

[English]

**Effect of Privatisation of Undertaking
on SCs/STs**

5992. SHRI K.H. MUNIYAPPA :
PROF. JOGENDRA KAWADE :

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state :

(a) whether the recruitment reservation of Scheduled Castes/Scheduled Tribes in Government undertakings has been discontinued due to privatisation of undertakings;

(b) if so, the details thereof;

(c) the action taken or proposed to be taken by the Government to continue the reservation; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI MANEKA GANDHI) : (a) to (d) There is no proposal to discontinue the reservation in recruitment to SC/ST in public sector undertakings.

Citizenship Rights to Refugees In J&K

5993. VAIDYA VISHNU DATT : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the refugees came from West Pakistan are not given citizenship rights in Jammu and Kashmir even after fifty years of independence;

(b) if so, the details thereof;

(c) whether those refugees are also deprived of rights to land, property, voting profession, education and employment in the State service;

(d) if so, whether it is a fact that those refugees are allowed to vote in Parliament Elections but not entitled to vote in J&K Assembly Elections;

(e) if so, the details thereof;

(f) whether the Government propose to restore their rights and rehabilitate them permanently in the State; and

(g) if so, the reaction of the Union Government thereto?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : (a) and (b) The citizenship rights of persons who migrated to India from Pakistan after partition are governed by the provisions of Article 6 of the Constitution of India.

(c) The state of J&K has conferred certain special rights (such as employment, acquisition of immovable property, settlement in State, scholarship etc.) upon its permanent residents which are not available to others.

(d) and (e) Yes, Sir. Under Section 140 of the Constitution of Jammu and Kashmir, only permanent residents of the State are entitled to cast their votes in Legislative Assembly elections. This right is not available to other citizens. However, other citizens as well as permanent residents are entitled to cast their votes for Parliament elections under Article 326 of the Constitution of India, by virtue of being citizens of India.

(f) and (g) These matters fall within the jurisdiction of the State Government of Jammu and Kashmir.

Excess of Army and Para-military Forces

5994. SHRI P.R. KYNDIAH : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the National Human Rights Commission has propose to give more powers to probe complaints of excesses by the Army and Para-military Forces;

(b) whether the NHRC continues to receive complaints of excesses from J&K and North East;

(c) if so, the findings of the probe by the Defence Ministry on such complaints; and

(d) whether the Government consider to amend the PHR act to bring human rights violations by the Army/Para-military personnel in its ambit?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI) : (a) No such proposal has been sent by the National Human Rights Commission so far.

(b) and (c) Yes, Sir. The National Human Rights Commission receives complaints of excesses by members of the Army and Para-military forces from Jammu & Kashmir and the North-East. On receipt of complaints of excesses pertaining to the Army they are referred to the Defence Ministry by the National Human Rights Commission. These are promptly investigated and a report is forwarded to the Commission. The outcome of the investigations by the Defence Ministry, on such alleged complaints, as on 31st March, 1998 is in enclosed Statement.

(d) The Government is not presently considering any amendment in the protection of Human Rights Act, 1993 as there is already a provision under section 19 of the said Act, which provides a procedure for dealing with complaints of violation of human rights by the members of the Armed Forces.