

**GOVERNMENT OF INDIA  
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
LOK SABHA**

UNSTARRED QUESTION NO:4007

ANSWERED ON:05.09.2012

RESERVATION IN PROMOTION

Basavaraj Shri Gangasandra Siddappa;Shekhar Shri Neeraj;Singh Shri Yashvir

**Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:**

- (a) whether the Government is contemplating to bring a legislation to provide reservation for SCs/STs in promotion in the Government services against the verdict of the Supreme Court;
- (b) if so, the details thereof;
- (c) the reasons for the Supreme Court's verdict against reservation in promotion for SCs/STs;
- (d) whether the Government will provide reservation to OBCs and backward minorities also on grounds of their backwardness in promotion in Government jobs;
- (e) if so, the details thereof; and
- (f) if not, the reasons for injustice with OBCs and backward minorities?

**Answer**

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.  
(SHRI V. NARAYANASAMY)

(a) to (c): The Supreme Court in its judgment dated 19.10.2006 in the matter of M. Nagaraj & others v. Union of India & others [Writ Petition (C) No.61/2002] while upholding the validity of the Constitutional Amendments, viz. the 77th Amendment, the 81st Amendment, the 82nd Amendment and the 85th Amendment stipulated that the State concerned will have to show in each case the existence of the compelling reasons, namely, backwardness, inadequacy of representation and overall administrative efficiency before making provision for reservation in promotion.

Relying on the judgment of the Supreme Court in M. Nagaraj case, the High Court of Rajasthan and the High Court of Allahabad have struck down the provisions for reservation in promotion in the services of State of Rajasthan and the State of Uttar Pradesh, respectively. The Supreme Court in its judgment dated 27.4.2012 in the case of UP Power Corporation Ltd. v/s. Rajesh Kumar & Ors. upheld the decision of the High Court of Allahabad.

An all Party Meeting was held by Hon'ble Prime Minister on 21.8.2012 to discuss the issue.

(d) to (f): At present, there is no proposal under consideration of the Government to provide reservation in promotion to OBCs and Backward minorities. The provisions of the Constitution do not enable the Government for making provisions for reservation in promotion in favour of OBCs.