refugee issues and refugee law, for a period of three years.**

**(4) The Central Government shall also appoint a Commissioner and such number of Deputy Commissioners, officers and other staff, as may be necessary, in such manner, as may be prescribed, who shall work under the direct supervision and control of the Committee.**

**(5) The Commissioner shall be a person who is or has been a judge of the High Court and shall be appointed in consultation with the Chief Justice of India, for a period of three years and the Deputy Commissioners shall be appointed from amongst persons who are qualified to be appointed as judge of a High Court, after consultation with the Chief Justice of India, for a period of three years.**

**(6) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, members, Commissioner and Deputy Commissioners, officers and staff shall be such as may be prescribed.**

**(7) The Committee shall have the power to regulate its own procedure.**

Functions of the International Negotiations Committee.

**4. The Committee shall ensure equal participation of women in representing the Government of India while entering into any international treaty, agreement, covenant, resolution or negotiation, including those relating to war and peace, in order to uphold the values of international human rights and convention to which India is signatory.**

**(2) Without prejudice to the generality of the foregoing provision, the Commission shall ensure equal participation of women while representing Government of India:—**

**(i) in every international conference, international association and other international bodies.**

**(ii) while entering into treaties and agreements with foreign countries and while implementing such treaties or agreements;**

**(iii) in any negotiations, resolution or international talks regarding war or peace; and**

**(iv) in every peace talk at national level.**

Act to have overriding effect.

**5. The provision of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.**

Power to make rules.

**6. (1) The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.**

**(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.**

## STATEMENT OF OBJECTS AND REASONS

The Beijing Declaration and Platform for Action, 1995, in which India is a participant and signatory, makes clear that the women, peace and security agenda is not simply about making war safe for women, as it is sometimes understood, but about preventing the outbreak of violent conflict and resolving it where it does occur. It also stresses the importance of fostering a culture of peace among men and women, alluding to links between gender norms and militarization.

The United Nations Security Council adopted a resolution (S/RES/1325) on women, peace and security on 31 October, 2000. The resolution reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. The Resolution 1325 urges all actors to increase the participation of women in all United Nations peace and security efforts. It also calls on all parties to conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict. The resolution provides a number of important operational mandates, with implications for Member States and the entities of the United Nations system.

There have been 17 peace talks in the country and only 2 women have participated so far. Currently there are none in these peace talks. The main objective of this Bill is to establish an appropriate legal framework to recognize the stake of women in conflict talks and to ensure that international negotiations including peace negotiations maintain gender-parity.

Hence this Bill.

RIPUN BORA

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill *inter alia* provides for The constitution of the International Negotiation Committee and the appointment of a Commissioner and such number of Deputy Commissioners of the Committee as may be necessary besides the salary and allowances payable to them. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible to ascertain as to how much expenditure will be involved. The exact expenditure involved will be known only after the Bill is passed and the Committee is set up.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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*(Shri Ripun Bora, M.P.)*