

Title: Regarding Supreme Court's stay-order on the implementation of the Constitutional amendment which ensured seniority benefits along with promotions of employees belonging to SC and ST communities.

SHRI PRAVIN RASHTRAPAL (PATAN): Mr. Deputy-Speaker, Sir, I would like to raise a very serious matter concerning the employees and officers belonging to the Scheduled Castes and the Scheduled Tribes all over the country in general and particularly in Karnataka.

Sir, this hon. Parliament passed the 85th Amendment to the Constitution during the Winter Session last year giving benefit to the Scheduled Castes and the Scheduled Tribes. When the employees belonging to the Scheduled Castes and the Scheduled Tribes are given promotion, they should also get seniority along with their promotion according to this Amendment. A circular was issued on the 30th January, 1997 which stated that promotion would not follow by automatic seniority. The matter was taken up very seriously by this Parliament and an Amendment to article 16 (4) (a) of the Constitution was passed. A Writ Petition was filed in the hon. Supreme Court and when the matter came up before the Supreme Court on the 4th March, 2002, I am extremely sorry to inform the House that the main respondent, which was the Government of India, was not represented at the time of preliminary hearing. As a result, the Supreme Court has issued a stay on the implementation of the Constitution Amendment passed by this Parliament. The order says:

"In the meantime, the *status quo* as of today shall be maintained."

As a result of this order, hundreds and thousands of employees all over the country belonging to the Scheduled Castes and the Scheduled Tribes will not get the benefit of the Constitution Amendment passed by Parliament.

I would also like to bring to the attention of this House that the petitioners Shri Rajeev Dhawan and Shri Venugopal have also insulted Parliament through a statement made in the petition. The petition says:

"The said Constitution Amendment is a fraud on the power of the amendment by the Legislature which is made only with a view to nullify the effect of the judgement of the hon. Court by making such an amendment retrospectively."

The lawyer further said:

"There is no application of mind by the Legislature before making the said amendment which is apparent from the fact that no proper debate has taken place and a whip was issued to Members of Parliament by the political parties."

The lawyer is challenging the Indian Parliament and the amendment passed by us. So, I would like to know from the Minister of Law and Justice and also from the Minister of Personnel as to why the representative of the Government of India was not present at the time of preliminary hearing on the 4th March, 2002 and what further action the Government is going to take to protect the interests of the employees all over the country belonging to the Scheduled Castes and the Scheduled Tribes. If they do not get the benefit in spite of passing of the Constitution Amendment in this Parliament, then the amendment is of no use. I would like to have a reply from the Minister of Law and Justice, Minister of Personnel and Minister of Parliamentary Affairs.

SHRI SURESH RAMRAO JADHAV (PARBHANI): Mr. Deputy-Speaker, Sir, I have also given a notice.

MR. DEPUTY-SPEAKER: I will give you chance. We are having 'Zero Hour' after many days. Let us hear each other silently. If you cooperate, I will accommodate everybody. Please take your seat....(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Ramdas Athawale, I will give the floor to you later on.