

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

UNSTARRED QUESTION NO:1931
ANSWERED ON:05.12.2012
RESERVATION IN PROMOTION
Shekhar Shri Neeraj;Singh Shri Yashvir

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

- (a) whether the Attorney General of India has suggested to the Government that the proposed Bill for reservation of SCs/ STs in promotion in the Government jobs is erroneous;
- (b) if so, the details thereof and the reasons therefor;
- (c) the reaction of the Government thereto;
- (d) whether the Government proposes to include OBCs and poor minorities including Muslims in the proposed quota in promotion in the proposed Bill in view of some recent suggestions after introduction of the Bill in the Parliament; and
- (e) 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.
(SHRI V. NARAYANASAMY)

(a) to (c): The Supreme Court in the matter of M. Nagaraj case, while upholding validity of the Constitution amendments regarding reservation in promotion to the Scheduled Castes and Scheduled Tribes, has laid down certain pre-requisite conditions for providing reservation in promotion to SCs and STs, namely the State has to see about inadequacy of representation, backwardness of the class and efficiency of administration. To overcome these pre-requisite conditions, the Government proposed to introduce a bill to amend the Constitution. Opinion of the Attorney General of India was sought on the proposed bill and he had not opined that the Bill on the Constitutional amendment for reservation of Scheduled Castes/Scheduled Tribes in promotion in the Government jobs was erroneous.

(d) and (e): No, Madam. The Bill aims to amend Article 16(4A) so as to continue with existing provisions of reservation in promotion to the Scheduled Castes and Scheduled Tribes, without any impediment.