



**PARLIAMENT OF INDIA  
RAJYA SABHA**

**36**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES,  
LAW AND JUSTICE**

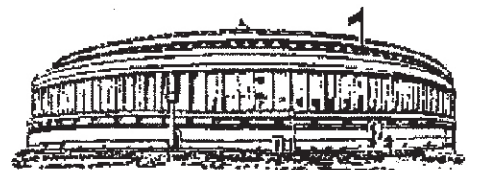
**THIRTY SIXTH REPORT**

**ON**

**THE CONSTITUTION (ONE HUNDRED AND EIGHTH AMENDMENT )  
BILL, 2008**

**(PRESENTED TO THE RAJYA SABHA ON 17<sup>TH</sup> DECEMBER, 2009)  
(LAID ON THE TABLE OF THE LOK SABHA ON 17<sup>TH</sup> DECEMBER, 2009)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI  
DECEMBER, 2009/PAUSA (SAKA 1931)**



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DECEMBER, 2009/PAUSA, (SAKA 1931)



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## COMPOSITION OF THE COMMITTEE (2009-10)

1. Shrimati Jayanthi Natarajan – *Chairperson*

### **RAJYA SABHA**

2. Dr. Abhishek Manu Singhvi
3. Shri Shantaram Laxman Naik
4. Shri Balavant *alias* Bal Apte
5. Shri Parshottam Khodabhai Rupala
6. Shri Virendra Bhatia
7. Shri Tiruchi Siva
8. Sardar Tarlochan Singh
9. Shri Parimal Nathwani
10. Shri H.K. Dua

### **LOK SABHA**

11. Shri Bhajan Lal
12. Shri N.S.V. Chitthan
13. Shrimati Deepa Dasmunsi
14. Shrimati Jyoti Dhurve
15. Shri D.B. Chandre Gowda
16. Dr. Monazir Hassan
17. Shri Syed Shahnawaz Hussain
18. Shrimati Chandresh Kumari
19. Shri Lalu Prasad
20. Dr. Kirodi Lal Meena
21. Kumari Meenakshi Natrajan
22. Shri Devji M. Patel
23. Shri Harin Pathak
24. Shri S. Semmalai
25. Shri Shailendra Kumar
26. Shri Vijay Bahadur Singh
27. Dr. (Shrimati) Prabha Kishor Taviad
28. Shri Manish Tewari
29. Shri R. Thamaraiselvan
30. Adv. P.T. Thomas (Idukki)
31. Vacant

(ii)

**SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Joint Director

Shrimati Niangkhanem Guite, Assistant Director



## INTRODUCTION

I, the Chairperson of the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorised by the Committee on its behalf, do hereby, present the Thirty Sixth Report on the Constitution (On Hundred and Eighth Amendment) Bill, 2008. The Bill seeks to amend the Constitution of India, to reserve seats for women in the Lok Sabha and Legislative Assembly of every State.

2. In pursuance of the rules relating to the Department Related Parliamentary Standing Committee, the Hon'ble Chairman, Rajya Sabha referred\* the Bill, as introduced in the Rajya Sabha on the 6th May, 2008 and pending therein, to this Committee on the 8th May, 2008 for examination and report.

3. Keeping in view the importance of the Bill, the Committee decided to issue a press communique to solicit views/suggestions from desirous individuals/organisations on the provisions of the Bill. Accordingly, a press communique was issued, in response to which memoranda containing suggestions were received, from various organizations/individuals experts, by the Committee.

4. The Committee considered the Bill in fourteen sittings and heard the oral evidence of the Secretary, Legislative Department, Ministry of Law and Justice in its meeting held on 27th May, 2008 and that of the Secretary, Ministry of Panchayati Raj in its meeting held on 10th June, 2008. The Committee also recorded oral evidence of various Political Parties which are represented in Parliament and Non-Governmental Organisations who have had close association with the subject matter of the Bill. During its Study Visits to Chennai, Kolkata, Mumbai, Lucknow, Patna, Bhopal, Bhubhaneshwar, Kochi, Bangaluru and Hyderabad, the Committee interacted with the respective State Governments, local Political Parties and stakeholders, in particular women's organizations, social workers, Jurists etc. on the provisions of the Bill. Meanwhile the 14th Lok Sabha was dissolved and the Committee became defunct. Thereafter, the 15th Lok Sabha was constituted and then the Committee was reconstituted on 31st August, 2009.

5. While considering the Bill, the Committee took note of the following documents/information placed before it : —

- (i) Background note on the Bill submitted by the Ministry of Law and Justice (Legislative Department);
- (ii) Views/suggestions contained in the memoranda received from State Government, various Political Parties/organisations/institutions/individuals/experts on the provisions of the Bill;
- (iii) The comments of the Legislative Department on the views/suggestions contained in the memoranda received from various Political Parties/organisations/institutions/individuals/experts on the provisions of the Bill;

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\*Rajya Sabha Parliamentary Bulletin Part-II (No. 45131) dated the 9th May, 2008.

(iv)

(iv) Views expressed during the oral evidence tendered before the Committee; and

(v) Other research material/documents related to the Bill.

6. The Committee adopted the Report in its meeting held on the 14th December, 2009.

NEW DELHI;  
14th December, 2009

JAYANTHI NATARAJAN  
*Chairperson,*  
*Committee on Personnel,*  
*Public Grievances, Law and Justice.*

## REPORT

1. The Constitution (One Hundred and Eighth Amendment) Bill, 2008 (Annexure-A) aims at eliminating gender inequality and discrimination against women, through political empowerment of women, so as to fulfill people's mandate of Women Empowerment as envisaged in the National Common Minimum Programme of the Union Government.

2. The Bill seeks:

- (i) to reserve, as nearly as may be, one third seats of the present strength of the House of People and Legislative Assembly of every State for women;
- (ii) to provide, as nearly as may be, one-third reservation for women including one-third the number of seats reserved for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assembly of every State to be reserved for women of that category;
- (iii) to provide for reservation for women in respect of nominations of members of Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States;
- (iv) to provide for reservation for women in the Legislative Assembly of the National Capital Territory of Delhi; and
- (v) to provide that reservation of seats for women should cease to have effect on the expiration of a period of fifteen years from the enactment of the Bill.

3. To give effect to the above proposals, a Bill to amend the Constitution has been introduced in Parliament which provides for:

- (a) amendment of articles 239AA, 331 and 333 and insertion of new articles 330A, 332A and 334A in the Constitution to provide for reservation for women in the House of the People and the Legislative Assemblies of the States; and
- (b) consequential changes in certain other related enactments.

4. The Statement of Objects and Reasons, accompanying the Bill states about the object in the following words:

“The issue of empowerment of women has been raised in different fora in the country from time to time. Political empowerment of women is rightly perceived as a powerful and indispensable tool for eliminating gender inequality and discrimination. The Government in its National Common Minimum Programme has stated that it will take lead to introduce legislation for one-third reservation of seats for women in Vidhan Sabhas and in the Lok Sabha. The aforesaid idea followed by debate amongst the political parties and in intellectuals has paved way in getting the insight in the matter...”

5. The Constitution (One Hundred and Eighth Amendment) Bill, 2008 was introduced\* in the Rajya Sabha on 6th May, 2008. It was referred\* by the Chairman, Rajya Sabha to this Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on 8th May, 2008 for examination and report.

6. The background note, furnished by the Ministry of Law and Justice on the Bill, stated as follows:

“During the years, a consistent demand has been made for giving adequate representation to women in Parliament and State Legislatures. Such a demand finds support in the 73rd and 74th Amendments to the Constitution made in the year 1992. There is a proposal to amend the Constitution and to provide for reservation in Parliament and State Legislatures. In the past, three Bills were introduced in Parliament in the years 1996, 1998 and 1999 respectively, but due to one reason or the other, the Bills could not be passed...The issue of providing reservation of seats for women in the Lok Sabha and the Legislative Assemblies of the States was first taken up by Parliament for deliberation through the introduction of the Constitution (Eighty-first Amendment) Bill, 1996 in the Eleventh Lok Sabha on the 12th September, 1996...The Constitution (Eighty-first Amendment) Bill, 1996 was referred to the Joint Committee of the two Houses of Parliament under the Chairmanship of (late) Shrimati Geeta Mukherjee, MP. The Committee presented its report to the Lok Sabha on the 9th December, 1996. The Constitution (Eighty-first Amendment) Bill, 1996, as reported by the Joint Committee of Parliament, lapsed with the dissolution of the Eleventh Lok Sabha. Thereafter, a similar Bill, namely, the Constitution (Eighty-fourth Amendment) Bill, 1998 was introduced in the Twelfth Lok Sabha, which also lapsed with dissolution of that House. Again, another Bill, namely, the Constitution (Eighty-fifth Amendment) Bill, 1999, prepared on the lines of the earlier Bills and introduced in the Thirteenth Lok Sabha on 23.12.1999 could not be considered due to lack of political consensus. The Bill also lapsed on dissolution of that House...”

7. The Committee heard the presentation of the Secretary, Legislative Department of the Ministry of Law and Justice on the Bill on 27th May, 2008. The Secretary, Ministry of Panchayati Raj deposed before the Committee on the Bill on 10th June, 2008.

8. In order to have a broader view on the Bill, the Committee decided to invite views/suggestions from desirous individuals/organisations on the Bill. Accordingly, a press release was issued inviting views/suggestions. In response to the press release published in major English and Hindi dailies and vernacular newspapers all over India on 18th May, 2008, a number of representations/memoranda were received.

8.1 The Committee forwarded the memoranda so received from the individuals and organisations to the Ministry of Law and Justice (Legislative Department) for their comments thereon. The list of these memoranda alongwith the gist of views and suggestions is placed at Annexure-B.

8.2 The major points raised in the memoranda are summarized as follows:

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\*Published in Gazette of India (Extraordinary) Part-II Section 2 dated the 6th May, 2008.

\*Rajya Sabha Parliamentary Bulletin Part-II (No. 45131) dated the 9th May, 2008.

- (i) Reservation for women should be same as nearly as may be, that of percentage of women out of the total population of India or States according to the census of 2001, of the seats of the present strength of the House of People and the Legislative Assembly of every State;
- (ii) Amongst the reserved constituencies, the reservation for women of SC/ST and OBC must also be made at the same percentage which is applicable in the case of reservations for employment to SC/ST and OBC category candidates;
- (iii) Muslim women, being weakest section of Indian society, needs a separate reservation quota in legislative bodies;
- (iv) Special quota for physically challenged women for inclusion in the Bill;
- (v) One third reservation for women should be provided in both the Houses of Parliament;
- (vi) One third among the reserved seats for women should be provided to the SC/ST/OBC women in Parliament and State Legislatures;
- (vii) Reservation for women to be provided for not only 15 years, but should be continued to next 15 years also;
- (viii) Reservation of seats for the Neutral Gender in the House of the People;
- (ix) It should be made compulsory for political parties to give at least 33% party tickets to women, as per Gill formula;
- (x) Dual member constituencies may be established, amending Articles 81 and 170 of the Constitution;
- (xi) Tri cameral legislature system;
- (xii) One third reservation for women both in Parliament and State Assemblies is a grave necessity with respect to the promotion of gender equality in all spheres of human endeavour and to do away with the general backwardness of women at all levels;
- (xiii) Quota is not an answer to women's problems and quota results in discrimination on the basis of gender, violation of the democratic right of people to choose their representatives and violation of the democratic right of people to contest elections. The reservation will only help elite women who are proxy of powerful men; women candidates may not get party ticket to contest from unreserved constituency etc. Therefore, there is no need for reservation for women in the Legislatures;
- (xiv) O.B.C. women will not be empowered without quota;
- (xv) There should be a quota within the women quota for SC, ST, OBC, Minority, Urban, Rural etc. for genuine empowerment of all the segments of women of our society;
- (xvi) In view of the provision contained in Article 15(4) of the Constitution of India and Indian Panchayati Raj Act, 1994, 50% reservation (out of 33%) should be given to the women of Other Backward Classes on the basis of their population strength in each State of India, as per preceding decennial census. 50% share in democracy may be provided to

women in the country which may play a big role to raise the status as well as benefit for the Other Backward Classes;

- (xvii) Political parties should be made responsible to ensure distribution of tickets in such a manner that the various social and economic strata of society, especially marginalized and disadvantaged groups, get adequate representation;
- (xviii) The policy of rotation of seats will prevent the candidates from nurturing their constituencies over a period of time;
- (xix) With regard to the issue of terminating the reservation policy after a period of 15 years, after 15 years of enforcement, the policy of reservation should be assessed to gauge the impact it has had on the participation of women in politics in terms of numbers and roles. Whether it should be continued or terminated should be reviewed on the basis of considerations of this assessment; and
- (xx) Nomination of trans genders as Members of Lok Sabha in the place of the Anglo Indian representatives should be considered since many Anglo Indians have shifted to their place of origin and also since their population is insignificant in number.

8.3 The Legislative Department has responded on the comments/suggestions contained in the memoranda as under:

“It is a matter of policy. On the basis of the report/recommendations of the Parliamentary Standing Committee, the Department will go to the Cabinet for taking a policy decision”.

8.4 A Questionnaire on the Bill was also prepared by the Secretariat and forwarded to the Ministry for their replies. The reply to the Questionnaire was furnished by the Ministry on 22nd July, 2008 and the same was considered by the Committee. (Annexure ‘C’)

9.1 The Committee decided to seek the views of the Political Parties which are represented in the Parliament in writing and also to invite them for hearing before the Committee. Accordingly, the Chairman of the Committee wrote to the heads of these Political Parties. In response, the Committee received written comments from the Political Parties *viz.*:- Communist Party of India (Marxist), Indian National Lok Dal, Maharashtrawadi Gomantak Party, All India Anna Dravida Munnetra Kazhagam, Dravida Munnetra Kazhagam, Desiya Murpokku Dravida Kazhagam, All India Forward Bloc, Janata Dal (United), Marumalarchi Dravida Munnetra Kazhagam, Bhartiya Janta Party, Communist Party of India (Tamil Nadu State Council), Indigenous Nationalist Party of Twipra, Pattali Makkal Katchi, Dravidar Kazhagam, Nationalist Congress Party, Bahujan Samaj Party, Indian National Congress, Mizoram Peoples’ Conference, Samajwadi Party, Rashtriya Janta Dal, Indian Union Muslim League, Swatantra Bharat Paksha and CPI (Marxist-Leninist).

9.2 The representatives of Political Parties appeared before the Committee on the Bill on 17th and 18th June, 2008 *viz.*:- Communist Party of India (Marxist), Communist Party of India, Indian National Congress, All India Anna Dravida Munnetra Kazhagam, Dravida Munnetra Kazhagam and All India Forward Bloc.

9.3 The Committee also heard the views of various NGOs *viz.* National Federation of Indian Women, All India Democratic Women’s Association, Guild of Service (North India), Women Power

Connect, Rakshak Foundation, Delhi Janwadi Mahila Samiti and Streebal on the Bill in its meetings held on 3rd, 17th and 18th June, 2008 and 8th July, 2008. The Committee further held in-house discussion on the Bill on 17th July, 1st August, 18th September, 7th October, 2008; 28th January, 16th February and 10th November, 2009.

9.4 The Committee heard the views of the State Governments of Tamil Nadu, West Bengal, Maharashtra, Uttar Pradesh, Bihar, Madhya Pradesh, Orissa, Kerala, Karnataka and Andhra Pradesh on the Constitution (One Hundred and Eighth) Amendment Bill, 2008 and held discussions with the representatives of Political Parties, NGOs, individuals and stakeholders on the Bill during the course of its Study Visits to Tamil Nadu, West Bengal, Maharashtra, Uttar Pradesh, Bihar, Madhya Pradesh, Orissa, Kerala, Karnataka and Andhra Pradesh.

9.5 The Committee also interacted with the Political Parties at the State level during its Study Visits *viz.:-* Marumalarchi Dravida Munnetra Kazhagam, Indian Union Muslim League, Communist Party of India, Communist Party of India (Marxist), Bahujan Samaj Party, Nationalist Congress Party, All India Anna Dravida Munnetra Kazhagam, Bharatiya Janata Party, Indian National Congress, Dravida Munnetra Kazhagam, Desiya Murpokku Dravida Kazhagam, Samatwa Makkal Katchi, Dravida Kazhagam and Pattali Makkal Katchi at *Chennai*: Indigenous Nationalist Party of Twipra, Bharatiya Janata Party, Democratic Socialist Party, West Bengal Socialist Party, Revolutionary Socialist Party, Rashtriya Janta Dal, Communist Party of India, Communist Party of India (Marxist), Indian National Congress and All India Forward Bloc at *Kolkata*: Bahujan Samaj Party, Nationalist Congress Party, Communist Party of India (Marxist) — Maharashtra State Committee, Shiv Sena, Bharatiya Communist Party, Bharatiya Communist Party (Marxwadi), Communist Party of India (Marxist) — Maharashtra State Council, Bhartiya Janata Party and Indian National Congress at *Mumbai*: Congress Party — U.P. Congress Committee, Samajwadi Party, Rashtriya Janata Dal, Janata Dal (United), Bahujan Samaj Party, Bharatiya Janata Party, Indian National Congress, Nationalist Congress Party and Communist Party (Marxist) State Committee at *Lucknow*: Communist Party of India, Bihar Pradesh Samajwadi Party, Janta Dal (United), Bahujan Samaj Party, Nationalist Congress Party, Bihar Pradesh Congress Committee, Communist Party of India (Marxist), Marxwadi Communist Party and Communist Party of India (Marxist-Leninist) at *Patna*: Communist Party of India (Marxist), Nationalist Congress Party, Indian National Congress, Rashtriya Janata Dal and Communist Party of India at *Bhopal*: Bharatiya Janata Party, Biju Janata Dal, Communist Party of India, Communist Party of India (Marxist), Indian National Congress, Jharkhand Mukti Morcha and Nationalist Congress Party at *Bhubhaneshwar*: Janathipathiya Samrakshana Samithy, Indian National Congress, Kerala Congress (Jacob), Kerala Congress (Secular), NSP, Kerala Jan Congress, Indian Muslim League and Janata Dal at *Kochi*: Indian National Congress, Nationalist Congress Party, Bahujan Samaj Party and Bharatiya Janata Party at *Bangaluru*: and Bharatiya Janata Party, Communist Party of India (Marxist), A.P. Congress Committee, Telangana Rashtra Samiti, Telugu Desam Party, Indian National Congress and Bahujan Samaj Party at *Hyderabad*.

9.6 The Committee also sought the views of all the State Governments on the provisions of the Bill. The Governments of NCT of Delhi, Himachal Pradesh, Meghalaya, Andaman and Nicobar Administration, Rajasthan, Dadra and Nagar Haveli Administration, Union Territory of Lakshadweep Administration, Haryana, Union Territory of Chandigarh Administration, Assam, Jammu and Kashmir, Orissa, Chhattisgarh, Nagaland, Mizoram, Gujarat and Punjab submitted their written comments thereon.

9.7 The Government of National Capital Territory of Delhi has stated that “the Bill is acceptable to this Government”. The Government of Himachal Pradesh has stated that “this State Government is of the considered view that the above Bill which provides for one-third reservation of seats for women in the House of People and Legislative Assemblies (including seats reserved for Scheduled Castes and Scheduled Tribes) is a forward step to achieve the objective of eliminating gender inequality and ensuring political empowerment of women. Thus, this Government conveys its approval on the said Bill.

9.8 The Government of Meghalaya has stated that “as far as the State of Meghalaya is concerned, the proposed amendment is not agreeable as presently women are not banned from contesting election alongwith men from the reserved seats for Scheduled Tribe.” The Andaman and Nicobar Administration has stated that “since this Union Territory is without a legislature, all Bills, Acts, Policy decisions adopted by the Central Government are implemented here and hence this Union Territory Administration has no specific comments to offer on the Women Reservation Bill”.

9.9 The Government of Rajasthan has stated that “the Bill under question should be brought in at an early date as the same shall provide legal opportunities of adequate representation in Parliament, Rajya Sabha and also in State Assemblies.” The Dadra and Nagar Haveli Administration has stated that “this U.T. Administration is a centrally administered territory having no legislature. All the instructions/guidelines with respect to the electioneering including Reservation Policy as issued by the Election Commission are implemented by the U.T. Administration. As such, this U.T. Administration has no comments to offer on the proposed enactment.”

9.10 The Administration of the Union Territory of Lakshadweep has stated that “...there is only one Lok Sabha seat reserved for Lakshadweep for the present. This Union Territory Administration has therefore no any specific comments in the proposed Bill.” The Government of Haryana has stated that “...State Government is fully supportive of the Bill introduced by the Government of India.”

9.11 The Administration of Union Territory of Chandigarh has stated that “...U.T. Chandigarh is without legislature. U.T. Chandigarh constitutes one constituency in the House of the People. Though the issue is not of much relevance to the U.T., there being no State Legislature yet a perusal of the Bill reveal that this seeks to empower the women and eliminate gender inequalities and discrimination. There is already a provision of reservation for women in the Urban Local Bodies/PRI as provided under Part IX and Part IX-A of the Constitution of India. The purpose of providing such reservation at the grass root level in the institutions of local self governance has been fulfilled to a large extent though the same may not be visible/apparent as of now. Provision of reservation for women in the Assemblies/Lok Sabha would be another step in the direction”.

9.12 The Government of Mizoram has stated that “...this State Government has objected the above stated Amendment ‘Women Reservation Bill’ as it would result as many as thirteen seats out of only forty seats in the State Legislature.” The Government of Assam has stated that “...the Government of Assam is in agreement with the different provisions contained in the Constitution (One Hundred and Eighth Amendment) Bill, 2008 subject however to inclusion of a suitable provision that for both the Lok Sabha and Legislative Assembly, the seats once reserved for women should continue to be so reserved for a period of two terms of such Lok Sabha or Legislative Assembly. This it felt was necessary to suitably empower the women. This provision would however not apply to cases of single or double



seats in which case the procedure as provided in the Constitution (One Hundred and Eighth Amendment) Bill, 2008 should be followed”.

9.13 The Government of Jammu and Kashmir has stated that “...The purpose of the Bill is laudable so far as providing of reservation of women is concerned. State of Jammu and Kashmir has its own Constitution and attempts have been made for providing 20% reservation of seats to women by enhancing the strength of number of seats in the State Legislative Assembly. However, the said Bill could not see the light of the day and was deferred as no national consensus had been arrived at the national level. The passing of the Bill was also deferred because 2/3rd majority was required for passage of the Bill in both the Houses. The State Government is committed in providing reservation to the women and will follow suit as and when reservation is provided to the women at the national level. With regard to amendment of providing reservation to the women in Parliament is concerned, the said amendment shall not apply to the State of J&K automatically in view of peculiar constitutional position the State is enjoying under the Constitution of India, in its application to the State of Jammu and Kashmir. The said amendment shall have to be extended to State of Jammu and Kashmir in terms of provisions of Article 370 of the Constitution of India”.

9.14 The Government of Orissa has stated that “...The State Government is in agreement with the suggestions regarding the reservation of seats in Lok Sabha and Legislative Assemblies of the States in favour of women”. The Government of Chhattisgarh has stated that “Reservation of woman in the House of People and in the Legislative Assemblies of the States would eliminate gender inequality and discrimination in order to achieve empowerment of woman in the society. State of Chhattisgarh is agreed with the proposed 108th Constitution Amendment Bill”.

9.15 The Government of Nagaland has stated that “...The All Political Party Consultative Committee after a thorough deliberation took a decision not to accept the Bill on the Women’s Reservation.” The Government of Gujarat has stated that “... the proposed amendments are proper.” The Government of Punjab has stated that “...the State Government is agreed with the proposal regarding reservation for women in the House of People and in the Legislative Assembly of the State.”

## **Chapter-II**

### **Deliberations of the Committee on various provisions of the Bill**

#### **Rationale behind reservation for women**

10.1 Clause 3 of the Bill proposes to insert Article 330A(1) in the Constitution which provides for reservation of seats for women in Lok Sabha.

10.2 Clause 5 of the Bill proposes to insert Article 332A (1) in the Constitution, which provides for reservation of seats for women in the Legislative Assembly of every State.

10.3 The Committee notes that as per the latest statistics from NIPCCD (National Institute of Public Co-operation and Child Development) published in 2007, women represented 8.2% in the Lok Sabha and 11.4% in Rajya Sabha in the year 2004. Equally their representation in Central Council of Ministers in the year 2004 has been extremely low at 10.29%. Also the participation of women in executive position in IAS, was only 10.42% in the year 2002 and in IPS 4.44% in the year 2005. Women hardly occupied 4.5% in the year 2005 of total number of judges in Supreme Court and 3.31% in the High Court as on 2003 statistics.

10.3.1 One of the Members of the Committee, while deliberating upon the Bill, opined that “...the present Constitutional Amendment has been brought in the context of political and social justice to be given to women. We fully agree that women should be given their due representation so that we are able to render justice, at least, after six decades of our independence...”

10.3.2 The representative of AIADMK, while tendering oral evidence before the Committee on the Bill, stated that “...the study done by the International Labour Organisation shows that while women represent 50 per cent of the world’s adult population and a third of the official labour force, they perform nearly two-third of all working hours, receive a tenth of world’s income and own less than one percent of the world’s property. So, reservation for women is not a bounty but it is an honest recognition of their contribution to social development and to the society at large...”

10.3.3 The representative of the All India Forward Bloc, while deposing before the Committee on the Bill, stated thus:

“...When 50 per cent of the sky is covered with women, they must have their legitimate say in determining/establishing their own rights in the society and the State. It is shameful for a country with over 50 crores women, not even 10 per cent of the total number of legislators in the Parliament and the State Assemblies come from women. Hence their problems, sufferings and aspirations are not properly reflected in the deliberations of the law-making houses. It is true that women are not debarred from contesting Assembly or Parliamentary elections, but due to age-old traditions of our male dominated society, the women generally do not or cannot come out of the family restrictions or natural shyness to contest the elections in proportionate numbers along with their male counterparts. As a result of which

women are compelled to miss the proportionate representation and they are only obliged to follow the male members of the family in the matters of public interest. There is no logic in saying that women are deficient in physical, mental and intellectual capabilities. Still, they have been forced to be earmarked as the weaker sections of the society. In fact, by keeping 50 per cent of the society weaker we have made the whole society weak. In such a situation, some compulsory legislative measures to be taken for proportionate representation of the women in the House of People...”

10.3.4 In its written memorandum on the Bill, the All India Forward Bloc has further stated that “...women need additional support for their upliftment and provisions must be made in the Constitution for women reservation, which only can ensure much talked about empowerment of the women...”

10.3.5 The Nationalist Congress Party, in its memorandum submitted before the Committee, has stated that “...Women are being denied of their due share in the highest democratic institution of our country and in running the administration of the country...”

10.3.6 The Dravidar Kazhagam, in its memorandum has opined that “...when half of the world population remains permanently weak and does not have a voice and the right to make a choice of its own in public sphere, the loser is the whole human race...”

10.3.7 The Pattali Makkal Katchi (PMK), has submitted in its memorandum on the Bill that “...A nation’s development hinges on the development of its people and not on its Gross Domestic Product or per-capita income alone. However, People’s development revolves round the equitable and balanced development of people belonging to all sections of the society, especially in a country like India, where heterogeneity and diversity is rule rather than an exception. In a vast country like India with a population of about 112 crores, women constitute half of the population. Therefore, a comprehensive development of Indians is possible, if only half of the Indian population *viz.* women population register equitable development on par with men...”

10.3.8 The Marumalarchi Dravida Munnetra Kazhagam (MDMK), has opined in its written submission that “...The democracy cannot exist unless all citizens, men and women, have the equal right to participate in the affairs of the country...Parliamentary democracy is a part of the basic structure of our Constitution. The true democracy is meaningless unless women are there to represent...The special reservation in favour of women in the House of People and State Legislature the need of hour...”

10.3.9 The representatives of CPI, while tendering oral evidence before the Committee, stated that “...we think that one-third of the seats in Parliament and State Assemblies should be reserved for women. It is not a favour that we are doing; I think it is their right. After all, they are half the society. I am always fond of quoting Mao Zedong on this issue that, after all, they too hold up half the sky. They should normally be half, but I think, it will take some time before we reach that stage. So, let us begin with the concept of one-third...”

10.3.10 The representative of DMK, while deposing before the Committee on the Bill, stated that “...in Afghanistan, 30 per cent reservation is provided for women in their Legislative bodies. In Pakistan, 17 per cent seats in the Legislatures are reserved for women. In Argentina, 30 per cent quota is there for women. Nepal will soon enact 30 per cent reservation for women in its National Assembly. South Africa has 30 per cent reservation and the present women representation in their Parliament comes to 34.8 per cent...”

10.3.11 The Mizoram Peoples' Conference, in its written memorandum has stated that "...That the Mizoram Peoples' Conference (Party) whole — heartedly supports the Women's Reservation Bill, which was introduced to the Parliament (Rajya Sabha) on the 6th May, 2008 to become the Constitution (One Hundred and Eighth) Amendment Bill, 2008..."

10.3.12 In its written submission, the Indian National Congress, has stated that "...The Congress party supports the Bill as it has been introduced in the Rajya Sabha. However, we are also willing to go with the consensus that may evolve amongst the various political parties represented in the Standing Committee regarding certain other aspects, in order to facilitate early passage of the Bill..."

10.3.13 The Committee takes into account the above mentioned views on the Bill. It notes that Article 15 (3) of the Constitution of India explicitly provides that the State can make any special provision for women. Furthermore, social and political justice; and equality of status and opportunity are adumbrated in the Preamble of the Constitution.

**10.3.14 The Committee is of the firm opinion that there is no adequate representation of women in the social, economic and political life of the country even after more than 60 years of independence. It notes that though women have made their presence felt in many male dominated professions, their representation in the decision making bodies/processes is far less than that of men. The Committee acknowledges that there has been a historical social exciusion of women from polity due to various social and cultural reasons and patriarchal traditions. The Committee feels that meaningful empowerment of women can be achieved only with adequate participation by women in legislative bodies or Parliamentary machinery, as inadequate representation of women in Parliament and State legislature is a primary factor behind the general backwardness of women at all levels.**

**10.3.15 The Committee is of the unanimous opinion that reservation of seats for women is a valid and necessary strategy to enhance women's participation in the decision/policy making process. It feels that representation of women in policy making machineries is critical to the nation building process.**

10.3.16 The Committee further takes note of the opinion of the representatives of the National Federation of Indian Women, who tendered oral evidence before the Committee on the Bill, that "political empowerment of women is also an equally essential tool for strengthening democracy...We are having this opinion because we believe that women's participation in decision making process is very much essential for meaningful democracy..."

10.3.17 A closer look at the facts and circumstances which prevail at present, reveal that women are impoverished in every sphere of activity not by choice but by systematic exclusions from policy options and protective measures. Neither social legislations nor landmark judgments on these have had major effect to render gender justice on this count.

**10.3.18 The Committee takes note that in all walks of life, women who acquired the necessary skills and education have proved themselves capable of holding of their own. But unfortunately they have failed to gain the requisite ground in the field of politics. All these trends indicate that women's representation in politics requires special attention and positive action.**

10.3.19 The delegates of the All India Democratic Women’s Association, while placing its views before the Committee, stated that “...India has a very proud record of Parliamentary democracy – our Government representatives always speak about the fact that there are more elected women representatives in India than any other country; that is, there are more than a million women representatives. This is naturally something that we are very proud of. But we often forget that these more than a million Members are at the level of the Panchayati Raj Institutions and the local bodies, and they have been elected because a Statutory Provision has been provided for their election. Now, more than one-third of the seats in many of the States are actually reserved for women, and even in those States where only one-third are reserved at that level, because of their good work and their good performance, there are now actually more than 33 per cent. In some places, there are 42 per cent of them; at other places, they are more in number. This has come about because a statutory provision has been made to that effect...”

**10.3.20 The Committee is of the considered view that reservation for women is needed to compensate for the social barriers that have prevented women from participating in politics and thus making their voices heard. It is of the opinion that this Bill is a crucial affirmative step in the right direction of enhancing the participation of women in the State legislatures and Parliament and increasing the role of women in democratization of the country.**

10.3.21 In their presentation on the Bill, the Delhi Janwadi Mahila Samiti informed the Committee that women’s representation in the Legislative Assembly of Delhi has witnessed a decline from the 2nd to the 3rd Assembly after an increase from the 1st to the 2nd as under:

Delhi Assembly	Total MLAs	Women MLAs	% Share of Women
1st Assembly (1993-1998)	70	3	4.3%
2nd Assembly (1998-2003)	70	9	12.9%
3rd Assembly (2003-)	70	6	8.6%

10.3.22 In the memorandum submitted by the DMK, the following figures were given with respect to the Legislative Assembly Elections in Tamil Nadu between 1989 and 2006 :—

Year	Total Women Contestants	Total Elected
1989	70	9
1991	102	32
1996	156	9
2001	112	25
2006	156	22

10.3.23 The above mentioned figures reveal that out of the 234 seats in the Tamil Nadu Legislative Assembly, the highest number of women elected in one election during the last four elections are only

32, which amounts to a mere 14 per cent. **This underlines a clear need for a Constitutional provision to ensure a minimum representation of women in the Parliament and State Legislatures.**

10.3.24 One of the Members of the Committee, while deliberating on the Bill, stated thus:

“... we are not seeking charity here. We are representing 51% of the population of this largest democracy of the world. It is our basic right. We are contributing to the society. We are contributing to the culture, family, State, nation and human resources development...”

**10.3.25 The Committee is of the firm opinion that reservation is needed to ensure the participation of women who constitute a traditionally neglected section of the society. The Committee feels that in the true democratic spirit, no class/community should be excluded from the decision making due to the social and economic barriers placed upon that gender as a whole, and merely hypothetical tokenism or symbolic participation should be avoided. It is of the firm opinion that ‘Reservation’ is a sociological concept evolved to bring about social reengineering and that reservation for women is, therefore, needed to make the democratic process inclusive.**

10.3.26 One of the landmark events in history during the women’s movement particularly in the late 80s was the vision of former Prime Minister Shri Rajiv Gandhi who incorporated the 73rd and 74th Amendments in the Constitution of India providing reservation of 1/3rd seats in the Panchayats and Nagarpalikas for women. The Committee feels that such reservation ensured that women at the grassroot level, occupying prominent position in the Panchayats and Nagarpalikas, take decisions for their own life and for their rural/urban communities on many issues of concern. It also imparted a gender perspective to issues concerning social and economic life of women.

10.3.27 The representative of DMK, while deposing before the Committee on the Bill, stated that “...The denial of equal right of representation to half of the population is not only injustice to women, but, we believe, it weakens the democratic process itself. India set a record to be proud of with the largest number of women of over one million in decision-making bodies at the Panchayat and Municipal level. Unfortunately, the correct lessons from this historic achievement, however, have not been learned...”

10.3.28 The delegates of the Guild of Service (North India), while tendering oral evidence before the Committee on the Bill, also stated that women in the Panchayati Raj systems have done a tremendously good job.

10.3.29 The Committee notes that reservation of the seats for women in Panchayati Raj institutions was a pioneering step as far as political empowerment of women is concerned. It feels that the Panchayati Raj amendment was more effective than expected in energising women and it is the major reason to legitimize the demand for reservation in higher bodies such as State Legislatures and Parliament.

**10.3.29.1 Taking into account the above mentioned facts and opinion, the Committee is of the firm view that reservation of seats for women in Panchayati Raj institutions through the Constitution (73rd and 74th Amendment) was a pioneering step as far as political empowerment of women is concerned. It feels that the reservation in Panchayati Raj institutions was more effective than expected in energising women and has underscored the need for reservation in higher bodies such as State Legislatures and Parliament.**

10.3.30 The Ministry of Panchayati Raj, in its written reply furnished to the Committee, has stated that “...the study on elected women representatives (EWRg) in Panchayati Raj Institutions provides several insights into the performance of EWRs over three round of elections. The study showed that elected representatives are deeply involved in development efforts as well as social issues in the village community. The study of EWRs in PRIs shows that women participate freely in Gram Sabha meetings and are able to raise issues relating to the development of the community. The level of acceptance of EWRs and their voice in the Gram Panchayats has also been assessed in the study. A sizeable proportion (94%) stated that they could freely raise issues during Gram Sabha meeting and only 20% felt that their views were not considered by Panchayat/Gram Sabha...”

10.3.31 The data further shows that through 1/3rd reservation of seats for women in Panchayats and Nagarpalikas, they have been able to make meaningful contributions and that the actual representation of women in Panchayati Raj institutions has gone upto 42.3% *i.e.*, beyond the reservation percentage.

**10.3.31.1 The Committee, therefore, notes that the concerns raised earlier that women will be only proxy to men, after reservation was given to women in Panchayats and Nagarpalikas, often leading to misuse of their position, have in time turned out to be baseless and that the track record of most of the elected women representatives has been proved commendable. This has led the Government to make 50 per cent reservation for women in local bodies. This further augments the imminent need to give reservation for women in State Assemblies and Parliament.**

10.3.32 The Ministry of Panchayati Raj, in its detailed Status Note on the subject ‘Empowerment of women through Panchayati Raj Institutions and Reservations for Other Backward Classes in Panchayats’, has stated that “...The last fifteen years of Panchayati Raj in India have contributed significantly not only to the political but also the social empowerment of women as is evident from the findings of the study on EWRs in PRIs. Earlier notions of women being mere proxies for male relatives have gradually ceded space to the recognition that given the opportunity to participate in the political system, women are as capable as their male counterparts. The impact of women’s participation in the Panchayats is seen in the development priorities identified by them. EWRs have used their office to not only mainstream gender issues but also address the developmental needs of the community as a whole. The positive contribution made by EWRs needs to be sustained by ensuring the continued participation of women in the political process...”

**10.3.3 The Committee is of the opinion that it was through 1/3rd reservation of seats for women in Panchayats and Nagarpalikas that women were enabled to make meaningful contributions in these bodies. It notes that the actual representation of women in Panchayati Raj Institutions has gone upto 42.3% *i.e.*, beyond the mandatory reservation percentage which is proposed to be further raised to 50%. The Committee feels that this proves that strategic empowering measures are the need of the hour for the upliftment of women.**

**10.3.34 The Committee acknowledges the definite and positive impact that the reservation of 1/3rd seats at the grass root level for women has had, on the participation of women at the grass root levels.**

10.4 The representatives of an NGO, Rakshak Foundation who deposed before the Committee stated that since women have been granted equal political rights in India by the Constitution, there is no need for reservation for women, as it will discriminate against men. In support of their stand, they stated

that large number of women have made meaningful contributions in India's Panchayati Raj System and apprised the Committee of the progress made by women in various fields.

10.4.1 One of the views presented before the Committee was that the provisions of the Bill discriminate against men. Another argument that was put forward was that reservation of seats for women alone cannot solve the complex problem of gender injustice.

**10.4.1.1 The Committee feels that the various policies and programmes adopted by the Central and State Governments have mainly been responsible for the astounding rate of growth of opportunities in education and employment for women in India. It is of the view that what is lacking at present is the political empowerment of women in its true sense. The commendable representation and performance of women in Panchayats is largely due to statutory reservation of seats for them. Therefore, the Committee strongly feels that reservation would ensure considerable political empowerment of women and pave the way to the achievement of political justice to women as promised in the Preamble and Article 38 of the Constitution of India.**

**10.4.1.2 Taking into account the increase in the interest shown by women in the political process in the country as substantiated by various studies and data supplied to the Committee, the Committee feels that this is furthermore reason to enable women to have greater participation in the decision/policy making process. It is of the view that the reservation proposed in the Bill is an affirmative step in this direction.**

10.4.1.3 A view was expressed before the Committee that consequent upon reservation of 1/3rd of seats in State Assemblies and Lok Sabha, the sitting members in case they happen to be male members who have nurtured their constituencies will suffer injustice, as will other males who might wish to contest from the reserved constituency. The propounders of this view opined that if at all the reservation is granted to women, it should be done by increasing the seats in Assemblies and Parliament. **In this context, the Committee wishes to place on record that the rationale behind reservation for women, is to mitigate the deleterious effects of social and economic barriers that have prevented the political empowerment of women, and not to discriminate against men through the process of reservation; but to instill a new harmonious social order promoting genuine fraternity between both the sexes.**

**10.4.1.4 The Committee is of the considered opinion that the pertinent question at this juncture is not whether there is necessity of reservation of seats for women in Parliament and State Assemblies. It is of the view that the recommendations of the Geeta Mukherjee Committee which had examined this issue earlier make it amply clear that the reservation for women is the need of the hour. Since this matter is well settled, the Committee is of the considered view that taking into consideration the Report of the Geeta Mukherjee Committee, views of the Political Parties, NGOs and individuals, other provisions of the Bill should be deliberated upon.**

#### **Reservation of 1/3rd seats for women**

11.1 The representatives of the Communist Party of India (Marxist), while deposing before the Committee on the Bill, stated that "...We are fully in favour of reservation of 33 per cent of seats in Parliament and State Legislatures. We consider this the minimum number required to make an effective



impact on increasing women's role in elected decision-making bodies. There should not be any dilution in the number of seats reserved. Sir, 1/3rd reservation of seats in Panchayat institutions and municipalities is working very well..."

11.2 The CPI (M), in its written memorandum, has stated that "...We are in favour of reservation of thirty-three percent seats in Parliament and State Assemblies. We believe that the one-third seat reservations have worked well in the Panchayati Raj system as well as in local bodies. It has been seen that this is the minimum number required to make an impact on increasing women's role in elected decision making bodies, therefore, there should be no dilution of the number of seats to be reserved..."

11.3 The representative of the Indian National Congress, while tendering oral evidence before the Committee, stated that "...Thirty-three per cent reservation for women has been our demand. This has been considered by the U.N. agencies and others as the critical mass to influence the decision-making process in any Body. It is not that it is a sacrosanct thing which has been calculated on computers or whatever it is. But this is what has been our demand all along, though we are fifty per cent of population..."

11.4 In its written submission, the PMK has stated that "...Since woman population is almost half of the Indian population, reservation of seats to women in State Legislatures and Parliament should be in proportion to the population of women in total population *i.e.* about 50 per cent. Therefore, reservation of 33% falls short of 50% of the seats as required by the canon of social justice. However, we do not dispute this proportion of 33% at this juncture for various issues and also of the necessity to provide for reservation to women immediately..."

**11.5 In this regard, the Committee notes that 33% reservation of seats for women in Panchayats and Municipalities has had the desired effect on the empowerment of women. It is of the considered view that 1/3rd reservation of seats in Assemblies and Lok Sabha would ensure a certain level of presence of women that cannot be overlooked by Political Parties. Therefore, it is of the opinion that dilution of the 1/3rd reservation of seats for women is not called for at this juncture.**

#### **Time period for reservation**

12.1 Clause 7 of the Bill provides that the reservation of seats for women shall cease to have effect on the expiration of 15 years from the commencement of the Constitution (One Hundred and Eighth Amendment) Act, 2008.

12.2 One of the Members of the Committee, opined during the discussions of the Committee on the Bill that "...Of course, the reservation is not a rule of perpetuity. It will have to end at a particular period..."

12.3 The representatives of Women Power Connect, while tendering oral evidence before the Committee on the Bill, stated that "...An in-depth review of the policy and its impact upon completion of 15 years will display the results of reservation based on the same as informed decision of success or failure of the policy and further continuation of the policy can be taken. Such a process will also identify and plug gaps in policy and implementation which will enhance the effects of policy if it is to continue..."

12.4 In one of the memoranda submitted to the Committee, it was stated that with regard to the issue of terminating the reservation policy after a period of 15 years, once it has completed 15 years of enforcement, the policy of reservation should be assessed to gauge the impact it has had on the participation of women in politics – in terms of number and roles and that whether it should be continued or terminated should be reviewed on the basis of considerations raised by this assessment.

12.5 In its written memorandum, the PMK has submitted that “...We are taking a deliberate decision to provide for reservation for women in political decision-making bodies after 60 years of India’s Independence and to withdraw this after 15 years would not help the long term representation of women in State Assemblies and Parliament...”

12.6 The Indigenous Nationalist Party of Twipra, has expressed its written view that “...In the proposed new Article 334A cessation of effect of the Act should be only after the year 2026 *i.e.* after the census conducted, conforming to the direction of clause (3B) of Article 332...”

12.7 In this regard, the Geeta Mukherjee Committee had recommended that “the provisions governing the reservation of seats for women in the House of the People or the Legislative Assemblies of the States should be in the first instance for a period of 15 years from the date of commencement of the Act and may be reviewed after a period of 15 years to decide whether the reservation for women is to be continued thereafter.”

**12.8 Taking into account the above mentioned views, the Committee recommends that the Government may consider this proposal as and when the need arises. The Committee feels that reservation is certainly needed to enable women to cross the socio-gender hurdles and to give them a level playing ground/equal opportunities as their male counterparts. Once this “equalisation” process is done and “adequate” political representation of women is achieved, then the time prescribed for reservation may be reconsidered.**

### **Rotation of seats**

13.1 Clause 3 of the Bill proposes to insert Article 330A(3) in the Constitution, which provides for rotation of seats reserved for women in Lok Sabha.

13.2 Clause 5 of the Bill proposes to insert proviso to Article 332A (3) of the Constitution, which provides for rotation of seats reserved for women in State Assemblies.

13.3 One argument raised against rotation of seats is that it will lead to lack of accountability and that rotation of seats will prevent the incumbent from nurturing her constituency.

13.4 The representative of CPI (M), while tendering oral evidence before the Committee on the Bill, opined that “...We also agree with the proposal of rotation of seats. Rotation of seats also helps horizontal spread of women’s involvement in the political affairs of the country. We do not subscribe to the argument that this may cause a change over of experienced MPs. and MLAs and, therefore, may adversely affect the political discourse. The experienced members can seek acceptance from any other constituency. It is also a fact that women elected from these constituencies are as efficient, or, more efficient than the present incumbents...In a vibrant democratic system, it is the State and national interest and policies that should have precedence over constituency interest...”

13.5 In its written memorandum, CPI (M) has stated that "...We cannot base our democracy on a no-change approach which may lead to political monopolies and entrenched interests which are an anathema to democratic processes. Rotation of women reserved seats also helps horizontal spread of women's involvement...Since all seats will be rotated at some point or the other this will "affect" all in equal measure. The reservation of seats may be done in such a way so that the road map for reservation is known in advance for the next three terms so as to eliminate uncertainty and allow for planning..."

13.6 The representatives of the Communist Party of India, while deposing before the Committee on the Bill, stated that "...It has to be on rotation basis. How should it be decided by you so that there is no arbitrariness about it. At the same time, there should be some principle or basis according to which it will be done, so that we could know which seats will become reserved and when. As far as the question of rotation is concerned, we are of the view that there should be two terms. I am saying two terms advisedly. There is something which is known as MPLAD. Once she is elected, she should have the opportunity to do some good work also. And, once she has done it, she should be able to take advantage of the good work she has done in her constituency and to be able to stand again. So, if the two-term principle is followed, then, it will be possible to see all the seats, by turn, becoming reserved in the course of a few years..."

13.7 The Rashtriya Janta Dal, in its written submission, has opined that "...The selection of Parliamentary reserved constituencies for women should be decided by the political party itself. No specific Parliamentary constituency should be marked for women candidates only. The number of reserved Parliamentary constituencies should be provided to the political parties for their decision to contest women candidates on such number of seats..."

13.8 The Pattali Makkal Katchi, in its written memorandum, has tendered its views that "...women seats should rotate once in 15 years so as to enable women to contribute substantially to the development of their respective constituencies. This would provide a reasonable stability to the political career of woman and improve horizontal spread of the influence of woman in other constituencies as well..."

13.9 The Swatantra Bharat Paksha, has submitted its written views on the issue, as "...if the Bill is passed in the present form it will seriously affect the servicing of the constituency by the elected members of the legislature. It would further adversely affect the quality of the legislatures in as much as the legislatures are unlikely to contain more than 33% second-termers..."

**13.10 The Committee is of the opinion that rotation is in the interest of democracy and that it is the duty of the incumbent to work towards the welfare of the constituency, irrespective of whether she would be elected next time or not.**

13.11 The PMK, in its written submission, has opined that "...the procedure for determining the constituencies reserved for women is not clearly laid down in the Act and is left to the Parliament to decide. In our view, this should be categorically provided in the Act itself..."

**13.12 The Committee desires that the Government may consider this proposal appropriately.**

### **Reservation for women belonging to Scheduled Castes and Scheduled Tribes**

14.1 Clause 3 of the Bill proposes to insert Article 330A(2) in the Constitution, which provides for reservation of 1/3rd of the total number of seats reserved for women, for women belonging to the Scheduled Castes or the Scheduled Tribes, in the elections to Lok Sabha.

14.2 Clause 5 of the Bill proposes to insert proviso to Article 332A (2) of the Constitution, which provides for reservation of 1/3rd of the total number of seats reserved for women, for women belonging to the Scheduled Castes or the Scheduled Tribes, in the elections to the Legislative Assembly of every State.

14.3 The Bahujan Samaj Party, in its written views on the Bill, has stated that "...This Bill should be passed only when the separate one third reservation for the women belonging to/Scheduled Caste and Scheduled Tribe. In addition to the existing reservation provided as per the part XVI of Article 330 "Reservation of seats for Scheduled Caste and Scheduled Tribe in the House of the People. This Bill should be passed only when the separate one third reservation for the women belonging to SC and ST in addition to existing reservation provided as per the Part XVI of Article 332. "Reservation of seats for Scheduled Caste and Scheduled Tribe in the Legislative Assemblies of the States as under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or Part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State..."

**14.4 The Committee is aware that this is a Constitutionally mandated requirement. In addition, the Committee strongly feels that political equality cannot be realized without social and economic equality. It feels that reservation is needed for women belonging to the SC/ST communities to enable them to have fair competition with women belonging to the forward classes. It is of the firm view that reservation as provided in Clauses 3 and 5 of the Bill is necessary for their political, economic and social advancement.**

### **Anglo Indian nomination**

15.1 Clause 4 of the Bill proposes to insert proviso to Article 331 of the Constitution, which would provide for reservation of nomination of a woman of Anglo-Indian community to the House of People.

15.2 Clause 6 of the Bill proposes to insert proviso to Article 333 of the Constitution, which would provide for reservation of nomination of a woman of Anglo-Indian community to the Legislative Assembly of a State.

15.3 Article 331 of the Constitution provides as follows:—

"Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People."

15.4 Article 333 of the Constitution provides as follows:—

"Notwithstanding anything in Article 170, the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate one member of that community to the Assembly."

15.5 The representative of the Legislative Department, Ministry of Law and Justice, while deposing before the Committee, stated as follows :

“...there are two provisions in the Constitution, Article 331 and 333, which provide for nomination of Anglo-Indians. Just to ensure that one of the seat is reserved for women, a proviso is being added so that formula is applicable in the case of nomination also.”

15.6 The provision relating to Anglo-Indians is mandated in the Constitution, and hence the Committee recommends the inclusion of this clause in the Bill. The Committee also took note of the demand to include nomination of neuter gender/transgenders an nomination of blind/handicapped people who can contribute in the decision making process, as Members of Lok Sabha.

15.7 The Committee’s attention was drawn to the political empowerment of visually impaired and other physically challenged citizens. In one of the memoranda submitted to the Committee, it was highlighted that in United Kingdom, a visually impaired person, Mr. Blunkett was elected Member of Parliament for Sheffield Brightside with a large majority.

15.8 The Committee’s attention was also drawn to the need for equal rights and representation in policy making, for individuals who are transgender/neuter gender. It was submitted that their grievances are generally ignored by MPs/MLAs and that since they are marginalized groups, their representative should be nominated as Member of Lok Sabha and State Assemblies.

**15.9 Although some of the memoranda received expressed the view that Anglo-Indians were too small in number to have seats reserved for them, and that seats should instead be reserved for other marginalized sections including physically challenged citizens, the Committee is of the view that since Anglo-Indian reservation is mandated in the Constitution, it need not be disturbed while Government may appropriately consider, reservation for other marginalized sections.**

## Chapter-III

### Other issues examined by the Committee

#### Reservation of seats for women by Political Parties

16.1 One of the points which came up for discussion before the Committee was the Gill Formula, which was a proposal of the Election Commission of India to make it mandatory for the recognised Political Parties to ensure putting of minimum agreed percentage for women in State Assembly and Parliamentary election so as to allow them to retain the recognition with the Election Commission as Political Parties.

16.2 Majority of the memoranda received by the Committee rejected the Gill's formula on the ground that it might lead to political parties giving seats to women, which they perceive are not winning seats, thereby negating actual representation of women in elected bodies.

16.3 In its written memorandum, the Samajwadi Party, however has stated that "...Our party fully supports the Election Commission's proposal or women's reservation..."

16.4 The Bharatiya Janata Party has tendered its written views on the issue that "...We are ready to accept the consensus view on the Election Commission's proposal pertaining to the issue of women reservation..."

16.5 The Dravidar Kazhagam, in its written submission, has opined on this issue that "...The parties, usually dominated by male office bearers, will tend to field women candidates in constituencies where they are weak. That will defeat the purpose of electing 33% of women representatives..."

16.6 The Indian National Lok Dal, has stated in its memorandum, that "...It would be in the fitness of things if all the parties, particularly the National Parties and the Regional Parties recognized by Election Commission of India, adopt the formula that all the parties will be giving at least 1/3 of the party tickets at various levels to women candidates. This will avoid unnecessarily controversies being raised on various reservations made for other groups/categories..."

16.7 The Communist Party of India (Marxist-Leninist), in its written submission on the Bill, has opined that "...the proposal of some political parties that instead of promulgating law on women's reservation, the Election Commission should force the political parties to have quota for women candidates is fully objectionable and it is against the basic spirit of guarantee of assured participation of women in Parliament and Legislative Assemblies..."

16.8 On this issue, the representatives of the National Federation of Indian Women, while tendering oral evidence before the Committee stated that "...one of the alternatives that was mooted even by the Election Commission also has been much talked about by various foras — not so by the women's organisations — they have unanimously rejected it — and leaving it to the parties to bring 33 per cent reservation. Now, we have gone into almost the mechanics of how actually it will work. Surely, you

know, given the patriarchal attitudes, ...Now you will find, if you give the opportunities, they will come up. But, overnight, things will not change. It is quite clear that in a competitive politics, when winning a seat is absolutely uppermost, if women are not already working in a constituency or being prominent or known, they won't make a winning seat. Therefore, winning seats will be given to the male candidates and it will be the losing seats for women..."

16.9. The representatives of CPI (M) while tendering oral evidence before the Committee on the Bill, opined that "...One proposal is that the political party should reserve 1/3rd of the candidates belonging to women. This will not ensure representation of women in Parliament or Legislative Assemblies. This will only ensure the presence of names of women in the list of political parties. What we need is their actual representation in the elected bodies. This sort of system may work in a country where the proportional representation system is in existence. Ours is entirely a different system. We have the First Past the Post System. This will only ensure existence of women name in the list. That will not serve the purpose..."

16.10 The representative of the All India Anna Dravida Munnetra Kazhagam, while deposing before the Committee, stated that "...With regard to another point which had been mentioned in the political arena that instead of passing a Bill like this, it may be prudent on the part of the political parties themselves to reserve some amount of seats for women to contest elections on their own. That is something which my party considers as a flawed concept, and, in an era where every party aspires to come to power, they will always allot only the weak seats of their party to their women candidates. We do not accept that concept and we feel that this Bill is an absolute essentiality and it has to be passed at the earliest..."

**16.11 The Committee is of the firm opinion that reserving seats for women in Assemblies and Lok Sabha should not be left to the discretion of Political Parties, rather it should be guaranteed in the Constitution itself and enforced by all means.**

#### **Reservation for women in Rajya Sabha and Legislative Councils**

17.1 During the deliberations of the Committee, the need for providing reservation for women in Rajya Sabha and Legislative Councils was also highlighted.

17.2 The PMK, in its written memorandum, has stated that "...This Bill provides for reservation of women only in State Assemblies and Lok Sabha, and reservation is not provided in the Rajya Sabha and Legislative Councils of various States. The above deficiencies, in our view, should be rectified in the proposed Act itself..."

**17.3 The Committee recommends that the demand for extending reservation for women in Rajya Sabha and the Legislative Councils needs to be examined thoroughly as the upper Houses of the Parliament and State Legislatures play equally important role under the Constitution and by applying the principle of equality, women should also get their due share in the second or upper chamber of Parliament and State Legislatures.**

#### **Reservation for women belonging to Other Backward Classes**

18.1 In its written memorandum, the Rashtriya Janta Dal has stated that "...In case of providing reservation to women, there must be a quota for OBC, Minorities including Muslims, Christians and

others, and Dalits (SC/ST) within it. There must be a quota within quota for these sections of women proportionate to their population in the country..."

18.2 The Samajwadi Party, in its written submission, has stated that "...if reservation is to be given to women, there must be a quota for OBC and Muslim women within it..."

18.3 In its written views submitted before the Committee, the Nationalist Congress Party has opined that "...we don't find any need for reasons for special quota for OBC within the women's quota as suggested from certain quarters. Now there are 429 seats excluding reserved seats for SC/ST category in the Parliament. There is no reservation for OBC in the above mentioned existing unreserved seats. But still there is good representation for OBC category in the Parliament at present. Same is the case of OBC category in the State Assemblies as well..."

18.4 The Dravidar Kazhagam has stated in its written submission that "...Our submission is Women's Reservation Bill when finally passed should include provisions for sub-reservation for STs, SCs, OBCs and Minority communities within the 33 per cent quota. If this provision is not included there is the real danger of the promotion of gender justice defeating social justice regarding women's representation. Social Justice is adumbrated in the Preamble of the Constitution and this principle should be given practical shape through all the constitutional and Government bodies. In the prevailing social scenario, it is obvious that the women of lower castes or minority communities cannot politically compete with the upper caste women. So special provision should be made to reserve seats within the quota..."

18.5 On this issue, the PMK has given its written views that "...this means that within seats reserved for Scheduled Castes men one third' seats will be reserved for SC women. This implies that other women belonging to Backward Classes, Minorities and other weaker sections of the society, who now enjoy benefits under various Government programmes such as education, employment, development programmes are deprived of political reservation. This is against the concept of equality and runs contrary to Constitutional provisions. It discriminates between women of different groups and will enable increased representation of only women from upper castes, which would perpetuate the already raging disparities among women. This unjust situation has to be remedied..."

18.6 The Desiya Murpokku Dravida Kazhagam, in its written memorandum, has stated that "...We strongly feel that real social justice will be rendered only if the women of backward classes and other backward classes are given reservation in this Bill. But on account of this, this bill need not be delayed..."

18.7 In its written memorandum, the Bhartiya Janata Party has stated that "...Bharatiya Janata Party supports the proposed Women Reservation Bill. We firmly reject the demand of Quota within Quota..."

18.8 The representatives of the National Federation of Indian Women, while tendering oral evidence before the Committee on the Bill, stated that "...on the issue of OBC reservation, our organisation, would like to make it very, very clear that we are for reservation for OBC or any other section of the society. We want reservation for women, they may belong to upper castes or lower castes or middle castes. We won't mind, but women should be represented equally or adequately...we cannot reject the Bill on any of these issues that are being raised and sought to be solved within the ambit of the Bill..."

18.9 The representatives of CPI (M), while deposing before the Committee, stated that "...we support the provision for reservation of 1/3rd of seats for women from SC/ST, from amongst the seats



reserved for women. There is a demand that this facility should be extended to the OBCs. We do not agree with that, because there is no Constitutional provision for reservation for OBCs. So, this will not stand for scrutiny. There is also a demand that a similar provision should also be made with regard to minorities. There is also no provision for reservation of minorities...As far as OBCs are concerned, at present, there is no constitutional provision for reservation to OBCs. This is, as the Chairman said, only with regard to Panchayati Raj institutions and this option is also left to the States. The States, after taking into consideration the situation prevalent there, can take a decision whether that can be extended to the OBCs in the Panchayati Raj institutions or not..."

18.10 One of the Members of the Committee, while expressing his views on this provision of the Bill in writing, has stated that "...In view of larger interest of OBC community, suggest that it should be incorporated in the Constitution as under:

"Nothing in this part shall prevent the Parliament from making any provision for reservation of seats in Parliament and State Legislature in favour of backward class of citizens in accordance with their population in the State".

18.11 In response to a query on reservation for women belonging to Other Backward Classes/minorities, the Legislative Department has stated that the several alternatives have been explored by the Government and for this purpose two meetings of all political parties had been convened on 22nd and 24th August, 2005 to sort out the difference of opinion and formulate modalities for providing reservation for women in Parliament and State Legislature but no consensus could be arrived at in these meetings."

18.12 The Ministry of Panchayati Raj, in its detailed Status Note on the subject 'Empowerment of women through Panchayati Raj Institutions and Reservations for Other Backward Classes in Panchayats', has stated that as on June, 2008 as per available information, 17 States out of 24 which come under the purview of Part IX of the Constitution have provided for reservations for Backward Classes/Other Backward Classes (OBCs) in Panchayati Raj Institutions. These States are the following:—

Sl. No.	Name of the State	Sl. No.	Name of the State
1.	Andhra Pradesh	2.	Bihar
3.	Chhattisgarh	4.	Gujarat
5.	Goa	6.	Himachal Pradesh
7.	Haryana	8.	Jharkhand
9.	Karnataka	10.	Maharashtra
11.	Madhya Pradesh	12.	Orissa
13.	Punjab	14.	Rajasthan
15.	Sikkim	16.	Uttar Pradesh
17.	Uttarakhand		

18.13 In one of the submissions made before the Committee, it was opined that sub-divisions as regards reservation for women, have to be considered on a case to case basis depending on the actual constituents in a given constituency. If it is dominated by SC/ST and Other Backward Classes, it has to be taken care of, as it will be actually a promotion of the socially backward groups and there will be several women among them who will make themselves eligible to be elected to the Parliament.

18.14 The Committee notes that the Geeta Mukherjee Committee had recommended that the Government may consider the issue of extending the benefit of reservation to Other Backward Classes also at the appropriate time so that the women belonging to Other Backward Classes will also get the benefit of reservation.

**18.15 The Committee feels that the Bill in itself is not an entirety, rather it is a formula to achieve Political Empowerment of women. The Committee is of the considered view that this Bill only lays down the principle/basic framework for reservation of women in State Assemblies and Lok Sabha. It is of paramount importance that women reach a goal of adequate representation in Parliament and the State Legislatures and all other issues may be considered at an appropriate time by Government without any further delay at the present time in the passage of the Bill.**

19.1 Reservation for Other Backward Classes citizens in the educational institutions and jobs and Services as per the Constitutional provisions Articles 15 and 16 already exists in the Constitution.

19.2 By the 73rd amendment of the Constitution, reservation in the political elected posts for the Other Backward Class citizens in Panchayats were provided in Article 243D(6) :

“Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.”

and in Nagarpalikas in 243T(7) :

“Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens”.

19.3 The Geeta Mukherjee Committee Report had also observed that “such reservation of seats has not been provided for in the Bill for women belonging to Other Backward Classes because there is no reservation for Other Backward Classes at present under the Constitution as it exists for Scheduled Castes and Scheduled Tribes”. The Committee, therefore, recommended that the Government may consider the issue of extending the benefit of reservation to Other Backward Classes also at the appropriate time so that the women belonging to Other Backward Classes will also get the benefit of reservation.

**19.4 The question of reservation within reservation for OBC women and some minorities generated great discussion in the Committee, with one section of opinion strongly of the view that such OBC reservation within reservation should be provided. The Committee is of the view that this matter should be considered by the Government and action on this taken at the appropriate time.**

## **Double-Member constituencies and increasing the number of seats in Lok Sabha and Legislative Assemblies**

20.0 During the in-house deliberations of the Committee and interactions with National and regional Political Parties, the Committee could sense an undercurrent among Members of Parliament regarding setting apart seats which might be occupied by them or presently occupied by them, so that they can be reserved for women. The Committee also takes note of the suggestions which came up from various quarters that dual Member constituencies or increasing the number of seats in Lok Sabha and Legislative Assemblies can address this concern.

20.1 As regards this suggestion, the proposal is to increase 1/3rd seats in Parliament and Legislative Assemblies and to make 1/3rd constituencies as double-member constituencies wherein seats will be reserved for women.

20.1.1 During the discussions of the Committee on the Bill, one Member observed that "...we are having 543 Members in Lok Sabha at present. This figure was fixed some sixty years back. At that time, our population was only thirty crores. Now, it is more than one hundred crores. Why have we not raised the number of seats? If we can raise another two hundred fifty seats, we can easily give reservation to women. We can also make double-Member constituencies..."

20.1.2 The delegate of Streebal, while speaking on the issue of double- Member constituencies, stated that "...The double-Member constituency also has a constitutional, historical legacy in our country. If you look back at the elections of 1952 and 1957, one-third of the MPs were coining from multi-member constituencies because 20 per cent of the constituencies were double member or treble member ones, until 1962..."

20.1.3 She further opined that "...We have found, with experience of the rotation principle in the Panchayat level and local tier things, that it is unsatisfactory. In fact, the appeal is being made not to use rotation there. You also find, perhaps, stated or unstated, the hidden insecurity with which this Bill has been jeopardized all these years. And you have also the point that you have reached a stage in your population where, really, you are being undemocratic to keep your sizes as small as you are doing so that it becomes such an extensive club that the constituents are denied their democratic rights to be represented with the kind of a personal contact that should occur between those that represent them and those that vote for them, and that you will get more and more into this issue as the years go by because you have now extended the freeze for 25 years. So, we are offering you an alternative that looks at all issues and sorts them out, does not delay because it can be done very fast as was done when the two-member constituencies were destroyed. At that time, It was one very Last..."

20.1.4 The representatives of CPI (M), while deposing before the Committee, stated that "...There is another suggestion – to increase 1/3rd seats in Parliament and Legislative Assemblies so that women get the representation. Here is a case where the delimitation process has already been over. Delimitation will take a lot of time It is only to delay the process..."

20.1.5 The representative of the Indian National Congress, while tendering evidence before the Committee, stated that "...About increasing seats, this has been debated repeatedly. Delimitation has just been finished, and going in again for adding seats, new seats, is going to take you another 15 years and it is going to push the entire process backwards. It cannot be done in one day by redrawing map.

It will take another 10 years. This delimitation process itself was going through so many roadblocks and so many problems. Therefore, I think now, again taking it back to new increased seats is unfair...”

20.1.6 The delegates of All India Democratic Women’s Association, while expressing its views on this issue before the Committee, stated that “...This will also mean that women, who are independents and who do not belong to any political party, also will have the trouble of getting elected...”

20.1.7 In this regard, the Committee takes note of the view submitted by the representatives of CPI (M) that “...this will make unnecessary tension and conflict in a particular constituency, because MP and MLAs belong to different political parties. This also may not serve the purpose. It is not only that, this will also create two types of MLAs and MPs – one with sole responsibility and another with double responsibility...”

20.1.8 Concern was also voiced before the Committee that elected women representatives will be forced to be granted a second class status. The representative of the Indian National Congress, while tendering oral evidence before the Committee, stated that “...For instance, if I had to be one, as a woman, representing a double-Member constituency with a man, I would consider it very humiliating and demeaning because we can’t represent a constituency when we need a man along either to guide, support or help us. After all, we are capable of representing our constituencies. I think it is not fair to club women into double-Member constituencies. It would make us second class MPs. in Parliament...”

20.1.9 The Dravidar Kazhagam, in its written memorandum, has stated that “...Our firm view in this context is, when the number of seats is increased, the proportion of their allocation to States like Kerala and Tamil Nadu that have been successfully implementing family planning programme should not get reduced. Otherwise it will amount to punishing them for sincerely carrying out a vital programme of the Union as well as the State Governments...”

20.1.10 In its reply to the questionnaire sent by the Secretariat, with regard to the issue of increasing the number of seats in Lok Sabha and State Assemblies, the Ministry has stated that “...if it is proposed to increase the seats, there will be need of delimitation of constituencies. Further, so far as the time is concerned the Delimitation Commission was constituted in July, 2002 and it took almost 6 years to complete its task, though initially, it was given 2 years to complete the work. Therefore, it would be difficult to have any speculative time frame for completion of fresh delimitation.”

**20.1.11 The Committee, after taking into account the above mentioned views and the reply of the Ministry, does not endorse the concept of double-Member constituencies. It feels that elected women representatives should be granted the same opportunities/status as their male counterparts. Providing for double-Member constituencies might result in women being reduced to a subservient status, which will defeat the very purpose of the Bill. Therefore, the Committee feels that this concept is discriminatory to women. The Committee strongly feels that further delay in enactment of this Bill would further hamper the concept of Political Empowerment of women.**

**20.2 The Committee feels that already more than twelve years have elapsed after the Geeta Mukherjee Committee Report and still, the much required reservation has not reached 50 per cent of the population of the nation, namely women. It strongly feels that further time should not be wasted; rather the Women’s Reservation Bill should be passed in Parliament and put in action without further delay.**

**MINUTES OF DISSENT SUBMITTED BY SHRI VIRENDRA BHATIA, MEMBER,  
RAJYA SABHA AND SHRI SHAIENDRA KUMAR, MEMBER, LOK SABHA**

We take this opportunity to record our protest against the manner in which the draft bill pertaining to Women's Reservation Bill has been prepared. We wish to state that our party is not against providing reservation to the Women of this country but it is against the current form in which the above mentioned bill has been drafted and is proposed to be implemented.

The views of our party and ourselves are as follows:—

- (a) Every political party shall distribute at least 20% of their party tickets to women in their party.
- (b) Even in its current *form* the reservation should not be more than 20%.
- (c) A very important point to be noted is that under the proposed form of reservation for women there should also be a quota for the women belonging to the Other Backward Class and minorities as it has been proposed for the women belonging to the Scheduled Caste and Schedule Tribe. Women have been provided reservation in the elections for local bodies and a similar provision should be enacted for providing reservation to women belonging to the Other Backward Class and minorities.

Sd-  
(VIRENDRA BHATIA)  
Member, Rajya Sabha

Sd-  
(SHAIENDRA KUMAR)  
Member, Lok Sabha



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# MINUTES

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**RELEVANT MINUTES OF THE MEETINGS OF THE DEPARTMENT RELATED  
PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL, PUBLIC  
GRIEVANCES, LAW AND JUSTICE**

**XX  
TWENTIETH MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Tuesday, the 27th May, 2008, in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shrimati Jayanthi Natarajan
3. Shri Balavant *alias* Bal Apte
4. Shri Virendra Bhatia
5. Sardar Tarlochan Singh
6. Dr. (Shrimati) Najma A. Heptulla
7. Shrimati Brinda Karat

**LOK SABHA**

8. Shri Raj Babbar
9. Dr. Shafiqur Rahman Barq
10. Shri N.S.V. Chitthan
11. Shri Chhattar Singh Darbar
12. Shri S.K. Kharventhan
13. Shri A. Krishnaswamy
14. Dr. C. Krishnan
15. Shri Shailendra Kumar
16. Shri Harin Pathak
17. Shri Varkala Radhakrishnan
18. Prof. M. Ramadass
19. Shri Bhupendrasinh Solanki
20. Shri Devendra Prasad Yadav

**SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary

Shri K.P. Singh, Joint Director

Ms. Niangkhanem Guite, Committee Officer

**WITNESSES****Representatives of the Ministry of Law and Justice****I. Legislative Department**

1. Shri K.D. Singh, Secretary; and
2. Dr. Sanjay S.ingh, Joint Secretary and Legislative Counsel.

**II. \* \* \***

2. \* \* \*

3. Thereafter, the Committee took up for discussion the Constitution (One Hundred and Eighth Amendment) Bill, 2008 and decided to call for wide ranging consultations on the Bill with all the stakeholders viz. the political parties, women organisations, social activists and other groups. The Committee further decided to call for the views of the State level/regional political parties and State level women organisations/forums, etc. on the Bill during the Committee's study visits to various places in June-July, 2008. Thereafter, the Committee heard the presentation of the Secretary, Legislative Department on the Constitution (One Hundred and Eighth Amendment) Bill, 2008. The Secretary also replied to some of the queries raised by the Members of the Committee and was advised to give replies to the remaining queries of the Members in writing.

(The witnesses then withdrew)

4. \* \* \*

5. The Committee decided to undertake a study visit to Chennai, Kolkata, Hyderabad, Bangalore and Mumbai in June-July, 2008 in connection with the Constitution (One Hundred and Eighth Amendment) Bill, 2008.

\* \* \*

6. A verbatim record of the proceedings of the meeting was kept.

7. The meeting was adjourned at 1.50 P.M.

**XXI**  
**TWELFTH MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Tuesday, the 3rd June, 2008, in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shrimati Jayanthi Natarajan
3. Dr. Abhishek Manu Singhvi
4. Shri Balavant *alias* Bal Apte
5. Shri Virendra Bhatia
6. Shri Tariq Anwar
7. Sardar Tarlochan Singh

**LOK SABHA**

8. Prof. Ram Gopal Yadav
9. Shri Chhattar Singh Darbar
10. Shri N.Y. Hanumanthappa
11. Dr. C. Krishnan
12. Shri Shailendra Kumar
13. Shri Harin Pathak
14. Shri Varkala Radhakrishnan
15. Shri Bhupendrasingh Solanki
16. Shri Devendra Prasad Yadav
17. Shrimati Tejasvini Gowda
18. Shrimati Kirn Maheshwari
19. Shrimati Krishna Tirath

**SECRETARIAT**

Shri K.P. Singh, Joint Director

Ms. Niangkhannem Guite, Committee Officer

**WITNESSS**

- I. \* \* \*
- II. \* \* \*
- III. \* \* \*

**IV. Representatives of the National Federation of India Women**

1. Ms. Annie Raja, General Secretary;
2. Ms. Primla Loomba, Vice President;
3. Ms. Krishna Majumdar, Secretary; and
4. Ms. Shyamkali, Member.

**V. Representatives of the Ministry of Law and justice (Legislative Department)**

Dr. Sanjay Singh, Joint Secretary & Legislative Counsel.

2. \* \* \*
3. \* \* \*
4. \* \* \*
5. \* \* \*
6. \* \* \*

7. The Chairman then welcomed the representatives of National Federation of India Women and requested them to make their presentation on the Constitution (One Hundred and Eighth Amendment) Bill, 2008.

8. The witnesses made a detailed presentation on the various provisions of the Bill, which *inter alia* included reservation for women, political empowerment of women, quota within quota, reservation for OBCs, allocation of seats by the political parties, rotation of seats, reservation for 15 years, gender equality etc. Members raised some queries, which were replied to by the witnesses.

(The witnesses then withdrew).

9. A verbatim record of the proceeding was kept.

10. The meeting adjourned. at 1.55 P.M.

**XXII**  
**TWENTY SECOND MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 P.M. on Tuesday, the 10th June, 2008, in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shrimati Jayanthi Natarajan
3. Shri Virendra Bhatia
4. Shri Tariq Anwar
5. Sardar Tarlochan Singh

**LOK SABHA**

1. Prof. Ram Gopal Yadav
2. Shri N.S.V. Chitthan
3. Shri A. Krishnaswamy
4. Shri Shailendra Kumar
5. Shri Harin Pathak
6. Shri Varkala Radhakrishnan
7. Shri Bhupendrasinh Solanki
8. Shri Devendra Prasad Yadav
9. Shrimati Tejasvini Gowda
10. Shrimati Kiran Maheshwari
11. Shrimati Krishna Tirath

**SECRETARIAT**

Shri Shamsheer Singh, Joint Secretary

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Ms. N. Guite, Committee Officer

**WITNESSES****I. The Constitution (One Hundred and Eighth) Amendment Bill, 2008****Representatives of the Ministry of Panchayati Raj**

1. Shrimait Sushma Singh, Secretary;
2. Shri Sudhir Krishna, Additional Secretary;
3. Shri Rajwant Sandhu, Additional Secretary;
4. Shri T.R. Raghunandan, Joint Secretary;
5. Shri A.S. Sahota, Joint Secretary; and
6. Shri D.K. Jain, Joint Secretary.

**Representatives of the Ministry of Law and Justice (Legislative Department)**

1. Dr. Sanjay Singh, Joint Secretary and Legislative Counsel; and
2. Shri G. Narayana Raju, Additional Legislative Counsel.

**II. \* \* \***

2. At the outset, the Chairman welcomed the Secretary, Ministry of Panchayati Raj and her colleagues and informed them that the purpose of inviting them was to elicit their views/suggestions on various provisions of the Constitution (One Hundred and Eighth Amendment) Bill, 2008, which intended to eliminate gender inequality and discrimination. He then, requested them to offer their views/suggestions on various provisions of the Bill.

3. Thereafter, the Secretary, Panchayati Raj made an exhaustive power point presentation on the Constitution (One Hundred and Eighth Amendment) Bill, 2008. She also drew the attention of the Committee on the research done by the Ministry on the working of women panchayats in various States and participation of women in politics at various levels. Members raised some queries, which were replied to by the witness. (The witness then withdrew)

4. \* \* \*

5. \* \* \*

6. \* \* \*

7. \* \* \*

8. Verbatim record of the proceeding was kept.

9. The meeting adjourned at 1.00 P.M.

**XXIII  
TWENTY THIRD MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Tuesday, the 17th June, 2008, in Room No. '63', First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shrimati Jayanthi Nataraja
3. Dr. Abhishek Manu Singhvi
4. Shri Balavant *alias* Bal Apte
5. Shri Virendra Bhatia
6. Shri Tariq Anwar
7. Shrimati Brinda Karat

**LOK SABHA**

8. Shri N.S.V. Chitthan
9. Shri N.Y. Hanumanthappa
10. Shri S.K. Kharventhan
11. Dr. C. Krishnan
12. Shri Harin Pathak
13. Shri Varkala Radhakrishnan
14. Prof. M. Ramadass
15. Shrimati Tejaswini Gowda
16. Shrimati Kiran Maheshwai
17. Adv. P. Sattedevi

**SECRETARIAT**

Shri Shamsheer Singh, Joint Secretary

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

**WITNESSES**

- I. **Representatives of Communist Party of India (Marxist).**
- II. **Representatives of Communist Party of India.**
- III. **Representatives of All India Anna Dravida Munnetra Kazhagam.**
- IV. **Representative of Indian National Congress.**
- V. **Representatives of the All India Democratic Women's Association.**

1. Ms. Subhashini Ali, President;
2. Ms. Sudha Sundararaman, General Secretary;
3. Ms. Jagmati Sangwan;
4. Ms. Rampari Yadav; and
5. Ms. Mauniiba Nikkag, Member.

- VI. **Representative of the Ministry of Law and Justice (Legislative Department)**

Dr. Sanjay Singh, Joint Secretary and Legislative Counsel.

2. At the outset, the Chairman welcomed Shri S. Ramachandran Pillai, representative of Communist Party of India (Marxist) and requested him to make his presentation on the various provisions of the Constitution (One Hundred and Eighth Amendment) Bill, 2008 presently pending before the Committee for examination and report.

3. Thereafter, Shri Pillai thanked the Committee for giving an opportunity to his party to present their views on the Bill. He, then informed the Committee that CPI (M) fully supports the Constitution (One Hundred and Eighth Amendment) Bill, 2008 in its present form which had been pending from the last 12 years. He urged the Committee to pass the Bill as early as possible. His presentation *inter alia* includes rotation of seats after 3 consecutive terms, double member constituencies, reservation of seats by political parties, reservation for OBCs, increase in 1/3rd seats in Parliament and Legislative Assemblies etc. Members raised some queries, which were replied to by the witness.

*(The witness then withdrew)*

4. The Chairman then welcomed Shri A.B. Bardhan, General Secretary, Communist Party of India and his colleagues and requested them to make their presentation on the various provisions of the Constitution (One Hundred and Eighth Amendment) Bill, 2008. Then Shri Bardhan made an exhaustive presentation which *inter alia* includes party's support for the Bill, rotation of seats, empowerment of women, quota within quota, reservation of seats for women from all sections including OBCs, Minorities etc, period of reservation should be reduced to 10 years etc. Members raised some queries, which were replied to by the witnesses.

*(The witness then withdrew)*

5. Thereafter, the Chairman welcomed Dr. V. Maitreyan, representative of All India Anna Dravida Munnetra Kazhagam (AIADMK) and informed him that the purpose of inviting him was to elicit his views/suggestions on the Constitution (One Hundred and Eighth Amendment) Bill, 2008.



6. The witness then made his presentation on the Bill and informed , the Committee that AIADMK was the first party which started reserving 33 per cent seats for women for all party posts and had taken various measures like Cradle baby Schemes, All women, Police Station, First Women Commando Police Battalion etc. for empowerment of women. Members raised some queries, which were replied to by the witnesses.

*(The witness then withdrew)*

7. The Chairman then, welcomed Smt. Margaret Alva, General Secretary, Indian National Congress and requested her to make his presentation on the Bill. Thereafter, Smt. Alva made her presentation on the bill. Members raised some queries, which were replied to by the witnesses.

*(The witness then withdrew)*

8. Thereafter, the Chairman welcomed the representatives of the All India Democratic Women's Association and her colleagues and informed them that the purpose of inviting them was to elicit their views/suggestions on various provisions of the Constitution (One Hundred and Eighth Amendment) Bill, 2008, which intended to eliminate gender inequality and discrimination. He then, requested them to offer their views/suggestions on various provisions of the Bill.

9. The witness then made a detailed presentation on the various provisions of the Bill which *inter alia* includes comparison with other countries, working of women as panchayat presidents, nominated members, rotation of seats, reservation of seats by the parties etc. Members raised some queries, which were replied to by the witnesses.

*(The witness then withdrew)*

10. Verbatim record of the proceeding was kept.

11. The meeting adjourned at 1.55 P.M.

**XXIV  
TWENTY FOURTH MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Wednesday, the 18th June, 2008, in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shrimati Jayanthi Nataraja
3. Shri Balavant *alias* Bal Apte
4. Shri Virendra Bhatia
5. Shri Tariq Anwar
6. Shrimati Brinda Karat

**LOK SABHA**

7. Prof. Ram Gopal Yadav
8. Shri N.S.V. Chitthan
9. Shri N.Y. Hanumanthappa
10. Shri S.K. Kharventhan
12. Shri A. Krishnaswamy
13. Shri Harin Pathak
14. Prof. M. Ramadass
15. Shri Bhupendrasingh Solanki
16. Shrimati P. Tejaswini Gowda
17. Adv. P. Satteedevi
18. Shrimati Krishna Tirath

**SECRETARIAT**

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

**WITNESSES****I. Representative of Dravida Munnetra Kazhagam**

Shri T.K.S. Elangovan, Organizing Secretary.

**II. Representative of All India Forward Bloc**

Dr. Barun Mukherjee, General Secretary.

**III. Representatives of Joint National Movement Organisations of India**

1. Dr. V. Mohini Giri, Chairperson, War Widows Association.
2. Ms. Sudha Sundararaman, General Secretary, All India Democratic Women's Association.
3. Ms. Annie Raja, President, National Federation of Indian Women.
4. Ms. Gomati Nair, President, All India Women's Conference.
5. Ms. Sudhashini Ali, President, All India Democratic Women's Association
6. Ms. Usha Rai, Eminent Senior Development Journalist.
7. Ms. Jyotsana Chatterjee, President, Joint Women's Programme.
8. Ms. Nalina Jiwnani, Director, Bhai Office for the Advancement of Women.
9. Ms. Surabhi Chaturvedi, Senior Coordinator and Psychologist, Guild of Service.
10. Ms. Suman Sharma, Conveyr. Gender sensitization Committee, Motilal Nehru College, Delhi University.

**IV. Representatives of Rakshak Foundation**

1. Dr. Anupama Singh;
2. Shri Sachin Bansal;
3. Shri Poppinder Kumar;
4. Shri Madhav Aggarwal;
5. Ms. Chanchal Jhingan;
6. Shri Niladri Das;
7. Ms. Pallavi Agarwal; and
8. Ms. Preeti Goel.

**V. Representatives of Women Power Connect**

1. Dr. Ranjana Kumari, President;
2. Ms. Gauri Choudhury, Executive Committee Member;
3. Ms. Sunila Singh, Executive Committee Member;
4. Dr. N. Hamsa, Executive Director; and
5. Ms. Nalina Jinwnani, Member.

**VI. Representative of the Ministry of Law and Justice (Legislative Department**

Dr. Sanjay Singh, Joint Secretary and Legislative Counsel.

2. The Chairman welcomed the representatives of Dravida Munnetra Kazhagam and All India Forward Bloc to the meeting, and invited them to present their views on the Constitution (One Hundred and Eighth Amendment) Bill, 2008 before the Committee.

3. Shri T.K.S. Elangovan, Organizing Secretary, Dravida Munnetra Kazhagam expressed the unconditional support of his Party to the Bill and stated that the denial of equal representation to women was not only an injustice to women, but also weakened the democratic process. While speaking on the issue of reservation for women belonging to Other Backward Classes (OBC), he opined that there were no official estimates of constituency-wise OBC population as there are for Schedule Castes/Schedule Tribes, which is the basis on which seats have been reserved for them. He further stated that since the delimitation process was concluded recently and that, re-opening of this issue would only delay the Bill inordinately.

*(The witnesses then withdrew)*

4. Dr. Barun Mukherjee, General Secretary, All India Forward Bloc while deposing before the Committee on the Bill, voiced the support of his Party to the Bill. He stated that 1/3rd reservation for women in Panchayats and Nagarpalikas had proved successful and stressed upon the need for statutory reservation of seats for women in Parliament and State Assemblies.

5. The witnesses responded to the points raised by the Chairman and Members of the Committee.

*(The witnesses then withdrew)*

6. After Chairman's salutary welcome to the representatives of the Joint National Movement Organisations of India, they highlighted on the need for earnest efforts to ensure that the Bill is passed without further delay.

*(The witnesses then withdrew)*

7. Thereafter, the Chairman welcomed the delegates of the Rakshak Foundation and invited their views. They, while critiquing the Bill, submitted before the Committee data regarding female literacy rate, employment of women, female voter turnout etc. and opined that there should not be gender-based reservations in the legislative bodies. They are opposed to reservation for women as the reservations are inherently divisible.

8. The witnesses replied to the queries put forward by the Committee.

*(The witnesses then withdrew)*

9. The Chairman then welcomed and invited the views of the representatives of Women Power Connect on the Bill to which they stated that reservation for women would give women an opportunity to contribute to the National and State level decision making process. They suggested that Political Parties could be bound by a Constitutional mandate that 33% seats should be distributed to women according to certain category and criteria. While opposing the provision for rotation of seats in the Bill, they also stated that seats may be reserved for three consecutive terms.

10. The witnesses responded to the points raised by the Committee.

*(The witnesses then withdrew)*

11. A verbatim record of the proceedings of the meeting was kept.

12. The meeting was adjourned at 1.50 P.M.

**XXV**  
**TWENTY FIFTH MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Tuesday, the 8th July, 2008, in Room No. 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Dr. Abhishek Manu Singhvi
3. Shri Balavant *alias* Bal Apte
4. Shri Virendra Bhatia
5. Shri Tariq Anwar
6. Sardar Tarlochan Singh
7. Dr. (Shrimati) Najma A. Heptulla
8. Shrimati Brinda Karat

**LOK SABHA**

7. Shri Raj Babbar
8. Shri N.Y. Hanumanthappa
9. Shri S.K. Kharventhan
10. Dr. C. Krishnan
11. Shri Shailendra Kumar
12. Shri Harin Pathak
13. Prof. M. Ramadass
14. Shri Bhupendrasinh Solanki
15. Shrimati Tejaswini Gowda
16. Adv. P. Satteedevi

**SECRETARIAT**

Shri Shamsheer Singh, Joint Secretary

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

**WITNESSES****I. Representatives of Delhi Janwadi Mahila Samiti**

1. Ms. Sehba Farooqui, Secretary;
2. Ms. Soniya Varma;
3. Ms. Asha Sharma;
4. Ms. Asha Yadav; and
5. Ms. Albeena Shakil.

**II. Representative of Streebal**

Ms. Rami Chabra, Founder-President.

**III. Ministry of Law and Justice (Legislative Department)**

Dr. Sanjay Singh, Joint Secretary and Legislative Counsel.

2. \* \* \*
3. The representatives of Delhi Janwadi Mahila Samiti, while expressing their views on the various provisions of the Bill, stated that 1/3rd reservation of seats for women in Parliament and State Assemblies is the need of the hour and that dilution of this quota would not suffice in ensuring political empowerment of women. They highlighted the need for passing this Bill without further delay and stated that women, as a community, are discriminated against based on gender, irrespective of their caste/creed/religion.
4. The witnesses responded to the points raised by the Chairman and Members of the Committee.  
*(The witnesses then withdrew)*
5. The representative of Streebal, while critiquing the Bill, suggested that double – Member constituencies is a better alternative to the proposed Bill. She invited the attention of the Committee to Articles 81 and 170 of the Constitution of India and stated that double – Member constituencies had a Constitutional and historical legacy in India.
6. The witness replied to the queries put forward by Members of the Committee.  
*(The witness then withdrew)*
7. A verbatim record of the proceedings of the meeting was kept.
8. The meeting was adjourned at 1.00 P.M.

**XXVI**  
**TWENTY SIXTH MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Thursday, the 17th July, 2008, in Room No. 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shrimati Jayanthi Natarajan
3. Shri Balavant *alias* Bal Apte
4. Shri Virendra Bhatia
5. Shri Tariq Anwar
6. Shri Ram Jethmalani
7. Sardar Tarlochan Singh
8. Shrimati Brinda Karat

**LOK SABHA**

9. Prof. Ram Gopal Yadav
10. Shri N.S.V. Chitthan
11. Shri S.K. Kharventhan
12. Dr. C. Krishnan
13. Shri Shailendra Kumar
14. Shri Harin Pathak
15. Shri Varkala Radhakrishnan
16. Prof. M. Ramadass
17. Shri Bhupendrasinh Solanki
18. Shri Devendra Prasad Yadav
19. Shrimati Tejaswini Gowda
20. Adv. P. Sattedevi
21. Shrimati Krishna Tirath

**SECRETARIAT**

Shri Shamsher Singh, Joint Secretary

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Ms. Niangkhanem Guite, Committee Officer

**WITNESSES****I. Representatives of Ministry of Law and Justice**

(i) Legislative Department

Dr. Sanjay Singh, Joint Secretary and Legislative Counsel;

(ii) \* \* \*

2. The Chairman, while extending his welcome to the Members present, apprised the Committee that a letter has been received from Shri Amar Singh, General Secretary, Samajwadi Party, stating the Party's stand on the Constitution (One Hundred and Eighth Amendment) Bill, 2008. Then the Chairman initiated discussion on a Note prepared by the Secretariat on the issue of "Inclusion of Article 330(A) (IV) in the Constitution" in connection with the Bill and the Members tendered their views on the same.

3. \* \* \*

4. A verbatim record of the proceedings of the meeting was kept.

5. The meeting was adjourned at 12.15 P.M.



**XXVII**  
**TWENTY SEVENTH MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Friday, the 1st August, 2008, in Committee Room No. 'A', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shri Balavant *alias* Bal Apte
3. Shri Virendra Bhatia
4. Shri Tariq Anwar
5. Sardar Tarlochan Singh
6. Shrimati Brinda Karat

**LOK SABHA**

7. Prof. Ram Gopal Yadav
8. Shri N.S.V. Chitthan
9. Shri Chhattar Singh Darbar
10. Shri N.Y. Hanumanthappa
11. Shri S.K. Kharventhan
12. Dr. C. Krishnan
13. Shri Shailendra Kumar
14. Shri Varkala Radhakrishnan
15. Shri Bhupendrasinh Solanki
16. Shri Devendra Prasad Yadav
17. Shrimati Tejaswini Gowda
18. Adv. P. Satteedevi

**SECRETARIAT**

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Ms. Niangkhanem Guite, Committee Officer

2. \* \* \*

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\*\*\* Relates to some other matter.

3. Thereafter, the Committee held discussion on the progress made in the Constitution (One Hundred and Eighth) Amendment Bill, 2008. Since the three months time limit for examination and report of the Bill is going to expire on 7th August, 2008 the Committee decided and authorized its Chairman to request the Hon'ble Chairman for further extension of sixty days.
4. The meeting was adjourned at 12.15 P.M. to meet again on 11th August, 2008.

### **III THIRD MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Thursday, the 18th September, 2008 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

#### **MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

#### **RAJYA SABHA**

2. Shri Balavant *alias* Bal Apte
3. Shri Virendra Bhatia
4. Shrimati Brinda Karat
5. Shri Tariq Anwar
6. Sardar Tarlochan Singh

#### **LOK SABHA**

7. Shri Raj Babbar
8. Shrimati Tejasvini Gowda
9. Shri S.K. Kharventhan
10. Dr. C. Krishnan
11. Shri Shailendra Kumar
12. Shri Harin Pathak
13. Shri Varkala Radhakrishna
14. Adv. P. Satteedevi
15. Shri Bhupendrasinh Solanki

#### **SECRETARIAT**

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Shrimati Niangkhanem Guite, Committee Officer

#### **WITNESSES**

- |     |   |   |   |
|-----|---|---|---|
| I.  | * | * | * |
| II. | * | * | * |

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\*\*\* Relates to some other matter.

**The Constitution (One Hundred and Eighth Amendment) Bill, 2008**

2. The Chairman of the Committee, while initiating a discussion on the Constitution (One Hundred and Eighth Amendment) Bill, 2008 informed the Members that during the last study visit of the Committee, the Committee interacted with the Chief Ministers and Chief Secretaries and senior officials of the State Governments of Madhya Pradesh and Orissa on the Bill. He apprised the Committee that the Chief Ministers of both the States were of the view that the Bill should be passed in its present form and that in both the States 50% seats in Panchayati Raj institutions and Nagarpalikas have been reserved for women. The Committee further deliberated upon various nuances of the Bill and decided to seek extension of time for further examination of the Bill, since the time period for presentation of report on the Bill will expire on 7th October, 2008. It was also decided that a Status Note on the Bill may be circulated to Members of Committee.

3. \* \* \*

4. \* \* \*

5. A verbatim record of the proceedings of the meeting was kept.

6. The meeting was adjourned at 12.08 P.M. to meet again on 29th September, 2008.

**V**  
**FIFTH MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Tuesday, the 7th October, 2008 in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shri Balavant *alias* Bal Apte
3. Dr. (Shrimati) Najam A. Heptulla
4. Shri Virendra Bhatia
5. Shrimati Brinda Karat
6. Shri Tariq Anwar
7. Sardar Tarlochan Singh

**LOK SABHA**

8. Shri Raj Babbar
9. Shri N.S.V. Chitthan
10. Shrimati Tejasvini Gowda
11. Shri S.K. Kharventhan
12. Shri A. Krishnaswamy
13. Dr. C. Krishnan
14. Shri Shailendra Kumar
15. Shri Harin Pathak
16. Shri Varkala Radhakrishna
17. Prof. M. Ramadass
18. Adv. P. Sattedevi
19. Shri Bhupendrasinh Solanki

**SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary  
Shri K.P. Singh, Joint Director  
Shri K.N. Earendra Kumar, Deputy Director  
Shrimati Niangkhanem Guite, Committee Officer

**WITNESSS**

- I. \* \* \*
- II. \* \* \*
- III. \* \* \*

**IV. Ministry of Law and Justice (Legislative department)**

Dr. Sanjay Singh, Joint. Secretary and Legislative Counsel.

- I. \* \* \*
2. \* \* \*
3. \* \* \*
- II. \* \* \*
4. \* \* \*
5. \* \* \*

**III. The Constitution (One Hundred and Eighth Amendment) Bill, 2008**

6. The Chairman, while initiating a discussion on the Bill, desired that the Members may come forward with their opinion/comments on the Status Note on the Bill circulated to them.
7. A verbatim record of the proceedings of the meeting was kept.
8. The meeting adjourned at 12.22 P.M. to meet again on 21st October, 2008.

**XII  
TWELFTH MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Wednesday, the 28th January, 2009 in Room No. '63', First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Shri Balavant *alias* Bal Apte
3. Shri Tariq Anwar
4. Sardar Tarlochan Singh

**LOK SABHA**

5. Shri Raj Babbar
6. Shri Chhattar Singh Darbar
7. Shrimati Tejasvini Gowda
8. Shri S.K. Kharventhan
9. Dr. C. Krishnan
10. Shri Harin Pathak
11. Prof. M. Ramadass
12. Shrimati Krishna Tirath

**SECRETARIAT**

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Shrimati Niangkhanem Guite, Committee Officer

2. \* \* \*

A. \* \* \*

**WITNESSES**

3. \* \* \*

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\*\*\* Relates to some other matter.

4. \* \* \*
- B. \* \* \*

**WITNESSES**

- \* \* \*
- \* \* \*
- \* \* \*
- \* \* \*
5. \* \* \*

**C. The Constitution (One Hundred and Eighth Amendment) Bill, 2008**

6. The Committee considered the letter received from Shrimati Brinda Karat, Member of the Committee suggesting that the Committee should give a report as majority of the Members support the Bill. The Chairman then suggested that Committee should arrive at consensus before the report is finalized and may again discuss the Bill in its next meeting to be held on 6th February, 2008.

*(The witnesses then withdrew)*

7. A verbatim record of the proceedings of the meeting was kept.
8. The meeting adjourned at 1.01 P.M.



**XIII  
THIRTEENTH MEETING**

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 04.00 P.M. on Monday, the 16th February, 2009 in Committee Room 'E', Basement, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**

1. Dr. E.M. Sudarsana Natchiappan — *Chairman*

**RAJYA SABHA**

2. Dr. Abhishek Manu Singhvi
3. Shri Balavant *alias* Bal Apte
4. Dr. (Shrimati) Najma A. Heptulla
5. Shrimati Brinda Barat
6. Shri Ram Jethmalani
7. Sardar Tarlochan Singh

**LOK SABHA**

8. Shrimati Tejasvini Gowda
9. Shri A. Krishnaswamy
10. Dr. C. Krishnan
11. Adv. P. Sathedevi
12. Shrimati Krishna Tirath

**SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Shrimati Niangkhanem Guite, Committee Officer

- |    |   |   |   |
|----|---|---|---|
| A. | *   | * | * |
| 2. | *   | * | * |
| B. | <b>The Constitution (One Hundred and Eighth Amendment) Bill, 2008</b> |   |   |

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\*\*\* Relates to some other matter.

3. The Committee then held in-house discussion on the Constitution (One Hundred and Eighth Amendment) Bill, 2008.

C. \* \* \*

\* \* \*

4. \* \* \*

5. \* \* \*

6. A verbatim record of the proceedings of the meeting was kept.

7. The meeting adjourned at 5.05 P.M.

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\*\*\* Relates to some other matter.

## VI SIXTH MEETING

The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 11.00 A.M. on Tuesday, the 10th November, 2009, in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

### **MEMBERS PRESENT**

1. Shrimati Jayanthi Natarajan — *Chairperson*

### **RAJYA SABHA**

2. Shri Shantaram Laxman Naik
3. Shri Tiruchi Siva
4. Sardar Tarlochan Singh
5. Shri Parimal Nathwani

### **LOK SABHA**

6. Dr. Monazir Hassan
7. Shri Syed Shahnawaz Hussain
8. Shrimati Chandresh Kumari
9. Dr. Kirodi Lal Meena
10. Shri Devji M. Patel
11. Shri S. Semmalai
12. Shri Shailendra Kumar
13. Shri Vijay Bahadur Singh
14. Dr. (Shrimati) Prabha Kishor Tavid

### **SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary

Shri K.P. Singh, Joint Director

Shri K.N. Earendra Kumar, Deputy Director

Shrimati Niangkhanem Guite, Committee Officer

### **Representatives of the Ministry of Law and Justice (Legislative Department)**

1. Shri N.K. Nampoothiry, Joint Secretary and Legislative Counsel (Department of the Bill); and
2. Shri V.G. Mangal, Under Secretary (Parl.).

2. At the outset, the Chairperson welcomed the Members of the Committee for an in-house discussion on the Constitution (One Hundred and Eighth Amendment) Bill, 2008. In her opening remarks, the Chairperson enlightened the Members regarding progress made by the previous Committee on the Constitution (One Hundred and Eighth Amendment) Bill, 2008 since it was referred to this Committee by the Hon'ble Chairman, Rajya Sabha. The Chairperson urged the Members to work in tandem during the deliberations upon the Bill so that a consensus based report could be prepared in time. She then requested the members to express their views/suggestions on the various provisions of the above mentioned Bill.
3. Thereafter, some of the Members expressed their views on the issues connected with the Bill. Many Members were of the opinion that in view of the importance of the legislation, it is imperative that every section of the society and all the State Governments should be given the opportunity to submit their views and therefore, the States which have not been covered by the previous Committee may be visited for the same. The Chairperson mentioned that she would try to arrange for visits to the couple of remaining States which have not been visited by the Committee, but in view of the austerity measures it may be difficult for the Committee to travel. However, she would still try to work it out. She requested the co-operation of the Members in this regard.
4. A verbatim record of the proceedings of the meeting was kept.
5. The Committee adjourned at 11.35 A.M.

## **VII SEVENTH MEETING**

The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice met at 3.00 P.M. on Monday, the 14th December, 2009 in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

### **MEMBERS PRESENT**

1. Shrimati Jayanthi Natarajan — *Chairperson*

### **RAJYA SABHA**

2. Shri Shantaram Laxman Naik
3. Shri Parshottam Kohodabhai Rupala
4. Shri Virendra Bhatia
5. Shri Parimal Nathwani
6. Shri Tiruchi Siva

### **LOK SABHA**

7. Shri N.S.V. Chitthan
8. Shrimati Deepa Dasmunsi
9. Shrimati Jyoti Dhurve
10. Shri Syed Shahnawaz Hussain
11. Dr. Kirodi Lal Meena
12. Kumari Meenakshi Natrajan
13. Shri Devji M. Patel
14. Shri Harin Pathak
15. Shri Shailendra Kumar
16. Shri Vijay Bahadur Singh
17. Dr. (Shrimati) Prabha Kishor Tavid
18. Shri Manish Tewari
19. Adv. P.T. Thomas (Idukki)

### **SECRETARIAT**

Shri Sham Sher Singh, Joint Secretary

Shri K.P. Singh, Director

Shri K.N. Earendra Kumar, Joint Director

Ms. Niangkhanem Guite, Assistant Director

2. \* \* \*
3. The Committee considered the draft 36th Report on the Constitution (One Hundred and Eight Amendment) Bill, 2008 and adopted the same. Shri Virendra Bhatia and Shri Shailendra Kumar, Members of the Committee submitted their dissenting notes on the report of the Committee. The Committee then decided that the same may be appended as Minutes of Dissent.
4. The Committee authorised the Chairperson and in her absence Shri Tiruchi Siva to present both the reports in Rajya Sabha and Shri Syed Shahnawax Hussain and in his absence Advocate P.T. Thomas (Idukki) to lay the said reports in Lok Sabha on Thursday, the 17th December, 2009.
5. A verbatim record of the proceedings of the meeting was kept.
6. The Committee adjourned at 3.29 P.M.

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# **ANNEXURES**

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# **ANNEXURE – A**

**THE CONSTITUTION (ONE HUNDRED AND EIGHTH  
AMENDMENT) BILL, 2008**



ANNEXURE-A

AS INTRODUCED IN THE LOK SABHA

06 MAY., 2008

Bill No. XXX of 2008

THE CONSTITUTION (ONE HUNDRED AND EIGHT  
AMENDMENT) BILL, 2008

A

BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (One Hundred and Eighth Amendment) Act, 2008. 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 the 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.

3. 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 the People.

(2) As nearly as may be, one-third 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, 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 elections shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes and no seat shall be so 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 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

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

(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:

Provided that where the seat, not being a seat reserved for the Scheduled Castes or the Scheduled Tribes, 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 and no seat shall be so reserved for women in the other two general elections:

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 three general elections to the House of the People,—

(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

(b) no seat shall be reserved for women in the third general elections.”.

4. In article 331 of the Constitution, the following proviso shall be inserted at the end, namely:—

Amendment of article 331.

“Provided that where such nominations are made, in relation to every block comprising of three general elections to the House, one seat shall be reserved for nomination of a woman of Anglo-India community to every House constituted after first two general elections and no seat shall be reserved for the women of that community in the House constituted after the third general elections.”.

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

Insertion of new article 332A.

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

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 elections.

(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 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.”.

Amendment  
of article 333.

**6.** In article 333 of the Constitution, the following proviso shall be inserted at the end, namely:—

“Provided that where such, nomination is made, in relation to every block comprising of three general elections to the Assembly, the seat in the Assembly constituted after the first general elections shall be reserved for nomination of a women of the Anglo-Indian community and no seat shall be reserved for the women of that community in the Assembly constituted after the second and the third general elections.”

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  
fifteen 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 fifteen years from the commencement of the Constitution (One Hundred and Eighth Amendment) Act, 2008:

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 exiting House, Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi, as the case may be.”.

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

**8.** The amendments made to the Constitution by the Constitution (One Hundred and Eighth Amendment) Act, 2008 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.

## STATEMENT OF OBJECTS AND REASONS

The issue of empowerment of women has been raised indifferent fora in the country from time to time. Political empowerment of women is rightly perceived as a powerful and indispensable tool for eliminating gender inequality and discrimination. The Government in its National Common Minimum Programme has stated that it will take lead to introduce legislation for one-third reservation of seats for women in Vidhan Sabhas and in the Lok Sabha. The aforesaid idea followed by debate amongst the political parties and in intellectuals has paved way in getting the insight in the matter.

2. As a first step to achieve the aforesaid objective, reservation for women in Panchayats and Municipalities was provided by insertion of articles 243D and 243T in the Constitution *vide* the Constitution (Seventy-third Amendment) Act, 1992 and the Constitution (Seventy-fourth Amendment) Act, 1992, respectively. The next step towards this direction was the introduction of the Constitution (Eighty-first Amendment) Bill, 1996 in the Eleventh Lok Sabha on 12th September, 1996 which sought to reserve not less than one-third of total number of seats filled by direct election in the House of the People and in the Legislative Assemblies of the States for women. The said Bill was referred to the Joint Committee of Parliament which further strengthened some of the provisions of the Bill by extending the provision of reservation for women even in those cases where number of seats was less than three in a State or a Union territory. The Constitution (Eighty-first Amendment) Bill, 1996, as reported by the Joint Committee, however, lapsed with the dissolution of the Eleventh Lok Sabha.

3. Again attempt was made to provide reservation for women in Lok Sabha and the State Assemblies and in the Legislative Assembly of the National Capital Territory of Delhi for a period of fifteen years from the commencement of the proposed enactment, by introducing the Constitution (Eighty-fourth Amendment) Bill, 1998 in Lok Sabha on 14th December, 1998. The said Bill lapsed on the dissolution of the Twelfth Lok Sabha. Yet, another attempt was made by introducing the Constitution (Eighty-fifth Amendment) Bill, 1999 in Lok Sabha on 23rd December, 1999. But this Bill also had not been pursued due to lack of consensus amongst the political parties.

4. The Government has decided to reintroduce a Bill on the lines of the aforesaid Bills Seeking to provide for reservation for women in the House of the

People and in the Legislative Assemblies of the States. This is in fulfilment of the people's mandate.

5. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;  
*The 5th May, 2008.*

HANS RAJ BHARDWAJ.



ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

	*	*	*	*	*
Special provisions with respects to Delhi.	239AA.	*	*	*	*
	(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 matter relating to the functioning of the Legislative Assembly shall be regulated by law made by Parliament.

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RAJYA SABHA

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A

**BILL**

further to amend the Constitution of India.

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*(Shri Hans Raj Bhardwaj, Minister of Law and Justice)*

## **ANNEXURE – B**

**COMMENTS OF THE MINISTRY OF LAW AND  
JUSTICE (LEGISLATIVE DEPARTMENT) ON THE  
VIEWS/SUGGESTIONS CONTAINED IN MEMORANDA  
SUBMITTED BY INDIVIDUALS/ORGANISATIONS/  
EXPERTS ON THE PROVISIONS OF THE BILL**



ANNEXURE-B

Sl. No.	Name of the Organisation/individual	Comments/Suggestions	Response of Government
1	2	3	4
1.	Shir Subhash Chandra Agrawal (Guinness Record Holder for 1775, Kucha Lattushah, Dariba Delhi.	He has suggested that Gill formula to make it compulsory for every political party to give at least 33 per cent party-tickets to women may be immediately enforced as an interim measure.	It is a matter of policy. On the basis of the report/recommendations of the Parliamentary Standing Committee, the Department will go to the Cabinet for taking a policy decision.
2.	Shri Anup Kumar Mishra President District Badminton Association Suguja Ambikapur Chhattisgarh	He has suggested that reservation for women should be same as nearly as may be, that of percentage of women out of the total population of India or States according to the census of 2001, of the seats of the present strength of the House of People and the Legislative Assembly of every State.	-do-
3.	Prof. Man Cahnd Khandala General Secretary Citizens Association for Rights 12-The-14, Jawahar Nagar Jaipur - 302004.	He has suggested that the following amendments:— 1. The percentage of women reservation should be increased to 50, which is logical because of their percentage of population in India. 2. Amongst the reserved constituencies again the reservation for women of SC/ST and OBC must also be made at the same percentage which is applicable in the case of reservations for employment to SC/ST and OBC category candidates. 3. It is illogical and most impracticable suggestion to increase the same number of seats in the Lok Sabha and State Legislative Assemblies which will be reserved for women.	-do-

4. The eligibility for contesting election in such reserved women constituencies should not be changed in any way.
5. The reserved women constituencies should not be changed in any way.
6. The suggestion that in place of such reservation obligatory reservation should be made by the political parties in the same percentage at the time of nominating candidates in elections of Lok Sabha or State Legislative Assemblies is totally a biased suggestion of professional and power greedy male politicians.

4. Zameer Ahmed Jumilana

He has suggested that Muslim Women being weakest section of Indian society needs a separate reservation quota in legislative bodies.

It is a matter of policy. On the basis of the report/recommendations of the Parliamentary Standing Committee, the Department will go to the Cabinet for taking a policy decision.

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5. Sitaram Raigar,  
Jaipur.

He has made some observations which are as under:—  
It is very bad decision for India because it is not similar for all categories. If you give reservation you should separate total seats of women and give reservation for SC/ST/OBC in it. So, they may not have struggle/competition in men and women. It should be done not only for 15 years but may continue forward.

—do—

6. Subodh Bansal  
Strategy Designer

He has described this Bill as undemocratic and unconstitutional act which would kill the freedom of voters as voters would have to choose from only women candidate.

—do—

7. Gayatri Sankaran  
Padmashree Awardee  
4, East Coast Road,  
Thiuvannamur, Chennai. —do—
8. SMMV Krishna Rao  
Srinivas Krishnarao —do—
9. Santosh Kumar
- He has suggested that
- (i) Provide 33% reservation to women without any increase in the number of seats of any House.
- (ii) Since it is very difficult to give very precise solution because women's population is evenly distributed all over country. One way to implement is to allocate 33% seats randomly evenly distributed all over country and then keep rest 66% seats in two different groups on with the women's reservation should be applied after every next election. So the total seats will be distributed in three groups and for seats in each group women's reservation will apply after a gap of two elections. This period of two elections can be set differently by putting the period as 5 years for each seats/group.
- (iii) Reservation to Backward Castes Women should be compulsory part of the Bill.
10. Shrimati Shobha Suman  
W/o Nilesh Kumar —do—  
Advocate  
Vidisha
- She has requested for special quota for physically challenged women for inclusion in the Bill.
- His suggestions on the Bill are as under :
- To link the norm to 21 years male/female (population/literacy) ratio in the country as a whole for Lok Sabha and in each State Assemblies.
- The Bill aims at eliminating gender inequality.  
To encourage women to participate in the making of laws for the Union and for the States.
- She has suggested some amendments which are as under:
- (i) One third reservation should be provided in both the Houses of parliament.

- (ii) One third among the reserved seats for women should be provided to the SC/ST/OBC women in parliament and State Legislatures.
- (iii) Reservation for women should be made in nomination to Anglo-Indian Community.
- (iv) One third reservation for women should be provided in Delhi Legislative Assembly.
- (v) Reservation for women not only be provided for 15 years but it should be continued to next 15 years also.

It is a matter of policy. On the basis of the report/recommendations of the Parliamentary Standing Committee, the Department will go to the Cabinet for taking a policy decision.

11. Gayatri Sankaran  
Padmashree Awardee  
4, East Coast Road,  
Thiuvannaayur  
Chennai.

12. Bahujan Svarajya Party  
House No.351, Ward  
No.29, Mohalla Bhind  
P.O. Bhind, Madhya Pradesh

Article 108(1) Reservation of seats for women Neuter in the House of the People  
(a) Women Gender  
(b) Neuter Gender

—do—

13. Shri Pooran Koli  
Assistant Professor  
Department of Chemistry  
Jai Narain Vyas University  
Jodhpur,  
Rajasthan

He has suggested his scheme for women reservation which is based on two members constituency – Tri cameral legislature system which requires amendment in following articles :—  
(i) Article 79 – Parliament shall consists of President and Tricameral  
Legislature – House of People (Lok Sabha), House of Women (Mahila Sabha) and Council of States (Rajya Sabha).

—do—



- (ii) Article 81 – The amended article 81 shall provide for composition of Lok Sabha with maximum strength 545 (530 + 13 + 2) as well as for composition of Mahila Sabha with maximum strength 545 (530 + 13 + 2).
- (iii) Article 83 – Amended article 84 will provide that only women shall contest for Mahila Sabha. The other qualifications for Mahila Sabha shall be as present today for membership of Lok Sabha. There will be no change in qualification for Lok Sabha and Rajya Sabha. It means women shall also be eligible for Lok Sabha and Rajya Sabha.
- (iv) Article 168 – The amended article 168 will provide for tricameral State legislature – Legislative Assembly (Vidhan Sabha). Legislative Assembly of Women (Mahila Vidhan Sabha) and Legislative Council, in States where there is bicameral system presently and bicameral State Legislature – Vidhan Sabha and Mahila Vidhan Sabha in States where there is unicameral system presently as the case may be. The number of Membership of Mahila Vidhan Sabha will be equal to Vidhan Sabha in States and Union Territories – Delhi and Pondicherry.
- (v) Article 239 A – Amended article 239A will provide for bicameral legislature for Delhi and Pondicherry. The membership of Mahila Vidhan Sabha shall be equal to that of Vidhan Sabha in these Union Territories.
- (vi) Article 173 – In amended article 173, there shall be no change in qualifications for Vidhan Sabha and Vidhan Parishad. Amended article 173 will provide that only women shall contest for Mahila Vidhan Sabha. Women shall also be eligible for Vidhan Sabha and Vidhan Parishad.
-

- (vii) Article 107 – Amended article 107 shall provide for introduction of non-money Bills in Lok Sabha or Mahila Sabha or Rajya Sabha. Each Bill has to be passed. Separately by rest two non-originating Houses. If there is dispute between Houses, two Houses in one side and rest one in other side, or all three Houses have different stand on a Bill then there shall be joint sitting under Article 108. Amended Article 108 will provide for sitting of Rajya Sabha and Lok Sabha in building of Lok Sabha, and Mahila Sabha will sit in her own House. This way there will not be any problem of single building housing meeting of 1335 MPs. The requirement of voting for passage of a Bill in joint sitting will remain the same which exists today. Bills concerning women and children the Mahila Sabha will have final say as presently Lok Sabha have in case of money Bills. There shall be provision that any Bill can become an Act only after it is passed by all three Houses of the Parliament and assented by the President.
- (viii) Article 109 – The amended, article 109 will provide for introduction of money Bills in Lok Sabha or Mahila Sabha but not in Rajya Sabha as presently. The final say will remain with Lok Sabha plus Mahila Sabha combinedly in case of any dispute between Lok Sabha and Mahila Sabha over money Bills there will be joint sitting of Lok Sabha and Mahila Sabha in which Lok Sabha and Mahila Sabha will interact through video conferencing.
- (ix) Article 196 – The amended article 196 will provide same legislative relationship between houses of state legislature as will be at central legislature level.

- (x) Article 330 – The amended article 330 will also provide reservation for SC and ST women in Mahila Sabha on same pattern which is presently in Lok Sabha. There will be no change in reservation pattern in Lok Sabha. In addition to reservation for SC/ST women in Mahila Sabha the amended article 330 may also provide reservation for women of OBCs and Minorities Classes in proportion to their population respectively.
- (xi) Article 331 – After amendment in article 331 provision will remain same for Lok Sabha but in case of Mahila Sabha amended article will provide for nomination of two women from Anglo-Indian community in case this community is not adequately represented in Mahila Sabha.
- (xii) Article 332 – After amendment in article 332 there shall be proportionate representation of women from SCs, STs, OBCs Minorities Classes in Mahila Vidhan Sabha. The provision regarding reservation with respect to Vidhan Sabha will remain unchanged.
- (xiii) Article 333 – The amended article 333 will provide for nomination of women from Anglo-Indian community in Mahila Vidhan Sabha. Provision with respect to Vidhan Sabha will remain unchanged.
- (xiv) Article 334 – Amended article 334 will provide for reservation of seats and special representation of women in legislature till specified time.
- (xv) 97th Amendment – Portfolios relating with women and children will necessarily go to women ministers.
- (xvi) Article 54 – Amended article 54 will provide that electoral college for Presidential election shall consist of elected members of Lok Sabha, Mahila Sabha, Rajya Sabha, Vjdhhan Sabha and Mahila Vidhan Sabha.
-

- (xvii) Article 66(1) – Amended article 66(1) will provide that electoral college for Vice-President shall consist of Lok Sabha, Mahila Sabha and Rajya Sabha.
- (xviii) Article 61 – Amended article 66 will provide that resolution for impeachment shall be introduced in either house of central legislature but that has to be approved separately by rest two non-originating houses.
- (xix) Article 67 (b) – Amended article 67 (b) will provide that resolution for removal of Vice-President shall be introduced in Rajya Sabha but that has to be agreed to by both Lok Sabha and Mahila Sabha separately.
- (xx) Article 75(3) – Amended article 75 (3) will provide that council of ministers shall be collectively responsible to both popular houses Lok, Sabha and Mahila Sabha. No-confidence motion shall be introduced in Lok Sabha but has to be agreed to by Mahila Sabha or *vice-versa*. In case of dispute, there shall be joint sitting of Lok Sabha and Mahila Sabha.
- (xxi) Article 164 (2) – Amended article 164(2) will provide that council of ministers at state level shall be collectively responsible to both popular houses – Vidhan Sabha and Mahila Vidhan Sabha.
- (xxii) Article 124(4) – Amended article 124 (4) shall provide that resolution for removal of Supreme Court judges will be introduced in either house but it has to be agreed to by rest two houses non-originating separately. Other provisions will be same which exist presently in this regard.
- (xxiii) Article 217 (1) - Amended article 217 (1) will provide same provision for removal of High Court judges as for Supreme Court judges.

- (xxiv) Article 89 – After tricameral system article 89 will remain unchanged.
- (xxv) Article 93 – Amended article 93 shall provide that the Lok Sabha and Mahila Sabha shall as soon as may be possible separately chose two members of the Lok Sabha/Mahila Sabha as the case may be, to be respectively Speaker and Deputy Speaker.
- (xxvi) Article 178 – Amended article 178 shall provide separate Speaker and Deputy Speakers for Vidhan Sabha and Mahila Vidhan Sabha. Mahila Vidhan Sabha shall elect her own Speaker and Deputy Speaker from her own members and will also have power to remove her Speaker and Deputy Speaker.
- (xxvii) The amended Representation of People's Act will provide for two member parliamentary constituencies and two member assembly constituencies. Each parliamentary constituency will have one member to Lok Sabha for which both men and women shall contest and one member of Mahila Sabha for which only women shall contest.
- (xxviii) The election for Lok Sabha and Mahila Sabha shall always be held simultaneously. During election, at each booth, there shall be two Electronic Voting Machine (EVM) – one for Lok Sabha and one for Mahila Sabha.
-

14. Working Women's Forum (India)  
55, Bhimasena Garden Road, Chennai.
- Has suggested that one third reservation for women both in Parliament and State Assemblies is a grave necessity with respect to the promotion of gender equally in all sphere of human endeavor and do away with the general backwardness of women at all levels.
- It is a matter of policy. On the basis of the report/recommendations of the Parliamentary Standing Committee, the Department will go to the Cabinet for taking a policy decision.
15. O.B.C. Front (West Bengal)  
2/2, Nirmal Chandra Street, P.O. Bowbazar, Kolkata-700 012.
- Has suggested that 50% of the seats within the ambit of one-third reservation for women aiming in this Bill should be reserved for the women of Backward Classes to establish Social-Justice in our country.
16. God-Images Good Governance Society,  
204, Anand Chambers,  
25/34, East Patel Nagar,  
New Delhi.
- Has suggested women empowerment needs 100% Representation, not 33% in Central, State and Local Governments.
17. Shri Keshav Chandra Pant, Vill. Mithi beri,  
P.O. Prem Nagar, Dehradoon.
- The summary of the suggestions is not in favour of the Bill for the reasons that it is politically motivated and not conforming with the socio-economic state in the country.
18. Shri Kalind Nandini,  
32/13-14; A, Arya Nagar,  
Ajmer.
- Different views have been expressed, on 3 clauses of the Bill:—  
(i) The very first clause provides only 1/3 seats of the present strength of the Lok Sabha and State Assemblies. It is said that

women are 50% of the population. Hence, it should be ½ of the members of Lok Sabha and State Assemblies.

(ii) The Second clause of the proposed Bill is even worse as it states that in the proposed 1/3 reservation for women the 1/3 might be reserved for SC/ST women, which is unacceptable as there are already ample member of reserved seats in Lok Sabha and State Assemblies.

(iii) The third clause is unacceptable as it says nominations for Anglo-Indian Women. President already nominates 2 Anglo-Indian.

19. Shri D.D. Gupta, 4/32-A, East Punjabi Bagh, New Delhi 110026.

All happening for political expediency. Reservation of women belonging to Anglo-Indian community is an attempt to give benefit of reservation on the basis of religion.

20. Rakshak Foundation, 2784, Homestead road, #235, Santa Clara, California, USA.

Says there are several shortcomings in the current Bill such as Insufficient grounds for 33% reservation, Discrimination on the basis of gender, violation of the democratic right of people to choose their representatives, violation of the democratic right of people to contest elections and quota is not an answer to women's problems. The reservation will only help elite and women who are proxy of powerful men, women candidates may not get party ticket to contest from unreserved constituency etc. There is no need for reservation for women in the Legislatures.

21. Shri Uma Shankar Prasad, General Secretary, Jan Jagriti Samiti, Khajuri Khas, Delhi-94.

Women empowerment is necessary for speedy development of women.  
O.B.C. women require reservation.  
O.B.C. women will not be empowered without quota.

22. National Federation of  
Indian Women, 1002,  
Ansal Bhawan, 16,  
Kasturba Gandhi Marg,  
New Delhi-1

They welcome the SOR attached to the Bill

They want all sections of women should be represented in the elected forums and are able to voice their concerns and demands. Wants government to take steps at various levels so that muslim women can overcome their disabilities.

Rotation of seats poses no hurdles for women to show their interest in politics/election.

Art. 334A of the Bill provides that the provision of the Constitution relating to the reservation for seats for women in the House of the People and the Legislative Assemblies shall cease to have effect on the expiry of 15 years period. They feel it should be amended as to provide only for a review after 15 years.

-do-



Memorandum Nos.	Name of the Organisation/individual	Comments/views	Response of Government
1	2	3	4
23.	Dr. Jyotsna Chattrji, Director, Joint Women's Programme, B49B, Gangotri Apartments, Alaknanda, New Delhi-19.	We stand by our demand for 33% reservation of seats for women in State Assemblies and Parliament. We have no objection for any other category of women getting reservation within 33% and we request the Parliament to find ways in which it is to be done.	It is a matter of policy. On the basis of the report/recommendations of the Parliamentary Standing Committee, the Department will go to the Cabinet for taking a policy decision.
24.	G. Venkateswarlu, Section Officer (G), SERC, CSIR Campus, Chennai-13.	Suggesting that there should be a quota within the women quota for SC, ST, OBC, Minority, Urban, rural, etc, for genuine empowerment of all the segments of women of our society.	-do-
25.	V. Mohini Giri, Chairperson, Guild of Service, an NGO with "SHUBHAM" C-25, Qutab Institutional Area, New Delhi.	Suggesting change in clause 3, in article 330A(2) of the Bill, as follows:— “(2) As nearly as may be, one third of the total number of seats reserved under clause (2) of article 330 shall be reserved for women belonging as the case may be to Scheduled Caste, Scheduled Tribes or such other class of women as may be determined so eligible by Parliament by law”.	-do-
26.	Jagjeet Singh Matharu, President, Ramgarhia Federation of Haryana, Gurudwara Ramgarhia,	In view of the provision contained in article 15(4) of the Indian Constitutional and Indian Panchayati Raj Act, 1994, kindly give 50% reservation (out of 33%) to the women of	-do-

Slarganj Gate, Maharaja  
Jassa Singh Ramarhia  
Chowk, Panipat

other backward classes on the basis of their population-  
strength in each State of India, as per preceding decennial  
census, 50% share in democracy may be provided in the  
country which may play a big role to rise the status as well  
as benefit for the other backward classes.

27. Mr. G.N. Sinha,  
President, Samagra,  
5/523, Viram Khand,  
Gomti Nagar,  
Lucknow-226010. Indian Constitution has been amended umpteen times. There is  
no need to pursue Constitution (One hundred eighth Amendment)  
Bill. -do-
28. Dr. Ranjana Kumari  
President, Women  
Power Connect,  
A,1/125, First Floor,  
Safdarjung. Enclave,  
New Delhi-110029. 1. Opposed to the idea of creating quotas within the 33%  
quota for women. As an alternative we suggest that political  
parties be made responsible to ensure distribution of tickets in  
such a manner that the various social and economic strata of  
society, especially marginalized and disadvantaged groups, get  
adequate representation.  
2. Against the policy of rotation of seats, as this will prevent  
the candidates from nurturing their constituencies over a  
period of time.  
3. With regard to the issue of terminating the reservation  
policy after a period of 15 years, we feel that once it has  
completed 15 years of enforcement, the policy of reservation  
should be assessed to gauge the impact it has had on the  
participation of women in politics in terms of numbers and  
roles. Whether it should be continued or terminated should be  
reviewed on the basis of considerations of this assessment. -do-
29. Dr. K.C. Sunny, Head of  
the Department of Law,  
University of Kerala,  
Kariavattom P.O.  
Thiruvananthapuram-695581

4. Is the reservation policy to continue until the completion of three general elections (which under normal circumstances should span fifteen years) or does it apply to all general elections that might take place in the fifteen years from the date of its enforcement?

Following are the comments:

1. The provisions are generally satisfactory.
2. There is no need to introduce the system of rotation for the constituencies reserved for women. So proviso to sections 2 and 3 may be modified.
3. Since there is no justification for delaying the legal measures for reserving seats for women in Lok Sabha and State Legislative Assemblies steps should be taken for implementing the Amendment before October 2nd, 2008.

Sl. No.	Name of the Organisation/individual	Comments/suggestions	Response of Government
1	2	3	4
30.	Ali Mumib Bin Mendi "Mobarak-Manzil" Power House Road Distt. Goalpara, Assam.	<p>The following points have been suggested:</p> <ol style="list-style-type: none"> <li>1. One third seats in the present strength of the house of the people and he legislative assembly of every statemay not be given effect it may be increased to 10% only.</li> <li>2. Reservation for women for SC/ST in the House of the People and in the Legislative Assembly of every State may be reserved up to 2% only for the both caste.</li> <li>3. No reservation of seats for women is required in the Legislative Assembly of the State.</li> <li>4. No Policy should be introduced for reservation of seats for Women but selection may be made best on quality, efficiency and Education.</li> </ol>	
31.	Gurpreet Singh Johal Village and Post Office Mandiani, Distt. Ludhiana, Punjab.	<p>He has made the following comments:</p> <ol style="list-style-type: none"> <li>1. Lack of quality in legislatures</li> <li>2. Past experience of women reservation not good</li> <li>3. Women have taken more than due of their power in India</li> <li>4. Punjab experience a good lesson to learn from</li> <li>5. Highly discriminatory to rural men</li> <li>6. Once reserved it would be difficult to de-reserve.</li> </ol>	
32.	D.S. Pokwang Type-V Residential Colony, Khonsa-786 630. Arunachal Pradesh.	<p>He has suggested the following:</p> <p>Nominated representation for tribal women's children from non-tribal fathers from the North-eastern state in Parliament and State Legislative Assembly should also be thought of while</p>	

considering reservation for women including that of the Scheduled Castes and Scheduled Tribes.

33. Sehba Farooqui  
Delhi Janwadi Mahila Samiti,  
Secretary,  
8, Uttaranchal Apartments,  
5, IP Extension, Patparganj  
Delhi. -do-  
She has suggested a need for a Constitutional provision to ensure a minimum representation of women in legislatures and urge upon the Government to recommend the passage of this Bill at the earliest so that a decisive and historic step can be taken to advance the cause of gender justice in our country.
34. Akhil Bhartiya Kaiwart  
Kalyan Samity  
76/A/7, Motilal Gupta Road,  
Kolkata. -do-  
It has been suggested that a separate provision of reservation for women belonging to OBC/SC/ST may kindly be made in the Proposed women Reservation Bill for upliftment OBC/SC/ST which contribute 80% population of the country.
35. Mrs. Sarita  
Flat No.33, Type IV  
DCE Campus, Bawana  
Road, Delhi. -do-  
She has suggested the followings:  
15% seats for SC category women  
7.5% seats for ST category women  
27% seats for OBC category Women.
36. M.S. Handa, 83C, DDA  
Flats, Masjid Moth Phase-  
2, New Delhi - 48. -do-  
He has commented that no reservation is required or needed.
37. Mr. Sukumar Dey,  
Turn Government College, Tura. -do-  
He is against any reservation.
38. Akhil Bhartiya Prajapati  
(Kumbhkar) Mahansangh  
(Regd.).  
282, Chirag Delhi, New Delhi. -do-  
The proposed Bill has the provision of one-third reservation of the seats reserved for SCs and STs and hence their political empowerment assured.

39. Grameen Janta, Gram Panchayat Raj, Peerpur Mathura, Prakhhand Gairola, Distt. Vaishali, Bihar. Sub-quota should be provided for OBCs, Dalits and minorities. If proposal not accepted, there may be referendum. -do-
40. Shri H.L.K. Joshi Ispat Bhavan, Kodambakkam High Road, Chennai. By 1/3rd reservation for women in Lok Sabha and State legislatures, present weaknesses in caste based system can be addressed. After passing of the Bill for its implementation there will be need of Women Vigilance Committees at Distt. level. -do-
41. [Enhancing Women's Representation in Legislatures] Madhu Kishwar (CSDS) Manushi, New Delhi Dhirubhai Shthi (Loknayan/CSDS, Delhi) Yogendra Yadav (CSDS, Delhi) Jayaprakash Narayan (Lok Satta, Hyderabad). In the Council of States as nearly as may be one-third of all seats, whether elected or nominated, shall be reserved for women. In the States in which Legislative Councils exist, as nearly as may be, one-third of all seats filled from each category, whether elected or nominated shall be reserved for women. Provided that in case of members elected by members of local authorities, graduates, and teachers, the seats reserved for women shall be rotated and decided by draw of lots. An alternative to the Govt. Bill for Women's reservation has been suggested. -do-

Sl. No.	Name of the Organisation/individual	Comments/suggestions	Response of Government
1	2	3	4
42.	Subhashini, President. All India Democratic Women Association, 121 Vithalbhai Patel House, Rafi Marg, Delhi - 110001.	They have solicited Committee's support for the passage of the Bill, expressed their hope and conviction that Indian women, especially those who bear the triple burden of class, caste and gender discrimination, will always enjoy the support and solidarity of the Indian Parliament in their struggle for radical social change.	It is a matter of policy. On the basis of the report/recommendations of the Parliamentary Standing Committee, the Department will go to the Cabinet for taking a policy decision.
43.	Milap Choraria, B-5/52, Sector-7, Rohini, Delhi-85.	They have suggested as follows: 1. The total number of women members including directly elected women members shall be 1 against 2 elected male members. 2. The expression 'population' means the population as ascertained at the last preceding census of which the relevant figures have been published in the Gazette. 3. The Number of members of every State Legislative Assembly chosen by direct election from territorial constituencies in every State in such a manner that every Lok Sabha constituency as far as practicable, shall be multiple of not more than ten.	-do-
44.	Vasudev J. Desai, 47, Nutan Prakash Park, IOC Road, Ahmedabad.	He has suggested as follows: All women of foreign origin be barred from contesting election on any seat reserved for women. Provision of appointing one Parsi women in Lok Sabha and one in Rajya Sabha two ML's in Maharashtra Assembly and one in Gujarat Assembly be made.	-do-

1	2	3	4
45.	Prof. Om Prakash, Vice-Chancellor, University of Rajasthan, 1/245, SFS, Manasarover, Jaipur.	<ol style="list-style-type: none"> <li>1 In trying to eliminate gender inequality, greater inequalities may be in store.</li> <li>2. The entire rotational system would be highly complicated throwing the sons of the soil out of their own constituency.</li> <li>3. There may also be a demand for similar increase in the size of Rajya Sabha making legislative decisions even more difficult to take.</li> </ol>	-do-
46.	Didar Singh Nalvi President. Bhartiya Soshit Samaj Vikas Manch, Kothi No.239, Sector-7, Urban Estate, Kurukshehra.	They have suggested as follows: In view of the provision contained in article 15(4) of the Indian Constitutional and Indian Panchayati Raj Act, 1994 we request to give 50% reservation (out of 33%) to the women of other backward classes on the basis of their population-strength in each State of India.	-do-
47.	Om Prakash Chautala National President Indian National Lokdal.	It would be the fitness of things if all the parties particularly the National Parties and the Regional Parties recognized by Election Commission of India, adopt the formula that all the parties will be giving at least 1/3 of the party tickets at various levels to women candidates.	-do-
48.	Communist Party of India (Marxist)	They support the present Bill and to recommend it for adoption in the ensuing session of Parliament.	-do-
49.	Sharad Joshi National President Swatantra Bharat Paksha	They have serious reservations on any system of reservation based on rotation.	-do-



12A, Meena Bagh  
Opp. Nirman Bhawans,  
New Delhi.

The number of seats for SC/ST women in any given State/UT should not exceed 3, the candidates fielded by various parties are more than likely to be close relations or acquaintances of the party leaders.

The phenomenon of members of legislatures getting elected for six or seven consecutive terms will simply disappear.

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MEMORANDA NOS.50 TO 57 RECEIVED FROM DIFFERENT ORGANIZATIONS/INDIVIDUALS ON THE CONSTITUTION (ONE-HUNDRED AND EIGHTH AMENDMENT) BILL, 2008.

Memorandum No.	Name of the Organisation/individual	Comments/views	Response of Government
1	2	3	4
50.	Amit Manglani, Research-scholar at BHU.	<p>Suggests the following for better enactment:—</p> <ol style="list-style-type: none"> <li>1. If there is women reservation - there must be restriction for political leaders (governing or otherwise) to contest their family members in any constituency. A kind of 'Creamy-layer' exclusion.</li> <li>2. Avoid making reservation, try other methods like – full financial support, scholarship for all the first. A middle-income family will gain more from these measures.</li> <li>3. There must be rotation in seats. It must not be restricted to female contestants but to males as well. This can help in avoiding use of muscle power in every 5 years' election. It must make a clause that one should contest at least 500 kilometers apart from previously contested constituency.</li> <li>4. 'Reservation for Women' in Panchayats, is good. It should be made more stringent so that no two persons from a single family hold posts at any level of governance be it a Member of Parliament post or a Block Development Officer's (BDO) post. Clearly, only one person per family should be allowed to contest any where from India.</li> </ol>	<p>It is a matter of policy. On the basis of the report/recommendations of the Parliamentary Standing Committee, the Department will go to the Cabinet for taking a policy decision.</p>

5. The underprivileged have not received much facilities or power even after providing reservation in job and education since independence. This fact alone tells the failure of reservation system. Therefore, before extending the reservation net, a proper study of reservation already provided to various sections and its benefits they received must be done.

6. Reservation itself is not a facility. It is an evil tool in the hands of our 'law-makers' (our parliamentarians). Parliament should restrict itself from using this tool every time. This will help our society from further fragmentation.

7. It must be remembered that protection of women against dowry cases has worked as a 'double-edged sword'. Where, in many cases it help the deceased woman to get the justice, at some other cases, family members of females used it as harassing tool for 'bridegroom' side. In other words, any such Bill must be considered and re-considered several times so that if it increases Powers of women, it shall not create any problem for males.

51.	<p>Joint statement of Women's organizations on the Constitution (One Hundred and Eighth) Amendment Bill, 2008.</p> <p>[Dr. V. Mohini Giri-the Guild of Service and the War Widows Association, Ms. Sudha Sundaraman –</p>	<p>Principles of gender equity and social justice will be achieved if this is done.</p> <p>Participation of women in governance will help challenge a patriarchal notion of development.</p> <p>Our experiences have shown that women have started taking a keen interest in politics and there are States where elected women representatives have exceeded the 33% reservation figures in Panchayats.</p> <p>The reason why only 2% women get re-elected (as stated by the Ministry) is because there is increasing backlash/violence</p>	–do–
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all India Democratic Women's Association, Ms. Gomati Nair – all India Women's Conference, Ms. Annie Raja – National Federation of Indian women, Ms. Jyostana Chaterjee – Joint Women's Programme, Ms. Akhila Sivadas – Centre for Advocacy and Research and Ms. Nalina Jiwani – Bahai Office for the Advancement of Women

against women willing to contest elections. Violence is used as a threat to prohibit their participation. But one cannot use this line of thought to argue against reservation. Experiences have shown that caste barriers between women have loosened because women see each other as support. They stand by each other irrespective of the divisive social communities they belong to. Results of panchayat elections in some States have demonstrated that women have entered the public life and have started demanding for redress mechanisms for issues that have been excluded from the purview of development. This bill has generated significant political momentum and is a sign that India's democracy is moving in the right direction therefore supports the Bill.

52. Anwara Meerza,  
Meerza01 @yahoo.co.in

Wishes to get an opportunity to appear before the Committee and give a presentation on the' draft Bill.

–do–

53. Maharashtrawadi  
Gomantak Party, Near Sai-  
Baba Temple, Boca-Da-  
Vaca, Panaji-Goa, 403001.

–do–

**Section 1**

Sub-section (2) of section 1 states that the provisions of this amendment will come in to force from the appointed date as may be notified by the Central Government in official Gazette and the Central Government can appoint different date for different provisions.

It may be examined if there can be included words providing for appointment of different dates for bringing it into force in different States in consultation with the concerned

State Government. This is suggested because the people in each State shall be free to consider the local situation, social conditions, total population as well as the literacy rate, and opt for reservation of seats in respect of State Assembly in that State.

## **Section 2**

This section proposes amendment to article 80 of the constitution. Article 80 is on composition of Council of State.

Clause (2) speaks about allocation of seats in the Council of State. In original clauses after the word “seats” the words “including those reserved for women” are to be inserted. Secondly, this allocation is in accordance with provisions contained in the Fourth Schedule which also will have to be amended. It may be noted that there are some States with only one seat allotted to them in this regard.

In clause (3) of the Article 80 also there is a provision suggesting of at least not less than one-third members to be nominated by the President. Nomination of such one-third member by nominating women as their reserved seats should not later on lead to the demand for further reservation within for women coming from certain reserved categories like ST, SC, OBC, etc. Therefore, a mention will have to be made at appropriate place clarifying that the nomination of women shall be irrespective of caste, creed, category, community or religion.

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**Article 3**

The Bills seeks insertion of a provision to clause (3) of article 171 which speaks on composition of the legislative council. This provision mention that at least 1/3rd of the seats shall be reserved for women. Our view is that in this article also there should not be scope for further reservation as mentioned above, *i.e.* the number of this 1/3rd seats should not further be required to be allotted to women coming from reserved categories like SC, ST, OBC, etc.

**Article 239A**

No comments.

**The Section 330**

No comments.

**Article 332A**

This Party is in agreement with the proposed amendment and insertion of article 332A.

In the first proviso to this article 332A(2), the words “No seats shall be reserved in the other two general elections” have not been inserted as has been done in the first proviso to article 330A(2). Therefore, either these words be inserted in 332A(2) or deleted from the proviso under 330A(2).

**Article 333**

No comments.

**Article 334 - proposing insertion of article 334**

No comments.

- |     |   |   |      |
|-----|---|---|------|
| 54. | J Jayalithaa, General Secretary – AIADMK, Former Chief Minister of Tamil Nadu, Leader of the Opposition, Tamil Nadu Legislative Assembly. | The AIADMK is of the opinion that the 33 per cent reservation envisaged for women should be applicable to existing quotas as well. For example, 33 per cent of the seats reserved for Dalits should field Dalit women only as candidates. In other words, if 30 seats are reserved for Dalits, a sub-reservation should exist whereby 10 seats will go to Dalit women. This will ensure that women from all segments of society will find representation in Government. | -do- |
| 55. | T.K.S. Elangovan, Organisation Secretary, D.M.K.  | Expresses its unconditional support to the Constitution (One Hundred and Eighth Amendment) Bill, 2008.  | -do- |
| 56. | Dr. Baron Mukherjee, National Secretary, All India Forward Block, Central Committee, 28, Gurudwara Rakabganj Road, New Delhi.             | Demand immediate reservations of one-third seats for women in Vidhan Sabhas and Lok Sabha.  | -do- |
| 57. | Shri Sharad Yadav, President, Janata Dal (United), 7, Jantar Mantar Road, New Delhi.  | Requests the Standing Committee to drop the Bill.   | -do- |
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58. Rami Chhabra She has demanded dual member constituency in place of existing single member constituency or pooling together two three contiguous constituencies in each State, according to the number of women's constituencies agreed upon and make bigger constituencies reserved for women.
- The National Commission to Review the Working of the Constitution considered this proposal and was of the view that this proposal not found acceptable on the grounds of being either impracticable or unnecessary.
59. Dr. Medha Nanivedekar, President Bharatiya Stree Shakti Reg off: 4, Girish, T.H. Kataria Marg, Mahim, Mumbai-400016 She has submitted the following for consideration of the PSC:—
- (i) Rotation of reserved seat should be pre-determined;
  - (ii) Political parties ought to amend their constitutions to provide for reservation of 1/3rd seats for women at every level and in every wing of the party organization;
  - (iii) There should be no time limit of such nomination. This would ensure that even after the constituencies get de-reserved, women would not be thrown out of elective roles.
  - (iv) Urges not to dilute the volume of quotas permitted.
- Provision for the rotation of reserved seats is based on the recommendations of the Select Committee headed by Smt. Geeta Mukherjee. However, The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
60. Dr. Medha Nanivedekar, President Centre for Womens' Studies, Shivaji University, Kolhapur-416004 She is of the view that:
- (i) the rotation of reservation of one-third seats is the most serious flaw in bill.
  - (ii) rotation of constituencies reserved for women turns women's quota into a Zero Sum game.
- Provision for the rotation of reserved seats is based on the recommendations of the Select Committee headed by Smt. Geeta Mukherjee Further total numbers of seats.



- (iii) attempts should be made to seek an option which would increase women's representation without decreasing the number of male MPs.
- (iv) no provision for extending reservation to Rajya Sabha and Legislative Councils.
- (v) OBC quota.
- (vi) organizational quota in party organization.
- (vii) precaution to prevent the drop in women's representation after fifteen years.
- (viii) no down scaling from 33% volume of women's quota.
61. Rekha Thakur, Convener  
OBC Arakshan Samiti,  
Mumbai.
- She has demanded the reconstruction of women's reservation Bill with the provision for the proportionate representation for disadvantaged social groups like the tribals, muslims, dalits and OBCs.
62. Dr Ujwala Jadhav, Bharip  
Bahujan Mahasangh,  
Mumbai.
- She has demanded the reconstruction of women's reservation Bill with the provision for the proportionate representation for disadvantaged social groups like the tribals, muslims, dalits and OBCs.
63. All India Democratic  
Women's Association,  
Mumbai.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
- Provisions for reservation of seats to Scheduled Castes/ Scheduled Tribes have been provided in the Bill. As regards the reservation to other groups the Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
- See comments against S1. No.61
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

64. Dr. Mithu Alur, Founder Chairperson, Spastics Society of India, New Delhi. He has demanded nomination of disabled women through women's reservation Bill. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing committee.
65. Sandhya Mhatra, Samajvadi Mahila Sabha, 27 Kamat Industry Estate, 2nd Floor, 396, Veer Savarkar Bhavan Prabha Devi Mumbai, 26 She has asked for specific reservation which will include tribals, muslims and dalits and OBCs in the present Bill. Provisions for reservation for Scheduled Castes/Scheduled Tribes have been provided in the Bill. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
66. Vinay Sahasrabuddhe Director General, Rambhau Mhalgi Prabodhini, 618, Bombay 82. He has suggested the Election Commission to encourage setting up a mechanism for building the capacity of new women leaders emerging in all political parties. The women elected representatives should be provided with a Special Training Allowances as an incentive for joining a capacity building programme. All political parties to provide for 33% reservation for women. Constituencies reserved for women must be determined not by a draw of lots but by a definite sequence in rotation. Reservation of 1/3 seats in various Committees of Municipal Corporation and State Legislatures also must be provided. A Standing Committee for Women's Development needs to be constituted in the Parliament as well as in the

- State Legislatures wherein 1/3 seats must be reserved for men in order to work out the implications of various Governmental policies for women.
67. She has demanded reservation for women belonging to OBC in the Bill.
- Geeta Mahajan of National Federation of Indian Women, Maharashtra State, Bhupesh Gupta Bhavan, 85 Sayani Road, Prabhadevi Mumbai, 400025.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
68. Their demands are:—
- (i) 33% women reservation Bill should be placed in the coming Monsoon Session of the Parliament for discussion.
- (ii) The Bill can not be deferred delayed or kept pending.
- (iii) A separate constitutional amendment Bill should be introduced for the reservation of other communities.
- Paschim Banga Mahila Samity  
162 B Acharya Jagadish Chandra Bose Road, Kolkata 700014.
- No comments attracted, as it supports the Bill.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
69. (i) She has demanded that the Bill be passed in the Monsoon Session.
- (ii) She has supported the rotational provision and support the reservation of 1/3 the number of seats reserved for SC and ST for women.
- (iii) The reservation is in consonance with this Bill which may be extended to Rajya Sabha as well.
- Malini Bhattacharya, Chairperson, West Bengal Commission for Women, Kolkata.
- See comments against S1.No. 68.

70. Priya Babu and K. Dhanam, SIPTF, 51-0 Gangai Amman Kovil Street Kamarajapuram, Velachery, Chennai 42. Equal rights and representation for trans gender community in policy making. Nomination of transgender women as Members of Lok Sabha and also in place of vacancies arising out of the Anglo-Indian representative member. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
71. A Arul Mozhi, Advocate, Madras High Court, 19 Second Trust Main Road, Mandaveli Pakkam Chennai 600028. He has suggested that instead of compressing the reservation of women belong to SC and ST within the reservation already provided for SC and ST general category, the sub-reservation for women proportionate to SC, ST, OBC and other caste population will be beneficial to the women folk belonging to all communities. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing committee.
72. Ms. A. Naseem Begam, Coordinator, National Committee for Minority Educational Institutions, 2 Pachalappan Street Mount Road Chennai-2. She has suggested the women reservation Bill should include provisions for sub-reservation of SCs STs, OBCs and Minority Communities within the 33% quota. Provisions for reservation to Scheduled Castes/Scheduled Tribes have been provided in the Bill. As regards the other community, the Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
73. U. Vasuki, General Secretary, All India Democratic Women's Association, 27, Mosque Street, Triplicane, Chennai-65. She has supported the Bill and stated that although there is no reservation at present, yet almost 90% women who got elected in the Tamil Nadu Assembly are of from disadvantaged groups and therefore the Bill should not be delayed in the name of reservation to OBCs and others. She has also stated that since this is not a community based reservation therefore that aspect may not be considered in the present Bill. No comments as it support the Bill.

74. J. Julie, Secretary, Chennai Jananayaga Madhar Sangam, 13, Mosque Street, Triplicane, Chennai-600005. So far as Tamil Nadu is concerned, majority of women MLAs elected are from OBCs and SCs/STs community. So, question of reserving a certain percentage of seats for OBCs within 33% does not arise at all. No comments as it support the Bill.
75. Dr. Sikha Sen Gupta, Chairman, Agragami Mahila Samiti, Kolkata. She has supported the present Bill wholeheartedly as it will bring more power for the country as a whole. No comments as it support the Bill.
76. D. Yasodha, MLA, Sreeperumbudoor Assembly Constituency, 106-A, Vellala Street Kodambakkam, Chennai-24. She has supported 33% reservation of women in the present Bill and will make a amendments as and when required in the State. No comments as it support the Bill.
77. Mr. S. Sukumaran, Advocate, 14 Shanthi Nagar Madurai-6250 18. He has suggested that the Anglo- Indian-community of blind should be adequately represented in the House of the People and the President should nominate at least one member of that community. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
78. A.S. Fathima Muzaffer, State Organiser, Women's Wing, Indian Union Muslim League, Tamil Nadu, 5/1 Habiullah Road T. Nagar Chennai-600017. She has suggested providing reservation under reservation giving proportionate representation to women of all communities. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
79. Dr. Shyam Mohan Agarwal, Assistant Professor, He has made certain points, namely:  
(i) That the time frame of 15 years for women reservation should not exceed at any cost and the aim of women Hon'ble Select Committee
-

Political Science  
Department, Rajasthan  
University, Jaipur.

empowerment should be completed within stipulated time.  
(ii) The provisions for reservation should be outlined in the  
Bill.

(iii) Minimum educational qualification should be provided in  
the Bill.

headed by Shrimati Geeta  
Mukherjee.

The National Commission to  
Review the working of the  
Constitution considered the  
proposal for providing literacy  
qualification for legislators and  
this proposal was not found  
acceptable on the grounds of  
being either impracticable or  
unnecessary.

(iv) Since the reservation is caste based, provisions of  
creamy layer should be incorporated in the Bill.

The creamy layer for SC/ST  
candidate in general is not  
applicable.

(v) Benefit of reservation should be given only once to one  
women only.

The Legislative Department  
would consider the proposal  
if so recommended by the  
Hon'ble Parliamentary Standing  
Committee.

(vi) Women nominees having a criminal background and  
indulgence in corruption should be barred from being  
nominated. Instead, women working in the field of  
environment should be encouraged for special reservation.

To prevent the candidate of  
criminal background there is  
already a provision under  
Section 8 of the

Representation of the People Act, 1951.

(vii) Women representative should work for social, cultural, financial and creative subjects and they should rise above party politics for maintaining discipline.

The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

(viii) Provisions for recall of women representative.

—Do—

80. Rami Chhabra

She has suggested the Committee to examine and duly amend articles 81 and 170 relating to composition of the House of the People and composition of the State Legislative Assemblies and also articles 80 and 171 to address the Rajya Sabha and the Legislative Councils. She has stated that the Bill, 2008 retains divisive features that in the past have jeopardized the women's reservation Bill. She has stated that any increase affected by the Will of Parliament in the actual number of representatives in both Parliament and State Legislative Assemblies that as long as the increase is universally/pro-rata applied to existing numbers maintaining the existing balance would provide far more desirable room for women's inclusion than the present displacement of 1/3rd of male representatives. She has also attached self-written copies of newspaper articles published in the Tribune dated 7th April, 2008

Provisions for reservation of one-third seats for women in the House of People and Legislative Assemblies have been provided in the Bill. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

81. P.C. Singhi, IAS

Reservation of seats for women will not serve any purpose, unless they are well educated. Counting of heads is not enough but what matters is the contents of that head. Simple

The Legislative Department would consider the proposal if so recommended by the

- reservation on caste and gender basis will support and strengthen the political corruption and disintegrate the national unity. 33% seats in the Legislature and Parliament should be filled only by co-option of competent women irrespective of the caste, community, creed, religion, language, etc. Some minimum academic qualification should also be fixed.
82. Ms. Sarita Jain,  
All India Dlgamber Jain  
Womens' Organisation, 609  
Bhandari House, 91, Nehru  
Place, New Delhi-110019.
- She supports the Bill. According to her the Bill essentially requires a special provision in respect of women of Jain community (minority group) for giving them the adequate representation and also to ensure their rights and safety.
- Hon'ble Parliamentary Standing Committee.
- No comments as it support the Bill. As regards the reservation to the minority groups, the Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
83. Asha Ramesh, Director,  
Rights Based Programme,  
Secunderabad,  
Andhra Pradesh.
- She has stated that since there is already reservation in place of SC/ST women in Women's Reservation Bill, therefore, it could also include the reservation of OBC women, including the minorities. She has also requested to increase the 15 years time frame for reservation to women to 25 (minimum five full election terms).
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
84. Asha Ramesh, Director,  
Centre for Worlds  
Solidarity, Secunderabad,  
Andhra Pradesh.
- She has stated that since there is already reservation in place of SC/ST women in Women's Reservation Bill, therefore, it could also include the reservation of OBC women, including the minorities. She has also requested to increase the 15 years time frame for reservation to women to 25 years (minimum five full election terms)
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.



85. K. Rajmohana Dhas, Secretary, AIFBC, Trichy. He has demanded 27% reservation for OBC's women out of 33%. His Association is proposing reservation for OBCs women. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
86. Vijayakant Desiya Murpokku Dravida Kazhagam, Chennai. He has suggested reservation for women of backward classes and other backward classes which can be introduced by amending the Women Reservation Bill. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
87. Rajnath Singh, President, Bharatiya Janata Party. His party has rejected the demand of Quota within Quota. No comments as it support the Bill.
88. V. Rajamohan, Communist Party of India, Tamil Nadu State Council, 19, Chevaliaie, Sivaji Ganesan Road, T. Nagar, Chennai-17. He has suggested that there should not be any dilution in the proposed Bill and it should be passed in the Parliament. No comments as it support the Bill.
89. Com. Asha Mokashi, State Executive Member Communist Party of India, Maharashtra State Council. Her party (CPD) is of the opinion that benefits of this Bill should reach to the women from all sections of the society. She is not against the reservation for OBC women. No comments as it support the Bill.
90. B.K. Hrangkhawl, President INPT, Indigenous Nationalist Party of Tripura. Suggestions on the Bill are as under:—  
(i) The proposal put forward in section 2 for the amendment of articles 80 and 171 of the Constitution is agreed. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

- (ii) Proposal for amendment of article 239AA – No comments as it is exclusively related to NCT Delhi only.
- (iii) In the first proviso of sub-section (2) of section 5, the words appearing “in the first general elections” should be substituted by the words “in the second general elections”
- (iv) Has amended the proviso of section 6 as under:—  
 “Provided that where such nominations are made in relation to every block comprising of 3 general elections to the House, one seat shall be reserved for nomination of women of Anglo-Indian Community to every House constituted after second General election and no seat shall be reserved for the women of that community in the House constituted after the first and the third general elections.
- (v) In the first proviso of clause (2) of article 332A, the seat shall be reserved for women (ST) in second general election (instead of such reservation in the first general election in a block of three general elections as proposed for).
- (vi) In the proposed new article 334A cessation of effect of Act should only be after the year 2026, *i.e.* after the census conducted, conforming to the direction of clause 3(b) of article 332.

91.

G.K. Mani, MLA  
 Pattali Makkal Katchi, 63  
 Nattumuthu Naichken  
 Street, Teynampet,  
 Chennai-18.

Comments on the Bill are as under:

- (i) Approved the SOR of the Bill.
- (ii) 33% reservation falls short as it is not in proportion to the population of women which is almost half of the Indian population, which is about 50%.
- (iii) Reservation should also be made in the Rajya Sabha and Legislative Councils of the State.

The Legislative Department  
 would consider the proposal  
 if so recommended by the  
 Hon'ble Parliamentary Standing  
 Committee.

- (iv) Reservation should also be provided to the OBC men and then only it can be given to OBC women.
- (v) Reservation should not be restricted to IS years but should continue indefinitely.
- (vi) Rotation of reservation should be once in 15 years and not in 10 years.
92. Dr. K Veeramani,  
President, Dravid  
Kazhagam, Chennai- 7.
- The Bill when finally passed should include provision for sub-reservation for STs, SCs, OBCs and Minority communities with in the 33% quota. If this provision is not included there is the real danger of the promotion of gender justice defeating social justice regarding women's representation. They are of the view that instead of providing one-third reservation to women, the political parties should be compelled by law to allot one-third of seats to women candidates, or in the alternative, increase the number of seats in Lok Sabha to 750 without affecting the number of men elected at present;
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
93. G Devadoss, Legal Wing  
Secretary, MDMK, New  
No. 12, Rukmani  
Lakhmipathi Road,  
Egmore, Chennai-600008.
- He has stated that reservation in favour of women in the House of the People and State Legislatures are the need of the hour and are required to be carried out before the next General Election to the Lok Sabha.
- No comments as it support the Bill.
94. Dr. Ashok Dhawala, State  
Secretary, CPI(M),  
Maharashtra, Janashakti  
Pandurang Budhkar Marg,  
Worli, Mumba-13.
- He has urged the Standing Committee to support the present bill and to recommend it for adoption in the next session of Parliament.
- No comments as it support the Bill.
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95. Bharat Bharati, Bahujan Samaj Party, Mumbai. He has suggested that the Bill should be passed only when a separate one third reservation for the women belonging to SC and ST is in addition to the existing reservation provided as per Part XVI of articles 330 & 332 which provides for reservation of seats for SC and ST in the House of the People and Legislative Assemblies of the States. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
96. V. Mohini Giri, Chairperson, Guild of service (North India). The Bill should be passed in the present form and amendments can be made later to include OBC and other minority groups. This amendment would be gender neutral and benefit both men and women from the said category. No comments as it support the Bill.
97. T.P. Peethambaran Master, General Secretary, Nationalist Congress Party, New Delhi. The Bill may be passed and if found necessary, further amendment to the Act can be carried out later. No comments as it support the Bill.
98. Bhim Raskar, Convenor, Mahila Rajsata Andolan, Mumbai. The Bill should be passed in the same way as it is introduced. No comments as it support the Bill.
99. Mrs. M.K. Sayeekumary, President, Pondicherry Women's Conference, GF-1, Raagamaliga Apartments, Anna Nagar Main Road, Puducherry-5. Has acknowledged the efforts taken to introduce the women Rights Bill and has expressed the hope that the Bill be passed. No comments as it support the Bill.

100. Pranab Mukherjee, Minister of External Affairs. The Congress Party supports the Bill as it has been introduced in the Rajya Sabha and are also willing to go with the consensus that may evolve amongst the various political parties represented in the Standing Committee regarding lowering the number of seats and reservation within reservation of the seats. No comments as it support the Bill.
101. Dr Kenneth Ghawngliana, Executive General Secretary, Mizoram People's Conference, General Headquarters, Mizoram, Aizawl. He has on behalf of Mizoram Peoples Conference of Mizoram wholeheartedly support the Women Reservation Bill. No comments as it support the Bill.
102. Amar Singh, MP, Samajwadi Party. Their party does not support the Bill in the present form. There must be a quota for OBC and Muslim women. A consensus formula should be adopted for the reservation for women. They have fully supported the Election Commission's proposal for women reservation. No decision should be taken in haste without reaching a consensus among the political parties. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
103. Prof Ram Deo Bhandary, General Secretary, Rashtriya Janta Dal, New Delhi. The party supports the reservation for women but does not support the Bill in its present form. In case of providing reservation to women, there must be a quota for OBC, minorities including Muslims, Christians and others and Dalits (SC/ST) within it. There must be a quota within quota. For these sections of women proportionate to their population in the country. The selection of Parliamentary reserved constituencies for women should be decided by the political party itself. No specific parliamentary constituency should be marked for women candidates only rather it should be left to the discretion of the political parties to decide the women candidates on such number of seats. A national political consensus should be adopted for the reservation for women. And no decision should be taken in haste without reaching a national consensus among the political parties. The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

104. A.K. Ahmad, National Working President All India Momin Conference, Patna
- He has suggested reservation for Muslim OBC and Dalit women who deserve a sub-quota in the House of the People and in the Legislative bodies of the State.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
105. Dr. Ramvachan Roy, General Secretary (Regional) Rashtriya Janata Dal (Bihar).
- He endorses the comments of the Rashtriya Janata Dal that they will accept and support the Bill if the Bill includes provision for reservation in respect of women belonging to Other Backward Classes, SC/ST and Minority Group on pro-rata basis.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
106. Shri Shiv Prasann Yadav, Bihar Pradesh Janta Dal (United), 149, Vidhayak Flat, Patel Path, Patna-800001.
- His party supports the Bill with the stipulation that women belonging to Other Backward Class and Muslim (Minority) are given reservations according to their population.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
107. Shri Ashok Kumar Singh, Regional President, Bihar Pradesh Samajwadi Party, MLA Flat No.53, Virchand Patel Path, Patna-I.
- He has advocated for reservation of the Muslims, Sikh, Christians, Backward Class and Scheduled Castes. The political parties should have the rights to identify the women seats and should not be left to the Election Commission. He is against the rotational system of representation. If 33% reservation is made for women and 22% has already been given, then only 45% seats will be left for forward class and men. If the Bill is passed in the present form, benefit will go to the women of repute and poor women will not get a chance to take part in the governance of the country.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

108. Shri Vjyay Kushvaha,  
Organisation Secretary,  
Bihar Pradesh Rashtravadi  
Congress Party, 13,  
Virchand Patel Path,  
Patna-800001.
- Supports the Bill with following conditions:—  
(i) that 27% seats out of total seats likely to be reserved for women be reserved for backward and extremely backward classes women;  
(ii) that 14.5% seats out of total seats likely to be reserved for Scheduled Tribes women.  
(iii) that 8% seats out of total seats likely to be reserved for women be reserved for Scheduled Castes women; and  
(iv) that the reservation already available to SC/ST should not be disturbed.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
109. Joint representation of  
S/Shri Shashi Yadav, Arun  
Singh and Dharendra Jha,  
Members, Communist  
Party of India (Marksvadi-  
Leninvadi), Bihar State  
Office, 7-Virchand Patel  
Path, Patna-1.
- Demands the Bill be passed during the present Lok Sabha. Reservation should not be made compulsory but rather it should be left to the State's discretion whether to implement it or not.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
110. Francis Fanthome, MP,  
Lok Sabha.
- He suggests that the proposed Bill be considered with the following amendments:—  
(i) In Clause 2th : Line 8 the word 'the' be dropped before women.  
(ii) He suggests the provision for reservations for women be for a minimum period of 50 years from the commencement of the reservation *i.e.* for at least ten terms of the Lok Sabha, assuming that each term lasts five years.
- To maintain the parity of the expression used in the Constitution the word 'the' has been used in this clause.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

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	(iii) The fact that Lok Sabha may have shorter tenures needs to be kept in mind. Therefore, the mention in clause 3(2)(b) “no seats shall be reserved for women in the third general elections” may be deleted.		
	(iv) Clause 4 may end at line 47. The rest of the proposed provision may kindly be deleted.		The suggestion may not be accepted.
	(v) Articles 332, 333 and 334 may likewise be amended to include the matter referred to above.		No comments required.
	(vi) The reservations for women be 33% of the number of representatives in the House of the People <i>i.e.</i> in Lok Sabha and State Legislatures.		
111.	Shri Hridaya Narayan Singh, Member, Bihar Legislative Assembly, 109-110, MLA Flat, Virchand Patel Path, Patna.	Forwards the comments of the Bahujan Samaj Party that out of 33% seats likely to be reserved for women, a reservation on prorata basis according to the population of SC/ST, Backward and minority classes women be accorded to them.	The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
112.	Ravindra Ram Vice-President Bihar State Federation, Patna.	He has suggested that women of India do not need reservation in legislature but reservation in education and job in all categories, that SC, ST, OBC and General. The women of India must reject reservation in Legislature out rightly and aggressively pursue reservation in education and job.	The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
113.	Joint representation of Samajvadi Party (Mahila Sabha), UP.	Oppose the provision of rotation. Demands that identification of seats reserved for women be left to the discretion of political parties.	The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.



114. Joint Representation from Akhil Bhartiya Pragatisheel Mahila Association, Bihar, 148, MLA Flat, Virchand Patel Path, Patna-1
- Demands that the Bill be passed in the current session itself without postponing it further on the pretext of deliberation and evolving of consensus of opinion on the provisions of the Bill. The 33% seat reservation should not be reduced.
- No comments as it support the Bill.
115. Kumari Shobha Sinha, Mahamantri, Gaya Zila, SITU Karyalaya.
- On behalf of Aanganwari Sevikas/Assistants (Working Women Organization) supports the Bill and demands that the 33% reservation in favour of women be passed as soon as possible and it should not be further postponed in the name of OBC as all women are equal.
- No comments as it support the Bill.
116. Rozina Khanam, Director, Women Welfare Society of Patna.
- Her questions and objections are:—
- (i) How much reservation is given to Muslim women in the present Bill although at present there is no reservation on the basis of religion.
- (ii) Adequate numbers of women be selected among the nominated Members of Rajya Sabha. As and when the issue of reservation for different categories in the Rajya Sabha is discussed, one-third of the seats should be reserved for women.
- (iii) A suggestion has also been made to ensure reservation for women candidates in party lists instead of seats which is the practice in some countries. This system can work only when the electoral system is one of Proportional Representation which is not the case in India. In a first-past-the post system that we have, this will not ensure one-third representation to women in the Lok Sabha and the State Assemblies and will, therefore, defeat the very purpose of the Bill. Also, women who do not belong to any political party, would also not be able to get elected if this method was adopted.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

- (iv) Without a quota for OBC women within the 33% reserve quota, only women belonging to elite group and the upper caste will be benefited, which is totally wrong.
- (v) The issue of quotas within quotas is problematic also because there are no official estimates of OBC population constituency-wise as there are for the SCs STs which is the basis on which seats have been reserved for them. Since the delimitation process has only just been concluded, reopening these issues now will only delay the Bill inordinately.

117.

Fr. A. Xavier Aryl Raj  
Secretary,  
Kirithavar Vazhuvarimai  
Iyakkam Pastoral Centre,  
Bishops House,  
Thoothukudi-628001

He represents the Christian denominations in Tamil Nadu Punducherry. He would like to impress upon the Committee the necessity for internal reservation within the proposed 33% electoral reservation for women. He has requested the Committee to extend the inclusive reservation within the proposed 33% also for the marginalized Christian community under the category of religious minorities.

The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

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118.

Shri R. Anbarasu,  
Rajiv Gandhi Memorial  
Trust, 16/6, Appadurai  
Street, Vaaniyar Teyrampet,  
Chennai-18 (Tamil Nadu)

On behalf of the Trust, he has suggested the following points for consideration of the Hon'ble Committee;  
(i) The proposed Bill is an attempt to bring down the number of MPs belonging to OBC from 250 MPs in Lok Sabha.

The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.

(ii) The proposed Bill provide reservation only for most of the upper caste bopped women and not for the women toiling and moiling belonging to OBCs and minorities. Ways and means should be explored for the reservation of seats for women belonging to OBCs and minorities in the present Bill. There need not be any other separate amendment to the Constitution providing reservation for women belonging

- to OBCs and minorities. In the alternative, a separate clause providing reservation of seats for the women belonging to OBCs and minorities may be incorporated in the proposed Bill itself, on the lines of the Panchayat Raj Act.
- (iii) The Standing Committee should not deprive appropriate opportunity for the 60% of the women belonging to OBCs and minorities.
- (iv) The percentage of reservation of seats may be increased from 33% to 50% so as to provide equality between men and women and to eliminate the disparity between men and women. In fact proportional representation in reservation shall be an appropriate step.
- (v) Hon'ble Standing Committee to provide reservation of seats within reservation for the OBCs and minorities. Hence the Hon'ble Standing Committee to consider the views of the floor leader.
- (vi) The reservation of seats for women belonging to Anglo-Indian is redundant. The presence of Anglo-Indian women is not in all the States. There presence is restricted only in some States like Punducherry, Goa and Karnataka. Hence, providing reservation of seats for Anglo-Indian women may be restricted to some States.
- (vii) This is an appropriate time wherein the Standing Committee should consider the reservation of seats for the women belonging to OBCs and minorities before finalizing the proposed Bill.
119. Shrimati Bijaya Laxmi Mishra  
State President, BJP Mahila  
Morcha, Orissa.
- The Legislative Department  
would consider the proposal  
if so recommended by the  
Hon'ble Parliamentary Standing  
Committee.
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120. Dr. Sruti Mohapatra, Bhubaneswar, Chief Executive Officer, Swabhiman. She is of the view that if any section of women deserves representation, they are the women with disability. In support of her arguments, she has referred and enclosed the article 29 of the UNCRPD-UN Convention which mandates political participation of persons with disabilities. She has requested 3% reservation for them in Lok Sabha and two persons (one male and one female to be nominated by President of India) in Rajya Sabha. Further, she is of the view that for ensuring representation of all disabilities, the four disabilities must be rotated (Orthopedically impaired, Speech and Hearing impaired, Visually impaired and parents of the Mentally retarded).
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
121. Joint representations of Ms. Pramila Swain, Convenor and Ms. Lalita Missal, State Coordinator and other members of National Alliance of Women Orissa Chapter, Gender Resource and Training Centre, N-6/474, Jyadev Vihar, IRC Village, Nayapalli, Bhubaneswar-751015. They have enclosed a copy of the Report of an all party consultation on the issue of women reservation Bill organized in 2003 and have also held several consultations on the issue. On the basis of all the consultations, they demand that the Bill should be tabled in the Parliament and should be passed in the present form. They are of the view that there is no need for unanimity/consensus over the provisions of the Bill and the Bill should be passed with majority voting system.
- No comments, as it supports the Bill.
122. All India Democratic Womens' Association, Orissa State Committee. VR-5/1, UNIT-III, Kharvel Nagar, Bhubaneswar-751001. Memorandum is incomplete.
- No comments.

123. Shri K. Rajamohana Dhas,  
Working President and  
N. Pushparajan, General  
Secretary, AIOBCIOFS,  
Ministry of Defence, HQ:M  
154, Phase II, Annanagar,  
Tiruchirappalli-620026.
- On the line of Mandal-Commission's Report, they demand 27% reservation in favour of OBC's women out of 33% reservation proposed to be given to women in Parliamentary election.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
124. Centre for Legislative  
Research and Advocacy,  
160, South Avenue,  
New Delhi-11.
- This memorandum is in the form of a journal Published by CLRA (Centre for Legislative Research and Advocacy), Delhi, for parliamentarians to encourage them to take action at a critical juncture for India's institutions of governance, interest groups and the male and female electorate. It has been suggested that the Bill be passed in the next session of Parliament.
- No comments as it support the Bill.
125. Shri V. Hanumantha Rao,  
Member of Parliament,  
Convenor, Parliamentary  
Forum of OBC MPs, and  
Chairman, Rajya Sabha  
Standing Committee on  
Industry, 11, Janpath,  
New Delhi-110011.
- Suggests on behalf of Parliamentary Forum of OBC MPs that the present Women Reservation Bill should incorporate provisions on similar lines as that of Article 2430 (6) so that the representation of OBCs in Parliament as well as in the State Legislative Assemblies is protected.
- The Legislative Department would consider the proposal if so recommended by the Hon'ble Parliamentary Standing Committee.
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Memorandum Nos.	Name of the Organization/individual	Comments/views	Response of Government
1	2	3	4
126.	Bhartiya Janata Party, Andhra Pradesh, Dr. Shyam Prasad Mukhetjee Bhavan, Opposite Exhibition Grounds, Nampally, Hyderabad-01.	The party is committed to empowering women and is the first and the only party in the country to have given 33% reservation to women within the party organization at all levels. They support 33% reservation given to women in the Bill and demand an immediate and exhaustive discussion of the Bill with the aim of getting it passed.	No comments as it support the Bill.
127.	CPI (M), Andhra Pradesh State Committee, 1-1-60/2, RTC X Roads, Hyderabad-20.	They have urged early passes of the Bill so that in the next general elections which are to be held within three months women candidates will be able to be elected to one-third of the total seats of the Lok Sabha.	No comments as it support the Bill.
128.	All India Democratic Women's Association (AIDWA), Andhra Pradesh State Committee, 1-8-538/4, Chikkadpalli, Hyderabad-20. Ph: 27605845.	Supports the Bill as it will eradicate the discrimination in the Indian political system.	No comments as it support the Bill.
129.	Shri Raj Kumar, Advocate, R/o Vikl.&P.O. Kohand, Distt. Kamal (Haryana).	He is of the view that 33% reservation to women is unconstitutional as they are constitutionally entitled to 50% without reservation. Representation of a constituency by a single representative male or female is unconstitutional. He prays that Women Reservation Bill, 2008 may not be proceeded with and may be referred to the President of India	It is a matter of policy. On the basis of the report/ recommendations of the Hon'ble Parliamentary Standing Committee, the Department would place the

matter before the Cabinet for taking a policy decision.

The suggestion does not appear within the purview of the proposed legislation, hence no comments.

It is a matter of policy. On the basis of the report/recommendations of the Hon'ble Parliamentary Standing Committee, the Department would place the matter before the Cabinet for taking a policy decision.

The suggestion does not appear within the purview of the proposed legislation, hence no comments.

for a full fledged inquiry and immediate action in view of the coming Lok Sabha elections in April-May, 2009.

He has further drawn the attention of the House towards the ignorance about the role of Rajya Sabha in the formation of the Union Council of Ministers and suggested that the Prime Minister must be elected by both the Houses of Parliament. He also suggested that, a non-member can never be appointed as a Minister or Chief Minister or Prime Minister.

This Organization has demanded 16% Muslim women reservation within 33% reservation for women in Parliament. They have referred to Sachar Committee report, wherein it was found that Muslim constitute a backward class, almost as backward as SC/ST and more backward than Dalits.

He does not support the women reservation and has turned it as undemocratic since the Constitution of India do not make distinction between men and women as far as their democratic and Legal rights are concerned. He is of the view that the objective of the increasing the representation of women in the Legislative bodies can be attain simply by amending the representation of Peoples Act. He has also criticized the reservation by rotation because this general form of democracy within Parliamentary democracy gives more option to electorate in 33% constituencies but to vote only for women candidates. This curtailment of freedom negates the essence of democracy.

130. Women Welfare Society of Patna, Office : Room No.7, Diamond Lodge, Subzibagh, Patna - 800004.

131. Matfew Joseph Moozhayil, Cherupushpam Lane, Kadavanthara, Kochi-20.





# **ANNEXURE – C**

**REPLY FURNISHED BY  
THE MINISTRY OF LAW AND JUSTICE  
(LEGISLATIVE DEPARTMENT) TO  
THE QUESTIONNAIRE ON THE BILL**



**Comments/clarifications of the Legislative Department in respect of the Constitution  
(108th Amendment) Bill, 2008**

Sl. No.	Questionnaire	Comments/clarification
1	2	3
1.	<p>As per clause 2 of the Bill, the words “Scheduled Castes”, will be substituted by “Scheduled Castes and the women” in Article 239 AA (2) (b) of the Constitution. The Committee would like to be apprised of the rationale behind including the term “women” in the same clause, since the former is a caste based reservation, whereas the latter is a gender based reservation? Moreover, this clause cannot come into effect unless the law enacted in respect of National Capital territory of Delhi is simultaneously amended. If a separate amending Bill has to be introduced in respect of Delhi is it not necessary for the entire nation?</p>	<p>Article 239AA of the Constitution does not deal only with reservation in respect of Scheduled Castes. Therefore, it has been found appropriate to insert the word “women” after the words “Scheduled Castes” in article 239AA (2)(b) of the constitution. It may be pointed out that separate legislation in respect of other States as well as Parliament will also be necessary.</p>
2.	<p>Furnish a note on the advantages and disadvantages of rotation of seats.</p>	<p>The advantage of the rotation is that it will give an opportunity to every constituency to be represented by a women representative and this will help in attaining the political and social empowerment of women all over the country.</p> <p>The argument against rotation may be given that since there is no provision of rotation in respect of the seats reserved for the Scheduled Castes and Scheduled Tribes; then, why it be for women. In this regard, it may be stated that the seats are reserved for the SCs and STs at present in descending order <i>i.e.</i> on the basis of decreasing percentage of their population with a view that the reserved</p>

seats are distributed evenly throughout the State. Such a system has been followed, as the population of SCs and STs are not similar in every constituency. The same formulae may not be valid in the case of reservation for women because the scenario is different as the proportion of population of women is more or less the same in every constituency. Therefore, without keeping any provision for rotation of reserved seats for women, we may deprive millions of women in getting them represented by a woman representative.

Further, the Joint Committee of Parliament on the Constitution (Eighty-first Amendment) Bill, 1996 headed by Hon'ble Shrimati Geeta Mukherjee has made a recommendation in favour of the rotation of seats.

3. Keeping in view the demand raised from various sections of the public that reservation should be granted to women belonging to Other Backward Classes minorities, the Committee would like to know whether such a possibility has been explored by the Legislative Department? If yes, what has been the outcome. If not, what is the opinion of the Department in this regard? Furnish a detailed note on this matter.

The several alternatives have been explored by the Government and for this purpose two meetings of all political parties had been convened on 22nd and 24th August, 2005 to sort out the difference of opinion and formulate modalities for providing reservation for women in Parliament and State Legislature but no consensus could be arrived at in these meetings. Being a very sensitive issue, it would be desirable to have a political consensus in the matter.

4. The Committee notes that reservation of seats for OBC women was provided in certain States in Panchayat elections. The Committee would like to know whether reservation in the same lines can be granted to OBC and/or minority women for elections to Lok Sabha and Legislative Assemblies of States. If yes, the Committee may

The information in respect of OBCs in panchayats has been called for from the State Governments/Union Territories administration but no information in this regard has been received so far. In the absence of any such information, it is difficult to comment upon.

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- be apprised of the relevant provisions. If not, adduce the reasons therefore.
5. Clause 7 of the Bill stipulates that the reservation of seats for women as per this Bill shall cease to have effect after 15 years from its commencement. The Committee would like to be enlightened about the factors, which led to the fixation of such a time period.
 

The Joint Committee of Parliament on the Constitution (Eighty-first Amendment) Bill, 1996 headed by Hon'ble Shrimati Geeta Mukherjee has made a recommendation in this regard and the Government has adopted that recommendation.
  6. The Committee would like to be apprised that if it is envisaged in future that seats may be reserved for women belonging to OBCs, minorities, whether the criteria of "creamy layer" will be applicable in such cases?
 

This pertains to policy on which a decision can be taken with the approval of the Cabinet.
  7. In the event of increasing the number of seats in the Lok Sabha and State Assemblies, whether there is a need for a new Delimitation Commission? Or whether it can be done by the Election Commission? In both cases, what will be the minimum time period required for such exercise?
 

The present Bill does not propose any increase in seats. However, if it is proposed to increase the seats, there will be need of delimitation of constituencies. Further, so far as the time is concerned the Delimitation Commission was constituted in July, 2002 and it took almost 6 years to complete its task, though initially, it was given 2 years to complete the work. Therefore, it would be difficult to have any speculative time-frame for completion of fresh delimitation.
  8. As per Article 334 of the Constitution, the reservation of seats for the Scheduled Castes and Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; shall cease to have effect on the expiration of a period of sixty years from the commencement of this Constitution *i.e.* till 2010. But Clause 7 of the Bill provides that the provisions of the Constitution relating to the reservation of seats for women in the House of the People and Legislative Assemblies shall cease to have effect on the expiration of a period of fifteen years from the commencement
 

The provision of reservation for women should cease to have effect on the expiry of a period of 15 years from the commencement of the Constitution (108th Amendment) Bill, 2008 has been made on the basis of the provisions contained in the Constitution (81st Amendment) Bill, 1996 as reported by the Joint Committee of Parliament headed by late Shrimati Geeta Mukherjee, MP.
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of the Constitution (One Hundred and Eighth Amendment) Act, 2008 which would mean that reservation for women who belong to the above mentioned communities will go beyond 2010. The Committee would like to be enlightened on this point.

9. Whether the Legislative Department considered the recommendation of the Geetha Mukherjee Committee Report regarding reservation for OBC women? Whether legal opinion was sought on the matter? What was the outcome? Same as in point (3).
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# **ANNEXURE – D**

**MEMORANDA RECEIVED FROM  
POLITICAL PARTIES ON THE BILL**





**ALL INDIA ANNA DRAVIDA MUNNETRA KAZHAGAM**

Fifty per cent of the world's population consists of women. But, unfortunately, over time, the male of the species has tended to dominate. Medieval Greece is widely believed to be the birthplace of democracy. The classical Greeks were male-centric and the public role of women was quite diminished. In Athens only men could vote, inherit property and take legal action. Women were confined to their homes, where, with the help of female slaves, they managed the household and raised children.

In India, things are slightly different. At some time or other, we have all heard the comment, "Gender is a Western concept. We do not need it in India". A number of arguments are used to justify this stand. We are told that India is the original home of the Mother Goddess. In our ancient history, we have many instances of women scholars and women rulers. Stories from mythology and folklore are recounted to prove that women in India have always been honored and respected. We are proud of the fact that India was one of the first countries in the world to give women the right to vote. The Indian Constitution is one of the most progressive in the world, and guarantees equal rights for men and women. Women have occupied the highest political offices in India. Indian women today climb mountains. They have achieved great distinctions in Sports. They have crossed the frontiers of the earth and even ventured into space. They have conquered several erstwhile male bastions like the Armed Forces, the Police Service and the Commando Units. In academics, year after year we find girls faring better than boys. All this can be cited as evidence to support the contention that Indian women are free and equal members of Society.

Alongside this, however, is another body of evidence - the official statistics that are presented in Government reports, the findings of local surveys and, most significantly, the daily experiences of women and men as documented in the media. These paint a very different picture.

- Men outnumber women in India, unlike in most other countries where the reverse is the case. In 1991, there were only 927 women for every 1000 men. The reason for this imbalance is that many women die before reaching adulthood. Many are killed while still in their mother's womb, while several others are cruelly killed within minutes of their birth. The sole reason being that they were born as the "wrong sex".
- The majority of Indian women go through life in a state of nutritional stress. They are anaemic and malnourished. Girls and women face nutritional discrimination within the family. They eat last, and most often the least.
- Only 50% of Indian women are literate as compared to 65.5% men. Far fewer girls than boys go to school. Even when girls are enrolled, many of them are forced to drop out of school. In many cases, their education is stopped at the mid-school level when they attain puberty.
- There are far fewer women in the paid workforce than there are men. Women's work is undervalued and unrecognized. Women work longer hours than men, and carry the major burden of household and community work, which is unpaid and unrecognized.
- Women generally earn a far lower wage than men doing the same work. In no State do women and men earn equal wages in agriculture. Though Selvi J. Jayalalithaa as Chief Minister

introduced a statute of equal pay for equal work in agriculture, it is not being followed in practice under the present Government.

- Women are legally discriminated against in land and property rights. Most women do not own any property in their own names, and do not get a share of parental property.
- Women face violence inside and outside the family throughout their lives. Police records show that a woman is molested in the country every 26 minutes. A rape occurs every 34 minutes. Every 42 minutes, an incident of sexual harassment takes place. Every 43 minutes, a woman is kidnapped. Every 93 minutes, a woman is killed.
- Women are under represented in governance and decision making positions. At present, less than 8% of Parliamentary seats, less than 6% of Cabinet positions, less than 4% of seats in High Courts and the Supreme Court, are occupied by women. Less than 3% of administrators and managers are women.

This imbalance has to be corrected.

The AIADMK party founded by Dr. Puratchi Thalaivar M.G. Ramachandran has always stood for the empowerment of women. This ideal gained in strength under his successor and the present General Secretary, Puratchi Thalaivi J. Jayalalithaa. Realising the need for gender equality in politics, the AIADMK under Ms. Jayalalithaa played a pioneering role as early as in the early 1990s by becoming the first political party in the world to announce that 33 per cent of all party posts would go to women. It was while Selvi J. Jayalalithaa was Chief Minister of Tamil Nadu that the “cradle-baby scheme” was launched, under which the State adopted abandoned female infants. The scheme virtually brought to a halt the pernicious practice of female infanticide.

It was under Puratchi Thalaivi J. Jayalalithaa that “All-Women Police Stations” were introduced in Tamil Nadu to exclusively handle cases relating to offences against women, including domestic violence.

It was she who constituted an exclusive Commando Battalion comprising only women. Selvi J. Jayalalithaa also has the honour of having accorded the maternal role of women due legal recognition by legitimizing the use of one’s mother’s name as one’s initials instead of, or in addition to, the father’s.

Again, it was Selvi J. Jayalalithaa who provided the impetus for the growth of Women Self-help Groups in Tamil Nadu, which encouraged woman-entrepreneurship, empowering them enough to come at par with, if not excel, men in attaining economic freedom.

During Selvi J. Jayalalithaa’s tenure as Chief Minister from 2001 to 2006, most of the top positions in the State Government hierarchy, including the post of Chief Secretary were adorned by women.

While women are equalling or even surpassing men in various spheres of activity, one area which is still highly male-dominated is politics. True, we have had a woman as Prime Minister. We have had several woman Chief Ministers in various States. Today, we even have a woman as President of India. Yet the representation of women in Parliament and the State Legislatures does not reflect their demographic representation. In the May, 2004 General Election, for example, 539 candidates were elected to the 14th Lok Sabha. Only 44 of them are women - a mere 8 per cent.

Keeping in mind the need for ironing out gender inequalities perpetuated in a male-dominated India, the AIADMK party under the leadership of Selvi J. Jayalalithaa hereby insists that the Constitution (108th Amendment) Bill, 2008 (more popularly known as the Women’s Reservation Bill) is a crying need and has to be passed in Parliament and implemented with the overwhelming support of all the

Political parties without any further delay. There should not be any further delay in the name of making amendments or incorporating new suggestions.

Though most political parties have spoken in favor of the Women's Reservation Bill, there has been opposition from some quarters and this is the reason for the delay in making the Bill into law. We understand that two areas of opposition exist. One is that the Bill would deny adequate representation to other sections of society, more specifically the Dalits, Backward Classes, Muslims and other religious minorities. The other is that if 33.3 per cent reservation for women is added to the already existing 22.5 per cent for Scheduled Castes and Tribes, more than 55 per cent of seats in Parliament would be reserved and this would not be fair to other sections of the population.

The AIADMK is of the opinion that the 33 per cent reservation envisaged for women should be applicable to existing quotas as well. For example, 33 per cent of the seats reserved for Dalits should field Dalit women only as candidates. In other words, if 30 seats are reserved for Dalits, a sub-reservation should exist whereby 10 seats will go to Dalit women. This will ensure that women from all segments of society will find representation in Government.

In order to ensure that there are no regional or constituency-wise inequities when it comes to women's representation, the AIADMK suggests that reserved constituencies are rotated once in 10 years (two terms). For example, if Chennai North is a constituency reserved for women in 2009, in 2019, Chennai Central would become the reserved constituency and in 2029, Chennai South would become the reserved constituency and so forth.

There is one school of thought that feels that political parties can be compelled to mandatorily nominate women candidates for at least one-third of the seats on pain of losing recognition. This point of view is politically flawed. It is freely admitted by most parties that because of the inbuilt prejudice against women, male candidates will have an unfair advantage in elections. Thus, political parties will tend to allow women candidates to fight elections from constituencies where they are weak. It is unwise to underestimate the opposition from the male Members of Parliament. To expect one-third of the male members to gracefully accept political *hara-kiri* is unrealistic. They will not give up their privileges so easily. The opposition to the Women's Reservation Bill is mainly on this count.

Women are not asking for grace and charity. Their contribution to the cause of nation-building exceeds that of men. An International Labour Organisation study shows that 'while women represent 50 per cent of the world's adult population and third of the official labour force, they perform nearly two-third of all working hours, receive a tenth of world's income and own less than one per cent of the world's property. Therefore, reservation for women is not a bounty but only an honest recognition of their contribution to social development.

### **ALL INDIA FORWARD BLOC**

When fifty per cent of the sky is covered by the women, they must have their legitimate say in determining and establishing their own rights in the society and the State. It is shameful for a country with over 50 crores of women, not even ten per cent of the total number of legislators in the Parliament and the State Assemblies come from the women. Hence their problems, sufferings and aspirations are not properly reflected in the deliberations of the law-making Houses. It is true that women are not debarred from contesting the Assembly or Parliament elections, but due to age-old tradition of our male-dominated society, the women generally do not or can not come out of the family restrictions or natural shyness to contest the elections in proportionate numbers along with their male counterparts. As a result of which women are compelled to miss the proportionate representation and they are only obliged to follow the male members of the family in the matters

of public interest. There is no logic in saying that women are deficient in physical, mental and intellectual capabilities. Still they have been forced to be earmarked as weaker section of the society. In fact by keeping 50 per cent of our society as weaker, we have made the whole society weak. In such a situation, some compulsory legislative measures need to be taken for proportionate representation of the women in the Houses of the people. In other words, women need additional support for their upliftment and provisions must be made in the Constitution for women reservation, which only can ensure much talked about empowerment of the women. We on behalf of our Party, All India Forward Bloc, demand – as we have been consistently demanding since last five decades – that one third of the total seats in our all State Assemblies and the Parliament be reserved for the women.

We are happy that after a prolonged continuous struggle, the UPA Government has of late at the fag end of the last Budget, 2008 session in May, 2008 – has introduced a Bill in the Rajya Sabha for necessary Constitutional Amendment to ensure one-third reservation for the women.

The proposed Bill could not be discussed in the House. It was rather immediately referred to the concerned Standing Committee for their thorough study and recommendations, which we hope would be eventually sent back to the House for further discussion, adoption and enactment at an early date.

We once more confirm our full support in principle to the proposed Bill and extend our all support for necessary Constitutional Amendment to ensure thirty three per cent reservation of seats for women in the State Assemblies and Parliament.

Incidentally, it should be mentioned that the National Common Minimum Programme of the UPA Government has committed to fully empower women politically, educationally, economically and legally. It is further committed that the UPA Government will take the lead to introduce legislation for one-third reservations for women in Vidhan Sabhas and in the Lok Sabha. All India Forward Bloc, along with other Left Front partners extended their support from outside to the UPA Government on the basis of this Common Minimum Programme formulated in May 2004. It is regrettable that the UPA Government took four long years to introduce the promised Women Reservation Bill. We want that the Bill be enacted without any further delay.

It is noted that some of the political parties are having apprehensions about the misuse and the limited success of the proposed Bill. Hence they want reservations of seats for the women of the poor backward classes and the dalits and minorities, otherwise, they apprehend, that the reserved seats will be cornered by the women of the elite society and the affluent classes, thereby depriving the poor illiterate women of the backward classes of the legislative advantages. Hence they oppose the Bill and demand a special quota of reservations among one-third reservations. On the excuse of such opposition even by the UPA allies, the Congress-led UPA Government has so long delayed and avoided fulfilment of their commitment to NCMP with the plea of reaching a consensus on the issue. But such a consensus has eluded the country for a long time and has continued to deprive the women of their rights for equality and justice. We feel that all such pleas are mere excuses to avoid women reservation. Women reservations have already been introduced at the Panchayat and other local self-government levels and after some initial drawbacks, the reservation system is now working well there for a positive step towards empowerment of the women. Hence, we demand immediate reservations of one-third seats for women in Vidhan Sabha and Lok Sabha and hope, the limitations and shortcomings of the proposed Bill could be overcome through recommendations of the Standing Committee and subsequent discussion on the floor of the Parliament. We want women reservation before we face the forthcoming Lok Sabha election.

**BAHUKAN SAMAJ PARTY**

1. This Bill (Women Reservation Bill) should be passed only when the separate one-third reservation for the women belonging to Scheduled Castes and Scheduled Tribes. In addition to the existing reservation provided as per the Part XVI of Article 330 "Reservation of Seats for Scheduled Castes and Scheduled Tribes in the House of the People".
2. This Bill (Women Reservation Bill) should be passed only when the separate one third reservation for the Women belonging to SC and ST in addition to the existing reservation provided as per the Part XVI of Article 332 "Reservation of Seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or Part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

**BHARATIYA JANATA PARTY**

1. Bharatiya Janata Party supports the proposed Women Reservation Bill and we shall cooperate in getting this Bill adopted.
2. We firmly reject the demand of Quota within Quota.
3. If a consensus view emerges among all political parties on any other formula other than the existing Bill to give reservation to women, we are ready to discuss it provided the Committee should send it to us as a formal draft. Commenting on assumptions and suppositions is not required.
4. We are ready to accept the consensus view on the Election Commission's proposal pertaining to the issue women reservation.
5. The women reservation should become a reality in the Current Session of Parliament so that the women should benefit from it in forthcoming Lok Sabha elections. Therefore the issue should not be delayed any further on the basis of any reason.

**COMMUNIST PARTY OF INDIA (MARXIST)**

The CPI(M) supports the 108th Constitutional Amendment Bill. It is in full agreement with the objects and reasons behind the amendment, namely the reservation of one-third seats in Parliament and State Assemblies for women. The Amendment Bill has been pending for the last twelve years. It is high time that Parliament adopted it and addressed the gross under-representation of women.

The CPI(M) approach to the main areas of debate are as follows :

**Percentage of seats to be reserved:** We are in favour of reservation of thirty three per cent seats in Parliament and State Assemblies. We believe that the one-third seat reservations have worked well in the Panchayat raj system as well as in local bodies. It has been seen that this is the minimum number required to make an impact on increasing women's role in elected decision making bodies, therefore there should be no dilution of the number of seats to be reserved.

**Rotation of seats:** The Bill proposes rotation of seats which are to be reserved for women. Concern has been expressed by some that rotation will destabilize the polity. The argument is that such a large number of seats will see the changeover of experienced Members of Parliament and will therefore also affect the standards of political discourse. It is also said that individual MPs nurture their

constituencies and therefore this rotation will break that link. We disagree with such propositions. We cannot base our democracy on a no-change approach which may lead to political monopolies and entrenched interests which are an anathema to democratic processes. Rotation of women reserved seats also helps horizontal spread of women's involvement. The exact period for women reserved seats may be decided separately. This is the present practice for panchayats and local bodies. Some States for example rotate the seats only after ten years.

The method whereby seats are to be reserved has also been brought up and concern expressed that reserving a seat for women may be used as an instrument to target particular opposition leaders by the party in power. Since all seats will be rotated at some point or the other this will "affect" all in equal measure. The reservation of seats may be done in such a way so that the road map for reservations is known in advance for the next three terms so as to eliminate uncertainty and allow for planning".

**Quota within Quota:** At present the Constitution provides for reservations for Scheduled Caste and Scheduled Tribe candidates. The present Bill provides for quota within the quota of SCs/STs adjusted both ways, from the caste reservations as well as the women's reservation quota. The SC/ST reserved quota is thus within the stipulated limit of 22.5 per cent. We support this proposal.

A demand has been raised for similar reservations for OBCs within the women reserved quota. It is argued that since women are not a homogenous community, women of the socially and economically backward classes should be given a quota within the quota. This proposal is not constitutionally viable. At present there is a constitutional provision namely Article 243D Clause 6 which permits State Governments to reserve seats for OBCs at the panchayat level as follows "Nothing in this part shall prevent the legislature of a State from making any provision for reservation of seats in any panchayat or offices of Chairpersons in the panchayats at any level in favour of backward class citizens. "In the States where OBC quotas exist the quota is caste based for both men and women and within such an OBC caste quota there is a gender based quota for OBC women adjusted to the caste quota as well as the women's quota. There is no such reservations for OBC castes in Parliament or in any State Assembly therefore the issue of OBC quota within women's quota does not arise. However it is important to add that in the present scenario, without reservations OBC women make up around 40 per cent of the women in Parliament and around 20 per cent are of SC and ST women. If more seats are reserved for women the percentage of women from backward, and Scheduled Castes and Tribes which is approximately 60 per cent at present will certainly increase even further.

A demand has also been raised for reservation for minority women. This also is linked to the general issue of reservations based on religion. Although such provisions have been made in a few States, at the national level it has not been included. While it is true that the under representation of the minority communities is a matter of concern with only two Muslim women among the 50 women in the Lok Sabha, it cannot be solved through the Women's Reservation Bill.

Thus the CPI(M) reiterates its support to the proposed arrangement in the present Bill with the conviction that the one-third reservation will help women of all communities.

**Alternative proposals:** some alternative proposals have been suggested:

### **Reservations within Party lists**

Many countries in the world have adopted the practice of reservations within party lists. However the majority have some system of proportional representation where party lists are "checked-off" according to the percentage of votes polled by the Party. In a first past the post system like India, the concern is that although women may have one-third reservations in lists this will not translate into

one third representation in the decision making bodies. What is required is reservations in Parliament and State Assemblies not in Party lists. Unless seats are reserved, Parties will follow the same practice based on inability to change sitting MPs or MLAs. Thus losing seats may be farmed out to women. The very purpose of reservations will be compromised.

The other proposals of increase of seats by one-third or by changing them into double member constituencies are impractical and will effectively mean that the issue is shelved. It is well known that the delimitation exercise is complete for the forthcoming elections. Therefore the process to carve out 180 new seats will take an inordinately long time. The proposal to make 180 seats double member will create two classes of MPs/MLAs, one with sole responsibility and the other with shared responsibility, thus downgrading the latter. The CPI(M) is not in agreement with either proposal.

### **No More Delay**

Taking all these factors into consideration, the CPI(M) urges the Standing Committee to support the present Bill and to recommend it for adoption in the next session of Parliament.

### **COMMUNIST PARTY OF INDIA (MARXIST-LENINIST)**

CPI (Marxist-Leninist) is in favour of Women's Reservation Bill firmly. We want that there should be guarantee of presence and participation of adequate number of women in Parliament of the country and State Legislative Assemblies. It will not only initiate a new era of empowerment of women but also prove to be instrumental in paving the way for abolishing the age old gender based inequality and discrimination.

We are of the view that women as a whole and as a community have been exploited in the male dominated society, they have been deprived of their social - political rights and have been victim of class as well as social discrimination. This discrimination is deeply existent in the present civilized, modern and democratic society also and this Bill can be an important step in doing away with this faulty discrimination. In this context, in view of some of our fears arising out of intentions of ruling class, we want to put forth before you the opinion of our party, which is as under :-

1. Lapsing thrice of this important Bill is not merely a co-incidence but ruling class has made it a political game. It is first such incidence in the Parliamentary history of India and perhaps in the Parliamentary history of the World. Is our politics not a victim of male obsession against women?
2. The earlier NDA Government and present UPA Government never tried to make consensus on the issues deciding the fate and future of the country. Attempts were never made to evolve consensus among all political parties or to take a decision on the basis of consensus on the question of WTO, Nuclear Agreement, view point on Israel and relations with Iran. Then, is it not the politics of procrastination to make such attempts again and again on the Bill which is concerned with the progress of Indian society, women's claim and equal participation. Our CPM (Ma-Le) party declares this behaviour of ruling parties as male feudalistic mentality and it is directly an anti-women behaviour. As far as the question of 2/3 majority is concerned for amendment in Constitution, it is clearly visible in Parliament. It is, therefore, necessary to show courage to go ahead with this process so that the real face of the parties making pretention could be exposed before the Nation.
3. The proposal of some political parties that instead of promulgating law on women's reservation, the Election Commission should force the political parties to have quota for women candidates is fully objectionable and it is against the basic spirit of guarantee of

assured participation of women in Parliament and Legislative Assemblies. In this context, the conduct of BJP which is a victim of adopting the view point of confining women to the position of mother, daughter and wife shows its double standard. In fact, the Congress is playing a drama and BJP is doing comedy on this Bill. The biggest example of this fact is that the anti-SC and ST parties have to provide a candidate from amongst SCs and STs for the reserved seats and apart from these seats rarely any ruling party has taken the risk of providing any dalit candidate.

4. The fear of some political parties is also baseless that as a result of the class based social composition of women participation is likely to change. Our Parliamentary practice and election results show that the winning and losing election by a candidate depends on the political position and status of parties and it does not depend on the physical appearance, complexion and educational - social conditions. In fact, putting hurdle on this ground is basically meant for withholding Women's Reservation Bill because these parties have not been serious on questions related to women.
5. Our party CPM (Ma-Le) also refutes the contention that the reservation should be made compulsory in Parliament while in States it should be left on their discretion to implement it or not.

In the long run we demand that there should be no more delay in the name of consensus and it should be passed during the tenure of this Lok Sabha only.

#### **COMMUNIST PARTY OF INDIA (TAMIL NADU STATE COUNCIL)**

Our party appreciates the initiative taken by the Government to introduce the Constitution (One Hundred and Eighth Amendment) Bill, 2009.

For the past many years Communist Party of India had been demanding 33% reservation for women in State Legislatures and Parliament. Our party is of the view, that there should not be any dilution in the proposed Bill and it should be passed in Parliament.

Some political parties are having a view that there must be an inner reservation for women belonging to Backward Communities. We wish to point that no reservation is provided for General Elections except for Scheduled Castes and Scheduled Tribes. So, it is not the time for entering into such discussion.

Our party feels that the demand for inner reservation is only an attempt to divert the issue and delay the passing of the Bill. Hence, we require the Committee, to take steps to expedite the matter and the Bill is passed in the next session of Parliament.

#### **DESIYA MURPOKKU DRAVIDA KAZHAGAM**

We, Desiya Murpokku Dravida Kazhagam, wholeheartedly welcome the introduction of Women Reservation Bill in Rajya Sabha. We will be really happy and fully satisfied only if this Bill comes into force as this Bill is pending for a long time and almost has lost its strength due to the long pendency. Therefore, D.M.D.K. strongly suggests and wishes that this Bill should come into force irrespective of any objection and obstacle from any side or quarter.

Decades back our veteran leader Thanthai E.V.R. Periyar declared and taught us that men and women are equal. As we also belong to the same soil, we once again whole heartedly welcome this Women Reservation Bill with jubilant frame of mind.

We strongly feel that real social justice will be rendered only if the women of backward classes and other backward classes are given reservation in this Bill. But on account of this, this Bill need not be delayed.



We respectfully suggest and feel that the Women Reservation Bill should come into force immediately and the suggested reservation for women in backward classes and other backward classes can be introduced by amending the Women Reservation Bill later.

In the interest of social justice and principles of natural justice, we, D.M.D.K. strongly feel that it is essential to pass the Women Reservation Bill which was already introduced in Rajya Sabha.

### **DRAVIDA MUNNETRA KAZHAGAM**

At the outset the D.M.K. Party express its unconditional support to the Constitution (One Hundred and Eighth Amendment) Bill, 2008.

In this context, we wish to bring to your notice our promise made to the people of Tamil Nadu during Parliamentary Elections - 2004. Our Election Manifesto states :-

#### **Women's Welfare**

In Tamil Nadu, 33% seats in the Local Bodies are reserved for women. Likewise 33% reservation should be provided for women in Parliament and State Legislatures. The Bill introduced in Lok Sabha was not discussed and passed. The D.M.K. Party will work for the implementation of Reservation for Women in Parliament and State Legislatures.

It is happy to note that the above Bill was introduced in Rajya Sabha. We hope the Bill will receive the support of all political parties in the country.

We would like to quote a passage from the book written by famous British philosopher John Stuart Mill, "The principle which regulates the existing social relations between the two sexes - the legal subordination of one sex to the other - is wrong in itself, and now one of the chief hindrances to human improvement, and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other.

The D.M.K. fully agrees with the views of J.S. Mill and has been working for the empowerment of women in all walks of life. Some of the achievements of the D.M.K. Government headed by Dr. Kalaingar M. Karunanidhi in the past, listed below will stand evidence to the D.M.K's commitment.

1. 30% reservation for women in all Government jobs in the State.
2. Only women should be appointed as teachers in Elementary schools.
3. Financial assistance for marriages to women from poor families and widows who remarry.
4. Equal share for women in ancestral properties.
5. 33% reservation for women in Local Body elections.

The passage of Women Reservation Bill has been delayed for 11 long years. In this period, elections to the Lok Sabha and State Assemblies have been held several times. The non-passage of the Bill has meant that large numbers of Indian women have been denied their right to contest elections and to become elected representatives at the states and national level.

The denial of equal rights of representation to one half of the population is not just injustice to women, but we believe it weakens the democratic process itself. India set a record to be proud of with the largest number of women of over one million in decision-making bodies at the panchayat and municipal level. Unfortunately the correct lessons from this historic achievement, however have not been learned.

The experience in Tamil Nadu shows that reservation to women in local bodies, had led women to get elected in the seats reserved for them irrespective of their castes and religions. More women from the minorities could be elected and Scheduled Caste women could be elected from General Constituencies, which is another way of civilizing the society.

India the largest democracy in the world, has only 8% women members in the Lok Sabha and even less, on an average, in State Assemblies. This is less than half of the global average of elected women representatives holding 17.1% of parliamentary seats. In addition, we lag behind at least three of our neighbours, Pakistan, Afghanistan and Nepal.

In Afghanistan 30% reservation is provided for women in their Legislative bodies. In Pakistan 17% seats in the Legislatures are reserved for women. Argentina has 30% quota for women. Nepal will soon enact 30% reservation for women in its National Assembly. South Africa has 30% reservation and the present women representation in their Parliament amounts to 34.8%.

In Tamil Nadu the Legislative Assembly elections between 1989 and 2006 show the following figures.

Year	Total Women Contestants	Total Elected
1989	70	9
1991	102	32
1996	156	9
2001	112	25
2006	156	22

Out of the 234 seats in the Tamil Nadu Legislative Assembly, the highest number of women elected in one election during the last four elections are only 32, which amounts to a mere 14 per cent in 2001 elections. The rest of the elections show a dismal proportion.

The global experience makes it clear that a constitutional provision for mandatory quotas for women is essential if democratic processes are to be made more inclusive. It is this understanding that informs the present Bill which, despite the fact that major political parties committed their support to its passage when it was being finalized in the Select Committee, has been languishing for many years. We are very hopeful that once again all political parties will rally behind the Bill and ensure its enactment now.

It is the question of reservation within reservation that has become the most contentious and intractable. The proponents of this have been saying that without a quota for OBC women within the 33% reserved quota, only women belonging to elite groups and the upper castes will benefit. Some of them also raise the question of giving representation of Muslim women within this quota.

The issue of quota within quota is problematic also because there are no official estimates of constituency-wise OBC population as there are for the SCs/STs which is the basis on which seats have been reserved for them. Since the De-limitation process has only just been concluded, re-opening this issue now will only delay the Bill inordinately.

In any case, we strongly believe, and all the evidence bears this belief out, that women's reservation will help all women, across communities.

In conclusion, we appreciate the move through the introduction of this Bill to undo at least in part the historic injustices that women suffer. We also welcome the support that this Bill and womens' rights in general have received from all sections of MPs. We are very conscious of the fact that no struggle for women's equality can succeed without the unstinted support of enlightened men and women.

We solicit your support for the passage of the Bill. Since our struggle goes far beyond reservations, we would like to express the hope and conviction that Indian women, especially those who bear the triple burden of class, caste and gender discrimination, will always enjoy the support and solidarity of the India Parliament in their struggle for radical social change.

## **DRAVIDAR KAZHAGAM**

### **Consequences of male domination**

From the dawn of civilization all the societies, big and small, have been Patriarchal – ruled or controlled by men, giving them power and importance. Women had no share in power structure, no role in public sphere, no voice in religious affairs, and no hold over socio-economic affairs. As a result men have become dominant, arrogant, exploitative and oppressive. Being exploited and abused, women undergo endless suffering, resulting in their loss of hope, self-confidence and self-esteem. Female children were denied of sufficient care and nourishment, physical and intellectual, resulting in the stunted growth of their body and mind. When half of the world population remains permanently weak and does not have a voice and the right to make a choice of its own in public sphere, the loser is the whole human race.

It is injustice to deny women the opportunities men enjoy.

When the Age of Faith set in, the condition of women became worse than what it was in ancient period. Scriptures specifically asserted they were created only to serve and entertain men. From time immemorial women were treated as chattels by all religions. At best they were house-keepers and dignified domestic servants.

### **Worthless Life**

Laws, religion, social customs, cultural ethos etc. kept women servile for millennia. To keep them servile they were made weak, physically and mentally. How?

They were denied education and property rights that men had. Daughters had no equal rights of inheritance with sons. Women could not earn independently. They had practically no right to education. They were not sent to learn in educational institutions. They had no share in public affairs – they could not become rulers, administrators, advisers etc. They are not allowed even now, to officiate as priests. They were usually confined to the narrow domestic duties of keeping the home clean, preparing palatable food and drink, and satisfying the carnal desires of the husband and rearing children. They eagerly awaited the chances of visiting places of worship, taking part in ceremonial functions and participating in religious festivals as those were the only outlets of possible relaxation for women. But those occasions did not really end their drudgery and misery.

### **Periyar's Service**

Periyar E.V. Ramasamy wanted to free women from the cruel circumstances of permanent dependence on men, of illiteracy, Ignorance, superstition, helplessness, hopelessness and endless suffering. From the later part of 1920s, his Self-Respect Movement demanded the abolition of conditions that made women a fallen lot and giving them rights and opportunities that would make them equal, able and intelligent partners of men.

Periyar urged women to take part in public activities, particularly in socio-cultural transformation and advancement. He encouraged his first wife and his sister to lead the picketing of toddy shops at Erode in 1921. Again, they went to Vaikom in Kerala in 1924 to play a vital role in the struggle of the suppressed castes to gain the right to walk in public roads. The women encouraged by him played a sterling role in 20<sup>th</sup> century Tamil Nadu in emancipating others. They worked for the abolition of caste and untouchability, child marriage, Devadasi (temple prostitute) system, widowhood of women etc.

Through his speeches, writings and resolutions passed at conferences, the first provincial conference at Chinglepet in 1929 being a historic one, Periyar urged the implementation of measures that would give wider opportunities for women and make them equal to men in all respects.

Like men, women should learn and get trained in modern knowledge and techniques.

All jobs that men do should be open to women, including maintaining law and order as police personnel, and defending the country from external aggression as soldiers in the army.

Women should be given priority to serve as teachers in elementary and middle schools.

Government jobs should be equally divided between women and men.

Women should have the freedom to decide about bearing children.

Women should have equal rights of inheritance with men. (With regard to Hindus, Kalaignar Karunanidhi's State Government enacted a law to this effect in 1989; the Central Government under UPA also made the law in 2006).

Though considered with contempt and ridiculed when they were proposed Periyar's ideas became realities one by one in course of time.

### **Justice Party**

The South Indian Liberal Federation (SILF – also known as Justice Party) was a forerunner of Dravidar Kazhagam. The Justice Party was in power in the then composite Madras Presidency from 1921 to 1937, except for a brief period. During its rule women were given the right to vote along with men in early 1920s. Again, the same party made provision for reservation of seats for women in the Madras (now Chennai) Corporation Council in 1930.

### **Rajiv Gandhi**

Late lamented Rajiv Gandhi took the initiative to introduce the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments to make the Urban and Rural Local Bodies vibrant and effective. A very important aspect of his endeavour was to reserve 33 per cent of seats to women in the local bodies.

The idea of making a legal provision for reserving seats for women in Parliament and State Assemblies came into being during Rajiv Gandhi's tenure as the Prime Minister of India (1984-89). His government mooted the idea of revitalizing the Panchayat Raj. The 73<sup>rd</sup> Constitutional Amendment and the 74<sup>th</sup> Amendment, that defined the tenure and responsibilities of Rural and Urban Local Bodies respectively, were passed in 1992. They provided for not less than 33% reservation to women in local bodies.

Following the UN World Conference on Women (WCM) in Beijing in 1995, the demand for at least 33 per cent reservation for women in power sharing has become strong. But the above figures show that politics in India is still a male preserve. In Parliament, the predominantly male political class is loath to allow the Women's Reservation Bill to pass. Although all national parties

say they are committed to passing the Bill, it has been scuttled several times on one pretext or the other.

If the Bill is passed in the present form, 181 seats will go to women, and men will lose them. This may be the reason for a section of the male members reluctant to support the Bill. But any progressive march towards a just and equitable society involves elimination of dominance, which will be resisted initially by the affected persons, but accepted by all the fair-minded common people. So the political parties should boldly come forward to pass the Bill without any further delay.

### **Alternatives**

An alternative proposal is suggested : Instead of assigning one-third of the Lok Sabha seats, the political parties should be compelled by law to allot one-third of seats to women candidates. If they do not follow this norm, they would lose recognition. But this alternative will not serve the purpose. The parties, usually dominated by male office bearers, will tend to field women candidates in constituencies where they are weak. That will defeat the purpose of electing 33 per cent of women representatives.

Another alternative suggestion is to increase the number of seats in Lok Sabha to 750 in the light of increase in population from 54 crores in 1971 to 102 crores in 2001. This will enable providing 33 per cent of seats to women without affecting the number of men elected at present. These extra seats could be dovetailed into double member constituencies, which will ensure reservation of one seat for women. Our firm view in this context is, when the number of seats is increased, the proportion of their allocation to States like Kerala and Tamil Nadu that have been successfully implementing family planning programme should not get reduced. Otherwise it will amount to punishing them for sincerely carrying out a vital programme of the Union as well as the State Governments.

### **Gender and Social Justice**

Our submission is Women's Reservation Bill when finally passed should include provisions for sub-reservation for STs, SCs, OBCs and Minority communities within the 33 per cent quota. If this provision is not included there is the real danger of the promotion of gender justice defeating social justice regarding women's representation. Social Justice is adumbrated in the Preamble of the Constitution and this principle should be given practical shape through all the constitutional and government bodies. In the prevailing social scenario, it is obvious that the women of lower castes or minority communities cannot politically compete with the upper caste women. So special provision should be made to reserve seats within the quota.

In this context we would like to point out that our suggestion regarding sub-quota is nothing, new. Article 243 D(6) dealing with Panchayat states: "Nothing in this Part (IX) shall prevent the legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens."

We urge what is provided for in Panchayat institutions should also be available to the State Assemblies and Union Parliament.

### **Conclusion**

Women still suffer from various disabilities because legitimate opportunities are denied to them and kept subordinate to men in social, economic, religious, and political activities. Providing greater representation to them in Parliament and State Assemblies is the vital step to widen the scope for women in public affairs. Their participation will make democracy more purposeful, meaningful, constructive and fruitful. They know better than men the laws and measures needed to uplift them.

Periyar used to say, as rats cannot earn their freedom through cats, women cannot have their advancement through the laws made by men. Women know better how to remove their indignities and disabilities. A notable example is the pioneering efforts taken by Dr. Muthulakshmi Reddy, as a member of the legislature of the then composite Madras Presidency, to abolish the Devadhasi system in 1929.

Even in fulfilling the general aspirations and requirements of the people, they perform outstandingly as proved by their role as members of Panchayat Raj institutions. A study by UNICEF published in December, 2006 reveals that the Panchayats headed by women perform well in developing infrastructure and providing health, drinking water and education facilities. So the country will progress faster when women become law-makers and rulers.

### **INDIAN NATIONAL CONGRESS**

The Congress Party supports the Bill as it has been introduced in the Rajya Sabha. However, we are also willing to go with the consensus that may evolve amongst the various political parties represented in the Standing Committee regarding lowering the number of seats and reservation within reservation of the seats.

### **INDIAN NATIONAL LOKDAL**

The above matter was considered by the highest body of the party and we are of the considered opinion that the objective behind the Bill is laudable. However keeping in view the controversies/doubts raised by various parties on this issue, we are of the opinion that the matter needs handling at other levels and by other means than the legislation or constitutional amendment. It would be in the fitness of things, if all the parties particularly The National Parties and The Regional Parties recognized by Election Commission of India, adopt the formula that all the parties will be giving at least 1/3 of the party tickets at various levels to women candidates. This will avoid unnecessarily controversies being raised on various reservations made for other groups/categories and I think this needs a broad concession than the legislation moved by the Government on this issue.

### **INDIGENOUS NATIONALIST PARTY OF TWIPRA (INPT)**

1. After examining the text of the proposed Bill of women reservation, the INPT has decided to support the move and introduced the proposed Bill in the Rajya Sabha (One hundred and eighth Amendment) Bill, 2008 in letter and spirit.
2. The INPT defending the existing nature of proportionate one-third Scheduled Tribe seats reservation in the Legislative Assembly of Tripura should continue undisturbed (Reference Tripartite memorandum of settlement of TNV, Central Government and State Government of Tripura signed on 12th August, 1988).
3. Section 8 – In article 333 the proposed proviso to be inserted and it should also be amended partially with the implementation of coming of first general election in a block of three general elections. There shall be no reservation as such in the Assembly so constituted after the first and third general election.
4. Section 9 – In the proposed new article in article 334A cessation of effect of the Act should be only after the year 2006 *i.e.* after the census conducted, conforming to the direction of clause (3B) of article 332.

### **INDIAN UNION MUSLIM LEAGUE**

On behalf of the Tamil Nadu State Indian Union Muslim League we whole heartedly welcome

the Bill of 33% reservation for women and we stress upon you sir, to kindly make all arrangements to pass this Bill in the coming session itself, and make way for the women of India to contest in the forthcoming elections. If and when possible, in the future, if any amendments regarding due representation for all the communities of India we request you to provide reservation under reservation giving proportionate representation to women of all communities. But at present, let this request be not taken as a hurdle in passing the Bill.

Our foremost priority is getting the 33% Women Reservation Bill passed at the earliest without any further delay, we once again humbly request you to do your best and urge upon you to pass the Bill in the coming parliamentary session.

### **JANATA DAL (UNITED)**

Reservation for Women Bill introduced in Rajya Sabha is a chain of conspiracies only that is going on against Backward Classes of the society. The powerful section of society wants to continue its supremacy by bringing forward women. This demand for reservation for women had started immediately after 27 per cent of reservation was provided to Backward Classes after the Supreme Court ruling in 1993.

Calculations were clear. 15% of seats are reserved for Scheduled Castes and 7.5% of seats are reserved for Scheduled Tribes in Lok Sabha and State Assemblies. Thus, around 48% of seats get reserved after 1/3 seats are offered to women. The court has fixed the ceiling of 50% and therefore if OBC demand reservations in Lok Sabha and State Assemblies, then there will not remain anything for them. 1/3 reservation for Women Bill is the product of this mind. We are opposing the Bill in its present form and we will continue to do so in future also.

We are of view that share of seats in the reservations being made should be identified separately for women belonging to Backward Classes, Dalits, Tribals, and religious minorities. Women belonging to Backward Classes and religious minorities have not been provided reservations separately in the present Bill. As a result thereof, women belonging to powerful sections of the society would only be benefited and consequently the powerful sections will continue to be powerful.

Objection is raised that there is no provision for reservations for religious minorities in the Constitution. Therefore, they cannot be provided reservations within reservation. But in Backward Classes, more than 80% of population belonging to religious minorities is included. Therefore women belonging to the religious minorities get reservation automatically when reservations are provided to backward classes.

Objection is raised that Backward Classes are not getting reservations in Lok Sabha and State Assemblies from the beginning like Dalits and tribals. Therefore women belonging to Backward Classes cannot get reservations. We are of the view that Backward Classes be provided reservations in Lok Sabha and State Assemblies as is the case in Government jobs and higher educational institutions. After doing so, 1/3 of the seats reserved for Backward Classes would be reserved for women belonging to Backward Classes.

Therefore, before taking any further action on the Women Reservation Bill, 27% of seats be reserved for Backward Classes in Lok Sabha and State Assemblies. There is already a provision in the Constitution in this regard. The provisions which provide reservations to Backward Classes in Central and State Government jobs, under the same provisions it is possible to provide 27% of reservation in Lok Sabha, State Assemblies and other government posts. And if anybody feels that this provision is insufficient, 27% reservation for Backward Classes may be ensured in Lok Sabha and State Assemblies.

After 15%, 7.5% and 27% reservations are ensured for Scheduled Castes, Scheduled Tribes and Backward Classes respectively in Lok Sabha and State Assemblies, if provision of reservation is ensured for women in all these categories, our party has no objections over this.

Our opposition is against the Women Reservation Bill in its present form which makes the creamy layer of the society more stronger. On the one hand, people belonging to lower middle class in Backward Classes are being deprived from the benefit of reservation in the name of creamy layer and on the other hand, efforts are being made to make the most powerful families (actual creamy layer) of the country more stronger by making the provision of reservation for women.

Our protest is with regard to rotation of seats as well. As per this provision, seats reserved for women will continue to change. It means that similar number of general seats for women would also continue to get reserved. As a result thereof, there will be a huge chaos. This step is likely to weaken the democracy in the country. Our democracy makes the representatives of people responsible to voters. Representatives of people cannot ignore the voters despite their desire to do so because they have to fight the next election again, they have to go at the doors of the voters in the next election.

The arrangement of rotation that exists in the present Bill, weakens the position of voters. When the representatives of people would already be knowing that they will not contest the next election from their present constituency, they may start giving less importance to the voters of their constituency. They would also show apathy towards the problems of their constituency. The feeling of responsibility which exists among the representatives of people in a democracy would also start fading.

This feeling of apathy towards their constituency and its voters by representatives of people is fatal for the democracy. Because in such a situation, the voters would also tend to become apathetic towards elections. The voting percentage in our country is already 25 to 65%. This percentage may go down further. Voters go to exercise their franchise to punish their present representative. But due to rotation there is much possibility that their present representative avoids election. A number of voters go for voting because they feel happy with the performance of their current representative. But if their current representative is not contesting the election, the fervour of exercising their franchise will also diminish.

Thus the Bill which has been brought forth in the name of empowering women is likely to hit the very foundation of democracy because of the provisions of seat rotation. Today the need of hour is to create an environment whereby maximum number of voters could reach to polling booths. But in its present form, the Bill ensures that the voters could be kept away from polling booths. We lodge our protest against this anti-democracy Bill.

We demand that the Government withdraw this Bill that has been introduced in Rajya Sabha.

Government should hold talks with political parties to make a provision of 27% of reservation for Backward Classes in Lok Sabha and State Assemblies. Meanwhile, alternative measures should be taken for the empowerment of women.

One such alternative is to empower the Election Commission of India. It may be made mandatory for all political parties that 10 or 15% of party tickets (it should also be decided from consensus) distributed in each State should be given to women candidates. The Election Commission of India may be empowered to derecognize the political parties which do not comply with the above provisions.



The provision of providing 10 or 15% of reservation is being insisted because the participation of women candidates in political parties today is very less. When the number of women itself would be less, the number of women candidates fit for contesting elections would automatically go down. With the rise of participation of women in politics and political parties, the percentage of party tickets for women can also be enhanced.

In brief, we request the Parliamentary Committee that the Bill seeking to provide reservation for women in Lok Sabha and State Assemblies be withdrawn.

## **MAHARASHTRAWADI GOMANTAK PARTY**

### **Section 1**

Sub Section 2 of Section 1 states that the provisions of this amendment will come in to force from the appointed date as may be notified by the Central Government in official Gazette and the Central Government can appoint different dates for different provisions.

It may be examined if there can be included words providing for appointment of different dates for bringing it in to force in different States in consultation with the concerned State Government. This is suggested because the people in each State shall be free to consider the local situation, social conditions, size of the House/Assembly, total population as well as the literacy rate, and opt for reservation of seats in respect of State Assembly in that State.

### **Section 2**

This Section proposes amendment to Article 80 of the Constitution. Article 80 is on composition of Council of State.

Clause 2 speaks about allocation of seats in the Council of State. In original clause after the word "seats" the words "including those reserved for women" are to be inserted. Secondly, this allocation is in accordance with provisions contained in the Fourth Schedule which also will have to be amended. It may be noted that there are some States with only one seat allotted to them in this regard.

In Clause 3 of Article 80 also there is a provision suggested of atleast not less than one-third members to be nominated by the President. Nomination of such one-third member by nominating women as their reserved seats should not later on lead to the demand for further reservation with-in for women coming from certain reserved categories like ST, SC, OBC etc. Therefore a mention will have to be made at appropriate place clarifying that the nomination of women shall be irrespective of caste, creed, category, community or religion.

### **Article 3**

The Bill seeks insertion of a provision to clause 3 of article 171 which speaks on composition of the legislative council. This provision mention that atleast 1/3 of the seats shall be reserve for women. Our view is that in this article also there should not be scope for further reservation as mentioned above *i.e.* the number of this 1/3 seats should not further be required to be allotted to women coming from reserved categories like SC, ST, OBC etc.

### **Article 239 A**

No comments.

### **Section 330**

After this article the proposal is for insertion of 330A.

**Article 330**

No comments.

**Article 332 A**

This Party is in agreement with the proposed amendment and insertion of article 332A.

In the first proviso to this article 332 A(2), the words “No seats shall be reserved in the other two general elections” have not been inserted as has been done in the first proviso to article 330A(2). Therefore either these words be inserted in 332A(2) or deleted from the proviso under 330A(2).

**Article 333**

No comments.

**Article 334 - Proposing Insertion of article 334A**

No comments.

**MARUMALARCHI DRAVIDA MUNNETRA KAZHAGAM**

All human beings are born free and equal and dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood so declares the Universal Declaration of Human Rights.

There was an era when powerful or a rich or a strong or a dacoit aged more than 60 years married a beautiful young girl despite her resistance. Except to weep, she had no choice of selecting her mate. To a large extent, such a situation does not prevail today. Now, young persons are selecting mates of their choice after verifying full details thereof. So begins the judgment of the Supreme Court in the famous PUCL Vs UOI case.

Women are human being so they are certainly entitled to have due share to represent in the democracy. Almost all political parties declare that women should be given due share in politics. Yet for one or other reasons, political parties are under compulsion to give tickets only to men. All members of the society, men and women, should be able to form their own beliefs and communicate them freely to others. Freedom of speech and expression should therefore receive a generous support from all those who believe in the people in the administration. The democracy cannot exist unless all citizens, men and women, have the equal right to participate in the affairs of the country.

Parliamentary democracy is a part of the basic structure of our Constitution. The true democracy is meaningless unless women are there to represent. The few who involve themselves in political activities are finding it increasingly difficult to succeed in getting ticket in elections. Today's electoral system has been totally subverted by money and muscle power. In order to uphold the fights of the women, though almost all the political parties have expressed the view that there should be special reservation for women yet the same could not be fructified till today as some vested interest are successfully placing their obstacle in getting the Bill adopted. The special reservation in favour of women in the House of People and State Legislatures are the need of the hour and required to be carried out before the next General Election to the Lok Sabha.

Marumalarchi Dravida Munnetra Kazhagam founded with the object of bring a renaissance of the policies and principles of Thanthai Periyar and Perarignar Anna who have, aired the view for the empowerment of power for women in all walks of life, welcomes and supports the Women

Reservation Bill and hopefully expects the early adoption of the said Bill as introduced in the Parliament without any further delay.

### **MIZORAM PEOPLES' CONFERENCE**

That the Mizoram Peoples' Conference (Party) whole-heartedly supports the Women Reservation Bill, which was introduced to the Parliament (Rajya Sabha) on the 6th May, 2008 to become the Constitution (One Hundred and Eighth Amendment) Bill, 2008.

### **NATIONALIST CONGRESS PARTY**

It is unfortunate that even after sixty years of our independence, women in our country have not been provided for their due representation in the Parliament and in the State Assemblies, and are being denied of their due share in the highest democratic institution of our country and in running the administration of the country.

This Bill has been kept pending or was being postponed for one reason or another for the last twelve years. It is a blemish on the political leaders of our country to have blocked the passage of the Bill all these years. So, we entreat to the Members of the Parliament that the Bill as presented in the Rajya Sabha may be passed without any further delay.

We also support the Block of three general elections for rotation of seats as provided for in this Bill.

We don't find any need or reason for special quota for OBC within the women's quota as suggested from certain quarters.

Now there are 429 seats excluding reserved seats for SC/ST category in the Parliament. There is no reservation for OBC in the above mentioned existing unreserved seats. But still there is good representation for OBC category in the Parliament at present. Same is the case of OBC category in the State Assemblies as well.

That shows that OBC candidates are getting elected to the Parliament and State Assemblies without special reservation for them. Similarly, OBC women candidates also can very well get elected from reserved seats for women without special reservation for OBC category.

We see that candidates are put up by political parties, taking into consideration also the strength of various communities in the constituencies. As such women from OBC category can get elected in good numbers from reserved seats for women just as OBC candidates get elected at present from unreserved seats. So, there is no justification for delaying the passage of the Bill on the question of OBC quota within women's reservation.

So, let us pass the Bill and implement it without any further delay. We can, if found necessary, after implementation, have further amendment to the Act later.

Political parties often fail to give sufficient representation for women in their lists of candidates. So, due share for women in the Parliament and in State Assemblies can be assured only by passing the present Bill.

So, let us not block or deny any further the legitimate right of women for their due share in the highest democratic bodies in our political system.

We expect all political parties to come forward and support the Bill. We also appeal to all Parliamentarians to pass the Bill as presented by the Government in the Rajya Sabha unanimously and without any further delay.

### **PATTALI MAKKAL KATCHI**

At the outset, Pattali Makkal Katchi, a political party founded on the principles of equality, equity and social justice, expresses its delight and pleasure at the efforts of the United Progressive Alliance (UPA) Government headed by Dr. Manmohan Singh, an internationally reputed Economist and Prime Minister of India for piloting the Constitution (One Hundred and Eighth Amendment) Bill, 2008. By introducing this momentous Bill in the Rajya Sabha on 5.5.2008, the UPA Government under the dedicated Chairmanship of Madam Sonia Gandhi attempts to fulfil one of the vital commitments made in the Common Minimum Programme evolved by alliance partners including the Pattali Makkal Katch (PMK).

As one of the architects of the Common Minimum Programme, the Pattali Makkal Katchi extends its full support and commitment to this Bill with little more inclusive amendments to it.

Pattali Makkal Katchi has always been championing the social, economic, education and political empowerment of women. The Founder President of PMK has also propounded the doctrine of 'equal opportunity, equality status, equal rights' to women of all walks of life. A nation's development hinges on the development of its people and not on its Gross Domestic Product or per-capita income alone. However, people's development revolves round the development, round the equitable and balanced development of people belonging to all sections of the society, especially in a country like India, where heterogeneity and diversity is rule rather than an exception. In a vast country like India with a population of about 112 crores, women constitute half of the population. Therefore, a comprehensive development of Indians is possible, if only half of the Indian population *viz.* women population register equitable development on par with men. Unfortunately, in India in the last 60 years, this has not happened due to a plethora of multi sectoral factors. Women have been lagging behind men in all spheres and in all parameters in India. There are gender inequalities in literacy rates, educational accomplishments, health indicators like infant fertility rate, death rate, per-capita income and political empowerment. Further, there are vast and raging disparities among different categories of women *i.e.* there are inter-caste disparities in social, educational and economic and political achievements. For instance, the literacy rate of women in upper castes is much higher than those of women belonging OBCs, SCs, STs and Minorities. Like-wise, the social status and the social behaviour of women in upper castes are fully different from those of women from OBC, SC, ST and minority communities.

Therefore, the Government of India and various State Governments have take measures to improve the economic and social well being of women and to bring equality between sexes and among women folk through a variety of programmes. Programmes of women empowerment have received the due of the attention of the Government of India. Consequently, there has been considerable improvement in enrolment rate of girls and literacy rate of women, employment rate of women. Politically there has been a woman Prime Minister; currently a woman is the President of India and the Chairperson of the UPA Government is a woman. Woman have handled important Cabinet positions even Chief Ministers of various States have been women. India has the largest number of elected women representatives in the world. Elected women in the Panchayatiraj is 42 per cent and there has been increased voter turn out of women. There has been gender budgeting exclusively for women development by the Central Government.

All these developments and initiatives are laudable and welcome indeed. Nevertheless, we have many more miles to go in the path of comprehensive development of all sections of women in India and to obtain inter sex and intra sex equality.

It is in this context, that we have to take certain unconventional measures for development of women. One aspect, which emerges, clearly is that the principle of equality between men and women have not been achieved and they happen to be unequals. Under this circumstance, we have to apply the Ambedkar's excellent principle of "unequal treatment to unequals". What such treatment calls for this is reservation of posts in all spheres. This we have amply done in the case of men in the fields of education and employment. In the political arena, we have also reserved seats in State Assemblies and Lok Sabha to men belonging to SCs and STs. Unfortunately, we have not done this for women yet. It is in this context of political empowerment of people, we have to provide for reservation of women, in all bodies of decision-making, including State Legislatures and Parliament. Thanks to the innovative endeavour of Late Shri Rajiv Gandhi, we have ensured reservation for women in village Panchayats and urban local bodies. In a federal country like India characterized by a three tier Government, reservation for women in the lowest tier of the Government and absence of reservation in the higher tiers of Government smacks of political justice. On this premise, social thinkers and political analysts have been demanding for quite a long time reservation of seats for women in the State Assemblies and Parliament. The Government of India appointed a Select Committee in 1996 under the Chairmanship of Mrs. Geetha Mukherjee to suggest the principles of reservation for women in State Assemblies and Parliament. However, for one reason or the other, the issue of reservation has been dragging without a political consensus for the last 12 years. With such a prolonged wait, the present Government with a firm decisiveness and determination has come forward with the present Women Reservation Bill. It is in consonance with our philosophy and hence we welcome this Bill of course with minor improvements.

**Comments on the above Bill are as follows:**

1. Political empowerment of women is a powerful and indispensable tool for eliminating gender inequity and discrimination. This Bill is based on this sacred dictum and hence we approve the statement of objects of the Bill.
2. The Bill provides that one third of the total number of seats reserved under Article 330 shall be reserved for women. There are two flaws in this assumption.

Firstly, one-third reservation does not strictly meet the needs of social justice. Social justice can be achieved if only seats are reserved in proportion to the population, either in education or in employment or in political field. Since woman population is almost half of the Indian population, reservation of seats to women in State Legislatures and Parliament should be in proportion to the population of women in total population *i.e.* about 50 per cent. Therefore, reservation of 33% falls short of 50% of the seats as required by the canon of social justice. However, we do not dispute this proportion of 33% at this juncture for various issues and also of the necessity to provide for reservation to women immediately.

Secondly, the Bill states that only within the reserved seats in State Assemblies and Parliament, one-third seats will be reserved for women. This means that within seats reserved for Scheduled Castes men one third seats will be reserved for SC women. This implies that other women belonging to Backward Classes, Minorities and other weaker sections of the society, who now enjoy benefits under various Government programmes, such as education, employment, development programmes are deprived of political reservation. This is against the concept of equality and runs contrary to constitutional provisions. It discriminates between women of different groups and will enable increased

representation of only women from upper castes, which would perpetuate the already raging disparities among women. This unjust situation has to be remedied.

3. The Bill provides for reservation of seats for women only for a period of 15 years. This is also untenable. We are taking a deliberate decision to provide for reservation for women in political decision-making bodies after 60 years of India's independence and to withdraw this after 15 years would not help the long term representation of women in State Assemblies and Parliament.
4. The procedure for determining the Constituencies reserved for women is not clearly laid down in the Act and is left to the Parliament to decide. In our view, this should be categorically provided in the Act itself.
5. This Bill provides for reservation of women only in State Assemblies and Lok Sabha, and reservation is not provided in the Rajya Sabha and Legislative Councils of various States. The above deficiencies in our view should be rectified in the proposed Act itself.

### **Suggestions:**

1. In our view reservation of seats for women should be made not only in State Assemblies and Lok Sabha but also in Rajya Sabha and Legislative Councils of States, because these are also equally important bodies where vital decisions are taken for national development. Women should have the right to express their views in these bodies also. Therefore, this amendment Bill should provide for reservation in Rajya Sabha and Council of States wherever they exist. This would again require constitutional amendment, which could be brought in the present Bill itself. This would not in any case delay the process of passing this Bill. The Standing Committee itself can incorporate necessary changes in the present Bill itself at appropriate places.
2. We wish to reiterate that the principle of social justice or reservation cannot be achieved unless the interests of backward classes of India are taken into consideration. Currently the Constitution of India does not provide for reservation of seats for men belonging to OBCs in State Assemblies and the Parliament. Therefore, it is not possible to reserve seats for women belonging to OBCs as in the case of SC women. This we consider is a great injustice done to about half of the population of India, who happens to be OBC men and women. For 60 years, this injustice is left to continue despite the fact that the socio-economic status of the backward classes have not improved vastly in this country. Even in the sphere of employment, it was only after 1994 reservation for OBCs were made although several Commissions of Backward Classes recommended this at different points of time. With very great difficulty we have succeeded in providing 27% reservation to OBCs in higher educational institutions only from this year and that too at the initiative of Madam Sonia Gandhi and Dr. Manmohan Singh, the Prime Minister of India. Consequently, the socio-economic status of the OBCs has not improved substantially. In fact, it is much worse in the political sphere. The Mandal Commission has very ably documented the conditions of OBCs. Recently, the Tenth Five Year Plan document also vividly remarked that the socio economic and educational conditions of OBCs are no better than those of SCs or STs.

Therefore, in our view it is high time that the necessary Constitutional Amendment is made to provide for 27% reservation to OBCs in the State Assemblies Legislative Councils, Lok Sabha and

Rajya Sabha. If this reservation is done, automatically the reservation of OBC women can be ensured from amongst the seats reserved for OBC men in these bodies.

It may be appropriate to point out here that while making reservation of seats to Local Body institutions Article 243 (d) Section 6 provides for reservation of seats in favour of Backward Classes of citizens. Relevant section reads as follows :-

“Nothing in this part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.”

In pursuance of the above constitutional provisions, 17 States in the country have provided for OBC reservation in the local bodies. The same procedure may be adopted for State legislatures as well as Parliament to maintain parity among the three layers of the Government in India.

Pattali Makkal Katchi insists that this provision should be incorporated in the Bill itself so that the interest of Backward Classes can be protected.

A similar arrangement should be made for providing reservation to Minority men and hence Minority women.

It may be argued that the incorporation of the above changes will take more time and hence it would delay the passing of the Bill. PMK does not subscribe to this view. The Standing Committee, which is examining the present Bill, is fully competent to bring the needed changes in the Constitution (One Hundred and Eighth Amendment) Bill, 2008 at appropriate places. The Committee need not take additional time to discuss this issue after analyzing the views of various parties. During the deliberation itself the Committee can incorporate these changes and the Bill can assume comprehensive form, which can be presented to the Government within the time frame given to the Committee. We also wish to state that this Bill should be passed in the ensuing Monsoon Session itself and should not be delayed further. Once the Bill is passed, the necessary reservation of seats of OBCs, Minority men and women can be done within the normal period. What is needed is the political will to include OBCs and Minorities within the ambit of reservation. Where there is a will there is a way. The appropriate time has come to show the light and way to about 60 per cent of the people, who happen to be OBCs and minorities. At a time when the Parliament is taking a far reaching radical, social measure it should not leave out a major chunk of the population from the benefit of reservation. The Indian Parliament would be paying tributes to the Constitution makers of India especially stalwarts like Mahatma Gandhi, Jawahar Lal Nehru and Dr. Ambedkar. The UPA Government is credited with the achievement of economic growth with social justice in the last 4 years. A Government, which has brought milestone legislations in the arena of social justice and reservation should not deprive of the same opportunities to 60 per cent of OBCs and Minorities. This Government would be providing social and political advantages to all sections of society and ensure equity and equality among men and women of different communities and creed.

In our view reservation for women should not be restricted only to 15 years but should continue indefinitely. Necessary changes have to be made for this also.

Finally women seats meant for SCs, OBCs and Minorities should rotate once in 15 years and not 10 years so as to enable women to contribute substantially to the development of their respective constituencies. This would provide a reasonable stability to the political career of woman and improve horizontal spread of the influence of woman in other constituencies as well.

The above suggestions of PMK should not be construed as opposition to the Bill in its present form, but they are meant to provide a comprehensive Bill, which would meet the canons of social justice and equality to Indian people after 60 years of independence. We hope that the Hon'ble Committee would look into the issue of Indian people especially Indian women in larger perspective and not take a hasty decision to exclude OBCs and Minorities. The argument that their interest will be taken care of later by passing the present Bill does not hold water. We have waited 60 years even for the present Bill. Let us provide an opportunity to OBCs and Minorities also in the same Bill and pass it.

### **RASHTRIYA JANATA DAL**

1. Rashtriya Janata Dal supports the reservation for women but does not support the 'Women Reservation Bill' in the present form at all.
2. In case of providing reservation to women, there must be a quota for OBC, Minorities including Muslims, Christians and others, and Dalits (SC/ST) within it. There must be a quota within quota for these sections of women proportionate to their population in the country.
3. The selection of parliamentary reserved constituencies for women should be decided by the political party itself. No specific parliamentary constituency should be marked for women candidates only. The number of reserved parliamentary constituencies should be provided to the political parties for their decision to context women candidates on such number of seats.
4. Our party is of the view that a national political consensus should be adopted for this important issue of reservation for women.
5. No decision should be taken in haste without reaching a national consensus among the political parties.

### **SAMAJWADI PARTY**

1. Samajwadi Party does not support the Women Reservation Bill in the present form.
2. If reservation is to be given to women, there must be a quota for OBC and Muslim women within it.
3. Our party is of the view that a consensus formula should be adopted for the reservation of women.
4. Our party fully supports the Election Commission's proposal for women's reservation.
5. No decision should be taken in haste without reaching a consensus among the political parties.

### **SWATANTRA BHARAT PAKSHA**

The Swatantra Bharat Paksha (SBP), of which I have the honour to be national president is very closely associated with the Shetkari Mahila Aghadi (SMA), probably the largest organization of rural women. It has the distinction of having made pathbreaking innovations in the domain of women's empowerment and women's property rights.



It may be recalled that it was as far back as 1986 that the SMA initiated the move of panels of candidates exclusively of women for Panchayat Raj elections in Maharashtra. The declaration had sent shock waves across the political arena of Maharashtra. As a consequence, the Panchayat Raj elections in that State were suspended for six years. Finally, the Government of Maharashtra came forward with an attenuated solution of providing 33% reservations for women. It is this initiative of the Government of Maharashtra which forms the basis of the present amendment to the Constitution Bill, 2008.

The SBP has serious reservations on any system of reservation based on rotation. This position has been clearly brought out in the SBP Manifesto, 2009.

The novel feature of the present Bill is the provision it contains for reservation in every State/ Union Territory of 1/3rd of seats reserved for SC and ST for women belonging to the respective category. I have had the arithmetic of this provision worked out and have come to the conclusion that in all cases where the number of seats for SC/ST women in any given State/UT does not exceed 3, the candidates fielded by various parties are more than likely to be close relations or acquaintances of the party leaders.

I have pointed out, in the relevant extract of the document attached, that if the Bill is passed in the present form it will seriously affect the servicing of the constituency by the elected members of the legislature. It would further adversely affect the quality of the legislatures in as much as the legislatures are unlikely to contain more than 33% second-termers. The phenomenon of members of legislatures getting elected for six or seven consecutive terms will simply disappear, with disastrous consequences one can easily imagine.

I shall be grateful if you bring to the notice of the committee the SBP position on this issue and under all circumstances keep out from the Bill the provision related to rotation of seats reserved for women.



