

Bill No. 100 of 2009

THE CONSTITUTION (ONE HUNDRED AND TWELFTH
AMENDMENT) BILL, 2009

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further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (One Hundred and Twelfth Amendment) Act, 2009. Short title and commencement.

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

2. In article 243T of the Constitution,—

Amendment
of article
243T.

(i) in clause (2), for the word “one-third”, the word “one-half” shall be substituted;

(ii) in clause (3), for the word “one-third”, the word “one-half” shall be substituted;

(iii) for clause (4), the following shall be substituted, namely:—

10 “(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities in any State shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of that State: 5

Provided further that not less than one-half of the total number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided also that not less than one-half of the total number of offices of Chairpersons (including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) in the Municipalities shall be reserved for women: 10

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Municipalities.”. 15

STATEMENT OF OBJECTS AND REASONS

Parliament enacted the Constitution (Seventy-fourth Amendment) Act in 1992. This Act has inserted "Part IXA" in the Constitution relating to Municipalities. Article 243T of the Constitution provides for reservation of seats for the Scheduled Castes and the Scheduled Tribes and also for women in Urban Local Bodies. Clause (2) of Article 243T provides that not less than one-third of the total number of seats reserved under clause (1) of the said article shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. Similarly, clause (3) of article 243T provides that not less than 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 every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality. Further clause (4) of article 243T provides that the offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

2. The Hon'ble President of India in her address to Parliament on June 4, 2009 stated that a Bill providing fifty per cent. reservation for women in the Urban Local Bodies would be moved by the Government as women suffer multiple deprivations of class, caste and gender and enhancing reservation in Urban Local Bodies will lead to more women entering the public sphere. Enhancement of reservation for women in Urban Local Bodies will not only ensure their increased representation and participation in Urban Local Bodies but also mainstream gender concerns in governance and decision making process, particularly, those related to women's issues such as water supply, sanitation, solid waste management, health and education. This is only desirable since women constitute nearly half of the population.

3. Accordingly, a Bill has been prepared after inter-Ministerial consultations and the State Governments. The State Governments of Himachal Pradesh, West Bengal, Bihar, Tamil Nadu, Kerala, Madhya Pradesh and Andhra Pradesh have supported the proposal for providing fifty per cent. reservation for women in Urban Local Bodies. The State Governments of Bihar, Himachal Pradesh and Madhya Pradesh have already provided for fifty per cent. reservation for women in Urban Local Bodies.

4. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 10th November, 2009

S. JAIPAL REDDY.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

Reservation of seats.

243T. (1)

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(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than 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 every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

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further to amend the Constitution of India.

(Shri S. Jaipal Reddy, Minister of Urban Development)