

THE MINISTER OF STATE IN THE MINISTER OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY): (a) and (b) The Supreme Court in the matter of M. Nagaraj *Vs.* Union of India has held that the constitutional amendments made to enable the State to provide reservation in promotion are constitutionally valid. However, the States have to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment, keeping in mind maintenance of efficiency, as indicated in Article, 335.

Recently, the Supreme Court in the matter of Rajesh Kumar *Vs.* Uttar Pradesh Power Corporation Limited has struck down the provision of reservation in promotion in the employment of State of Uttar Pradesh, because the aforesaid requirements were not complied with. Earlier also, on similar ground, the Apex Court in the matter of Surajbhan Meena *Vs.* State of Rajasthan had quashed the provision of reservation in promotion in the employment of State of Rajasthan.

(c) and (d) The Government of India has already taken required steps to provide constitutional safeguards to obviate hurdles being faced in giving promotions to SCs and STs. A Bill, namely, The Constitution (One Hundred and Seventeenth) Amendment Bill, 2012 has been introduced in the Rajya Sabha on 5th September, 2012 to provide impediment free reservation to SCs and STs in promotion.

Purchases of Kendriya Bhandar through limited tender

102. SHRI UPENDRA KUSHWAHA: Will the PRIME MINISTER be pleased to state:

(a) whether Supreme Court in its judgement in SLP (Civil) No. 10174 of 2006 has stated that as per the requirement of Article 14 of the Constitution, public procurement should be made through public auction/public tender to ensure transparency;

(b) whether Kendriya Bhandar purchases pulses etc. worth crores of rupees per month through limited tender rather than inviting open tenders;

(c) whether Central Vigilance Commission (CVC) has received complaints in this regard from MPs;

(d) if so, the action taken thereon; and

(e) the name and designation of the persons who approves the purchase of pulses etc. through limited tender in Kendriya Bhandar?

THE MINISTER OF STATE IN THE MINISTER OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY): (a) Yes, Sir.

(b) In line with purchase policy approved by the Board of Directors of Kendriya Bhandar, they are purchasing Pulses in bulk quantity through limited tenders invited from registered suppliers, normally on fortnightly basis for resale purposes. Registration of suppliers for pulses is a continuous process in Kendriya Bhandar.

(c) and (d) The CVC has informed that it has received one complaint from a MP regarding purchase through limited tender in Kendriya Bhandar and the same was forwarded to Department of Personnel and Training (DoPT) for necessary action. DoPT has since furnished report thereon to CVC.

(e) The rates and samples of various varieties of pulses received from registered suppliers against limited tenders are examined by a Purchase Committee consisting of Deputy General Manager (Operation), Assistant General Manager (Grocery), Purchase and Sales Executive (Grocery), Quality Control Officer, Incharges of grocery godowns/Institutional Supply Unit (ISU). Recommendations of the Committee are submitted to the Managing Director, Kendriya Bhandar for approval.

Misuse of RTI Act

103. SHRI SANJAY RAUT: Will the PRIME MINISTER be pleased to state:

(a) the instances where the misuse of RTI Acts has infringed on individual privacy in the last five years;

(b) the number of RTI queries rejected which are not in public interest during the last five years; and

(c) whether Government is mulling to amend the RTI Act?

THE MINISTER OF STATE IN THE MINISTER OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY): (a) A Public Information Officer is not obliged under the RTI Act, 2005 to give any citizen information which relates to personal information the disclosure of which has no relationship to any public activity, or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officers or the appellate authority, is satisfied that the larger public interest justifies the disclosure of such information.

(b) The Central Information Commission does not maintain such data.