

Bill No. LXI of 2015

THE WOMEN (EQUAL PARTICIPATION IN DECISION MAKING)
BILL, 2015

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BILL

*to provide for the empowerment of women to enable them to have equal participation
in the governance of the country by making reservations and such other
provisions in the body polity such as executive, legislative and
judiciary and for matters connected therewith
or incidental thereto.*

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

1. (1) This Act may be called the Women (Equal Participation in Decision Making) Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

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

Definitions.

(a) "appropriate government" means in the case of a State, the Government of that State and in other cases the Central Government;

10 (b) "Election Commission" means the Election Commission established under article 324 of the Constitution of India;

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

Election of women to the office of President and Vice-President of India.	3. Notwithstanding anything contained in any law for the time being in force the Election Commission shall, while conducting elections of the office of the President of India or the Vice-President of India, as the case may be, shall ensure that a woman candidate is elected to each of these offices for alternate terms in such manner as may be determined by the Election Commission.	5
Ministerial berths for women in the Union Council of Ministers.	4. The Prime Minister shall ensure that not less than thirty-three per cent of Ministerial berths in the Union Council of Ministers are filled up from amongst the women Members of Parliament.	
Reservation of seats for women in Parliament.	5. (1) Notwithstanding anything contained in the Election Laws or any other law for the time being in force, the Election Commission shall reserve not less than thirty three per cent of the total seats each in the Lok Sabha and the Rajya Sabha for women candidates in such manner as may be prescribed.	10
	(2) The seats so reserved for women under sub-section (1) shall bear, as nearest as may be, to the total number of seats allotted to a State or Union Territory in Lok Sabha as the population of women in that State or Union Territory as the case may be, in respect of which seats are so reserved bears to the total population of the State or Union territory.	15
	(3) In case of Rajya Sabha provisions of sub-section (1) of section 5 shall apply only to those States or Union territories which have been allocated more than three seats under the Fourth Schedule to the Constitution and in respect of those States and Union Territories which have been allocated one or two seats, the seat for women shall be earmarked in the following manner:—	20
	(a) where there are two seats one seat shall be reserved for a woman candidate;	
	(b) where there is only one seat it shall be filled up by a woman candidate in alternate terms.	
Reservation for women in Judiciary.	6. Notwithstanding anything contained in the Constitution or in any other law for the time being in force, the appropriate Government shall reserve not less than thirty-three per cent of the total strength of Judges in the Supreme Court, all High Courts and the Subordinate or lower Courts for women Judges.	25
Appointment of Women Governors.	7. Notwithstanding anything contained in the Constitution or in any other law or practice for the time being in force, the President of India shall, while appointing Governor of a State or Lieutenant Governor or Administrator of a Union territory, as the case may be, ensure that a woman is appointed to that office for alternate term in such manner as may be determined by the President.	30
Reservation of women in state legislature.	8. Notwithstanding anything contained in the Election Laws or any other law for the time being in force, the Election Commission shall, reserve not less than thirty-three per cent of the total seats in the Legislature of a State for women in such manner as may be prescribed.	35
Ministerial Berths in the Council of Ministers of the states for Women.	9. The Chief Minister of a State or Union Territory, as the case may be, shall, while constituting his Council of Ministers, ensure that forty per cent of the Ministerial berths are filled up from amongst the women legislators of the State or Union Territory, as the case may be.	
Reservation for women in Finance and Niti Ayog.	10. The President shall while constituting a Finance Commission or the Niti Ayog as the case may be, appoint a minimum of two women members excluding the chairperson of such Commissions in such manner as may be determined by him.	40
Reservation for women in Public Service Commission.	11. The President or Governor of a State shall, while appointing the Chairman or members of the Union Public Service Commission, or of the State Public Service Commission, appoint as nearly as may be, one half of the members from amongst the women in such a manner as may be prescribed.	45

- 12.** Notwithstanding anything contained in any other law for the time being in force the President shall appoint the Chief Election Commissioner and other Election Commissioners in the Election Commission in such manner that there shall always be one woman Election Commissioner serving in the Election Commission. Reservation for women in the Election Commission.
- 5 **13.** Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall reserve as nearly as may be one half of the members of the Boards of autonomous bodies including Banks, Universities, Colleges, Councils, Boards etc. from amongst the women in such manner as may be prescribed. Reservation for women in Boards of various bodies.
- 10 **14.** The provisions 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 within this Act. Act to have overriding effect.
- 15 **15.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Women despite being nearly half of the country's population, still remain socially neglected and economically dependent on others and are educationally backward and an exploited lot. Majority of them are confined to their houses looking after their children and performing household chores. Many of them are still superstitious, orthodox and backward because literacy among them and more so in rural areas is significantly low. Now only, women are becoming aware of their multiple role and responsibilities and they have started playing a vital role in the polity of the nation right from village Panchayat to Parliament.

On the basis of their sheer number, women should have equal participation *vis-a-vis* men in the Governance of the nation but the fact is otherwise. Their participation is far from their potential. Despite being most suitable, no woman has ever occupied the office of either the Vice-President of India or the Chief Justice of India. Their number in Parliament is negligible, for example in Lok Sabha it is 66 and in Rajya Sabha 31. The gender profile of State Legislatures of the country is much like the same or even worse. The issue of reservation for women in Parliament and State Legislature is hanging for a long time. Most of the political parties swear for the upliftment of women but at the time of elections they give tickets mostly to male candidates. Similarly, women are neglected in the formation of the Council of Ministers at the Union as well as at the State levels. As such the representation of women is negligible in the Executive as also in the Legislature.

The representation of women in the Judiciary, notably in the Supreme Court and High Courts, is far from satisfactory, though, best legal brains amongst women are available in the country. Similarly, the Election Commission and the Public Service Commissions of the country are yet to get the requisite gender representation. So far fourteen Finance Commissions have been constituted but women have been completely ignored therein. Similar is the case in respect of Boards of Directors of various bodies of the Governments, Public Sector Enterprises and other institutions.

In Government services also, the representation of women is abysmally low as compared to men. It is below twenty percent and in reserved categories, the representation of women is negligible.

The most evident factor visible over the growing violence of women seems to be due to lack of adequate women representation in decision making bodies to safeguard their interests. Though their number in the Police service and the Defence forces is constantly on the rise, earning gallantry awards and bringing laurels to their forces and the nation but despite all this they still do not have much respite from sexual harassment from within their forces or otherwise.

However, with the demand of equal participation of women in decision making on the principle of equality enshrined in the Constitution, a beginning has been made by providing for reservation for women in local bodies like Village Panchayats, Municipalities, etc. but that is not enough. They should have equal participation in the governance of the nation on the basis of their numerical strength.

Hence this Bill.

ANUBHAV MOHANTY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

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to provide for the empowerment of women to enable them to have equal participation in the governance of the country by making reservations and such other provisions in the body polity such as executive, legislative and judiciary and for matters connected therewith or incidental thereto.

(Shri Anubhav Mohanty, M.P.)