

AS INTRODUCED IN LOK SABHA

Bill No. 65 of 2018

THE CONSTITUTION (AMENDMENT) BILL, 2018

By

SHRI RAJENDRA AGRAWAL, M.P.

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BILL

further to amend the Constitution of India.

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

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| <p>1. This Act may be called the Constitution (Amendment) Act, 2018.</p> <p>2. In article 75 of the Constitution, in clause (1A), the following proviso shall be added
5 at the end, namely:—</p> <p style="padding-left: 20px;">“Provided that at least one-third of the total number of Ministers in the Council of Ministers shall be women.”.</p> <p>3. In article 164 of the Constitution, in clause (1A), before the existing provisos, the following proviso shall be inserted, namely:—</p> | <p>Short title.</p> <p>Amendment of article 75.</p> <p>Amendment of article 164.</p> |
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“Provided that at least one-third of the total number of Ministers in the Council of Ministers shall be women.”.

Amendment
of article
239AA.

4. In article 239AA of the Constitution, in clause (4), before the existing proviso, the following proviso shall be inserted, namely:—

“Provided that at least one-third of the total number of Ministers in the Council of Ministers shall be women.”. 5

STATEMENT OF OBJECTS AND REASONS

Women represent almost half of the country's population but unfortunately have a marginal proportion in influential and decision making roles of Government, both at the Union and at the State level. Although our Constitution has guaranteed equal opportunities for women in all walks of life through the fundamental right to equality, yet women's visibility in the power structure is severely limited. This imbalance is primarily because of the prevalent misogynistic notions of gender perpetuated by the society.

To have a meaningful democracy, all members of the society should have equal access to power. Thus, it is urgently required to redress the gender based inequality and create a level playing field for women. For an inclusive development of the nation, the widespread gender gap must be bridged and female presence in powerful influence wielding institutions be encouraged. Therefore, to achieve the said objective, the Bill makes it mandatory that at least one-third of the total number of Ministers in the Council of Ministers should be women.

Hence this Bill.

NEW DELHI;
February 15, 2018.

RAJENDRA AGRAWAL

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

75.(1)*

(1A) The total number of Ministers, including the Prime Minister, in the Council of Ministers shall not exceed fifteen per cent. of the total number of members of the House of the People.

164.(1)*

(1A) The total number of Ministers, including the Chief Minister, in the Council of Ministers in a State shall not exceed fifteen per cent. of the total number of members of the Legislative Assembly of that State:

Provided that the number of Ministers, including the Chief Minister in State shall not be less than twelve:

Provided further that where the total number of Ministers including the Chief Minister in the Council of Ministers in any State at the commencement of the Constitution (Ninety-first Amendment) Act, 2003 exceeds the said fifteen per cent. or the number specified in the first proviso, as the case may be, then the total number of Ministers in that State shall be brought in conformity with the provisions of this clause within six months from such date as the President may by public notification appoint.

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239AA.(1)

(2) ^g

(3) \cong

(4) There shall be a Council of Ministers consisting of not more than ten per cent. of the total number of members in the Legislative Assembly, with the Chief Minister at the head to aid and advise the Lieutenant Governor in the exercise of his functions in relation to matters with respect to which the Legislative Assembly has power to make laws, except in so far as he is, by or under any law, required to act in his discretion:

Provided that in the case of difference of opinion between the Lieutenant Governor and his Ministers on any matter, the Lieutenant Governor shall refer it to the President for decision and act according to the decision given thereon by the President and pending such decision it shall be competent for the Lieutenant Governor in any case where the matter, in his opinion, is so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

**Other
Provisions as
to Ministers.**

Other Provisions as to Ministers.

Special Provisions with respect to Delhi.

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(*Shri Rajendra Agrawal, M.P.*)