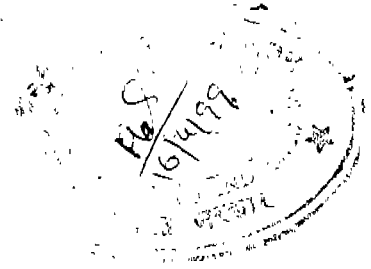




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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 14-12-98.

BILL No. 71 OF 1998

A Bill further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Eighty-fourth Amendment) Act, 1998.

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), 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 election 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 election.

(3) As nearly as may be, one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election to the House of the People in a State or Union territory shall be reserved for women, and such seats may be allotted by rotation to different constituencies in that State or Union territory:

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 election 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 election.”.

Amendment of article 331.

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

“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-Indian 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 election.”.

Insertion of new article 332A.

5. 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, 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

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

of three general elections to the Legislative Assembly of that State, the seat in the first general election shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, 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 election.

(3) As nearly as may be, one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election 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.”.

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

Amer
article

“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 election shall be reserved for nomination of a woman 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.”.

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

Insertion of
new article
334A.

“334A. Notwithstanding anything in the foregoing provisions of this Part or Part VIII, the provisions of this Constitution relation 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 (Eighty-fourth Amendment) Act, 1998:

Reservation of
seats for
women to
cease after
fifteen years

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

8. The amendments made to the Constitution, by this Act, 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 this Act.

Amendments
not to affect the
representation
in the House of
the People or
Legislative As-
sembly of a
State or the
Legislative As-
sembly of the
National Capital
Territory of
Delhi.

STATEMENT OF OBJECTS AND REASONS

Articles 243D and 243T inserted by the Constitution (Seventy-third Amendment) Act, 1992 and the Constitution (Seventy-fourth Amendment) Act, 1992 respectively provide that not less than one-third of the seats shall be reserved for women in every Panchayat and every Municipality. Further, the said articles provide that, from amongst the seats reserved for the Scheduled castes and the Scheduled Tribes, not less than one-third seats shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. The said articles also provide that such seats reserved for women may be allotted by rotation to different constituencies.

2. Having provided reservation for women in Panchayats and Municipalities, it was felt that reservation for women on the same lines be provided in the House of the People and in the Legislative Assemblies of the States by amending the Constitution. Accordingly, the Constitution (Eighty-first Amendment) Bill, 1996 was introduced in the Lok Sabha on 12th September, 1996. The said Bill sought to reserve not less than one-third of the total number of seats filled by direct elections in the House of the People and in the Legislative Assemblies of the States for women, provided the number of seats of the State in the House of the People was more than two.

3. The aforesaid Bill was referred to a Joint Committee of the two Houses of Parliament and the Committee in its Report presented to the Eleventh Lok Sabha on 9th December, 1996, further strengthened the provisions of the Bill and extended the reservation for women even in those cases where number of seats was less than three. The Constitution (Eighty-first Amendment) Bill, 1996, as reported by the Joint Committee, however lapsed with the dissolution of the Eleventh Lok Sabha and now it is proposed to introduce a Bill containing the provisions of the Constitution (Eighty-first Amendment) Bill, 1996 as reported by the Joint Committee to provide for reservation for women in the House of the People and in the Legislative Assemblies of the States.

4. The Bill seeks to achieve the aforesaid object.

NEW DELHI;
The 26th June, 1998.

M. THAMBI DURAI.

S. GOPALAN,
Secretary-General.