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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 23rd December, 1999:—

I

BILL No. LII OF 1999

A Bill further to amend the Explosive Substances Act, 1908.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Explosive Substances (Amendment) Act, 1999.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

2. In the Explosive Substances Act, 1908, for sections 2 to 5 the following sections shall be substituted, namely:—

Substitution of new sections for sections 2 to 5 of Act 6 of 1908.

2. In this Act,—

Definitions.

(a) the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine or implement;

(b) the expression "special category explosive substance" shall be deemed to include research development explosive (RDX), penta erythritol tetra nitrate

II

BILL NO. LIV OF 1999

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

- Short title. **1.** This Act may be called the Constitution (Eighty-eighth Amendment) Act, 1999.
- Amendment of article 335. **2.** In article 335 of the Constitution, the following proviso shall be inserted at the end, namely:—

"Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State."

STATEMENT OF OBJECTS AND REASONS

The Scheduled Castes and the Scheduled Tribes had been enjoying the facility of relaxation of qualifying marks and standards of evaluation in matters of reservation in promotion. The Supreme Court in its judgement dated 1-10-1996 in the case of *S. Vinod Kumar Vs. Union of India* held that such relaxations in matters of reservation in promotion were not permissible under article 16(4) of the Constitution in view of the command contained in article 335 of the Constitution. The Apex Court also held that the law on the subject of relaxation of qualifying marks and standards of evaluation in matters of reservation in promotion is one laid down by the nine-judge Constitution Bench of the Supreme Court in the case of *Indira Sawhney and others Vs. Union of India and others*. Para 831 of *Indira Sawhney* judgement also held such relaxations as being not permissible under article 16(4) in view of the command contained in article 335 of the Constitution. In order to implement the judgements of the Supreme Court, such relaxations had to be withdrawn with effect from 22.07.1997.

2. In view of the adverse effect of the order dated 22.07.1997 on the interests of Scheduled Castes and Scheduled Tribes, representations had been received by the Government from several quarters including the Members of Parliament. Considering the various representations, the Government has reviewed the position and decided to move for constitutional amendment with a view to restore the relaxations which were withdrawn vide instructions issued by the Department of Personnel and Training on 22.07.1997.

3. The Bill seeks to achieve the aforesaid object.

VASUNDHARA RAJE.