

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 In order to implement the judgements of the Supreme Court, such relaxations had to be withdrawn with effect from 22.07.1997.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the position and decided to move for constitutional amendment with a view to restore the relaxations which were withdrawn vide instructions issued by the Department of Personnel and Training on 22.07.1997.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.