

THE CONSTITUTION (ONE HUNDRED AND SIXTH AMENDMENT) ACT, 2023

India

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Act 106 of 2023

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An Act further to amend the Constitution of India. BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. Short title and commencement.

1This Act may be called the Constitution (One Hundred and Sixth Amendment) Act, 2023. 2It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of article 239AA.

In article 239AA of the Constitution, in clause (2), after sub-clause (b), the following clauses shall be inserted, namely:—
baSeats shall be reserved for women in the Legislative Assembly of the National Capital Territory of Delhi.
bbAs nearly as may be, one-third of the seats reserved for the Scheduled Castes in the Legislative Assembly of the National Capital Territory of Delhi shall be reserved for women.
bcAs nearly as may be, one-third of the total number of seats to be filled by direct election in the Legislative Assembly of the National Capital Territory of Delhi (including the number of seats reserved for women belonging to the Scheduled Castes) shall be reserved for women in such manner as Parliament may by law determine.”.

3. Insertion of new article 330A.

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

330A. Reservation of seats for women in the House of the People.

1Seats shall be reserved for women in the House of the People.2As 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.3As 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 shall be reserved for women.”.

4. Insertion of new article 332A.

After article 332 of the Constitution, the following article shall be inserted, namely:—332A. Reservation of seats for women in the Legislative Assemblies of the States1Seats shall be reserved for women in the Legislative Assembly of every State.2As 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.3As 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.

5. Insertion of new article 334A.

After article 334 of the Constitution, the following article shall be inserted, namely:—334A. Reservation of seats for women take effect.1Notwithstanding anything in the foregoing provision of this Part or Part VIII, the provisions of the 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 come into effect after an exercise of delimitation is undertaken for this purpose after the relevant figures for the first census taken after commencement of the Constitution (One Hundred and Sixth Amendment) Act, 2023 have been published and shall cease to have effect on the expiration of a period of fifteen years from such commencement.2Subject to the provisions of articles 239AA, 330A and 332A, seats reserved 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 continue till such date as the Parliament may by law determine.3Rotation of seats reserved 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 take effect after each subsequent exercise of delimitation as the Parliament may by law determine.4Nothing 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 of the People, Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi.

6. Amendment not to affect reservation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi.

1The amendments made to the Constitution by the Constitution (One Hundred and Sixth Amendment) Act, 2023 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 of the People, 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 the said Act.[The Constitution (Fortieth Amendment) Act, 1976, will enable co-operative societies to be incorporated. Besides incorporating, it also addresses the regulation, and dissolution of cooperative societies. The proposed legislation defines the 33% women reservation to continue for 15 years. Additionally, it mandates that a quota for individuals belonging to the Scheduled Castes and Scheduled Tribes be established within the reserved seats designated for women in Parliament and Legislative assembly.]