GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

RAJYA SABHA
UNSTARRED QUESTION NO. 595
(TO BE ANSWERED ON 17.09.2020)

CONSTITUTION AMENDMENT BILL FOR RESERVATION IN PROMOTIONS

595 # Shri Neeraj Dangi:

Will the **PRIME MINISTER** be pleased to state:

(a) whether it is a fact that Constitution Amendment Bill regarding reservations in promotion in Government jobs has been passed in Rajya Sabha, the details of the Bill passed on the Table of the House;
(b) whether this Bill was presented after 17th December, 2012 to get it passed in Lok Sabha, if so, the time-line of the same, if not, the reasons therefor; and
(c) whether Government plans to present and pass Constitution Amendment Bill in Lok Sabha regarding reservation in promotion in Government jobs, if so, by when and if not, the reasons therefor?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (DR. JITENDRA SINGH)

(a) & (b): Yes, Sir. In order to provide impediment-free reservation to Scheduled Castes (SCs) and Scheduled Tribes (STs) in promotion, the Constitution (117th Amendment) Bill was introduced in the Rajya Sabha and was passed by it on 17.12.2012.

The Bill, inter alia, provided that the Scheduled Castes and the Scheduled Tribes notified under Article 341 and Article 342, respectively, shall be deemed to be backward and nothing in this article or in Article 335 shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the SCs and STs to the extent of the percentage of reservation provided to the SCs and STs in the services of the State."

The Bill, however, could not be considered in the 15th Lok Sabha and lapsed on its dissolution.

(c): There is no proposal presently under consideration to present any Constitution Amendment Bill regarding reservation in promotion in Government service. In this regard, four Amendments i.e., 77th, 81st, 82nd and 85th have been made in the Constitution to strengthen the position of SCs/STs in Government jobs/services. Further, vide Order dated 26.9.2018, in the SLP No. 30621/2011, titled '*Jarnail Singh & Others vs. Lachhmi Narain Gupta & Ors*', Hon'ble Supreme Court held that the conclusion in Nagaraj case that the State has to collect quantifiable data showing backwardness of the SCs and STs is contrary to the nine-judge Bench Judgment in *Indira Sawhney Vs Union of India* and held it invalid to that extent. Presently the matter regarding reservation in promotion is *sub judice* before the Hon'ble Supreme Court.

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