

No. 36012/22/93-Estt. (SCT)

Govt. of India

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

New Delhi, the 8th September, 1993

OFFICE MEMORANDUM

Subject: Reservation for Other Backward Classes in Civil Posts and Services under the Govt. of India –Regarding

The undersigned is directed to refer to this Department's O. M. No. 36012/31/90-Estt(SCT), dated the 13th August, 1990 and 25th September 1991 regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Govt. of India and to say that following the Supreme Court judgment in the Indra Sawhney and others vs Union of India and others case [Writ Petition (Civil) No. 930 of 1990] the Govt. of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/sections from the benefits of reservation for Other Backward Classes in civil posts and services under the Govt. of India .

2. Consequent to the consideration of the Expert Committee's recommendations this Department's Office Memorandum No. 36012/31/90-Estt(SCT), dated 13.8.90 referred to in para(1) above is hereby modified to provide as follows:

- (a) 27% (twenty-seven per cent) of the vacancies in civil posts and services under the Government of India, to be filled through direct recruitment, shall be reserved for the Other Backward Classes. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.
 - (b) Candidates belonging to OBCs recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.
 - (c) (i) the aforesaid reservation shall not apply to persons/sections mentioned in column 3 of the Schedule to this office memorandum.
(ii) the rule of exclusion will not apply to persons working as artisans or engaged in hereditary occupations, callings. A list of such occupations, callings will be issued separately by the Ministry of Welfare.
 - (d) The OBCs for the purpose of the aforesaid reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' Lists. A list of such castes and communities is being issued separately by the Ministry of Welfare.
 - (e) The aforesaid reservation shall take immediate effect. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of this order.
- (i) Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and by the Ministry of Finance respectively effective from the date of this Office Memorandum.

Sd/ (Smt. Sarita Prasad)

Joint Secretary to the Govt. of India

SCHEDULE

1	Description of category 2	To whom rule of exclusion will apply 3
I.	CONSTITUTIONAL POSTS	<p>Son(s) and daughters(s) of</p> <ul style="list-style-type: none"> (a) President of India; (b) Vice President of India; (c) Judges of the Supreme Court and of the High Court; (d) Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India; (e) Persons holding Constitutional positions of like nature;
II.	<p>SERVICE CATEGORY A. Group A/Class I officers of the All India Central and State Services (Direct Recruits).</p>	<p>Son(s) and daughter(s) of</p> <ul style="list-style-type: none"> (a) parents, both of whom are Class I officers; (b) parents, either of whom is a Class I officer; (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation. (d) Parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years. (e) Parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years.

	<p>B. Group B/Class II officers of the Central and State Services (Direct Recruitment)</p>	<p>Provided that the rule of exclusion shall not apply in the following cases:</p> <ul style="list-style-type: none"> (a) Sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies/die or suffer permanent incapacitation. (b) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for a job. <p>Son(s) and daughter(s) of</p> <ul style="list-style-type: none"> (a) Parents both of whom are Class II officers. (b) Parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier. (c) Parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation; (d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and (e) parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation <p>Provided that the rule of exclusion shall not apply in the following cases:</p> <p>Sons and daughters of</p> <ul style="list-style-type: none"> (a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.
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<p>III.</p>	<p>C. Employees in Public Sector Undertakings etc.</p> <p>ARMED FORCES INCLUDING PARA-MILITARY FORCES <i>(persons holding civil posts are not included)</i></p>	<p>(b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.</p> <p>The criteria enumerated in A & B above in this Category will apply <i>mutatis mutandi</i> to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these institutions</p> <p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces;</p> <p>Provided that:--</p> <p>(a) if the wife of an Armed Forces officer is herself in the Armed Forces (i.e. the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;</p> <p>(b) the service ranks below Colonel of husband and wife shall not be clubbed together:</p> <p>(c) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently,</p>
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<p>IV</p>	<p>PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY</p> <p><i>(i) Persons engaged in profession as a doctor, lawyer, Chartered Accountant, Income Tax Consultant, Financial or Management Consultant, dental surgeon, engineer, architect, computer specialist, film artists, and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.</i></p> <p><i>(ii) Persons engaged in trade, business and industry</i></p>	<p>Criteria specified against Category VI will apply:</p> <p>Criteria specified against Category VI will apply:</p> <p><i>Explanation:</i></p> <p>(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.</p> <p>(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's Income and the husband's income will not be clubbed with it.</p>
<p>V.</p>	<p>PROPERTY OWNERS</p> <p><i>A. Agricultural holdings</i></p>	<p>Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns</p> <p>(a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or</p> <p>(b) both irrigated and unirrigated land, as follows:</p> <p>(i) The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by</p>

<p>VI.</p>	<p>INCOME/WEALTH TEST</p> <p>B. <i>Plantations</i></p> <p>(i) Coffee, tea, rubber etc.</p> <p>(ii) Mango, citrus, apple plantations etc.</p> <p>C. <i>Vacant land and/or building in urban areas or urban agglomerations</i></p>	<p>converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.</p> <p>(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.</p> <p>Criteria of income/wealth specified in Category VI below will apply.</p> <p>Deemed as agricultural holding and hence criteria at A above under this category will apply.</p> <p>Criteria specified in Category VI below will apply.</p> <p><i>Explanation:</i> Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.</p> <p>Son(s) and daughter(s) of</p> <p>(a) Persons having gross annual income of Rupees one lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.</p> <p>(b) Persons in Categories I, II, III and VA who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.</p> <p><i>Explanation:</i></p> <p>(1) Income from salaries or agricultural land shall not be clubbed;</p> <p>(2) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.</p>
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Explanation: Wherever the expression “permanent incapacitation” occurs in this Schedule, it will mean incapacitation which results in putting an officer out of service.