

Bill No. 124 of 2023

**THE CONSTITUTION (ONE HUNDRED AND TWENTY-EIGHTH
AMENDMENT) BILL, 2023**

**A
BILL**

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (One Hundred and Twenty-eighth Amendment) Act, 2023.

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 article 239AA of the Constitution, in clause (2), after sub-clause (b), the following clauses shall be inserted, namely:—

Amendment of article 239AA.

“(ba) Seats shall be reserved for women in the Legislative Assembly of the National Capital Territory of Delhi.

(bb) As nearly as may be, one-third of the seats reserved for the Scheduled Castes in the Legislative Assembly of the National Capital Territory of Delhi shall be reserved for women.

(bc) As nearly as may be, one-third of the total number of seats to be filled by direct election in the Legislative Assembly of the National Capital Territory of Delhi (including the number of seats reserved for women belonging to the Scheduled Castes) shall be reserved for women in such manner as Parliament may by law determine.”

Insertion of new article 330A.

Reservation of seats for women in the House of the People.

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

“330A. (1) Seats shall be reserved 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.

(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 shall be reserved for women.”.

Insertion of new article 332A.

Reservation of seats for women in the Legislative Assemblies of the States.

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

“332A. (1) Seats shall be reserved for women in the Legislative Assembly of every State.

(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 belonging to the Scheduled Castes or the Scheduled Tribes.

(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.”.

Insertion of new article 334A.

Reservation of seats for women take effect.

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

“334A. (1) Notwithstanding anything in the foregoing provision 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 come into effect after an exercise of delimitation is undertaken for this purpose after the relevant figures for the first census taken after commencement of the Constitution (One Hundred and Twenty-eighth Amendment) Act, 2023 have been published and shall cease to have effect on the expiration of a period of fifteen years from such commencement.

(2) Subject to the provisions of articles 239AA, 330A and 332A, seats reserved 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 continue till such date as the Parliament may by law determine.

(3) Rotation of seats reserved 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 take effect after each subsequent exercise of delimitation as the Parliament may by law determine.

(4) 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 existing House of the People, Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi.”.

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

6. The amendments made to the Constitution by the Constitution (One Hundred and Twenty-eighth Amendment) Act, 2023 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 of the People, 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

After completing 75 years of Independence, the nation has begun its journey into Amritkal with a goal of becoming 'Vikasit Bharat' by 2047. Realisation of this goal will require contribution of all sections of society in the spirit of 'Sabka Saath, Sabka Vikas, Sabka Vishwas, Sabka Prayas'. The role of women, constituting a half of the population, is extremely important in realisation of this goal.

2. Government has taken a number of steps to bring 'Nari shakti' to the forefront through women's empowerment and women led development resulting in substantial improvement in financial independence of women and availability of equal access to education and health. Government has also emphasised 'Ease of Living', especially of women, through various initiatives including Ujjawala Yojana, access to toilets under Swacch Bharat Mission, financial inclusion through the Mudra Yojna, etc. However, true empowerment of women will require greater participation of women in the decision making process as they bring different perspectives and enrich the quality of legislative debates and decision-making.

3. While women participate substantively in the Panchayat Raj institutions and municipal bodies, their representation in the State Legislatures as well as in Parliament is still limited. Providing for higher representation of women at State and national level has also been a long pending demand. There have been several efforts to introduce women's reservation in the Lok Sabha and State Legislative Assemblies. The last such attempt was made in 2010, when the Rajya Sabha had passed a Bill for women's reservation, but the same could not be passed in the Lok Sabha.

4. In order to enable greater participation of women as public representative in policy making at State and national level, it is decided to introduce a fresh legislation for Constitutional amendment to provide for, as nearly as may be, one-third of total seats in the House of the People, the legislative assembly of every State and the Legislative Assembly of the National Capital Territory of Delhi to be reserved for women.

5. The Bill seeks to achieve the above objectives.

New Delhi;

ARJUN RAM MEGHWAL.

The 18th September, 2023.

FINANCIAL MEMORANDUM

The Bill, if enacted, is not likely to involve any expenditure, either recurring or non-recurring, from and out of the Consolidated Fund of India.

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further to amend the Constitution of India.

(Shri Arjun Ram Meghwal,
Minister of Law and Justice)