

LOK SABHA

**THE CONSTITUTION (EIGHTY-FIRST AMENDMENT)
BILL, 1996 (INSERTION OF NEW
ARTICLES 330A AND 332A)**

REPORT OF THE JOINT COMMITTEE

*(Presented to Lok Sabha on 9 December, 1996)
(Laid in Rajya Sabha on 9 December, 1996)*



**LOK SABHA SECRETARIAT
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LOK SABHA SECRETARIAT

CORRIGENDA

TO

THE REPORT OF THE JOINT COMMITTEE ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996

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JOINT COMMITTEE ON THE CONSTITUTION (EIGHTY-FIRST AMENDMENT) BILL, 1996

COMPOSITION OF THE COMMITTEE

Smt. Geeta Mukherjee—*Chairperson*

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21. Shri Ram Kripal Yadav

Rajya Sabha

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4. Shri J.P. Jain — *Under Secretary*

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2. Dr. Raghbir Singh — *Additional Secretary*
3. Shri P.L. Sakarwal — *Joint Secretary*
4. Shri T.K. Vishwanathan — *Joint Secretary and Legislative Counsel*

(iv)

REPRESENTATIVES OF THE MINISTRY OF WELFARE

1. Smt. Gauri Chatterji — *Joint Secretary*
2. Dr. (Mrs.) S. Rohini — *Director*

REPRESENTATIVES OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

1. Shri. A.K. Sinha — *Joint Secretary*
2. Ms. Binoo Sen — *Joint Secretary*

REPORT OF THE JOINT COMMITTEE ON THE CONSTITUTION (EIGHTY-FIRST AMENDMENT) BILL, 1996

1. I, the Chairperson of the Joint Committee to which the Bill* further to amend the Constitution of India, viz., the Constitution (Eighty-first Amendment) Bill, 1996 (insertion of new articles 330A and 332A) was referred, having been authorised to submit the Report on their behalf, present this report.

2. The aforesaid Bill was introduced in the Lok Sabha on 12 September, 1996. The House, at its sitting held on 13 September, 1996, during discussion on the motion for consideration of the Bill, authorised the Speaker to refer the Bill to a Joint Committee of the two Houses in consultation with the Chairman, Rajya Sabha, with instructions to report by the last day of the first week of the winter session.

Accordingly, the Speaker, in consultation with the Chairman, Rajya Sabha, constituted the Joint Committee consisting of 31 Members, 21 from Lok Sabha and 10 from Rajya Sabha and referred the Bill to it. The Constitution of the Joint Committee was published in Lok Sabha Bulletin Part II dated 7 October, 1996 (Appendix I).

3. The Committee held 8 sittings in all. The first sitting was held on 23 October, 1996. At this sitting, the Committee considered their programme of work and decided to hear the views of the representatives of the National Commission for Women on the provisions of the Bill on 24 October, 1996. The Committee also decided to invite memoranda containing comments/suggestions on the provisions of the Bill by 7 November, 1996 from the State Governments/Union Territory Administrations and individuals, organisations, etc. interested in the subject matter of the Bill for their consideration.

4. Accordingly, a Press Communique inviting memoranda and requests for oral evidence was issued on 23 October, 1996. The Director-General, All India Radio and the Director-General, Doordarshan, New Delhi were also requested to broadcast the contents of the Press Communique from all stations of All India Radio/Telecast it from all Doordarshan Kendras on three successive days in English and Hindi and in regional languages.

5. As per decision taken by the Committee, a circular letter inviting memoranda containing comments/suggestions on the provisions of the Bill and request for oral evidence was also issued to the Chief Secretaries of all the State Governments/Union Territory Administrations.

6. 102 Memoranda containing comments/suggestions on the provisions of the Bill were received by the Committee from various Associations/organisations and individuals etc. (Appendix II).

7. The Committee heard the views of Smt. Pramila Dandavate and representatives of Rambhau Mhalgi Prabodhinee on 14 November, 1996; and the representatives of the Women's Organisations on 15 November, 1996. The Committee also heard the views of the Attorney General of India (Shri Ashok H. Desai), Shri S. Ramaiah, Advocate and Former Secretary, Ministry of Law (Legislative Department) and the representatives of the Delhi Pradesh Kayastha Sabha, Delhi on 21 November, 1996 (Appendix III).

8. The Report of the Committee was to be presented to the House by the last day of the first week of the Winter Session (i.e. 22 November, 1996). The Committee were granted an extension of time upto 9 December, 1996.

9. The Committee considered the Bill clause-by clause at their sitting held on 29 November, 1996.

10. The Committee decided at their sitting held on 3 December, 1996 that evidence tendered before them might be laid on the Tables of both the Houses of Parliament.

The Committee further decided that two sets of memoranda containing comments/suggestions on the provisions of the Bill, received by the Committee, might be placed in the Parliament Library, after the report had been presented, for reference by the Members of Parliament.

11. The Committee considered and adopted the Report at their sitting held on 3 December, 1996.

*Published in the Gazette of India, extraordinary, Part II, Section 2, dated 12 September, 1996.

12. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

13. The Committee feel that the words 'Not less than one-third' occurring in the Bill are vague and liable to be interpreted differently and confer power to make reservations which may far exceed the limit of one-third. The Committee are, therefore, of the opinion that these words should be substituted by 'As nearly as may be, one-third' wherever they occur in the Bill so as to leave no scope for ambiguity.

14. The Bill provides that in case where there are less than three seats reserved for Scheduled Castes or Scheduled Tribes, as the case may be, under article 330(2) in the case of House of People and article 332(3) in the case of Legislative Assemblies of the States, no reservation in favour of women shall be made. In this connection, the Committee observe that the relevant provisos as they exist in the Bill would deny the benefit of reservation of seats for women belonging to Scheduled Castes and Scheduled Tribes in a number of States and Union Territories. In order to have uniformity in extending the benefit of reservation of seats for women belonging to Scheduled Castes and Scheduled Tribes in such States and Union Territories, the Committee feel that the existing provisos should be appropriately amended in a manner that in the first term first seat (Seat A for instance) shall be reserved for women, in the second term the other seat (Seat B for instance) shall be reserved for women and in the third term both the seats shall be treated as general, i.e. unreserved. Where there is only one seat in a State or Union Territory, the seat in the first term shall be reserved for women, in the second and third term it shall be general, that is unreserved. By rotation of seats in this way, over a period of three terms, one-third seats for women can be ensured even in a State or Union Territory which has only one or two seats in the House of the People.

15. The Committee note that similar is the case with the provisos to proposed articles 330A(3) and 332A(3) which provide that where there are less than three seats, no reservation in favour of women shall be made. The Committee observe that such provisos would deny the benefit of seats for women in the House of the People or the Legislative Assemblies of the States, in a number of States and Union Territories. The Committee find the provisos unjustified on this ground. To overcome such lacuna, the Committee desire that appropriate amendments may be made in the Bill on the same lines as explained in the preceding para in connection with the reservation of seats for women belonging to Scheduled Castes and Scheduled Tribes.

16. The Committee note that sub-clauses (1) and (3) of proposed article 332A of the Bill provide that seats shall be reserved for women in the Legislative Assembly of every State. The Committee feel that these clauses do not cover the National Capital Territory of Delhi though it has a Legislative Assembly. Similarly, the Union Territory of Pondicherry is also not covered although it has a Legislative Assembly. In this connection, the Committee were informed by the Government that an amendment to article 239 AA is required for the purpose of extending provisions of reservation for women in relation with Legislative Assembly of the National Capital Territory of Delhi. However, no amendment to the Constitution is needed for the purpose in relation to Pondicherry. According to the existing provisions of article 239A, necessary provisions can be made in Act of Parliament. The Committee, therefore, recommend that the Bill may be amended so as to provide benefit of reservation of seats for women in the case of National Capital Territory of Delhi.

17. The proviso to sub-clause (3) of Article 332A provides that no reservation of seats for women shall be made in the Legislative Assembly of a State so long as the number of seats allotted to such State is less than three. The Committee find the proviso extraneous and redundant as no such State exists with allotted number of seats less than three. The Committee, therefore, recommend the omission of this proviso.

18. The Committee feel that the Bill should be amended so as to provide that one of the members nominated from the Anglo-Indian Community shall be a women, by rotation, in the manner explained in paragraph 14 above.

19. The Committee feel 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. The Committee, therefore, desire that the Bill should suitably be amended to this effect.

General Recommendations

20. The Committee note that the proposed amendments in the Constitution provide reservation of seats for women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, from out of the seats reserved under sub-clause (2) of Article 330 and sub-clause (3) of Article 332 of the Constitution, respectively in the House of the People and the Legislative Assemblies in the States. The Committee, however, observe 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, recommend 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.

21. The Committee note that the Bill does not contain any provision for reservation of seats for women in the Rajya Sabha or the Legislative Councils of the States. The Committee feel that there should also be reservation of seats for women in the Rajya Sabha and the Legislative Councils. The Committee, therefore, recommend that the Government should work out the modalities for this purpose and bring out suitable legislation in this regard at the appropriate time.

22. The Joint Committee recommend that the Bill, as amended, be passed without any delay. The Committee also recommend that the necessary legislation to give effect to the provisions of the Bill may be brought before the Parliament at the earliest.

NEW DELHI;
December, 1996

GEETA MUKHERJEE
Chairperson,
Joint Committee on the Constitution
(Eighty-first Amendment) Bill, 1996.

MINUTES OF DISSENT

I

I am for reservation for women in Parliament and State legislatures. I am also for reservation of one-third of seats for women in Parliament and State legislatures. The Constitution (Eighty-First Amendment) Bill provides for reservation of one-third of seats for women. This Bill provides for reservation to women belonging to Scheduled Castes and Scheduled Tribes. I am of the opinion that women belonging to OBCs should also get a fair deal. Therefore I want that one-third reservation should include women belonging to OBCs as in the case of women belonging to SCs and STs. The reservation should be in proportion to the population of OBCs.

It is being argued that women belonging to OBCs cannot be given reservation as there is no vertical reservation of seats for OBCs in Parliament and State legislatures. I am of the opinion that without providing for reservation for OBCs, the benefit of reservation cannot be extended to women of OBCs under the present provision of the Constitution.

There is already reservation for SCs and STs in Parliament and State legislatures as provided for under Articles 330 and 332 of the Constitution. It is necessary to provide for reservation for women belonging to OBCs for the following reasons:

1. Without reservation for OBCs, women cannot get fair representation in Parliament and State legislatures. I have come to know that at present, there are only 4 OBC women out of 39 in Parliament;

2. National Commission for Women does not have even a single member belonging to OBC. There is no provision in the National Commission for Women Act, 1990 which necessitates the OBC representation in the Commission.

2. Due to adult franchise, sections of population termed as OBCs and SCs & STs are coming up. The social composition of Parliament and State legislatures are clear examples of the growing awareness and assertiveness of the weaker sections of society. People belonging to Backward Classes are apprehensive, which must be delayed. They feel that the social composition in Parliament and State legislatures might be changed. Women literacy is less in comparison to men, but at the same time the literacy among OBC and SC & ST women is far less than that of other categories of women. So, OBC women are weakest among the women folk. Therefore, there needs to be special and preferential treatment. To meet the aspirations of women and in order to empower them through reservation in elected bodies it is essential likewise for the fair representation of OBCs to provide for reservation for them as a sub-section as in the case of SCs and STs. If at all it is not possible without first providing for reservation of seats for OBCs in Parliament and State legislatures, the Constitution be further amended to enable them to get reservation.

I am of the opinion that this Committee should also include in its report provision to this effect. As I could not convince some other Members of the Committee, I had to record a note of dissent.

I record this note of dissent with the hope that this will receive consideration from Members of Parliament when the Report of the Joint Committee is presented to Parliament.

NEW DELHI:
December 3, 1996

NITISH KUMAR

At the threshold itself I would like to make clear that there is no second opinion in providing reservations for women in the House of the People and the Legislative Assemblies, as we the DMK Party having been a pioneer for equal rights to women.

But at the same time I want to place on record that this Committee has not bothered to go to all the States/Union Territories and get the opinion of the various sections of the people. Therefore, I accuse with all the authority at my command that the very purpose of forming the Joint Select Committee has been defeated, with needless haste and hurry we have created a report sitting at New Delhi without attempting to know the considered views of large sections of people.

The main objective of the amendments proposed by me to different clauses of the Bill for proportionate reservation for women belonging to Other Backward Classes was to give them political awakening and the benefits of effective participation in political institutions in the country along with the women belonging to SC/ST communities and other categories. Article 330 and Article 332 of the Constitution provide reservation in the House of the People and Legislative Assemblies respectively for Scheduled Castes and Scheduled Tribes. It does not contemplate reservation for women in Parliament and State Legislatures. The Bill is to amend the provisions of the Constitution to provide reservation for women to give them a status of equality and to enable them for participating in the political institutions in the country.

Rejection of the proposed amendments to include women belonging to other backward classes would, therefore, be a denial of "equality of status and opportunity" enshrined in the Constitution and of social justice to which we are committed.

Hence the hard-won battle for reservation of the Other Backward Classes will prove meaningless and incomplete and they have to rise as one person to renew their struggle as they are left out. The movers of this Bill should be beware of the backlash from the Other Backward Classes because this kind of reservation provides access to power and lack of reservation means that the doors will be shut for them forever. With all humility I have to warn that if anyone tries to ignore reservation for Other Backward Classes, they will be doing harm to the nation by inviting an avoidable revolt from the Other Backward Classes as "Sexual symmetry (between men & women) is bound up with the maintenance of the hierarchies of caste."

But in the Committee's Report, it has been recommended that "the Government may consider the issue of extending the benefit of reservation of Other Backward Classes also at the appropriate time."

We feel the appropriate time is *now*. My insistence is that alongwith this bill reservations for women belonging to OBCs should also be done simultaneously.

With this warning I append a note of dissent to the report of the Joint Committee.

NEW DELHI:
December 4, 1996

P.N. SIVA

III

While all political parties have not failed to realise the immense voting power of women none have given adequate representation to women in their decision making bodies or indeed in the distribution of tickets for contesting seats for Parliament and State Legislative Assemblies. While all of them pay lip sympathy to the empowerment of women, none have cared to see that women are given representation in Parliament or in the State Assemblies in a significant number. It is a fact that representation in elected bodies is necessarily transient, having regard to the constitutional requirement of holding election every 5 years. Moreover, it is in the nature of political life that elected representatives may not remain in office for their full term. Besides, an elected M.P. or M.L.A. represents a given geographical area. He or she is accountable to the people in his or her constituency. Assuming that women constitute 50% of almost every Parliamentary or State Constituency, it will be difficult, if not impossible, to select constituencies which should be reserved for them. Any constituency that may be reserved may be a matter of pure chance.

In fact, the problem of empowerment of women is to be looked at in a holistic manner. What is needed is a thorough reform of the functioning of political parties and political system as a whole. Discrimination exists against women within the political parties, and that source of discrimination has to be countered. It should be made mandatory for the political parties to amend their party constitution to provide for the desired representation of women.

I therefore suggest that all political parties should be compelled by law to give 50% of all tickets for parliamentary and State legislative elections to women.

All political parties, if compelled to give 50% of the tickets to women in the constituencies in which they put up candidates, can ensure greater representation of women in the elected bodies and thus the aim to empower women can be achieved.

I am therefore not in favour of giving representation to women in Parliament and State Legislature in the manner it has been provided in the 81st Constitution Amendment Bill, 1996.

Hence my Note of Dissent.

NEW DELHI;
December 4, 1996

JAYANT KUMAR MALHOUTRA

IV

We regret that we are unable to accept the opinion of the majority of the members of the Committee in so far as they have recommended that the Government may consider the system 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.

In our view, the main objective of the Bill will be diluted by such recommendation. What is important is to provide for adequate representation of Women in Parliament and in keeping with the Constitutional provision to provide for reservation of the Scheduled Castes and Scheduled Tribes as it has been so provided in the Bill. So far as the reservation of seats in the Parliament and the Legislative Assemblies is concerned, in our view, there should not be any further reservation than what is expressly provided by the Constitution. We disagree with the proposal of reservation of seats in Parliament and Assemblies for Other Backward Classes in general. Providing further reservation amongst the seats reserved for Women on the basis other than Scheduled Castes and Scheduled Tribes will not only create restrictions in the matter of Women's proper representation, but also sub-divisions on the basis of castes, which will affect the importance of providing Women's representation as a whole. In the circumstances, the recommendation as is proposed to be made in paragraph 20 of the Report of the Select Committee will create confusion and will encourage divisive tendencies which will not be good for the polity as well as for unity and integrity of the Country. Hence, we append our Minute of Dissent with regard to the said recommendation in the Report.

NEW DELHI;
December 4, 1996

HANNAN MOLLAH
CHANDRA KALA PANDEY

The main objective of the proposed amendments to different clauses of the Bill for proportionate reservation for women belonging to other backward classes was to give them political awakening and to give them the benefits of effective participation in political institutions in the country along with the women belonging to SC/ST communities and other categories.

Article 330 and Article 332 of the Constitution provide reservation in the House of the People and Legislative Assemblies respectively for Scheduled Castes and Scheduled Tribes. It does not contemplate reservation for women in Parliament and State Legislatures. The Bill is to amend the provisions of the Constitution to provide reservation for women to give them a status of equality and to provide them opportunity for participation in the political institutions in the country.

Rejection of the proposed amendments to include women belonging to other backward classes would, therefore, be a denial of "equality of status and opportunity" enshrined in the Constitution and of social justice to which we are committed.

In the present House (Eleventh Lok Sabha) out of 39 women MPs, 4 belong to Scheduled Tribes and 9 to Scheduled Castes communities. The appointment of a woman (Genl. Category) as Chairperson of the National Commission for Women is obligatory and there is no representation of women belonging to OBCs. In the absence of any legal safeguard for women belonging to OBCs and there being no vertical reservation for them, the community will always remain unrepresented. With the changed socio-economic and political scenario the Bill seeking to amend Art. 330 and Art. 332 of the Constitution to provide reservation for women belonging to SC/ST should have a provision for OBCs also as their exclusion from the benefits of reservation would be unjustified.

I am, therefore, constrained to append a note of dissent to the report of the Joint Committee.

NEW DELHI;
December 4, 1996

RAM KRIPAL YADAV
MUKHTAR ANIS

Bill No. 100 of 1996

THE CONSTITUTION (EIGHTY-FIRST AMENDMENT) BILL, 1996

[Words underlined or side-lined indicate the amendments suggested by the Committee, asterisks indicate omissions.]

A

BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Eighty-first Amendment) Act, 1996.

Short title and
commence-
ment.

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

Amendment of
article 239AA.

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.

Insertion of
new article
330A.

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

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

"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, as the case may be: 5

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: 10

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,— 15

(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. 20

(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! 25

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: 30

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 35

(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:— 40

"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." 45

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 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 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 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:—

Amendment of article 333.

"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 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 (Eighty-first Amendment) Act, 1996:

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

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

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. 5

APPENDIX I

BULLETIN PART II—FOR REFERENCE OF THE BILL TO THE JOINT COMMITTEE

(Vide para 2 of the Report)

JOINT COMMITTEE ON THE CONSTITUTION (EIGHTY-FIRST AMENDMENT) BILL, 1996

Whereas the House, at its sitting held on September 13, 1996, during the discussion on the motion for consideration of the Constitution (Eighty-First Amendment) Bill, 1996 (Insertion of Articles 330A and 332A) ; authorised the speaker to refer the Bill to a Joint Committee of the two Houses, in consultation with the Chairman, Rajya Sabha, with instructions to report by the last day of the first week of the Winter Session, 1996.

Accordingly, the Speaker has, in consultation with the Chairman, Rajya Sabha, referred the Bill to a Joint Committee, consisting of 31 members, 21 from Lok Sabha and 10 from Rajya Sabha, namely :

Lok Sabha

1. Shri Mukhtar Anis
2. Km. Mamata Banerjee
3. Shri Surjit Singh Barnala
4. Dr. M. Jagannath
5. Shri Ramakant D. Khalap
6. Smt. Meira Kumar
7. Smt. Sumitra Mahajan
8. Smt. Jayawantiben Mehta
9. Shri Hannan Mollah
10. Smt. Geeta Mukherjee
11. Shri Ram Naik
12. Shri Nitish Kumar
13. Shri Sharad Pawar
14. Shri Suresh Prabhu
15. Shri Vijay Bhaskara Reddy
16. Shri P.N. Siva
17. Smt. Sushma Swaraj
18. Km. Uma Bharati
19. Prof. Rita Verma
20. Dr. Girija Vyas
21. Shri Ram Kripal Yadav

Rajya Sabha

1. Smt. Margaret Alva
2. Shri Sushil Kumar Sambhajirao Shinde
3. Smt. Malti Sharma
4. Smt. Kamla Sinha
5. Smt. Chandrakala Pandey
6. Shri R.K. Kumar
7. Smt. Renuka Chowdhury
8. Shri N. Giri Prasad

9. Shri Ram Gopal Yadav
10. Shri Jayant Kumar Malhoutra

The Speaker has appointed Smt. Geeta Mukherjee as the Chairperson of the Committee.

In order to constitute a sitting of the Joint Committee, the quorum shall be one third of the total number of Members of the Joint Committee.

The Joint Committee shall make a report to the House by the last day of the first week of the Winter Session, 1996.

The Rules of Procedure of the House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make.

APPENDIX II

(Vide para 6 of the Report)

LIST OF ASSOCIATION, ORGANISATIONS, INDIVIDUALS ETC. FROM WHOM MEMORANDA WERE RECEIVED BY THE JOINT COMMITTEE

1. Shri N. Bala Ankaiah, President,
Andhra Pradesh.
2. Shri N. Bala Ankaiah, President,
Andhra Pradesh
3. National Commission For Women
4. Mrs. Nafees Fazal, Member Karnataka Legislative Council, Bangalore
5. Dr. (Miss.) Richel Matthai, President
University Women's Association,
Thruvananthapuram
6. Shri Avinash Bhakhri,
New Delhi
7. Ms. Savitri Devi
Bhiwani
8. Shri Nagendra Nath Mishra, BJMC, President
Hardwar (UP)
9. Justice M. Rama Jois, Former Chief
Justice Punjab and Haryana High Court
10. Shri K.P. Sarma, A-2-B
New Delhi
11. Ms. Usha, New Delhi
12. Smt. Veermati, President
Lucknow
13. Satyabrata Chowdhury, Calcutta
14. Justus Nadar, Kerala
15. Dr. N.K. Kadetotad
Bangalore
16. Shri Subodh Ch. Acharjee, Tripura

17. Smt. Snehalatha Bhoopal,
Secunderabad (A.P.)
18. Smt. Savita Shukhual
Madhya Pradesh
19. Shri Gianendra Kumar Aggarwal
Delhi
20. Smt. Tripurana Venkataratnam
A.P.
21. Smt. Suman Krishan Kant
Mahila Dakshata Samiti, New Delhi
22. Shri S. Sivakumar
Secretary, ISIS, Kerala
23. Shri Jnaardhan Singh, Advocate
Lucknow
24. Shri Alice Garg, Secretary
Jaipur
25. Shri R.J. Thirwani
New Delhi
26. Shri Sushil Kumar Bansal
Punjab
27. Smt. Sarala Devi, New Delhi
28. Smt. Mridula Sinha
New Delhi
29. Shri Budha Maya Subba
Sikkim
30. Shri Mahesh Kumar Singhania
Calcutta
31. Shri Jannavi Tandon
Varanasi
32. Shri P.T. Yamthang, President
Imphal
33. Shri Madhur Nagavan,
(U.P.)
34. Shri K.S. Radhakrishnan
Madras
35. Shri H.M. Kaundal
Shimla

36. **Shri Antony Thomas**
Trivandrum
37. **Ms. Adeeb Khalida Bano, Bangalore**
38. **Mrs. Mary Khemchand, President**
YWCA of INDIA, New Delhi
39. **Prof. M.G. Kesavan,**
Kerala State
40. **Shri Vaibhav Vishal**
Delhi
41. **Shri Kamla Nath Coordinator**
New Delhi
42. **Shri K. Mukudappa**
Bangalore
43. **Shri Sandhya Mohapatra**
Cuttack
44. **Shri C. Rajakumari**
Mahila Ikya Vedika
45. **Shri M.S. Ahamed**
Trivandrum
46. **Shri Vinaya Chandra Pande**
Allahabad
47. **Ms. Ila Pathak**
Ahmedabad
48. **WOMENS STUDIES RESEARCH CENTRE**
Calcutta
49. **Kumari Shakuntla Adim**
Madhya Pradesh
50. **Smt. Pramila Dandavate**
New Delhi
51. **Shri S.L. Durga, President**
All India Equality Forum, Bikaner
52. **Prof. Bhagwat Prasad Saav**
Pustak Sadan, Baran Bazar
53. **Sr. Cleopatra, CMC**
New Delhi
54. **Shri Jatta Shanker Singh**
Varanasi

55. Smt. Indranee Dutta
Guwahati
56. Shri J.B. Jena, Secretary
Bhubaneswar
57. Shri J.N. Tiwari
Aurangabad
58. Dr. M.P. Agarwal
Betul
59. Dr. Sarla Grover
Rajasthan University Women Sanstha
Jaipur, Rajasthan
60. Dr. Shrikant Rege
M.P.
61. Mr. M.M. De
Calcutta 700013
62. Shri N.K. Sonare
Tripura
63. Dr. Arvind Kumar
64. Smt. Kuntala Deka, President
All Assam Mohila Samannaya Parisad, Guwahati
65. Shri Mukesh Kumar
Punjab
66. Dr. (Capt.) S.S. Jha
Bihar
67. Ms. Alka Kapur
The Institute of Company Secretaries of India
New Delhi
68. Shri Manish Shav
Madhya Pradesh
69. Shri Anil Kumar
Calcutta
70. Shri C.S. Raghu Raman
Hyderabad, (A.P.)
71. Shri H.D. Solanki, Secretary
Gujarat
72. Shri V.V. Swaminathan
Madras
73. Shri B. Krishnamoorthy
New Delhi

74. Mrs. B.K. Brar
New Delhi
75. Ms. Girija, Convener
Coimbatore 641002
76. Shri Subhash Chand Agarwal
77. Shri Keshav Sharma
Kuttu (HP)
78. Dr. K.N. Prasad
NOIDA
79. Shri Sanjay S. Shanbhag
Karwar
80. Shri T.D. Soyantar Executive President
Ahmedabad
81. Ms. Bhupinder Kaur Khurana
Faridkot
82. Shri B.C. Ukay
Bombay
83. All India Muslim Teli Federation
84. Shri M. Unni Kooser
Sharanpur
85. Shri Ram Singh Vidyarthi
Mahamantri Dalit Kamjor Verg
Pratapgad
86. Shri S.P. Das Gupta
Calcutta
87. Ms. A. Renuka Devi
Madras
88. Shri S. Das
Advocate Bhadrak
89. Shri P. Subbalakshmi, Vice-President,
Amalapuram
90. Shri P. Manikyamba
Hyderabad, AP
91. Shri V. Ramanathan
Irnakulam
92. Shri Rakesh Mishra
Malgodam Road

93. Nav Jyoti Kranti Party
New Delhi
94. Dr. Devraj Singh Pal,
Kanpur
95. Smt. Prinita Pandey,
MP
96. Kasturba Gandhi College for Women'
Secunderabad
97. Shri Vinay Sabhasrabuddhe,
Rambhau Mhalgi Prabodini
Mumbai
98. Ms. Jyotsna Chatterji
Joint Women's Programme
New Delhi
99. Shri Jayant K. Malhoutra, M.P.
New Delhi
100. Justice M. Rama Jois,
Chief Justice (Retd.),
Bangalore
101. Shri S. Ramaiah,
Former Law Secretary,
Ministry of Law (Legislative Deptt.)
- 102 Shri S.C. Jamir,
Chief Minister, Nagaland, Kohima

APPENDIX III
(*Vide* para 7 of the Report)

LIST OF WITNESSES WHO TENDERED ORAL EVIDENCE BEFORE THE JOINT COMMITTEE

1. Ms. Mohini Giri, Chairperson,
National Commission for Women
2. Ms. Padma Seth, Member,
National Commission for Women
3. Smt. Pramila Dandavate,
Delhi
4. Dr. Sharayu Anantram,
Former Reader Deptt. of Sociology
SNDT University,
The Rambhau Mhalagi Probohinee
Mumbai
5. Dr. Medha Nanivadekar, Lecturer,
Deptt. of Political Science and
Centre for Women's Study,
Shivaji University,
The Rambhau Mhalagi Probohinee
Kolhapur
6. Shri Vinay Sahasrabuddhe,
Executive Director
The Rambhau Mhalagi Probohinee
Mumbai
7. Ms. Sarla Devi
National Federation of Indian Women
8. Ms. Brinda Karat,
All India Democratic Women's Association
9. Ms. Veena Mazumdar,
Centre for Women's Development Studies
10. Ms. Jyotsna Chatterjee,
Joint Women's Programme
11. Ms. Vinay Bhardwaj,
Mahila Dakshata Samiti
12. Ms. Mary Khemchand
YWCA of India

13. Ms. Chandramani Chopra,
Advocate,
All India Women's Conference
14. Shri Ashok H. Desai,
Attorney General of India
15. Shri S. Ramaiah, Advocate
Former Law Secretary
(Legislative Department)
16. **Delhi Pradesh Kayastha Sabha**
 - (i) Shri Vaibhav Vishal
 - (ii) Shri Ashok Srivastava
 - (iii) Shri J.P. Sinha
 - (iv) Shri S.K. Bisaria

APPENDIX IV

**MINUTES OF THE SITTING OF THE JOINT COMMITTEE ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996**

I

First Sitting

The Committee met on Wednesday, 23 October, 1996 from 15.00 to 17.00 hrs.

PRESENT

Lok Sabha

Smt. Geeta Mukherjee — Chairperson

MEMBERS

2. Shri Surjit Singh Barnala
3. Dr. M. Jagannath
4. Shri Ramakant D. Khalap
5. Smt. Meira Kumar
6. Shri Hannan Mollah
7. Shri Ram Naik
8. Shri Nitish Kumar
9. Shri Sharad Pawar
10. Shri Vijay Bhaskara Reddy
11. Shri P.N. Siva
12. Shri Ram Kripal Yadav

Rajya Sabha

13. Smt. Margaret Alva
14. Shri Sushil Kumar Sambhajirao Shinde
15. Smt. Malvi Sharma
16. Smt. Chandrakala Pandey
17. Smt. Renuka Chowdhury
18. Shri Ram Gopal Yadav
19. Shri Jayant Kumar Malhoutra

SECRETARIAT

1. Shri J.P. Ratnesh — *Joint Secretary*
2. Shri J.P. Jain — *Under Secretary*
3. Shri B.D. Swan — *Assistant Director*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. Raghbir Singh, Additional Secretary
2. Shri P.L. Sakarwal, Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF WELFARE

1. Dr. (Mrs.) S. Rohini, Director

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

1. Shri A.K. Sinha, Joint Secretary

2. At the outset, Chairperson welcomed the members of the Committee and referred to the importance and urgency of the proposed legislation for reservation of seats for women in the House of the People and Legislative Assemblies of States.

3. Chairperson in her welcome speech (*Annexure-I*) informed the members that the Committee has to present their report to the House by the last day of the first week of the Winter Session, 1996.

The Committee thereafter held a general discussion on the Bill and in particular about the term of rotation of seats, reservation of seats in Council of States and Legislative Councils, reservation for OBCs and the period upto which the reservation for women may be provided in the Constitution.

4. The Committee decided to issue a Press Communique (*Annexure-II*) inviting comments, suggestions on the Bill by 7 November, 1996 from the State Governments, Union Territories Administration, Organisations and individuals etc. It was also decided that the contents of the Press Communique be given wide publicity through Press, AIR and Doordarshan (Television).

5. In addition to the next sitting of the Committee already fixed for 24 October, 1996 to hear oral evidence of the representatives of the National Commission for Women on the Bill, the Committee decided to hold their further sittings on 14, 15 and, if necessary, on 16 November, 1996 to consider the memoranda received from various individuals/organisations etc. They decided to cancel the sittings for 7, 8 and 18 November, 1996 which were intimated to the members earlier.

The Committee then adjourned.

ANNEXURE-1

(Vide Para 3 of the Minutes dated 23.10.96)

**JOINT COMMITTEE ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996.**

**WELCOME SPEECH BY THE CHAIRPERSON AT THE FIRST SITTING OF
THE JOINT COMMITTEE TO BE HELD ON 23 OCTOBER, 1996.**

It gives me immense pleasure in welcoming the Hon'ble Members to this first sitting of the Joint Committee on the Constitution (Eighty-first Amendment) Bill, 1996. As you know the Bill seeks to provide for reservation of seats for women in the House of the People and also in the Legislative Assemblies of the States, respectively in the Constitution.

2. As you may see from the Statement of Objects and Reasons appended to the Bill that Articles 243D and 243E 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 municipalities. Further, the said articles provide that, from amongst the seats reserved for the Scheduled Cast and the Scheduled Tribes, not less than one-third seats shall be reserved for women belonging to the Scheduled Cast 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.

Having provided reservation for women in Panchayats and Municipalities, it is now proposed to provide reservation for women on the same lines in the House of the People and in the Legislative Assemblies of the States by amending the Constitution. The major political parties are in favour of making such reservation for women and the Bill seeks to achieve the aforesaid object.

However, during the course of discussion on the Bill in the House, the members had made various suggestions and pointed out shortcomings in the present Bill. It was pointed out that the Bill does not provide for reservation of seats in Rajya Sabha and State Legislative Councils. It was also suggested that provision should be made for reservation of seats for backward communities also. One of the members wanted that Nagaland should be left out from the purview of the Bill as was done in the case of Panchayat Raj and Nagarpalika Bills keeping in view the religious and social practices in Nagas and the spirit of the provisions of Article 371A of the Constitution. It may create problems in the sensitive areas like North East. Members are aware of all these issues.

I hope that with the cooperation of my esteemed colleagues in this Committee, we would be able to accomplish the task entrusted to us. I would welcome the valuable suggestions of the Hon'ble Members in this regard. If any member wants to make any suggestion at this stage she/he is welcome to do so.

As per terms of the Constitution of the Committee, the report of the Committee is required to be presented to the House by the last day of the first week of Winter Session, 1996, I would therefore request the Hon'ble Members to spare time from their busy schedule to attend the sittings of this Committee and to make our collective effort more effective and purposive so as to enable the Committee to present their report to the House within the prescribed time.

Thank you

ANNEXURE-II
(Vide Para 4 of the Minutes dated 23.10.96)

PRESS COMMUNIQUE

**JOINT COMMITTEE OF PARLIAMENT ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996**

The Constitution (Eighty-first Amendment) Bill, 1996 has been referred to a Joint Committee of both Houses of Parliament. The Bill seeks to provide reservation of not less than one-third of the seats for women in the House of the People and also in the Legislative Assemblies of the States by way of insertion of new Articles 330A and 332A respectively in the Constitution. The Committee have decided to invite Memoranda on the Bill from various organisations and individuals, etc. interested in the subject matter of the Bill.

2. Those desirous of submitting Memoranda to the Committee should send 75 copies thereof to the Under Secretary (Legislation), Lok Sabha Secretariat, Room No. 331, Parliament House Annexe, New Delhi so as to reach him on or before the 15th September, 1996. The Memoranda which might be submitted to the Committee would form part of the records of the Committee and would be treated as strictly confidential and would not be circulated by anyone as such an act would constitute a breach of privilege of the Committee.

3. Those who are desirous of giving oral evidence before the Committee, besides sending Memorandum, are requested to intimate to this effect to the Lok Sabha Secretariat for consideration of the Committee.

4. The Constitution (Eighty-first Amendment) Bill, 1996, as introduced in Lok Sabha, was published in the Gazette of India, Extraordinary Part II, Section 2 dated 12 September, 1996.

NEW DELHI ;
10.9.1996

II

Second Sitting

The Committee met on Thursday 24 October, 1996 from 11.00 to 13.15 hrs.

PRESENT

Lok Sabha

SMT. GEETA MUKHERJEE — *Chairperson*

MEMBERS

2. Shri Mukhtar Anis
3. Dr. M. Jagannath
4. Shri Ramakant D. Khalap
5. Smt. Meira Kumar
6. Smt. Jayawantiben Mehta
7. Shri Hannan Mollah
8. Shri Ram Naik
9. Shri Nitish Kumar
10. Shri Sharad Pawar
11. Shri Vijay Bhaskara Reddy
12. Shri P.N. Siva
13. Dr. Girija Vyas
14. Shri Ram Kripal Yadav

Rajya Sabha

15. Smt. Margaret Alva
16. Shri Sushil Kumar Sambhajirao Shinde
17. Smt. Malti Sharma
18. Smt. Chandrakala Pandey
19. Shri R.K. Kumar
20. Shri Ram Gopal Yadav
21. Shri Jayant Kumar Malhoutra

SECRETARIAT

1. Shri J.P. Jain — *Under Secretary*
2. Shri B.D. Swan — *Assistant Director*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri P.L. Sakarwal, Joint Secretary
2. Shri T.K. Vishwanathan, Joint Secretary and Legislative Council

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

Shri A.K. Sinha, Joint Secretary

2. The Committee took oral evidence of the following representatives of the National Commission for Women :—

1. Ms. Mohini Giri, Chairperson
2. Ms. Padma Seth, Member

3. A verbatim record of evidence was kept.

The Committee then adjourned.

III

Third Sitting

The Committee met on Thursday, 14 November, 1996 from 15.00 to 17.00 hours.

PRESENT

Lok Sabha

Smt. Geeta Mukherjee — *Chairperson*

MEMBERS

2. Shri Mukhtar Anis
3. Km. Mamta Banerjee
4. Shri Ramakant D. Khalap
5. Smt. Meira Kumar
6. Smt. Sumitra Mahajan
7. Smt. Jayawantiben Mehta
8. Shri Hannan Mollah
9. Shri Ram Naik
10. Shri Sharad Pawar
11. Shri Vijay Bhaskara Reddy
12. Shri P.N. Siva
13. Smt. Sushma Swaraj
14. Dr. Girija Vyas
15. Shri Ram Kripal Yadav

Rajya Sabha

16. Smt. Margaret Alva
17. Shri Sushil Kumar Sambhajirao Shinde
18. Smt. Chandrakala Pandey

SECRETARIAT

1. Shri J.P. Ratnesh — *Joint Secretary*
2. Shri J.P. Jain — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. Raghbir Singh, *Additional Secretary*
2. Shri P.L. Sakarwal, *Joint Secretary*

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

Ms. Binoo Sen, *Joint Secretary*

REPRESENTATIVE OF THE MINISTRY OF WELFARE

Smt. Gauri Chatterjee, *Joint Secretary*.

2. The Committee took oral evidence of the following :—

(I) Shrimati Pramila Dandavate (From 15.00 to 16.00 hours)

(II) Representatives of the Rambhau Mhalagi Probodhinee
Spokesman

1. Dr. Sharayui Anantram, Former Reader, Deptt. of Sociology SNDT University, Mumbai

2. Dr. Medha Nanivadekar, Lecturer, Deptt. of Political Science and Centre for Women's Study, Shivaji University, Kolhapur

3. Shri Vinay Sahasrabuddhe, Executive Director
(from 16.00 to 17.00 hours)

3. A verbatim record of evidence was kept.

4. The Committee then adjourned to meet again on 15 November, 1996 to 11.00 hours.

IV

Fourth Sitting

The Committee met on Friday, 15 November, 1996 from 11.00 to 13.00 hours and again from 15.00 to 17.00 hours.

PRESENT

Lok Sabha

Smt. Geeta Mukherjee—Chairperson

MEMBERS

2. **Km. Manjira Banerjee**
3. **Shri Ramakant D. Khatap**
4. **Smt. Meera Kumar**
5. **Shri Hannan Mollah**
6. **Shri Ram Naik**
7. **Shri Sharad Pawar**
8. **Shri Suresh Prabhu**
9. **Shri Vijay Bhaskara Reddy**
10. **Shri P.N. Siva**
11. **Smt. Sushama Swaraj**
12. **Prof. Rita Verma**
13. **Dr. Girija Vyas**
14. **Shri Ram Kripal Yadav**

Rajya Sabha

15. **Smt. Margaret Alva**
16. **Shri Sushil Kumar Sambhajirao Shinde**
17. **Smt. Chandrakala Pandey**
18. **Shri R.K. Kumar**
19. **Smt. Renuka Chowdhury**
20. **Shri N. Giri Prasad**
21. **Shri Ram Gopal Yadav**

SECRETARIAT

1. **Shri J.P. Ramesh** — *Joint Secretary*
2. **Shri P.L. Chawla** — *Asst. Director*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. **Shri K.L. Mohanpuria, Secretary**
2. **Dr. Ragbir Singh, Additional Secretary**
3. **Shri P.L. Sakarwal, Joint Secretary**

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

Ms. Binor Sena, Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF WELFARE

Smt. Gauri Chatterji, Joint Secretary

2. At the outset, the Committee decided their future programme of work relating to various stages of the examination of Bill as under :—

(i) Notices of amendments from Members/Govt.	upto 1700 hours on 21.11.1996
(ii) clause-by-clause consideration of the Bill	26 and 27 November, 1996
(iii) consideration and adoption of the Report	29 November, 1996
(iv) Minutes of Dissent, if any	upto 3 p.m. on 3.12.1996
(v) presentation of Report to the House	9.12.1996

3. The Chairperson pointed out that as per the term of the constitution of the Committee, the report was required to be presented to the House by the last day of the first week of the winter session, 1996 (i.e., 22 November, 1996). As the time for deliberations was too short the Committee decided to seek an extension of time for presentation of their report upto 9 December, 1996.

4. The Committee thereafter heard the views of the following representatives of various Women's Organisations :—

1. Ms. G. Sarla Devi, National Federation of Indian Women
2. Ms. Brinda Karat, All India Democratic Women's Association
3. Ms. Veena Mazumdar, Centre for Women's Development Studies
4. Ms. Jyotsna Chatterjee, Joint Women's Programme
5. Ms. Vinay Bharadwaj, Mahila Dakshata Samiti
6. Ms. Mary Khemchand, Y.W.C.A. of India
7. Ms. Chandramani Chopra, Advocate, All India Women's Conference

5. A verbatim record of evidence was kept.

6. The Committee then adjourned to meet again at 15.00 hrs.

7. The Committee resumed their work and held a general discussion on various memoranda received from various associations, organisations and individuals etc. on the provisions of the Bill and decided to hear the views of the following at their next sitting to be held on 21 November, 1996 :—

- (i) Attorney-General of India
- (ii) Shri S. Ramaiah, Advocate and former Law Secretary
- (iii) Justice M. Rama Jois, Chief Justice (Retd.) Punjab & Haryana High Court
- (iv) Shri Avinash Bhakari, Delhi

8. The Committee decided to cancel the sitting fixed earlier for 16 November, 1996.

The Committee then adjourned.

Fifth Sitting

The Committee met on Thursday, 21 November, 1996 from 15.00 to 17.15 hours.

PRESENT*Lok Sabha*

Smt. Geeta Mukherjee—*Chairperson*

MEMBERS

2. Shri Mukhtar Anis
3. Km. Mamata Banerjee
4. Shri Ramakant D. Khalap
5. Smt. Sumitra Mahajan
6. Smt. Jayawantiben Mehta
7. Shri Hannan Mollah
8. Shri Ram Naik
9. Shri Nitish Kumar
10. Shri Sharad Pawar
11. Shri Suresh Prabhu
12. Shri P.N. Siva
13. Smt. Sushma Swaraj
14. Km. Uma Bharati
15. Prof. Rita Verma
16. Dr. Girija Vyas
17. Shri Ram Kripal Yadav

Rajya Sabha

18. Smt. Margaret Alva
19. Shri Sushil Kumar Sambhajirao Shinde
20. Smt. Malti Sharma
21. Smt. Chandrakala Pandey
22. Shri R.K. Kumar
23. Smt. Renuka Chowdhury
24. Shri Ram Gopal Yadav
25. Shri Jayant Kumar Malhoutra .

SECRETARIAT

- | | | |
|-----------------------|---|-------------------------|
| 1. Shri Ram Autar Ram | — | <i>Deputy Secretary</i> |
| 2. Shri J.P. Jain | — | <i>Under Secretary</i> |

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

- | | | |
|---------------------------|---|--|
| 1. Dr. Raghbir Singh | — | <i>Additional Secretary</i> |
| 2. Shri T.K. Vishwanathan | — | <i>Joint Secretary & Legislative Counsel</i> |

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

Shri A.K. Sinha, Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF WELFARE

Smt. Gauri Chatterji, Joint Secretary

2. The Committee heard the views of **Shri Ashok H. Desai, Attorney-General of India on the Constitutional aspects of the Constitution (Eighty-First Amendment) Bill.**

3. The Committee took oral evidence of the following :

(I) **Shri S. Ramaiah, Advocate, Former Law Secretary (Legislative Department)**
(From 16.00 to 16.25 hours)

(II) **Delhi Pradesh Kayastha Sabha**
Spokesmen :

- (1) Shri Vaibhav Vishal
- (2) Shri Ashok Srivastava
- (3) Shri J.P. Sinha
- (4) Shri S.K. Bisaria

(From 16.25 to 17.15 hours)

4. A verbatim record of evidence was kept.

5. The Committee then adjourned to meet again on **26 November, 1996 at 15.00 hours to consider clause-by-clause consideration of the Bill.**

VI

Sixth Sitting

The Committee met on Tuesday, 26 November, 1996 from 15.00 to 16.00 hours.

PRESENT

Lok Sabha

Smt. Geeta Mukherjee—*Chairperson*

MEMBERS

2. Smt. Meira Kumar
3. Smt. Sumitra Mahajan
4. Smt. Jayawantiben Mehta
5. Shri Hannan Mollah
6. Shri Ram Naik
7. Shri Nitish Kumar
8. Shri Sharad Pawar
9. Shri P.N. Siva
10. Smt. Sushma Swaraj
11. Kumari Uma Bharati
12. Prof. Rita Verma
13. Dr. Girija Vyas
14. Shri Ram Kripal Yadav

Rajya Sabha

15. Smt. Margaret Alva
16. Smt. Malti Sharma
17. Smt. Kamla Sinha
18. Smt. Chandrakala Pandey

SECRETARIAT

- | | | |
|-----------------------|---|-------------------------|
| 1. Shri Ram Autar Ram | — | <i>Deputy Secretary</i> |
| 2. Shri J.P. Jain | — | <i>Under Secretary</i> |

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. Raghbir Singh, *Additional Secretary*
2. Shri T.K. Viswanathan, *Joint Secretary and Legislative Counsel*

2. The Committee expressed their resentment when it came to their notice that the Law Minister was not attending the sitting. The Committee were of the view that it would not be worthwhile to take up the scheduled clause-by-clause consideration of the Bill in the absence of the Law Minister who could indicate the reaction of Government on the amendments which may be moved by the members of the Committee.

3. The Committee then adjourned.

VII

Seventh Sitting

The Committee met on Friday, 29 November, 1996 from 15.00 to 17.45 hours.

PRESENT

Lok Sabha

Smt. Geeta Mukherjee—*Chairperson*

MEMBERS

2. Shri Ramakant D. Khalap
3. Smt. Meira Kumar
4. Smt. Jayawantiben Mehta
5. Shri Hannan Mollah
6. Shri Ram Naik
7. Shri Nitish Kumar
8. Shri Suresh Prabhu
9. Shri Vijay Bhaskara Reddy
10. Smt. Sushma Swaraj
11. Km. Uma Bharati
12. Prof. Rita Verma
13. Shri Ram Kripal Yadav

Rajya Sabha

14. Smt. Margaret Alva
15. Shri Sushil Kumar Sambhajirao Shinde
16. Smt. Kamla Sinha
17. Smt. Chandrakala Pandey
18. Shri Jayant Kumar Malhoutra

SECRETARIAT

- | | | |
|-----------------------|---|-----------------------------|
| 1. Dr. A.K. Pandey | — | <i>Additional Secretary</i> |
| 2. Shri Ram Autar Ram | — | <i>Deputy Secretary</i> |
| 3. Shri J.P. Jain | — | <i>Under Secretary</i> |

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. Raghbir Singh, *Additional Secretary*
2. Shri P.L. Sakarwal, *Joint Secretary*

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

Shri A.K. Sinha, *Joint Secretary*

2. The Committee held a general discussion on the various amendments to the Bill, given notice of, by the Members

3. The Committee then took up clause-wise consideration of the Bill with particular reference to amendments given notice of by Members to each clause and evolved a general agreement on the amendments to be made in the Bill. The Committee desired to have a redraft of the Bill incorporating the amendments accepted by them, in principle, in the manner indicated by them.

4. Clause 2

The following amendments were moved and accepted in principle :—

(i) Page 2, lines 4 and 10—
for "Not less than one-third" substitute "As nearly as may be, one-third"

(ii) Page 2, for lines 7 to 9 substitute—

"Provided that in relation to a State or Union Territory, so long as the number of seats reserved for Scheduled Castes or Scheduled Tribes, as the case may be, in that State or Union Territory, is more than one but less than three, one seat shall be reserved for women by rotation, the first seat being reserved for women. A similar mode of reservation, by rotation, shall be followed when the number of such seat is one."

(iii) Page 2, for lines 15 to 17 substitute—

"Provided that in relation to a State or Union Territory, so long as the number of seats allotted to such State or Union Territory is more than one but less than three, one seat shall be reserved for women by rotation, the first seat being reserved for women. A similar mode of reservation, by rotation, shall be followed when the number of such seats is one."

5. Clause 3

The following amendments were moved and accepted in principle :—

(i) Page 2, lines 21 and 30—
for "every State"
substitute "every State and of the Capital territory of Delhi and the Union territory of Pondicherry"

(The Committee were informed by the Government that a fresh amendment in the Bill by way of amendment in Article 239AA of the Constitution was required to make provision for reservation for women in the Legislative Assembly of National Capital Territory of Delhi. This amendment was to be drafted by the Ministry of Law.)

(ii) Page 2, lines 22 and 28—
for "Not less than one-third"
substitute "As nearly as may be, one-third"

(iii) Page 2,
for lines 25 to 27, substitute—

"Provided that in relation to a State or Union Territory, so long as the number of seats reserved for Scheduled Castes or Scheduled Tribes, as the case may be, in that State or Union Territory, is more than one but less than three, one seat shall be reserved for women by rotation, the first seat being reserved for women. A similar mode of reservation, by rotation, shall be followed when the number of such seats is one."

(iv) Page 2, line 32,
for "in that State"
substitute "in that State, or the Capital Territory of Delhi or the Union Territory of Pondicherry."

(v) Page 2,
Omit lines 33 and 34

6. Clause 4

The following amendment was moved and accepted in principle—

Page 2, line 36,

for "of a State"

substitute "of a State or the Capital territory of Delhi or the Union territory of Pondicherry"

7. New Clauses

The following new clauses were moved and accepted in principle but subject to be redrafted by the Ministry of Law :—

Page 2,

(i) after line 38, insert :—

"In article 331 of the Constitution, the following proviso shall be added at the end, namely:—

"Provided that one of the members so nominated shall be a women, by rotation, the first seat being reserved for women."

(ii) after line 38, insert-

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

"334 A: The reservation of seats for women in the House of the People and in the Legislative Assemblies of the States, the Capital territory of Delhi and the Union territory of Pondicherry under articles 330A and 332A, and that in the Council of States and the Legislative Councils of the States under articles 80, 171 shall be for fifteen years, or three terms of the House, whichever is more. These provisions shall be reviewed to decided whether the reservation for women shall be continued thereafter."

[Since the Committee did not agree for provision of reservation in the Council of States and the Legislative Councils in the States under articles 80 and 171 of the Constitution in the present Bill, the insertion of above new article 334A in the Bill was accepted in principle subject to modification accordingly and to be redrafted by the Ministry of Law.]

9. The amendments received from the Members which were considered but not accepted by the Committee or were withdrawn by the Members are given in the Annexure.

10. The Committee decided to make the following general recommendation in the report :—

GENERAL RECOMMENDATIONS

The Committee note that the proposed amendments in the Constitution provide reservation of seats for women belonging to Scheduled Castes or Scheduled Tribes, as the case may be, from out of the seats reserved under sub-clause (2) of Article 380 and sub-clause (3) of article 382 of the Constitution, respectively in the House of the People and the Legislative Assemblies in the States. The Committee, however, observe 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, recommend 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.

The Committee note that the Bill does not contain any provision for reservation of seats for women in the Rajya Sabha or the Legislative Councils of the States. The Committee feel that there should also be reservation of seats for women in the Rajya Sabha and the Legislative Councils. The Committee, therefore, recommend that the Government should work out the modalities for this purpose and bring out suitable legislation in this regard at the appropriate time.

11. The Committee then directed the Ministry of Law that the draft Bill, after incorporating the amendments accepted by them, might be furnished to the Lok Sabha Secretariat by Saturday, 30 November, 1996.

12. The Committee then adjourned to meet again on 3 December, 1996 to consider and adopt their draft report together with the Bill.

ANNEXURE

**JOINT COMMITTEE ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996**

List of Amendments received from the Members of the Committee which were considered but not accepted or withdrawn by the Members at their sitting held on 29 November, 1996

(vide para 9 of the Minutes)

S.No.	Name of Member and Text of Amendment	Clause No.
1	2	3
	SHRI RAM KRIPAL YADAV SHRI P.N. SIVA SHRI NITISH KUMAR	
1.	Page 2, line 6 <i>after</i> the words "Scheduled Tribes" <i>add</i> "and belonging to OBC's"	2
2.	Page 2, line 9 <i>after</i> "Tribes" <i>insert</i> "and OBCs"	2
3.	Page 2, line 11 <i>for</i> "Scheduled Castes and the Scheduled Tribes" <i>substitute</i> "Scheduled Castes, Scheduled Tribes and OBCs"	2
4.	Page 2, line 24 <i>after</i> "Scheduled Tribes" <i>add</i> "and OBCs."	3
	SHRI RAM KRIPAL YADAV SHRI P.N. SIVA	
5.	Page 2, line 26 <i>after</i> "Scheduled Tribes" <i>add</i> "and OBCs."	3
	SHRI RAM KRIPAL YADAV SHRI P.N. SIVA SHRI NITISH KUMAR	
6.	Page 2, line 29 <i>for</i> "Scheduled Castes and Scheduled Tribes" <i>substitute</i> "Scheduled Castes, Scheduled Tribes and OBCs"	3
	SHRI RAM NAIK SMT. SUMITRA MAHAJAN SMT. JAYAWANTIBEN MEHTA SMT. SUSHMA SWARAJ KM. UMA BHARATI	

PROF. RITA VERMA
SMT. MALTI SHARMA

7. Page 2,

after line 38, insert—

“In article 80 of the Constitution, after clause (5), the following clause shall be inserted, namely :—

“(6) As nearly as may be, one-third of the total number of seats, reserved under clause (1), including those filled through nominations by the President in accordance with the provisions of clause (3), shall be reserved for women.”

Note

(New Clause)
Article 80 relates to composition of Rajya Sabha.

8. Page 2,—

after line 38, insert—

“In article 171 of the Constitution, after clause (5), the following clause shall be inserted, namely :—

“(6) As nearly as may be, one-third of the total number of seats filled through elections under sub-clauses (a), (b), (c) and (d) of clause (3) and through nomination by the Governor under sub-clause (e) of the said clause shall be reserved for women.”

Note

(New Clause)
Article 171 relates to composition of the State Legislative, Councils.

9. Page 2,

after line 38, insert—

“After article 334A of the Constitution, the following article shall be inserted, namely:—

“334B The selection of seats reserved for women under this Act, shall be numerically assigned on the basis of a roster in order to remove any uncertainty in the process of election.”

(New Clause)

VIII

Eighth Sitting

The Committee met on Tuesday, 3 December, 1996 from 15.00 to 16.20 hours.

PRESENT

Lok Sabha

Smt. Geeta Mukherjee—*Chairperson*

MEMBERS

2. Shri Surjit Singh Barnala
3. Shri Ramakant D. Khalap
4. Smt. Meira Kumar
5. Smt. Sumitra Mahajan
6. Smt. Jayawantiben Mehta
7. Shri Hannan Mollah
8. Shri Ram Naik
9. Shri Nitish Kumar
10. Shri Sharad Pawar
11. Smt. Sushma Swaraj
12. Prof. Rita Verma
13. Dr. Girija Vyas
14. Shri Ram Kripal Yadav

Rajya Sabha

16. Smt. Margaret Alva
17. Smt. Malti Sharma
18. Smt. Kamla Sinha
19. Smt. Chandrakala Pandey
20. Shri R.K. Kumar
21. Smt. Renuka Chowdhury
22. Shri N. Giri Prasad

SECRETARIAT

1. Shri Ram Autar Ram — *Deputy Secretary*
2. Shri J.P. Jain — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Dr. Raghbir Singh—*Additional Secretary*
2. Shri P.L. Sakarwal—*Joint Secretary*

REPRESENTATIVE OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMAN AND CHILD DEVELOPMENT)

Shri A.K. Sinha, *Joint Secretary*

REPRESENTATIVE OF THE MINISTRY OF WELFARE

Shri Tulsi Gaur, Director

2. At the outset, the Chairperson informed about the letter received from Shri Ram Naik proposing certain amendments to the revised draft Bill furnished by the Law Ministry and was appended to the draft Report.

3. The following amendments received from Shri Ram Naik, M.P. were moved by him and were accepted in principle :—

(i) Clause 4

Page 3, for lines 3 & 4 substitute-

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

(ii) Clause 6

Page 3, for line 33 & 34 substitute—

“Provided that where such nomination is made, in 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 women of the Anglo-Indian Community and no seat shall be reserved for women of that community in the Assembly constituted after the second and the third general elections.”

4. The other amendments received from Shri Ram Naik, M.P. to the revised Bill which were considered by the Committee and were withdrawn by him are given in the Annexure.

5. The Committee, thereafter, considered and adopted the Bill, as amended.

6. The Committee then considered and adopted the draft report with slight modifications.

7. The Committee authorised the Ministry of Law and Justice to carry out minor corrections, if any, of a drafting nature after incorporating the amendments moved by Shri Ram Naik, M.P., and accepted by the Committee.

8. The Chairperson drew the attention of the Members to the provisions contained in Direction 87 of the Directions by the Speaker regarding Minutes of Dissent and announced that the Minutes of Dissent, if any, might be sent to the Lok Sabha Secretariat so as to reach them by 16.00 hours on Wednesday, 4 December, 1996.

9. The Committee authorised the Chairperson and, in her absence, Shri Ram Naik to present the Report and lay record of evidence on the Table of the House on Monday, 9 December, 1996.

10. The Committee also authorised Smt. Margaret Alva, M.P. and in her absence, Smt. Renuka Chowdhury, M.P. to lay the Report and the record of evidence on the Table of Rajya Sabha on Monday, 9 December, 1996.

11. The Committee decided that two sets of memoranda containing comments/suggestions on the provisions of the Bill, received by the Committee might be placed in the Parliament Library, after the Report had been presented, for reference by the Members of Parliament.

12. The Committee placed on record their appreciation for the co-operation rendered by the Minister of State for Law and Justice and also placed on record their appreciation for the assistance rendered by the officers of the Ministry of Law and Justice (Legislative Department); Ministry of Human Resource Development (Department of Women and Child Development) and Ministry of Welfare.

13. The Committee also placed on record the appreciation and thanks to the officers and staff of the Lok Sabha Secretariat for their hard work and valuable assistance rendered by them to facilitate the work of the Committee in all matters and in preparing their draft Report promptly.

14. The Chairman thanked the Members of the Committee for their keen participation and extending their fullest cooperations in conducting the proceedings of the Committee in most congenial atmosphere.

15. The Members of the Committee also placed on record their high appreciation and thanks to the Chairperson (Smt. Geeta Mukherjee, M.P.) for very ably conducting the proceedings of the Committee and guiding their deliberations at various stages of the Bill.

The Committee then adjourned.

ANNEXURE

**JOINT COMMITTEE ON THE CONSTITUTION
(EIGHTY-FIRST AMENDMENT) BILL, 1996**

List of Amendments to the revised Bill received from Shri Ram Naik, Member of the Committee which were considered but not accepted or withdrawn by him at their sitting held on 3 December, 1996

(vide para 4 of the Minutes)

S.No.	Name of Member and Text of Amendment	Clause No.
1	2	3
	SHRI RAM NAIK:	
1.	<p>Page 2, for lines 1 and 2 substitute— “In Article 239AA of the Constitution in Clause (2) in sub-clause (b),</p> <p>(i) Before the words “the total number of seats”, the words “subject to the provisions of Article 332A,” shall be inserted :</p> <p>(ii) after the words “Scheduled Castes”, the words “and Women” shall be inserted.</p>	
2.	<p>Page 3, for line 8, for “every State” substitute “every State and the National Capital Territory of Delhi and the Union Territory of Pondicherry.”</p>	
3.	<p>Page 4, in line 6, the following words shall be <i>inserted after</i> the word “Delhi”:— “and the Union Territory of Pondicherry,”</p>	
4.	<p>Page 4, in line 11, <i>after</i> the word “Delhi”, the following words shall be inserted, namely:— “and the Union Territory of Pondicherry”</p>	
5.	<p>Page 4—</p> <p>(i) in line 15, <i>after</i> the word “Delhi”, the following words shall be <i>inserted</i>, namely:— “and the Union Territory of Pondicherry”</p> <p>(ii) in line 17, <i>after</i> the word “Delhi”, the following words shall be inserted:— “and the Union Territory of Pondicherry”</p>	
6.	<p>Page 4, <i>after</i> the line 18, <i>insert</i> the following new clause :— “in Article 239A of the Constitution, in Clause (1), before the words “Parliament, may by law create for the Union Territory of Pondicherry”, the words “Subject to the provisions of article 332A,” shall be inserted.</p>	

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