

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

LOK SABHA
UNSTARRED QUESTION NO. 4049
(TO BE ANSWERED ON 23.12.2015)

IMPLEMENTATION OF CONSTITUTIONAL AMENDMENT

4049. SHRI SANTOKH SINGH CHAUDHARY:

Will the PRIME MINISTER be pleased to state the reasons for non-implementation of the 81st and 85th Constitutional Amendments regarding backlog vacancies and promotion of SCs/ STs in most of the States including Punjab, which were duly approved by the Parliament of India and confirmed by the Hon'ble Supreme Court of India *vide* its judgment dated 19.10.2006 in the case of Nagraj v/s Union of India?

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)

Based on the 81st amendment to the Constitution, an Office Memorandum No. 36012/5/1997-Estt.(Res.) dated 20/07/2000 was issued by Department of Personnel and Training providing that backlog vacancies of SC/ST would be treated as a separate and distinct group to which the limit of 50% reservation would not apply.

Subsequent to the 85th amendment to the Constitution, an Office Memorandum No. 20011/1/2001-Estt.(D) dated 21.01.2002 was issued by Department of Personnel and Training providing consequential seniority to SC/ST candidates promoted on reservation.

These instructions are applicable for posts and services of the Central Government. So far as services of the States are concerned, these come under the State List-II i.e. "State List" of the Constitution, which are within the jurisdiction of the Governments of respective states.
