

Bill No. LIX of 2012

THE CONSTITUTION (AMENDMENT) BILL, 2012

A

BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2012. Short title
and com-
mencement.
- (2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.
2. In article 341 of the Constitution, for clause (1), the following clause shall be
substituted, namely:— Amendment
of article
341.

“(1) The President may, by public notification, specify the castes, races or tribes
or parts of or groups within castes, races or tribes which shall for the purposes of this
10 Constitution be deemed to be Scheduled Castes in relation to the whole of the territory
of India”.
3. In article 342 of the Constitution, for clause (1), the following clause shall be
substituted, namely:— Amendment
of article
342.

“(1) The President may, by public notification, specify the tribes or tribal
15 communities or parts of or groups within tribes or tribal communities which shall for
the purposes of this Constitution be deemed to be Scheduled Tribes in relation to the
whole of the territory of India”.

STATEMENT OF OBJECTS AND REASONS

The persons belonging to Scheduled Castes or Scheduled Tribes are still under privileged and are a neglected lot. There have been constant efforts to provide concessions and facilities to these persons by successive Governments. But still much is required to be done for improving their condition and for bringing them into the mainstream of the society.

At present, the persons belonging to Scheduled Castes or Scheduled Tribes are facing some practical and genuine difficulties which need immediate solution. In every State, caste certificates are issued by the district authority. These certificates are recognised for the purpose of extending reservation benefits by the State Government concerned throughout the State. The Union Government also recognizes the certificates issued by the State Government for the purpose of jobs or appointments in services under the Union Government. However, if a person belonging to a Scheduled Caste or Scheduled Tribe moves out of the State, he originally belongs, the Caste certificate issued by the parent State is not recognised for the purposes of giving benefits of reservation settles down permanently in another State, when he though the same caste or tribe has been included in the list of Scheduled Castes or Scheduled Tribes in that State.

Due to lack of employment opportunities, people migrate to other States in search of employment and settle down there permanently. However, they become ineligible to enjoy the benefits of reservation in the State they have settled down for the reason that they have been issued certificates by the State from where they have migrated.

It is, therefore, necessary to amend the Constitution with a view to make provision that a member of Scheduled Caste or Scheduled Tribe in one State shall be treated as Scheduled Caste or Scheduled Tribe for the purpose of availing benefits of reservation in whole of India.

Hence this Bill.

VEER SINGH

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

341. (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

Scheduled
Castes.

(2) * * * * *

342. (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes of tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

Scheduled
Tribes.

(2) * * * * *

RAJYA SABHA

A

BILL

further to amend the Constitution of India.

(Shri Veer Singh, M.P.)