



डा. रामेश्वर उराँव

अध्यक्ष

(भूतपूर्व सांसद—लोकसभा)

(पूर्व जनजातीय कार्य राज्यमन्त्री)

Dr. RAMESHWAR ORAON

Chairman

(Ex Member Parliament-LS)

(Former Minister of State for Tribal Affairs)

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

छठी मंजिल, लोकनायक भवन,

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Government of India

National Commission for Scheduled Tribes

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D.O. No.Policy-3/SERVICE/DoPT/2012-RU-I

Dated : 1st September, 2012

Respected Sri Narayanasamy Sir,

Please refer to your Department letter No. 36012/25/2006-Estt. (Res.) dated 27th August, 2012 on the issue of proposed Constitutional Amendment Bill in the Parliament to continue the scheme of reservation in promotion for Scheduled Castes and Scheduled Tribes addressed to the Ministry of Tribal Affairs requesting the Ministry to seek views/ comments of the National Commission for Scheduled Tribes on the proposal contained in the above mentioned letter of DoPT.

2. The DoPT letter was received from the Ministry of Tribal Affairs at 6:00 PM on 30/08/2012. In view of the urgency of the matter an emergency meeting of the National Commission for Scheduled Tribes was held on today the 1st September, 2012. After detailed discussion, the Commission agreed to the proposal of Department of Personnel and Training for bringing Constitution Amendment to meet the objective. Detailed views/ comments of the Commission on the issue are enclosed for your information.

With regards.

Yours sincerely,

Rameshwar Oraon
(Dr. Rameshwar Oraon)

Shri V. Narayanasamy,

Minister of State,

Ministry of Personnel, Public Grievances & Pensions

Government of India

North Block, New Delhi-110001.

National Commission for Scheduled Tribes

Extracts from Summary Record of the meeting of the National Commission for Scheduled Tribes held on 01st September, 2012

Agenda Item-III Constitutional Amendment Bill in the Parliament to continue the scheme of reservation in promotion for Scheduled Castes and Scheduled Tribes views/ comments of National Commission for Scheduled Tribes

The Commission was informed that the Ministry of Tribal Affairs has forwarded a copy of Department of Personnel and Training letter dated 27th August, 2012 on the above subject seeking views/ comments of the National Commission for Scheduled Tribes on the proposal contained in the above mentioned letter of DoPT. Views of the Commission were sought by 31/08/2012. As the letter was received on 31/08/2012 only, it has to be considered on priority

2. The DoPT has stated that a demand for Constitution Amendment in order to provide reservation for the Scheduled Castes and Scheduled Tribes in promotion has been voiced from the Members of Parliament. The matter was also considered in an All Party meeting convened by the Hon'ble Prime Minister on 21.08.2012. There was general consensus in that meeting to introduce a Constitution Amendment Bill in the Parliament so as to enable the State to continue the scheme of reservation in promotion for Scheduled Castes and Scheduled Tribes as before.

3. DoPT has further stated that the Supreme Court of India in M Nagaraj Vs UOI & Ors had ruled that the 77th & 85th Constitutional amendments were constitutionally valid and that these are enabling provisions and States will have to make out a case for providing reservations in promotion based on quantifiable data and satisfy the court that such reservation became necessary on account of inadequacy of representation of SCs/STs in a particular class or classes of post without affecting the general efficiency of service as mandated under Article 335 of the Constitution. 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. Subsequently, the Supreme Court has upheld the decisions of these High Courts striking down provision for reservation in promotion in the respective States.

4. In view of above, the Commission agreed to the proposal of Department of Personnel and Training for bringing Constitution Amendment to meet the objective.

5. As it was noted from the DoPT letter that the DoPT will prepare the Draft Amendment Bill after receipt of comments from National Commission for Scheduled Tribes and other Organizations on their proposal to move Constitutional Amendment, the Commission directed that as per instructions of the Cabinet Secretariat, the Department of Personnel and Training may be asked to forward, for views/ comments of the National Commission for Scheduled Tribes, a copy of the Draft Constitutional Amendment Bill as and when finalized for submission to the Cabinet.