

Annual Report

2007-2008
(1st April, 2007 to 31st March, 2008)



National Commission for Backward Classes
Trikoote-I, Bhikaiji Cama Place,
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9th July, 2008

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Chapter I

Introduction

The first tangible step for the implementation of the recommendations of the Mandal Commission's Report was taken in 1990. It was on 6th August 1990 that the Government of India took the historic decision to introduce reservation of 27% for Backward Classes on the basis of the Mandal Commission's recommendations. This was announced in the Parliament by the Prime Minister of India on the 7th August 1990. Formal orders were issued thereafter in Office Memorandum No. 36012/31/90-Estt. (SCT) dated 13th August 1990(Annexure-I) providing reservation for Socially and Educationally Backward Classes (SEBCs) of 27% of the vacancies filled by direct recruitment in civil posts and services under the Central Government and Public Sector Undertakings and Financial Institutions for SEBCs. It was also laid down that the SEBC 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. The Department of Public Enterprises and the Ministry of Finance were required to issue similar instructions to all public sector undertakings and financial institutions. Soon after the issuance of the orders, a number of writ petitions were filed in the Supreme Court questioning the said Memorandum along with applications for staying the operation of the Memorandum. The operation of the O.M. was stayed by the Supreme Court. The stay continued in force till 16th November 1992, when the Supreme Court finally disposed of these writ petitions.

The Supreme Court of India in its landmark judgement, in Writ Petition (Civil) No.930 of 1990 – Indira Sawhney and Others Vs Union of India and Others dated 16.11.1992 (Annexure-II) directed the Government of India, State Governments and Administrations of Union Territories to constitute a permanent body in the nature of Commission or Tribunal for entertaining, examining and making recommendations upon requests for inclusion and complaints of over-inclusion and under inclusion in the list of OBCs . Government of India was also

directed to specify the basis for applying the relevant and requisite socio-economic criteria to exclude socially advanced persons/sections (creamy layer) from other backward classes. In accordance with the direction of the Supreme Court regarding the Socially Advanced Persons/Sections, the Government of India set up an Expert Committee on 22nd February, 1993(Annexure-III), to determine the basis ,the criteria for identification of the Socially Advanced Persons/Sections. The Committee gave its report on 10th March, 1993. Thereafter, the Department of Personnel & Training vide O.M. dated 8th September,1993(Annexure-IV), incorporated in the O.M. of 13th August,1990 the rule of exclusion of Socially Advanced Persons/Sections from reservation, on the basis of the recommendations of the Expert Committee, thus fulfilling the condition laid down by the Supreme Court for the implementation of the O.M. of 13th August,1990. The order contained in the Resolution dated 10th September, 1993 of the Ministry of Welfare notified the first phase lists of Backward Classes for 14 States, on the basis of the recommendations of the Expert Committee on Backward Classes.

In pursuance of the direction of the Supreme Court, the Government of India enacted the National Commission for Backward Classes Act, 1993 (Act No.27 of 1993) (*Annexure-V*), for setting up the National Commission for Backward Classes at the Centre. Section 3 of the Act provides that the Commission shall consist of five members, namely, a Chairperson who is or has been a judge of the Supreme Court or of a High Court; a social scientist, two persons who have special knowledge in matters relating to backward classes; and a Member-Secretary who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India. The Act came into effect on the 2nd April 1993. The Government of India constituted the Commission by its Notification No.12011/34/BCC(C)/Pt. I dated 14th August 1993 with the first team of five Members with a tenure of three years.

Section 9(1) of the Act provides that it shall “examine the requests for Inclusion of any class of citizens as a backward class in the lists and hear Complaints of over-Inclusion or under-Inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate. Section 9(2) of the Act further provides that the advice of the Commission shall ordinarily be binding upon the Central Government. Section 11 of the Act also provides for periodic revision of lists by the Central Government as under:-

- (1) The Central Government may at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes.
- (2) The Central Government shall, while undertaking any revision referred to in subsection (1), consult the Commission.

The NCBC, after studying the criteria/indicators framed by the Mandal Commission and the Commission set up in the past by different State Governments and other relevant materials formulated guidelines for considering requests for inclusions in the list of Other Backward Classes.

Creamy Layer

In the context of Supreme Court’s direction regarding exclusion of socially advanced persons/sections from OBCs, the Govt. of India constituted an expert committee headed by Justice R.N. Prasad (Retd.) and three other members comprising a social scientist and two officers with wide administrative experience, to determine the criteria for identification of the socially advanced persons/sections(creamy layer) for exclusion of ‘Creamy Layer’ from OBCs. The Committee submitted its report on March 10,1993 and the same was accepted by

the Government of India. The Committee defined the 'creamy layer' as when a person has been able to shed off the attributes of social and educational backwardness and has secured employment or has engaged himself in some trade/profession of high status and at which stage he is normally no longer in need of reservation.

Reservation of posts for Backward Classes in the services of Government of India took effect from the 8th September 1993 when the Department of Personnel & Training issued its Office Memorandum No.36012/22/93-Estt.(SCT), dated 8th September 1993 (*Annexure-IV*), the Resolution No.12011/68/93-BCC (C), the then Ministry of Welfare dated 10th September, 1993 and the Resolution No.12011/9/94-BCC, the Ministry of Welfare dated 19th October, 1994 set the stage for the operationalisation of the O.M. of 13th August 1990. The O.M. dated 8th September 1993 incorporated the rule of exclusion of socially advanced persons/sections from reservation, on the basis of the recommendations of the Expert Committee, thus fulfilling the condition laid down by the Supreme Court for the implementation of the Office Memorandum of 13th August 1990.

Review of Income Criteria

The first review of the income criteria to exclude socially advanced persons/sections among OBCs was entrusted to the NCBC on 6th December, 2003. The Commission submitted its report on 23rd January, 2004 and recommended that the income limit to determine the socially advanced persons/sections among OBCs be raised from Rs. 1 lakh to Rs. 2.5 lakhs. The recommendation contained in the Report were accepted by the Government along with the recommendation that the task of future Periodic Review of the Income criteria should be taken up every three years or earlier, if the situation demands. The government of India notified the above vide DOP&T O.M.No. 36033/3/2004-Estt.(Res.) dated 9th March, 2004, raising the income limit to Rs. 2.5 lakhs.

Having regard to the fact that the period of three years have since elapsed from the date of issue of O. M. dated 9th March, 2004, raising the income limit to Rs. 2.5 lakhs, now the Government of India, the Ministry of Social Justice & Empowerment, vide Office Order No. 12015/13/2007-BCC dated December, 2007, have entrusted the task of review of the income criteria to this Commission. The Commission has also been asked to give suggestions/recommendations on some other issues relating to the creamy layer criteria. The terms of reference given to the Commission are as follows:-

- (I) To review the existing ceiling of income/wealth to determine the 'Creamy Layer' amongst OBCs as notified vide Department of Personnel & Training (DOPT) OM No. 36012/22/93-Estt (SCT) dated 8th September 1993.
- (II) To evolve and suggest formulae through which the periodic revision of income ceiling/criteria in terms of quantum or rupee be fixed so that the income ceiling for determining the 'Creamy Layer' amongst OBCs is revised from time to time as per the formulae.
- (III) Also to consider and advise the Government on the following:-
 - (a) Whether the 'Creamy Layer' criteria will apply only to sons/daughters of the persons mentioned in the respective categories, such as, the service category or also to the persons themselves.
 - (b) Whether the rule of exclusion will apply where the income from salaries alone or from agricultural land alone, exceeds the prescribed limit or the income ceiling will apply to the consolidated income from both.
 - (c) The committee may also examine as to how income from sources other than salary or agricultural land is to be dealt with.

(d) Evaluation of posts equivalent or comparable in the public sector undertakings, banks, insurance organizations, universities or comparable posts and positions under private employment for the purpose of application of the criteria enumerated in category II-A and II-B.

(e) Presently, if any person in categories I, II, III and V-A, who is not ineligible to receive the benefit of reservation has income from other sources of wealth (without clubbing his income from salary or agricultural land) which will bring him within the criteria under item VI, then he shall be ineligible for reservation. In this context, it may be examined whether, irrespective of the post, service, employment, profession, trade, industry, etc., if the income of a parent or the combined income of parents exceeds the limits specified under category VI, the rule of exclusion be applied.

The Commission also received hundreds of representations requesting to review and enhance the existing Rs.2.5 lakhs. Many of the representationists also sought the removal of creamy layer criteria, on the ground that the same is not applied to the Scheduled Castes and Scheduled Tribes and that the Backward Classes have not reached the level of creamy layer, as the Central recognition to the list and reservations came into operation after 46 years of independence. There have also been suggestions for simplification of the existing order and avoid ambiguities and anomalies, causing hardship to the Backward Class candidates, who are made to run from pillar to post for securing caste and income certificates. The need for raising the income limit of Rs 2.5 lakh was also expressed by the public during the visit of the Commission to various States/Uts for the Public Hearings.

In view of the very short period given to the Commission for giving its suggestions/recommendations, the Commission issued Public Notices through leading national and regional newspapers throughout the country seeking views

and suggestions of the general public in the matter, especially those of the Backward Classes and their associations and organizations. The Commission also sought the views and suggestions from the State Governments and Union Territories by separately writing to the respective Chief Secretaries/Secretaries in charge of Backward Classes Welfare Ministries/Departments. The Commission also addressed the State Backward Classes Commissions and the Commissions or Committees in the Union Territories seeking their valuable views in the matter and forward any report compiled by them in this regard.

In response to the public notice, a large number of representations were received from individuals, associations and organizations from backward communities. Many of the views expressed were on specific aspects relating to enhancing the income limit (Creamy Layer) and others relating to simplification, anomalies and ambiguities in the existing Creamy Layer criteria. There have been demands from the public, especially from the members and associations/organization of Backward Classes to raise the income limit of Rs. 2.5 lakh to a reasonable level taking into account devaluation of rupee and increase in the overall price index, GDP, pay revision etc.

The Commission is also in the process of organising a meeting of Chairpersons of States/UT Backward Classes and Secretaries in Charge of the Backward Classes of State/UTs to gather their views and suggestions regarding review of income criteria. After receiving all the informations, data and interacting with the Government agencies/Departments concerned, the Commission will finalise the report and submit it to the Government by 30th June, 2008.

Reservation for OBCs in Higher Educational Institutions:

Justice of India, Hon'ble Justice Arijit Pasayat, Hon'ble Justice C. K. Thakker, Hon'ble A Constitution Bench of the Supreme Court of India (consisting of

Hon'ble Justice K. G. Balakrishnan, Chief Justice of India, Hon'ble Justice Arijit Pasayat, Hon'ble Justice C. K. Thakker, Hon'ble Justice R.V. Raveendran and Hon'ble Justice Dalveer Bhandari) by its landmark judgment, relating to reservation for Other Backward Classes in the State maintained and aided educational Institutions in writ petition (Civil) No 265 of 2006 – Ashoka Kumar Thakur Vs. Union of India and Others dated 10th April, 2008, upheld the Central Education Institution (Representation in Admission) Act (5 of 2007), providing 27% of seats to OBCs in the Central Educational Institutions and further held that “determination of ‘Other Backward Classes’ by the Central Govt. is with reference to a caste, it shall exclude the ‘creamy layer’ among such caste.

Chapter II

Functions of the Commission

The functions of the Commission are laid down in section 9 and section 11 of the Act. Under sub-section (1) of Section 9 of the Act the Commission “shall examine requests for inclusion of any class of citizens as a Backward Class in the lists and hear complaints of over-inclusion or under inclusion of any Backward Class in such lists and tender such advice to the Central Government as it deems appropriate”. The term “list” in this section refers to “lists prepared by the Government of India from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of India and any local or other authority within the territory of India or under the control of the Government of India”. The term “backward classes” has been defined in clause (a) of the same section (section 2) to mean such Backward Classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the Central Government in the lists”.

Under Section 9(2) of the Act, “The advice of the Commission shall ordinarily be binding upon the Central Government”. This mandatory provision is based on and incorporates the directions of the Supreme Court in the Mandal Judgement, which directed the Government of India and the State Governments/Union Territories to constitute a permanent body, in the shape of a National Commission for Backward Classes and the State Commissions for Backward Classes and that the “advice tendered by such bodies shall ordinarily be binding upon the Government” (vide extract of the Judgement at *Annexure-II*).

Section 11 of the Act enjoins upon the Central Government to undertake revision of the lists of backward classes at the expiration of ten years after the Act came into force and thereafter every succeeding period of ten years, and enables it to undertake such revision at any time, with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such

lists new backward classes. Under sub-section (2) of this Section, the Central Government is required to consult the Commission while under-taking such revision. While performing its functions under Section 9(1) of the Act, the Commission has been vested with all the powers of a civil court trying a suit and in particular, in respect of the summoning and enforcing the attendance of any person from any part of India and examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; issuing notices for the examination of witnesses and documents; and any other matter which may be prescribed.

Section 8(2) empowers the Commission to regulate its own procedure. Sections 14 and 15 provide that the Commission shall prepare its annual report for each financial year which together with a memorandum of action taken on the advice tendered by the Commission under Section 9 and the reasons for the non-acceptance, if any, of any such advice and the audit report shall be laid by the Central Government before each House of Parliament.

As per the procedure laid down by the Commission under Sub-Section (2) of Section (8) of the National Commission for Backward Classes Act, 1993 the advice of the Commission may be formulated unanimously or by consensus or by majority. Where there is no unanimity or consensus, the advice of the majority will be tendered as the Commission's advice but the dissenting advice also will be furnished to Government. In regulating its procedure under Section 8(2) of the Act, the Commission has been guided by the principles of objectivity, transparency and speed. In fact soon after the Commission was established, it took the following steps under Section 8(2) of the NCBC Act, 1993 :-

- (i) Formulated the procedure for examination of requests for inclusion in the lists and complaints of over-inclusion or under-inclusion in the Central list of Backward Classes. (*Annexure-VII*)
- (ii) Formulated guidelines for consideration of requests for inclusion and complaints of under-inclusion in the Central list.

- (iii) Prepared questionnaire for obtaining data in respect of requests for inclusion of castes/communities.

The Commission has been making additions and improvements to this procedure from time to time, based on experience and according to needs.

Chapter III

Composition of the Commission

In accordance with the directions of the Supreme Court, the Government of India enacted the National Commission for Backward Classes Act, 1993 (Act No.27 of 1993) on 2nd April 1993 for setting up the National Commission for Backward Classes at the Centre. Section 3 of the Act provides that the Commission shall consist of five Members, comprising a Chairperson who is or has been a judge of the Supreme Court or of a High Court; a social scientist; two persons, who have special knowledge in matters relating to backward classes; and a Member-Secretary who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India. Every Member of the Commission shall hold office for a term of 3 years from the date he assumes office. The Govt. of India constituted the Commission by its Notification No.12011/34/BCC/Pt.I dated 14 August 1993. The details regarding the composition of the Commissions are as under:

A From 18.8.1993 to 17.8.1996

- | | | |
|----|------------------|----------------------------|
| 1. | Chairperson | Justice (Retd.) R N Prasad |
| 2. | Member-Secretary | Shri P S Krishnan |
| 3. | Member | Dr. Dhirubhai L Seth |
| 4. | Member | Dr. Dinesh Singh Yadav |
| 5. | Member | Dr. Prasannan |

(All the above members completed their 3-year tenure)

B From 28.2.1997 to 27.2.2000

- | | | |
|----|------------------|--|
| 1. | Chairperson | Justice (Retd.) Shyam Sunder |
| 2. | Member-Secretary | Shri P S Krishnan |
| 3. | Member | Shri Akshay Bhai Sahu |
| 4. | Member | Prof. Uday Pratap Singh |
| 5. | Member | Shri Navtej Singh Puadhi
(expired while in harness on
16.8.1998) |
| 6. | Member | Shri M S Matharoo
(joined on 14.7.1999) |

(While Members from sl. nos. 1-4 completed their 3-year tenure on 27.2.2000 Shri M S Matharoo continued till 13.7.2002 when he completed 3-year term)

C From 28.7.2000 onwards

- | | | |
|----|------------------|---|
| 1. | Chairperson | Justice (Retd.) B L Yadav
(died in harness on 24.3.2002) |
| 2. | Member-Secretary | Shri C T Benjamin
(6.4.2000 to 31.7.2000 as Secretary)
(1.8.2000 to 31.7.2003 as Member
Secretary) |
| 3. | Member | Shri M S Matharoo
(14.7.1999 to 13.7.2002) |
| 4. | Member | Dr. B M Das |

- (28.08.2000 to 27.08.2003)
5. Member Smt. Neera Shastri
(August 2000 to August 2003)

D From 13-8-2002 to 12-8-2005

1. Chairperson Justice (Retd.) Ram Surat Singh
(13.8.2002 to 12-8-2005)
2. Member-Secretary Shri S.K. Purkayastha
(9.8.2004 onwards)
- Smt. Chitra Chopra
Secretary
(04-8-2003 to 30-7-2004)
3. Member Shri M S Matharoo
(19.8.2002 onwards)
4. Member Smt. Neera Shastri
(29.9.2003 onwards)
5. Member Dr. B. Babu Rao Verma
(6.10.2003 onwards)

E From 13-8-2005 onwards

1. Chairperson Justice (Retd.) S. Ratnavel Pandian
(14.8.2006 onwards)
2. Member-Secretary Shri S.K. Purkayastha
(9.8.2004 to 8.8.2007)
3. Member Shri M S Matharoo
(19.8.2002 to 18-8-2005)
- Shri Yogeshwar Prasad Yogesh

- (from 10.03.06 to 31.05.2007*)
4. Member Smt. Neera Shastri
(29.9.2003 to 28.9.2006)
5. Member Dr. B. Babu Rao Verma
(6.10.2003 to 5.10.2006)

Note : * Shri Yogeshwar Prasad Yogesh died in harness on 31.05.2007.

F Existing

- | | | |
|----|------------------|--|
| 1. | Chairperson | Justice (Retd.) S. Ratnavel Pandian
(14.8.2006 onwards) |
| 2. | Member-Secretary | Shri Lakshmi Chand
(18.8.2007 onwards) |
| 3. | Member | Dr. Subbha Somu
(28.03.2007 onwards) |
| 4. | Member | Shri Ram Awadhesh Singh
(08.06.2007 onwards) |
| 5. | Member | Shri Abdul Ali Azizi
(15.10.2007 onwards) |

Chapter IV

Work done by the Commission

I. Overview of the work done by the Commission since beginning

Since its inception, the Commission has tendered Advice in respect of 1184 castes/sub-castes/synonyms/Communities for inclusion of castes/communities/sub-castes/synonyms relating to Other Backward Classes in the Central List for various States and Union Territories from time to time to the Central Government in the Ministry of Social Justice & Empowerment. Of these, 729 cases were for inclusion in the Central Lists for different States/Union Territories and 455 cases were for rejection.

A Statement showing the total number of castes / sub-castes / synonyms / communities in respect of which Advices tendered since inception, year-wise from August 1993-94 to March 2007 is as under:

Year	Number of castes/sub-castes/ synonyms/ communities in respect of which Advices tendered during the period
August, 1993-94 to 1994-95	161 (of which 129 were inclusions by correction of error in spelling, etc.)
1995-96	30 (3 inclusion by correction of error in spellings, etc.)
1996-97 (upto July, 1996)	33 upto period covered by the Annual Report for 1995-1996

1996-97 (early August 1996)	32
1997-98	216 cases of Inclusion and one case of addition of explanation in the Central List of BCs for Rajasthan.
1998-99	351 (including 5 for correction of error in spelling etc.)
1999-2000 (upto Feb.2000)	244 (including 1 for correction in spelling)
2000 - March 2001	13
2001 – 2002	22
2002 – 2003	21
2003 – 2004	10
2004 – 2005	20
2005 – 2006	4 (including revised Central List of Pondicherry) (Post of the Chairperson was vacant from 13-08-2005 to 13-08-2006)
2006 – 2007	7 (Post of the Chairperson was vacant from 13-08-2005 to 13-08-2006)
2007-2008	20

II. Work done during April 2007 to March 2008

Under sub-section (1) of Section 9 of the National Commission for Backward Classes Act, the Commission examines requests for inclusion of any class of citizens as a Backward Class in the lists and hear complaints of over-

inclusion or under inclusion of any Backward Class in such lists and tender such advice to the Central Government as it deems appropriate. While the Commission processes the requests received from various Organisation, it is only those cases in respect of which advices are furnished and sent to the Government are reflected in the Report. The advice of the Commission are finalized in formal meetings of the Commission for which date and time are fixed by the Chairman.

During the year 2007-08, the Commission held 17 meetings upto March 2008 and 20 advices relating to inclusion/rejection of castes/communities/sub-castes/synonyms have been sent to the Ministry of Social Justice & Empowerment. This comprised major work relating to preparation/amendment of Central List of Other Backward Classes for the newly formed States of Jharkhand and Chattisgarh. The Ministry of Social Justice & Empowerment vide Gazette Notification dated 12th March, 2007 had notified inclusion/amendment in the Central List of Other Backward Classes in respect of eight States/UTs, namely; Daman & Diu, Andman & Nicobar, Uttaranchal, Pondicherry, Tripura, Karnataka, Gujarat and Maharashtra. This included revised Central List of Other Backward Classes for the UT of Pondicherry.

During the period from April 2007 to March 2008, the Commission held 20 public hearings for considering the requests for inclusion of castes/communities in the Central List for 13 States and 2 UTs as per details indicated below.

Public Hearings held during April 2007 – March 2008

S.No.	State/UT	Date	Place		Castes/Communities
1	Orissa	17-Apr-07	Bhubaneshwar	1.	Badhei
				2.	Belama
				3.	Kurum
				4.	Laxminarayana
				5.	Chitrasilpi
				6.	Mathurapuria Gouda, Gopapuria Gouda, Nanda Gouda, Jhadua Gouda,

					Naria Gouda, Bashya Gopa, Maha Bhoi, Gendu, Nepalies, Gorkha, Kalanjia Gouda, Karanjia Gouda, Kanoujia Gouda, Kanja Gouda (All are synonyms of Gola)
				7.	Dewangulu, Amila Tanti, Kusta/Kustha (Synonyms of Hansi)
				8.	Jyotisha Abadhan, Jyotish Nayak (Synonyms of Jyotish)
				9.	Astolohi Kamar (Synonyms of Kammara)
				10.	Khandal, Khandual (Synonyms of Khandals)
				11.	Mahisya, Saunties (Synonyms of Nagavasam)
				12.	Chasa Paiko, Paikali Khandyat, Kalingi Sudra Khandayat, Oida, Odia Khandayat, Mahalayak, Chasa Mahanty, Mahanty (Synonyms of Paiko)
				13.	Rana (Synonyms of Ronas)
				14.	Sinko (Synonyms of Sinke)
				15.	Tailik Baishya (Synonyms of Teli)
				16.	Teloga (Synonyms of Telaga)
				17.	Bhopa
				18.	Khandayat Kalanji, Odra Khandayat Kalanji, Kalinga (Synonyms of Kalanji)
				19.	Srisayan (Synonyms of Segidi)
				20.	Dalua-Paik (Synonyms of Dalakhandayat)
				21.	Benayat Oriya, Beneyit Odia, Banayat, Banayat Oriya, Odia & Udia
				22.	Khuria
2	Orissa	18-Apr-07	Bhubaneshwar	1.	Ellama (Synonyms of Belama)
				2.	Agnikula Kshatriya (Synonyms of Pallia)
				3.	Kumbhakar (Synonyms of Kumbhar)
				4.	Tamili, Bangiya Tambuli, Tambili, Bangiya Tamboli, Bangadesiya Tambili, Tamila, Bangiya Tamili, Tambila, Tambula (Synonyms of Tamuli)
				5.	Chattada Srivaishnab
				6.	Majjula
3	Karnataka	26-Apr-07	Bangalore	1.	Pagi
				2.	Begadi, Bagali

				3.	Gam Vokkal, Grama Vokkalu
				4.	Brahma Kapali, Jogtin, Kapali, Raval, Ravalia
				5.	Are Kasai, Ari Katikelu, Kalal Khatik, Maratti, Suryavamsha Kshatriya
				6.	Ladara, Kshatriya Lad/Sugandhi Lad
				7.	Batter, Burned, Gouriga, Gowri, Gowrimaratha, Gowriga
				8.	Gavali, Gavli, Konar, Konnur, Krishna Gavali, Maniyani
				9.	Belchad, Poojari, Desha Bhandari, Divaramakkalu, Gamalla, Halepaikaru, Thiyyan
				10.	Chakrasali, Gunaga, Ganaga, Ganagi, Kula, Kumbard, Sajjan Kumbara
				11.	Kurni, Thogataru/Thogatiga, Thogataveera/Thogatagera/Thogataveera/Kshatriya/Thogaja Pushpanjali, Padma Shali/Padma Sali, Pattasali, Sengundhar, Jandra
4	Karnataka	27-Apr-07	Bangalore	1.	Badigar, Bailu Akkasali, Bailu Kammara, Konkani Achar, Kambar, Kamsan, Kanchagar, Kanchora, Mesta, Sohagar, Tacehan, Thattan
				2.	Sadru, Sadumata, Sadkula, Sadar, Sadu Gowda, Sadu Gowdar, Sadara, Sadari, Sadara Gowda
				3.	Kothati, Kottegara, Kotteyara, Kumara Kshatriya, Kshatriya Komarpant
				4.	Chattada Vaishnava/Sattada Vaishnava/Sattada Srivaishnava, Kadri Vaishnava, Sameraya, Sattadaval, Sattadavan
5	Himachal Pradesh	05-May-07	Shimla	1.	Popo, Brahman
				2.	Nai
				3.	Jhiwar, Jheur, Jheer
				4.	Kumbar, Ghumar, Ghumhar
				5.	Nadar, Nadaaf
				6.	Bujhru, Dakaut
				7.	Sanyasi, Gujarati, Vyas
				8.	Pumba
				9.	Maha Brahman, Acharj, Charj, Acharya
				10.	Hadi
				11.	Saini
6.	Uttarakhand	12-Jun-07	Nainital	1.	Dangi

				2.	Anuwal Bhedpalak Community
				3.	Negi
				4.	Jetha
				5.	Danu
				6.	Koranga
				7.	Dhogti
				8.	Takuli
				9.	Sorga
				10.	Vachhami
				11.	Parihar
				12.	Mehta
				13.	Varti
				14.	Dorat
				15.	Pana
				16.	Sual
				17.	Kurat
				18.	Rana
				19.	Makhwal
				20.	Dubariya
				21.	Kanauri
				22.	Devali
				23.	Sangila
				24.	Kosadi
				25.	Luntari
				26.	Budaula
				27.	Tatadi
				28.	Ghinda
				29.	Rautela
				30.	Bhandari
				31.	Bisht
				32.	Chiral
				33.	Dakoti
				34.	Karchi
				35.	Khargwal
7	Uttarakhand	20-Jun-07	Dehradun	1.	Rawanlata Jaunpuri Community
				2.	Gada
				3.	Rawat
				4.	Bahuguna
				5.	Gorkha
8	Daman & Diu	19-Jul-07	Diu	1.	Khatki (Butcher)

				2.	Kureshi (Munavar), Mogal, Thapania, Vadhel (Muslim)
				3.	Mir
				4.	Fakir
				5.	Khalifa(Nai)
				6.	Mangela
				7.	Koli Khania
				8.	Dasnam Goswami, Gosain
				9.	Salat
9	Tamil Nadu	06-Aug-07	Chennai	1.	Gajula Baliya
				2.	Kshatriya Raju
				3.	Okkaliga Gowda (Synonym of Vokkaligar)
10	Maharashtra	31-Aug-07	Mumbai	1.	Od, Muslim Beldar
				2.	Katari, Sekkalgar (Muslim Religion) Shikh-Shikligar
				3.	Vatkar, Vatkari, Votankar, Vatokar, Otkari, Otokar, Vatokaar
				4.	Muslim Madari, Gaarudi, Saapwale and Jadoogar
				5.	Gawli, Muslim Gawli
				6.	Sakka
				7.	Twashtha Kasar, Kasar
				8.	Nili, Nirali
				9.	Mansoori
				10.	Bawarchi/Bhatiara (Muslim Religion)
				11.	Faqir Bandrawala
				12.	Pan Farosh (Muslim Religion)
				13.	Ataar
				14.	Lambade
				15.	Bhoyar
				16.	Darji
				17.	Kurba, Kurubar
				18.	Watas Bhadwal Rajaak
				19.	Dommara
				20.	Kandel
11	Maharashtra	01-Sep-07	Mumbai	1.	Kasera
				2.	Lakhari
				3.	Lohar-Gada, Dodi, Khatawali, Panchal
				4.	Hajam, Kalseru, Navliga, Kanshi, Nabhik, Nai, Valand
				5.	Bhisti

				6.	Pinjari
				7.	Rautiya
				8.	Bhavgar, Shiv Shimpi, Namdev
				9.	Bhadai
				10.	Odevar
				11.	Kunkuware
				12.	Vadhai/Lohar Khatvadhai
				13.	Shikalgar
				14.	Muslim Khatik, Muslim Kureshi Khatik, Muslim Kasai
				15.	Dhangari
				16.	Besta, Besti, Bestallu
				17.	Machimmar (Daldi)
				18.	Bhaldar
				19.	Yalam/Yelam/Yallam
				20.	Mahat/Mahoot, Mahawat
				21.	Fakir
				22.	Nalband
				23.	Govari, Gawari
				24.	Koli, Khandeshi Koli, Mangela, Kharva or Kharvi Koli (other than included in ST)
				25.	Kumbara/Kumbhara/Kulala/Mulya
				26.	Panchal
				27.	Dhankar/Dhan
				28.	Shikaligar/Shikalgar/Shikilgar/Shiklik ar/Sikalkar/Siklikar/Sikligar/Siklighar/ Sikligar/Sikalgar/Sikkaligar/Cyclegar/ Saikalkar/Saikalgar
				29.	Somwanshiy Sahasrarjun Kshatriya/Patwokari/Patwegar/Pategar /Pattegar/Patwi/Kshatriya Patkar
				30.	Suthar
12	Puducherry	14-Sep-07	Puducherry	1.	Kanakkupillai
				2.	Khatriyas
				3.	Mannudayar, Pathar, Poonul Kuyavar, Velaar
				4.	Latin Catholics
				5.	Mahratta (Non-Brahmin) including Khatik
				6.	Marudha Naidu
				7.	Nattar
				8.	Maricar, Saibu

				9.	Ottar
				10.	Palayapattu Naidu
				11.	Parkavakula Pillai, Parkavakula Udayar
				12.	Pattu Chettiar
				13.	Salia Chettiar
				14.	Vadamalai Chettiar
				15.	Valayal Naidu, Cavara Naidu, Gavaralu
				16.	Vandayar
				17.	Ekali, Mannan
				18.	Vellala Chettiar
				19.	Kannar, Pathaar
				20.	Gollalu
13	Madhya Pradesh	15-Oct-07	Bhopal	1.	Bargahi, Bargah, Raut Gowari, Mahakul(Raut), Mahkul (Synonyms of Ahir)
				2.	Asada
				3.	Bairagi (Vaishnava)
				4.	Dawej (Synonym of Badhai)
				5.	Bari
				6.	Tharwar (Synonym of Vasudev)
				7.	Jammalondhi (Synonym of Bhat)
				8.	(Kashyap, Nishad, Batham), Singraha, Jalari ((Jalarnalu in Bastar Dist.) (Synonym of Dhimar)
				9.	Panwar
				10.	Bhopa, Manbhav
				11.	Meena (Rawat) Deshwali
				12.	Dhariya, Dhoshi (Gadariya), Gadariya (Pal Baghele) (Synonym of Gadariya)
				13.	Kodar (Synonym of Kadere)
				14.	Koshkati (Lingayat), Dukar, Kolhati (Synonyms of Koshta)
				15.	Hunga Lohar, Garola, Lohar (Vishwakarma) (Synonyms of Koshta)
				16.	Jhhani, Soni (Swarnkar) (Synonyms of Sonar)
				17.	Joshi (Bhaddari), Dakocha, Dakota
				18.	Khathiya (Synonym of Khatiya)
				19.	Kurmvanshi, Chandrakar, Chandra Nahu, Kumbhi Gavel (Gamel), Sirwi (Synonym of Kurmi)
				20.	Dudsena (Synonym of Kalar)

				21.	Usrete (Synonym of Nai)
				22.	Panka
				23.	Nahal (Synonym of Mankar)
				24.	Mowar
				25.	Tioor, Toori
14	Andhra Pradesh	27-Oct-07	Hyderabad	1.	Darvesh (Faqeer)
				2.	Pehelwan
				3.	Bhunjwa, Bharbhuj
				4.	Gudia
				5.	Chakali, Vannar (as sub-castes/ synonyms of Rajaka)
				6.	Devaravandlu, Yellammavandlu, Mutyalammavandlu (as sub-castes/ Synonyms of Peddammavandlu)
				7.	Veerabhadreeya (as sub-caste/ Synonym of Veeramushti (Nettikotala)
				8.	Goud
				9.	Kalinga
15	West Bengal	23-Nov-07	Kolkata	1.	Banshi Barman
				2.	Bharbhuj
				3.	Dewan
				4.	Gangot
				5.	Patidar
				6.	Pashadia-Muslim
				7.	Rai (including Chamling)
16	Karnataka	07-Dec-07	Bangalore	1.	Begadi, Bagali (Synonyms of Bogad)
				2.	Budubuduki and its Synonyms Bududki, Chhetri, Garadi, Killikyata
				3.	Nairi as Synonym of Nairy
				4.	Jeeragar and Najabund
				5.	Padithi (Synonym of Uppara)
				6.	Talawara/Talwar Boya, Myasa Nayaka, Urs Nayaka, Byada, Bargi, Hirshikari as Synonyms of Bendar
				7.	Bovi as Synonym of Bhoi
				8.	Mansuri as Synonym (Spelling Variation) of Pinjara
				9.	Padiar and Seregara as Synonyms of Devadiga
				10.	Vajantri (Uttara Kannada District)
				11.	Agni Vamsha Kshatriya, Agnivanni
				12.	Gadiga and Gunagi
				13.	Upanador/Upa Nadavar

				14.	Patregar, Somvamsha, Sahasrarjujna Kshatriya
				15.	Vaniyan
				16.	Kothati, Kottegara, Kotteyara, Kumara Kshatriya, Kshatriya Komarpant
17	Maharashtra	18-Dec-07	Mumbai	1.	Sakka
				2.	Bawarchi/Bhatiara
				3.	Ataar
				4.	Bhoyar
				5.	Darji
				6.	Watas, Bhadwal, Rajaak
				7.	Dommar
				8.	Kandel
				9.	Kasera
				10.	Lakhari
				11.	Rautiya
				12.	Machimmar (Daldi)
				13.	Bhaldar
				14.	Mahat/Mahoot, Mahawat
				15.	Fakir
				16.	Dhankar/Dham
				17.	Sanpagarudi (Muslim)
				18.	Kudmude
				19.	Muslim Khatik, Muslim Kureshi Khatik, Muslim Kasai
18	Gujarat	11-Jan-08	Gandhi Nagar	1.	Arab (Muslim)
				2.	Depala
				3.	Hindu Nizama
				4.	Sumra (Muslim)
				5.	Tamboli
				6.	Charan
				7.	Hindu Bajanania
				8.	Marwadi Mali
				9.	Mistry Suthar/Sutar, Suthar or Mistri, Mistry, Gurjar Suthar/Sutar, Gajjar, Gajjar Suthar/Sutar as sub-castes/ Synonyms of Mistri
				11.	Yadav (Ahir), Yadav Hindu Ahir as sub-castes/synonyms of Ahir
				12.	Satawara, Sathwara-Kadia, Satwara-Kadia, Dalwadi and Kadia as sub-castes/synonyms of Sathwara
				13.	Mochi

19	Goa	29-Jan-08	Panaji	1.	Christian Nhavis/Mhalo
				2.	Christian Teli/Ghanekars
				3.	Christian Renders
				4.	Christian Kumbhar
				5.	Christian Mahar
				6.	Blacksmith/Tinsmith
				7.	Gabit
				8.	Christian Barber
				9.	Kshatriya Komarpant Samaj
20	Chattisgarh	26-Feb-08	Raipur	1.	Bargahi, Bargah, Raut Gowari, Mahakul (Raut), Mahkul
				2.	Asada
				3.	Bairagi (Vaishnava)
				4.	Dawej
				5.	Bari
				6.	Tharwar
				7.	Jammalondhi
				8.	Kashyap, Nishad, Batham, Singraha, Jalari
				9.	Panwar
				10.	Bhopa, Manbhav
				11.	Meena (Rawat) Deshwali
				12.	Dhariya, Dhoshi (Gadariya), Gadariya (Pal Baghele)
				13.	Kodar
				14.	Koshkati (Lingayat), Dukar, Kolhati
				15.	Hunga Lohar, Garola, Lohar (Vishwakarma)
				16.	Jhhani, Soni (Swarnkar)
				17.	Joshi (Bhaddari), Dakocha, Dakota
				18.	Khathiya
				19.	Kurmvanshi, Chandrakar, Chandra Nahu, Kumbhi Gavel (Gamel), Sirwi
				20.	Dudsena
				21.	Usrete
				22.	Panka
				23.	Nahal
				24.	Mowar
				25.	Pinjara (Hindu)

During the period under report, the Commission tendered 20 advices in respect of castes/ sub-castes/ communities/ synonyms of 4 States and 1 UTs to the Central Government as per the details given below:

Advices tendered to Government of India during 2007-08

S. No.	State/UT	Advice No	Date	Name of the Caste/Community/ Sub-caste/Synonym	Remarks
1	Karnataka	188/Karnataka/2007	27.07.2007	Pagi	Inclusion
2	Karnataka	189/Karnataka/2007	27.07.2007	Gam Vokkal, Grama Vokkalu	Inclusion
3	Karnataka	190/Karnataka/2007	27.07.2007	Brahma Kapali, Jogtin, Kapali, Raval, Ravalia	Inclusion
4	Karnataka	191/Karnataka/2007	27.07.2007	Are Kasai, Ari Katikelu, Kalal Khatik, Maratti, Suryavamsha Kshatriya	Inclusion
5	Karnataka	192/Karnataka/2007	27.07.2007	Ladara, Kshatriya Lad/ Sugandhi Lad	Inclusion.
6	Karnataka	193/Karnataka/2007	27.07.2007	Batter, Burned, Gouriga, Gowri, Gowrimaratha, Gowriga	Inclusion.
7.	Karnataka	194/Karnataka/2007	27.07.2007	Gavali, Gavli, Konar, Konnur, Krishna Gavali, Maniyani	Inclusion.
8.	Karnataka	195/Karnataka/2007	27.07.2007	Belchad, Poojari, Desha Bhandari, Divaramakkalu, Gamalla, Halepaikaru, Thiyyan	Inclusion.
9.	Karnataka	196/Karnataka/2007	27.07.2007	Chakrasali, Gunaga, Ganagi, Kula, Kumbard, Sajjan Kumbara	Inclusion.
10	Karnataka	197/Karnataka/2007	27.07.2007	Kurni, Thogataru/Thogatiga, Thogataveera/Thogata-gera/Thogataveera Kshatriya/Thogaja Pushpanjali, Padma Shali/Padma Sali, Pattasali, Sengundhar, Jandra	Inclusion.

11.	Karnataka	198/Karnataka/2007	27.07.2007	Badigar, Bailapatar, Bailu Akkasali, Bailu Kammara, Konkani Achar, Kambar, Kamsan, Kanchagar, Kanchora, Mesta, Sohagar, Tacehan, Thattan	Inclusion.
12.	Karnataka	199/Karnataka/2007	27.07.2007	Chattada Vaishnava/ Sattada Vaishnava/ Sattada Srivaishnava, Kadri Vaishnava, Sameraya, Sattadaval, Sattadavan	Inclusion
13.	Chattisgarh	Chattisgarh/1/2007	27.07.2007	-	For Central List
14.	Jharkhand	Jharkhand/1/2007	27.07.2007	-	For Central List
15.	Daman & Diu	Daman&Diu/3/2007	08.08.2007	Khatki (Butcher)	Inclusion.
				Kureshi(Muzavar), Mogal, Thapania, Vadhel (Muslim)	Inclusion.
				Mir	Inclusion.
				Fakir	Inclusion.
				Khalifa(Nai)	Inclusion.
				Mangela	Inclusion.
				Koli Khania	Inclusion.
				Salat	Inclusion.
16.	Himachal Pradesh	4/Himachal Pradesh/ 2007	08.08.2007	Nai	Inclusion
17.	Himachal Pradesh	5/Himachal Pradesh/ 2007	08.08.2007	Kumbar, Ghumar, Ghumhar	Inclusion
18.	Himachal Pradesh	6/Himachal Pradesh/ 2007	08.08.2007	Nadaf, Nadaaf	Inclusion
19.	Himachal Pradesh	7/Himachal Pradesh/ 2007	08.08.2007	Pumba	Inclusion
20.	Himachal Pradesh	8/Himachal Pradesh/ 2007	08.08.2007	Hadi	Inclusion

During the year 2007-08, the Government of India notified the inclusion / amendments in the Central List of OBCs for the States / Uts as per the details given below:

***Inclusions / amendments in the Central List of OBCs
notified by Government of India vide Gazette Notification dated 12th March, 2007***

S. No.	Name of the States / UTs	Existing Entry	Proposed Entry
1.	Daman & Diu	20 Nil	20 Rana
2.	Andaman & Nicobar Island	1 Nil	1 Karen
3.	Uttranchal (now Uttarakhand)	1 Nil	1 Rai-Sikh (Mahatam)
4.	Pondicherry	Superceding the earlier Central List of OBCs for the UT of Pondicherry as notified vide Resolution No.12011/9/94-BCC dated 19-10-1994, No.12011/88/98-BCC dated 6-12-1998, No.12011/36/99-BCC dated 4-4-2000, No.12011/44/99-BCC dated 21-9-2000, No.12015/9/2000-BCC dated 6-9-2001 and No.12011/9/2004-BCC dated 17-1-2006	S.No. 1. Agamudiyas (Including Thuluva Vellalas) 2. Ayeeravaisiar-confined to Acharapakkam Chettiar Beri Chettiar, Manjapudoor Chettiar Vadambar Chettiar 3. Converts to Christianity from any Hindu Backward Classes Community irrespective of the generation of conversion 4. Converts to Christianity from Scheduled Castes irrespective of the generation of conversion 5. Gramani/Sanar/Nadar/Ezhava/Tiyya 6. Irular/Vettaikarar/Kattunaicker 7. Isai Vellalar 8. Jangam 9. Kalavanthula 10. Kamsali 11. Kannada Devanga/Telugu Devanga 12. Kuyavar/Kulalar/Kumbarar/Kummari 13. Mappila 14. Namdev Maratha 15. Maruthuvar/Nayee Brahmin/Mangali including :-- Ambattan, Navithar, Pandithar, Pronopakari 16. Meenavar/Agnikulakshatriya/Mukkuvan including :-- Chinna Pattinavar Paravar Parvatharajakulam Pattinavar Periya Pattinavar Sembadavar 17. Lubbai including Ravuthar

18. Mukkulathor/Devar including :--
Agamudaya Devar Kallar Maravar
19. Nainar
20. Kulela
21. Padmasaliar/Padmasali/Salian
22. Parkavakulam including :--
Malayaman, Nathaman, Suruthiman
23. Sadhu Chetty/24 Manai Telegu
Chetty/Telegupatty Chetty
24. Sengunthar/Kaikolar
25. Settibalija
26. Vaniar
27. Vannan/Vannar/Rajaka/Chakkali
28. Vanniakula Kshatriya including :--
Naicker, Padayatchi, Palli, Vanniar
29. Viswakarma/Kammalar/Thatchar/
Porkollar/Karumar/Kalthatchar/Thattar/
Vishwakarmala
30. Yadava-including :--Idayar, Konar,
Sambar Yadava, Yadava Pillai
31. Yadava Naidu
32. Yerukula
33. Bhat Raju/Muthu Raja
34. Bondili
35. Nokkar/Nokkan
36. Muthirayar
37. Nagaram/Nagarathar
38. Veerakodi Vellala
39. Chattadi (Chattada or Srivaishnava)
40. Narikuravar
41. Gamalla
42. Odde
43. Kurumba
44. Kavuthiya/Kavuthiyan
45. Medara of Yanam
46. Andipandaram
47. Kanisan/Kaniyan

5. Tripura 5 Bhar, Rajonar

5 Bhar, Rajbhar

6. Karnataka 43 Pichgutala
8 Bunde-Bestar
86 Daalija
87 Sunnagar
9 Bhomtra
18 Dombidasa
54 Attevakal
54 Halawakki Wakkal
54 Karevakal
54 Gam Gawada
42 Nathpanthi
104 Kolyiri
114 Yelagar
47 Sikkaligar
146 Upiliyan
13 Chapparband (Muslim)

43 Pichguntala
8 Bunde-Beshta
86 Daalji
87 Sunagara
9 Bhomptra
18 Dombi-Dasaru
54 Atte Vokkalu
54 Halakki Vokkalu
54 Kare Vokkalu
54 GamGawda
42 Natha Panthi
104 Kalayiri
114 Yelegal
47 Sikkaligara
146 Uppaliyan
13 Chapper Band (Muslim)

			Chapparbanda		Chapper Banda
		6	Ramoshi	6	Remoshi
		180	Bhandari	180	Bandhari
		113	Gorava	113	Goraya
		113	Kuraban	113	Kuruban
		163	Hajam	163	Hajama
		101	Kavutiyan	101	Kavutian
		163	Nadig	163	Nadiga
		163	Navalinga	163	Navalig
		145	Shanbhukula Kshatriya	145	Shambhukula Kshatriya
		145	Kuravan	145	Kurovan
		161	Badiwadli	161	Badiwadla
		98	Bogar	98	Bogara
		161	Daivanga Brahman	161	Daivagnya Brahmin
		161	Gejjigar	161	Gejjigara
		161	Kammar	161	Kammara
		161	Kamasala	161	Kamsala
		161	Soni	161	Sony
		161	Viswa Brahman	161	Viswa Brahmin
		136	Saniyar	136	Saniyaar
		158	Winker	158	Winkar
		158	Juloha	158	Julohi
		158	Hatgar	158	Hatagar
		159	Sakulasale	159	Swakula Sale
		160	Pategar	160	Pattegar
		167	Bogam Teluga	167	Bhogam/Teluga
		107	Servgara (South Kanara)	107	Servgar (South Kanara)
		166	Chattada-Shri Vaishnava	166	Chattada Srivaishnava
7.	Gujarat	100	Sagar		Correction only in Hindi version of the entry)
8.	Maharashtra	70	Kunbi (sub-caste: Lewa Kunbi, Lewa Patil, Lewa Patidar), Kurmi	70	Kunbi, Lewa Kunbi, Lewa Patil, Lewa Patidar, Kurmi

G.I., Dept. of Per. & Trg., O.M. No.36012/31/90-Est. (SCT), dated 13.8.1990

SUBJECT: 27% Reservation for Socially and Educationally Backward Classes in Civil Posts/ Services.

In a multiple undulating society like ours, early achievement of the objective of social justice as enshrined in the Constitution is a must. The Second Backward Classes Commission, called the MANDAL COMMISSION, was established by the then Government with this purpose in view, which submitted its report to the Government of India on 31st December, 1980.

2. Government have carefully considered the report and the recommendations of the Commission in the present context regarding the benefits to be extended to the socially and educationally backward classes as opined by the Commission and are of the clear view that at the outset certain weightage has to be provided to such classes in the services of the Union and their Public Undertakings. Accordingly orders are issued as follows :-

- (i) 27% of the vacancies in civil posts and services under the Government of India shall be reserved for SEBC;
- (ii) The aforesaid reservation shall apply to vacancies to be filled by direct recruitment. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.
- (iii) Candidates belonging to SEBC 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%.
- (iv) The SEBC 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/communities is being issued separately;
- (v) The aforesaid reservation shall take effect from 7.8.1990. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of these orders.

3. 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 Ministry of Finance respectively.

**Judgement Writ Petition (Civil) No.930 of 1990 – Indira Sawhney
Versus Union of India
And others (16.11.1992)**

THE FOLLOWING DIRECTIONS ARE GIVEN TO THE
GOVERNMENT OF INDIA, THE STATE GOVTS. AND
THE ADMINISTRATION OF UNION TERRITORIES

123. (A) The Government of India, each of the State Governments and the Administrations of Union Territories shall, within four months from today, constitute a permanent body for entertaining, examining and recommending upon requests for inclusion and complaints of over-inclusion and under-inclusion in the lists of other backward classes of citizens. The advice tendered by such body shall ordinarily be binding upon the Government.

(B) Within four months from today the Government of India shall specify the bases, applying the relevant and requisite socio-economic criteria to exclude socially advanced persons/sections ('creamy layer') from 'Other Backward Classes'. The implementation of the impugned O.M. dated 13th August 1990, shall be subject to exclusion of such socially advanced persons ('creamy layer').

This direction shall not however apply to States where the reservations in favour of backward classes are already in operation. They can continue to operate them. Such States shall however evolve the said criteria within six months from today and apply the same to exclude the socially advanced persons/sections from the designated 'Other Backward Classes'.

(C) It is clarified and directed that any and all objections to the criteria that may be evolved by the Government of India and the State Governments in pursuance of the direction contained in clause (B) of Para 123 as well as to the classification among backward classes and equitable distribution of the benefits of reservations among them that may be made in terms of and as contemplated by clause (1) of the Office Memorandum dated 25th September 1991, as explained herein, shall be preferred only before this court and not before or in any other High Court or other court or Tribunal. Similarly, any petition or proceeding questioning the validity, operation or implementation of the two impugned Office Memorandums, on any grounds whatsoever, shall be filed or instituted only before this Court and not before any High Court or other Court or Tribunal.

124. The Office Memorandum dated August 13, 1990 impugned in these writ petitions is accordingly held valid and enforceable subject to the exclusion of the socially advanced members/sections from the notified 'Other Backward Classes', as explained in para 123(B).

Clause (i) of the Office Memorandum dated September 25, 1991 requires – to uphold its validity – to be read, interpreted and understood as intending a distinction between backward and more backward classes on the basis of degrees of social backwardness and a rational and equitable distribution of the benefits of the reservations amongst them. To be valid, the said clause will have to be read, understood and implemented accordingly.

Clause (ii) of the Office Memorandum dated September 25, 1991 is held invalid and inoperative.

The Writ Petitions and Transferred Cases are disposed of in the light of the principles, directions, clarifications and order contained in this Judgement.

No costs.

Sd/- CJI
(M.H. KANIA)
Sd/- J
(M.N. VENKATACHALIAH)
Sd/- J
(A.M. AHMADI)
Sd/- J
(B.P. JEEVAN REDDY)

NEW DELHI,
November 16, 1992

Annexure-III

No. 12011/16/93-BCC(C)
GOVERNMENT OF INDIA
MINISTRY OF WELFARE
New Delhi, the 22nd February, 1993

RESOLUTION

The Supreme Court, in its Majority Judgement in Writ Petition (Civil) No 930 of 1990. Indra Sawhney and Others etc. Vs. Union of India and Others etc., delivered on 16th November, 1992 has, interalia, directed that “within four months from today the Government of India shall specify the bases, applying the relevant and requisite socio-economic criteria to exclude socially advanced persons/sections (‘creamy layer’) from ‘Other Backward Classes’ and further that the implementation of the impugned O.M. dated 13th August, 1990 shall be subject to exclusion of such socially advanced persons (‘creamy layer’)”.

2. Having regard to the fact that a lot of specialised inputs would be needed to determine the bases viz. socio-economic criteria for identification of the ‘creamy layer’, it has been decided to set up an Expert Committee consisting of :

- | | | |
|----|--|----------|
| 1. | Justice Ram Nandan Prasad (Retd.)
High Court Patna | Chairman |
| 2. | Shri M.L. Sahare (Social Scientist)
Former Chairman, U.P.S.C. | Member |
| 3. | Shri P.S. Krishnan
Former Secretary (Welfare)
Govt. of India | Member |
| 4. | Shri R.J. Majithia, former Chairman
Revenue Board,
Government of Rajasthan | Member- |
- Secretary

to make recommendations to the Govt. of India, in regard to the said socio-economic criteria. The Committee will also give recommendations on such other matters relating to the implementation of the judgement of the Supreme Court, as the Government of India may consider necessary.

3. The Headquarters of the Committee will be located at Delhi.
4. The Committee will devise its own procedures in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Committee. It is hoped that the State Governments and Union Territory Administrations and others concerned will extend their fullest cooperation and assistance to the Committee.
5. The Committee shall submit its Report on the socio-economic criteria for exclusion of the 'creamy layer' from Other Backward Classes latest by 10th March, 1993

Sd/-
(M. S. PANDIT)
Jt. Secy. (M&BC)

ORDER

ORDERED that a copy of the resolution be communicated to all Ministries/Departments of the Government of India/State Governments and U.T. Administrations.

ORDERED also that the resolution be published in the Gazette of India for general information

Sd/-
(M. S. PANDIT)
Jt. Secy. (M&BC)

Annexure-IV

G.I., Dept. of Per. & Trg., O.M. No.36012/22/93-Est. (SCT) dated 8.9.1993

SUBJECT: *Reservation for Other Backward Classes in Civil Posts and Services under the Government 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, 1990¹ and 25th September, 1991², regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgement in the Indira Sawhney and other v. Union of India and others case [Writ Petition (Civil) No.930 of 1990], the Government of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/sections from the benefits of reservations for Other Backward Classes in civil posts and services under the Government 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 13.8.1990, 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. (See **Appendix 1**)

¹ Annexure-I

² Appendix 2 to Annexure-IV

(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.

3. 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.

To

All Ministries/Departments of Government of India.

Copy:

1. Department of Public Enterprises, New Delhi }
2. Ministry of Finance (Banking and Insurance }
Divisions), New Delhi }

It is requested that the said instructions may be issued in respect of PSUs, Public Sector Banks and Insurance Corporations.

Appendix 2 to Annexure-IV

G.I., Dept. of Per. & Trg., O.M. No.36012/31/90-Est. (SCT), dated 25.9.1991

SUBJECT: Amendment to the 27% reservation in service for Socially and Educationally Backward Classes.

The undersigned is directed to invite the attention to OM of even number, dated the 13th August, 1990, on the above mentioned subject and to say that in order to enable the poorer sections of the SEBCs to receive the benefits of reservation on a preferential basis and to provide reservation for other economically backward sections of the people not covered by any of the existing schemes of reservation, Government have decided to amend the said Memorandum with immediate effect as follows :-

2. (i) Within the 27% of the vacancies in civil posts and services under the Government of India reserved for SEBCs, preference shall be given to candidates belonging to the poorer sections of the SEBCs. In case sufficient number of such candidates are not available, unfilled vacancies shall be filled by the other SEBC candidates.
- (ii) 10% of the vacancies in civil posts and services under the Government of India shall be reserved for other economically backward sections of the people who are not covered by any of the existing schemes of reservations.
- (iii) The criteria for determining the poorer sections of the SEBCs or the other economically backward sections of the people who are not covered by any of the existing schemes of reservations are being issued separately.
3. The OM of even number, dated the 13th August, 1990, shall be deemed to have been amended to the extent specified above.

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)**

New Delhi, the 2nd April, 1993/Chaitra 12, 1915 (Saka)

The following Act of Parliament received the assent of the President on the 2nd April, 1993, and is hereby published for general information :—

**THE NATIONAL COMMISSION FOR BACKWARD CLASSES ACT, 1993
No.27 of 1993**

[2nd April, 1993]

An Act to constitute a National Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title extent and commencement.— (1) This Act may be called the National Commission for Backward Classes a 1993.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 1st day of February, 1993.

2. Definitions.—In this Act, unless the context otherwise requires,-

(a) **“backward classes” means such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the Central Government in the lists;**

(b) **“Commission” means the National Commission for Backward Classes constituted under section 3;**

(c) **“lists” means lists prepared by the Government of India from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of India and any local or other authority within the territory of India or under the control of the Government of India;**

- (d) “Member” means a Member of the Commission and includes the Chairperson;
- (e) “prescribed” means prescribed by rules made under this Act.

CHAPTER II

THE NATIONAL COMMISSION FOR BACKWARD CLASSES

3. *Constitution of National Commission for Backward Classes* .—(1) The Central Government shall constitute a body to be known as the National Commission for Backward Classes to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Commission shall consist of the following Members nominated by the Central Government :--

- (a) a Chairperson, who is or has been a Judge of the Supreme Court or of a High Court;
- (b) a social scientist;
- (c) two persons, who have special knowledge in matters relating to backward classes; and
- (d) a Member-Secretary, who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India.

4. *Term of office and conditions of service of Chairperson and Members* —(1) Every Member shall hold office for a term of three years from the date he assumes office.

(2) A Member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The Central Government shall remove a person from the office of Member if that person –

- (a) becomes an undischarged insolvent;
- (b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) has, in the opinion of the Central Government, so abused the position of Chairperson or Member as to render that person’s continuance in office detrimental to the interests of backward classes or the public interest.

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

5. *Officers and other employees of the Commission*—(1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. *Salaries and allowances to be paid out of grants*—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

7. *Vacancies, etc., not to invalidate proceedings of the Commission*—No act or proceedings of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

8. *Procedure to be regulated by the Commission*—(1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

9. *Functions of the Commission*—(1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate.

(2) The advice of the Commission shall ordinarily be binding upon the Central Government.

10. *Powers of the Commission*—The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:--

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court of office;
- (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

11. *Periodic revision of lists by the Central Government* —(1) The Central Government may at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes.

(2) The Central Government shall, while undertaking any revision referred to in sub-section (1), consult the Commission.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

12. *Grants by the Central Government*—(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section(1).

13. *Accounts and audit*—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the

production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

14. *Annual report*—The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

15. *Annual report and audit report to be laid before Parliament*—The Central Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before each House of Parliament.

CHAPTER V

MISCELLANEOUS

16. *Chairperson, Members and employees of the Commission to be public servants*—The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

17. *Power to make rules*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:--

- (a) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (5) of section 4 and the officers and other employees under sub-section (2) of section 5;
- (b) the form in which the annual statement of accounts shall be prepared under sub-section (1) of section 13;
- (c) the form in, and the time at, which the annual report shall be prepared under section 14;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the succession sessions aforesaid, both Houses agree in making any

modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form to be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. *Power to remove difficulties*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty;

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

19. *Repeal and saving*—(1) The National Commission for Backward Classes Ordinance 1993 (Ord. 23 of 1993) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

K.L. MOHANPURIA
Secy. to the Govt. of India

Annexure-VI

No.36033/3/2004-Estt(Res)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi.
Dated: 9th March, 2004.

OFFICE MEMORANDUM

Subject: Revision of Income Criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs).

The undersigned is directed to invite attention to this Department's O.M. No. 36012/22/93-Estt.(SCT) dated 8th September, 1993 which inter alia provides that sons and daughters of persons having gross annual income of Rs. 1 lakh or above for a period of three consecutive years fall within the creamy layer and are not entitled to get the benefit of reservation available to the Other Backward Classes. It has been decided to raise the income limit from Rs.1 lakh to Rs. 2.5 lakh for determining the creamy layer amongst the OBCs. Accordingly the following entry is hereby substituted for the existing entry against Category VI in the Schedule to the above referred O.M:

<u>Category</u>	<u>Description of Category</u>	<u>To whom the rule of exclusion will apply</u>
VI	INCOME/WEALTH TEST	Son(s) and daughter(s) of

(a) Persons having gross annual income of Rs. 2.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.

(b) Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources or wealth which will bring them within the income/wealth criteria mentioned in (a) above.

Explanation:

Income from salaries or agricultural land shall not be clubbed.

2. The provisions of this Office Memorandum take effect from the 4th February, 2004.

3. All the Ministries/Departments are requested to bring the contents of this Office Memorandum to the notice of all concerned.

Sd/-
(K.G. Verma)
Deputy Secretary to the Government of India
Tele: 23092797

To

1. All the Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/Election Commission/
Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central
Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning
Commission
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs and STs, Lok Nayak Bhavan, New Delhi.
10. National Commission for Backward Classes, Trikoot-I, Bhikaiji Cama Place,
R.K. Puram, New Delhi.
11. Office of the Comptroller and Auditor General of India, 10, Bahadurshah Zafar
Marg, New Delhi – 110002.
12. Information and Facilitation Centre, DOPT, North Block, New Delhi (100
copies).
13. Spare Copies – 400

Annexure–VII

NATIONAL COMMISSION FOR BACKWARD CLASSES

Under sub-section (2) of Section 8 of the National Commission for Backward Classes Act, 1993 (Act No.27 of 1993), the National Commission prescribes the following procedure:

I. Procedure for examination of requests for inclusion in the lists and hearing of complaints of over-inclusion or under-inclusion in such lists.

1. (i) Examination of requests and hearing of complaints under Section 9(1) of the National Commission for Backward Classes Act (hereinafter referred to as the Act) shall generally be done by a bench of 2 members.

(ii) The benches shall be as per Annexure-I.

(iii) All cases of requests and complaints pertaining to a State or U.T. shall stand, referred to the bench indicated against that State.

(iv) The Chairperson may, if he so desires, associate with any of the other benches in addition to his benches for the specific States and U.T.s lists in Annexure-I.

(v) Whenever exigencies of work-load require, the Commission may create additional benches for any State or U.T.

2. (i) The bench will place its findings in each case before the Commission.

(ii) In case of difference of opinion between the two members of a bench, each Member of the bench may place his findings separately before the Commission.

(iii) In case of difference of opinion between the 2 Members of a bench or under any other circumstances deemed necessary by the Commission, the Commission may expand a bench by adding a third Member to it and the Members of this expanded bench may place their findings jointly or separately to the Commission.

3. (i) The Commission will consider the findings of each bench and formulate its advice to the Central Government.

(iv) The advice may be formulated unanimously or by consensus or by majority.

- (v) Where any Member differs from the majority he may formulate his dissenting advice.
 - (vi) Where necessary, the Commission may request any bench to examine any further aspects and review its findings in that light, and thereafter again furnish its findings for the Commission's consideration.
4. (i) The Commission will furnish its advice to the Government along with the dissenting advice, if any.

II. Procedure for detailed background study, monitoring, guidance, etc.

5. (i) For purposes of detailed background studies, monitoring, guidance etc., all the States and U.Ts. shall be entrusted to the special care of a Member as listed in Annexure-II
- (ii) The Chairperson and other Members may, in addition, tour any other State or U.T. for purpose of comparative understanding of situations and systems, etc.

III. Tours

6. (i) The Members may undertake tours of States in the light of the work allocation made by the Commission under I & II above.
- (ii) The Members will mark copies of their tour schedule to the Chairperson, Member-Secretary and other Members.
- (iii) Important findings and observations arising from the tours may be intimated to the Office of the Commission (hereinafter referred to as the Office) for incorporation in the Annual Report under Section 14 of the Act.

IV Meetings

7. (i) The Commission will normally hold its regular meetings twice a month.
- (ii) The regular meetings will be held at the Commission's Office in Delhi.
- (iii) The Commission may hold additional meetings as and when necessary.
- (iv) The agenda items and agenda notes for and the minutes of the meetings will be prepared and circulated by the Member-Secretary.

- (v) Any Member may propose items for inclusion in the agenda leaving ordinarily a period of 15 days.
- (vi) Quorum for all meetings shall be 3.

V Staff Car

- (i) For use of staff car, each Member is allowed upto 600 litres of petrol per quarter including official & non-official purposes.
- (ii) Keeping in view the exigencies of work, until a staff car is made available for office, the Joint Secretary / Deputy Secretary may take car on hire on daily basis.

Appendix to Annexure-VII

**Extract of the Meeting of the Commission
held on 11th September, 1997 Amending the Procedure
under Sub-Section (2) of Section 8 of the National Commission for Backward
Classes Act, 1993
(Act No.27 of 1993)**

.....the Commission prescribed the following procedure under Sub-Section (2) of Section 8 of the National Commission for Backward Classes Act, 1993 (Act No.27 of 1993) in continuation of/in amendment of the procedure laid down earlier with immediate effect :-

1. Examination of and Public Hearing in respect of the following types of Requests and Complaints under Section 9(1) of the Act and formulation of the Bench findings may be done by single-Member Benches :-
 - a) where inclusion is only by correction of spelling and other similar corrections like punctuations, etc. taking care that in the name of spelling correction, etc., a caste/community/sub-caste, which is not really in the relevant Central List, is not given an unintended entry into that List.
 - b) Absolute synonyms or synonyms which are co-terminus, i.e., names where the boundary denoted by one name is exactly the same as the boundary denoted by other name(s) and where one or more of these name(s) is/are in the relevant Central List and the Request is for the inclusion of the other name(s);
 - c) Fast Track cases, which are already included in the State List;
 - d) The Single-Member Benches will follow the same process of public notice of their hearings and other matters, as the existing Benches are following.
2. The Chairperson may nominate the Member for each such Single-member Bench.
3. Where necessary, the Chairperson may also add to or otherwise modify the composition of any of the Benches of the Commission.