



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

CONCEPT OF RECENT AMENDMENT IN INDIAN CONSTITUTION LAW: ACCORDING TO THE INDIAN CONSTITUTION HAS BEEN ENACTED TO AMEND ARTICLE – 239AA AND ALSO INCERTION OF ARTICLES – 330A, 332A, 334A.

ABSTRACT:

The constitution of India 106th amendment bill 2023, assented by president Draupadi murmur enacted by Lok Sabha on 21 September 2023. The goal of promoting gender equality is much important and women's empowerment through greater representation in legislative bodies. The Indian constitution amendment of article 238AA and article 330A and article 334A. This was the women's reservation bill which reserves one-third of all seats for women in Lok Sabha and state legislative assemblies and legislative assembly by the national capital territory of Delhi and also including those seats reserved for SCs and STs. The women reservation bill act enacted by the Indian parliament. In 2008, there was a bill called the 108th Amendment Bill that was not passed in the Parliament of India. This bill was meant to change the Constitution of India by setting aside 33% of seats in the Lok Sabha and all state legislative assemblies for women. The seats were going to be reserved one at a time and chosen by drawing names, so each seat would only be reserved once every three elections.

INTRODUCTION:

The Indian Constitution, established in 1950, has been modified multiple times to align with the evolving socio-political landscape of the country. The latest revisions introduce significant alterations to improve representation and governance in the Union Territory of Delhi, as well as to address specific issues related to reservation in legislative bodies.

Main changes between 2008 bill and bill introduced in 2023:

Reservation in the Lok Sabha - In 2008 as passed by the Rajya Sabha one-third of the Lok Sabha seats in each state and the union territory to be reserved for women.

Constitutional amendments aimed at reserving seats for women in parliament and the state legislative assemblies were proposed in 1996,1998,1999, 2008 and 2023.

The legislation defines 33% women reservation to continue for 15 years and additionally, it will mandate to the scheduled castes and scheduled tribes be established within the reserved seats for women in parliament and legislative assembly.

Rotation of seats bill introduced in 2008 after every general election to parliament or legislative assembly reserved seats to be rotated.

Bill introduced in 2023 the one -third of the reserved seats for women in Lok Shaba and then reserved seats to be after every delimitation exercise. ¹

Seats reserved for women in the National The capital Territory of Delhi's Legislative Assembly:

It added the following sections to Article 239AA (2)(b), which state that Parliament shall make laws governing the number of seats reserved for scheduled caste in Delhi's legislative assembly and its territorial constituencies.

2.ba) of Article 239AA: In the Legislative Assembly of Delhi, which is part of the National Capital Territory, women are to have as many seats as possible.

(bb) as almost as perhaps, 33% of the seats held for the Booked Ranks in the Authoritative Get together of the Public Capital Domain of Delhi will be saved for women.

(bc) By laws passed by Parliament, women will have a say in as much as one third of the seats in the Legislative Assembly of the National Capital Territory of Delhi that are up for direct election, including the seats reserved for women from Scheduled Castes. ²

Allocating places for females in the government:

Article 330 of the Indian Constitution says that seats in the Lok Sabha are set aside for certain groups of people, like scheduled caste and scheduled tribes.

Article 330A is added to this amendment to say that:

Seats will be saved for women in the House of the People. As much as possible, one-third of the seats set aside for Scheduled Castes or Scheduled Tribes under Article 330 will be for women from these communities. One-third of the seats in the House of the People will be reserved for women, including those from the Scheduled Castes and Scheduled Tribes. ³

Allocating reserved seats for women in the state legislative assemblies:

Article 332 of the Indian Constitution says that seats in the State Legislative Assemblies must be set aside for Scheduled Castes and Scheduled Tribes. The change adds Article 332A, which says that: Seats will be saved for women in the Legislative Assembly of every State, as much as possible. As much as possible, one third of the seats reserved under article 332 will be reserved for women from the Scheduled Castes or Scheduled Tribes. As much as possible, one-third of the seats in every State's Legislative Assembly will be reserved for women, including those from the Scheduled Castes and Scheduled Tribes. Women will have seats reserved for

¹ <https://www.loc.gov/item/global-legal-monitor/2023-11-02/india-parliament-enacts-womens-reservation-bill/>

² http://constitutionofindia.etal.in/article_239AA/

³ http://constitutionofindia.etal.in/article_239AA/

them in the state Legislative Assemblies. Article 332 in the Indian Constitution says that seats in the state Legislative Assemblies are set aside for Scheduled Castes and Scheduled Tribes.

The change adds a new rule called Article 332A that says:

Seats will be saved for women in the State Legislative Assembly as much as possible. As much as possible, one-third of the seats reserved under article 332 will be reserved for women from the Scheduled Castes or Scheduled Tribes. As much as possible, one-third of the seats in the State Legislative Assembly will be reserved for women, including those from Scheduled Castes and Scheduled Tribes.

Additional regulations for reserving seats for women.

Article 334 of the Indian constitution says that reservation of seats and special representation will stop after forty years.

The amendment adds Article 334A which says that:

Despite the rules in the previous sections of this law, the rules in the Constitution about reserving seats for women in the government will start after a new government boundary plan is made. This will happen after the population numbers from the first census after the new law starts are published. These rules will stop after fifteen years. Subject to certain rules, seats that are set aside 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 will stay reserved until the Parliament decides otherwise.

The arrangement of seats set aside 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 will change after each new delimitation exercise as determined by the Parliament.

This article will not have any impact until the current House of the People, Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi is no longer in existence.

Different committees report on the issues:

1971 Committee on the Status of Women in India (CSWI):

To request from the UN for a report on the status of women. It published the report spread towards equality.

Margaret Alva led a committee.

In 1987, the government formed a 14-person group with then Union Minister Margaret Alva. In 1988, a group gave a plan to the Prime Minister called the National Perspective Plan for Women 1988-2000. The committee suggested that there should be a specific number of seats for women in elected groups.

First bill for giving women reservations.

On September 12, 1996, the Indian Government proposed a new law called the 81st Constitutional Amendment Bill. The law aimed to set aside one-third of the seats in Parliament and state legislatures for women. However, a lot of MPs, especially those from the OBCs, didn't agree with the Bill. As a result, the bill was sent to a group of Parliament members led by Geeta Mukherjee. In 1996, a committee led by Geeta Mukherjee was formed. The Committee had 21 members from the Lower House and 10 from the Upper House. The group said that while women from SC/ST groups have reserved seats, women from OBC groups do not have the same benefit because there are no reserved seats for them. The government should think about giving reservation to OBCs in the future, so that women in OBCs can also get the benefit of reservation. 2013 Group about Women's Status: In 2013, the Ministry of Women and Child Development made a committee to look at how women are treated. The committee suggested that women should have at least 50% of the seats in local, state, and national government, and in decision-making groups.

Women reservation act 2023:

On 9 December 1946, the first meeting of the group that was going to make the laws for India happened at the Constitution Hall, which is now called the Central Hall of the Old Parliament House.

It is important to mention that Sarojini Naidu was the only woman in the entire group. She was sitting in the front row of people facing the stage where the president was sitting. The idea of having a certain number of women in government was discussed in 1996, 1997, and 1998, but it didn't go any further because the Lok Sabha was dissolved or the political parties couldn't agree.

In the past few years, people have become more worried about the fact that there aren't enough women in government, even though there are more women than men in the world.

This lack of democracy is a big problem that makes it hard for the economy to grow quickly. As a result, it is really important to focus on this issue and make political decisions that include everyone and are fair and responsible.

It's very important for India to put into action the Women's Reservation Bill, which is also called the Constitution 108th Amendment Bill of 2008. This law has been tried six times since it was first introduced in 1996, but it hasn't been approved yet. In 2010, Mulayam Singh Yadav, who used to be the leader of Uttar Pradesh, said that he didn't think the Women Reservation Bill should become a law. He was worried that if it did, it might lead male politicians to whistle at their female co-workers.

Argument:

A short summary of the Women Reservation Bill. About one-third of all seats in the Lok Sabha and State Legislative Assemblies will be set aside for women. Reserved seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) must be kept for them. The women's reservation bill will give women the opportunity to have seats in government at all levels, starting with the national parliament and including state and local governments. If the Bill

becomes a law, one out of every three seats in national, state, or local governments would be set aside for women. This number is going to be 181. The Bill wants to make sure that 181 out of 543 seats in the Lok Sabha and 1,370 out of 4,109 seats in the 28 State are given to women. Important points of the Woman Reservation Bill. The Bill wants to make sure that about one-third of the seats in the Lok Sabha and state legislative assemblies are saved for women. The government will decide how to assign reserved seats. Around one third of the seats set aside for Scheduled Castes and Scheduled Tribes in the Lok Sabha and state legislatures will be for women from these communities. After the Act has been in place for 15 years, the rule that sets aside seats for women will no longer be in effect.

The women reservation bill is a law that was made to give more opportunities for women to be elected in government. It aims to make sure that women have a fair chance to be in leadership roles.

Conclusion:

The Minister said they want to make sure that a fair group of people called the Delimitation Commission can decide which seats to set aside for certain groups after talking to the public. "Should we do it. " Asked Mr Shah asked if Rahul Gandhi or Mr. AIMIM leader had won their seats in Wayanad. Owaisi's seat in Hyderabad has been set aside for him. If this happens, the government could be accused of making a "political reservation". Lengthy voting procedure: The Law Minister said that it's not allowed to give reservation right away because it goes against the rules of the Constitution. He also said that someone could take it to court and argue against it. "We won't let the Bill get stuck because of a small issue," he said. 60 people talked in the Lok Sabha debate for almost 8 hours. 27 of them were women. The voting took a long time because some political parties didn't tell the Lok Sabha about how they were dividing up the seats. This meant electronic voting couldn't be used.