

National Commission for Backward Classes



**Information Handbook
Under Right to Information Act, 2005**

**Trikoot-1, Bhikaji Cama Place
New Delhi-110066**



National Commission for Backward Classes
Ministry of Social Justice & Empowerment
Trikot-1, Bhikaji Cama Place, New Delhi – 110 066
Tele # 011-26189212, 26189213, 26189210 Fax : 011-26183227
E-Mail: dir-ncbc@nic.in, cpio-ncbc@nic.in

Information Handbook under Right to Information Act, 2005

CHAPTER – 1 : INTRODUCTION

1.1 Background of Information Handbook

This Information Handbook has been prepared in pursuance of Section 4 of the Right to Information Act, 2005 (RTI Act, 2005) to provide information in respect of powers, duties and functions of the National Commission for Backward Classes (NCBC) set up under the NCBC Act, 1993.

1.2 Objectives

- To provide access to information under the control of the National Commission for Backward Classes and to promote transparency and accountability in the working.
- To provide maximum information *suo motu* or sources thereof so that people have minimum resort to use of the RTI Act.

1.3 Intended Users

This handbook is useful for individuals/organisations/associations for inclusion of caste/communities in the Central List of OBCs.

1.4 Contact persons for getting more information

Please contact S/Shri V.Chandra Sekhar,RO, S.K.Sinha,RO and S.S.Meena,SO in the NCBC for getting more information by post, e-mail, telephone or fax at the following address:

National Commission for Backward Classes
Ministry of Social Justice & Empowerment
Trikot-1, Bhikaji Cama Place, New Delhi – 110 066
Tele # 011-26189212, 26189213, 26189210 Fax: 011-26183227
E-mail Address : cpio-ncbc@nic.in

1.5 Definitions/Abbreviations used

- (a) "RTI Act" means the Right to Information Act, 2005.
- (b) "NCBC Act" means :-
National Commission for Backward Classes Act 1993.
- (c) Definitions- In NCBC Act,1993 unless the context otherwise requires,-
 - (1) "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;

- (2) "Commission": means the National Commission for Backward Classes constituted under section 3;
- (d) "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;
- (e) "Member" means a Member of the commission and includes the Chairperson;
- (f) "prescribed" means prescribed by rules made under this Act.
- (g) "CPIO" means Central Public Information Officer designated under Section 5(1) of the RTI Act;
- (h) "ACPIO" means Assistant Central Public Information Officer designated under Section 5(2) of the RTI Act;
- (i) "Appellate Authority" means the authority to whom an appeal can be submitted under Section 19(i) of the RTI Act.

1.6 Procedure and fee structure for getting information not available in the handbook

Any person who wishes to seek information under the Right to Central Information Act, 2005 can file an application in Form-A, attached with this Handbook, to the Central Public Information Officer or Assistant Central Public Information, NCBC. Forms are available free of cost in the NCBC. It can also be downloaded from the website of the NCBC.

Rates to be charged under the RTI Act-2005

- | | | |
|-------|---|---|
| (I) | Processing fees upon receipt of a letter of request – No cost | |
| (II) | Sending interim/final reply stating the requirement of const involved in supplying the information per correspondence and actual delivery:- | |
| | (i) Ordinary Postage charges | – As per actuals |
| | (ii) Registered Post Charges | – As per actuals |
| | (iii) Cost of floppy | - Rs.15/- |
| | (iv) Cost of CD | - Rs.30/- |
| | (v) Cost per page for zerox | - Rs.1/- per page of A4 sheet |
| | (vi) Packing charges of CD/Floopy | - Rs.15/- |
| (III) | Cost of inspection of files | - Rs.100/- for each file on each occasion |

- The cost of the printed material in any case will be reflected in the booklet itself.
- Access to internet website in respect of the dedicated slot of information is to be made available free of cost.
- The above cost may undergo a change in case of change in the postal charges/cost of floppy/CD.
- No fee shall be charged from the persons who are below poverty line on submission of photocopy of the BPL card issued by the competent authority.
- The Office will endeavor to provide the information in the shortest possible time subject to a maximum of 30 days.
- In case, any person does not get a response from the CPIO or ACPIO within 30 days of the submission of Form-A or is aggrieved by the response received within the prescribed period, he/she may file an appeal to the following Appellate Authority:

Member-Secretary
National Commission for Backward Classes
Ministry of Social Justice & Empowerment
Trikoort-1, Bhikaji Cama Place, New Delhi – 110 066
Tele # 011-26183190 ; Fax : 011-26183227

CHAPTER – 2 : Particulars of Organization, Functions and Duties

2.1 Particulars of the organization

(Objective/Purpose and brief history of the Organization)

The National Commission for Backward Classes is a statutory body under the Ministry of Social Justice & Empowerment

2.1.1 The Supreme Court of India in its landmark judgement dated 16.11.1992 (Judgement Writ Petition (Civil) No.930 of 1990 – Indira Sawhney and Others Vs Union of India and Others) 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 (*Annexure-I*). 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 so that this would become a means of ensuring flow of the benefits of reservation to the really needy people.

2.1.2 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-II*), for setting up a National Commission for Backward Classes at the Centre. The Act came into effect on the 2nd April 1993. 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.

2.1.3 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.

2.1.4 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.

2.1.5 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 (*Annexure-III*). 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.

2.1.6 The Government of India, Ministry of Social Justice & Empowerment, vide Office Order No.12011/6/97-BCC dated 6th October, 2003, entrusted the task of review of the income criteria to this Commission. The Commission was also asked to give suggestions / recommendations on some other issues relating to the creamy layer criteria.

2.1.7 The Commission on 23rd January 2004 submitted its "*Report on the Review of Income Criteria for Exclusion of "Socially Advanced Persons/Sections" (Creamy Layer) among Other Backward Classes from the benefit of 27% Reservation in the Posts and Services under Government of India*" to the Govt. *Government of India accepted the recommendations of the Commission and vide O.M. No.36033/3/2004-Estt.(Res.) dated 09th March 2004 raised the income limit from Rs.1 lakh to Rs.2.5 lakh for determining the creamy layer amongst the OBCs (Annexure-V).*

2.2. Functions of the Commission

2.2.1 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, 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".

2.2.2 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-I*).

2.2.3 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 undertaking such revision. For 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.

2.2.4 Section 8(2) empowers the Commission to regulate its own procedure. 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 the guidelines for considering requests for inclusion in the list of Other Backward Classes.

2.2.5 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.

2.3 Procedure of the Commission

2.3.1 Soon after the Commission was established, under the powers vested by Section 8(2) of the National Commission for Backward Classes Act, the following documents were formulated:-

- (i) 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.
- (ii) Guidelines for consideration of requests for inclusion and complaints of under-inclusion in the Central list. (*Annexure-VI*)
- (iii) Questionnaire for obtaining data in respect of requests for inclusion of castes/communities. (*Annexure-VII*)

2.3.2 Based on experience and according to needs, the Commission has been making additions and improvements to these documents from time to time.

2.3.3 Some details of the procedure followed by the Commission are given below:

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 formed as per procedure.
- (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.
 - (ii) The advice may be formulated unanimously or by consensus or by majority.
 - (iii) Where any Member differs from the majority he may formulate his dissenting advice.
 - (iv) 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.
- (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.

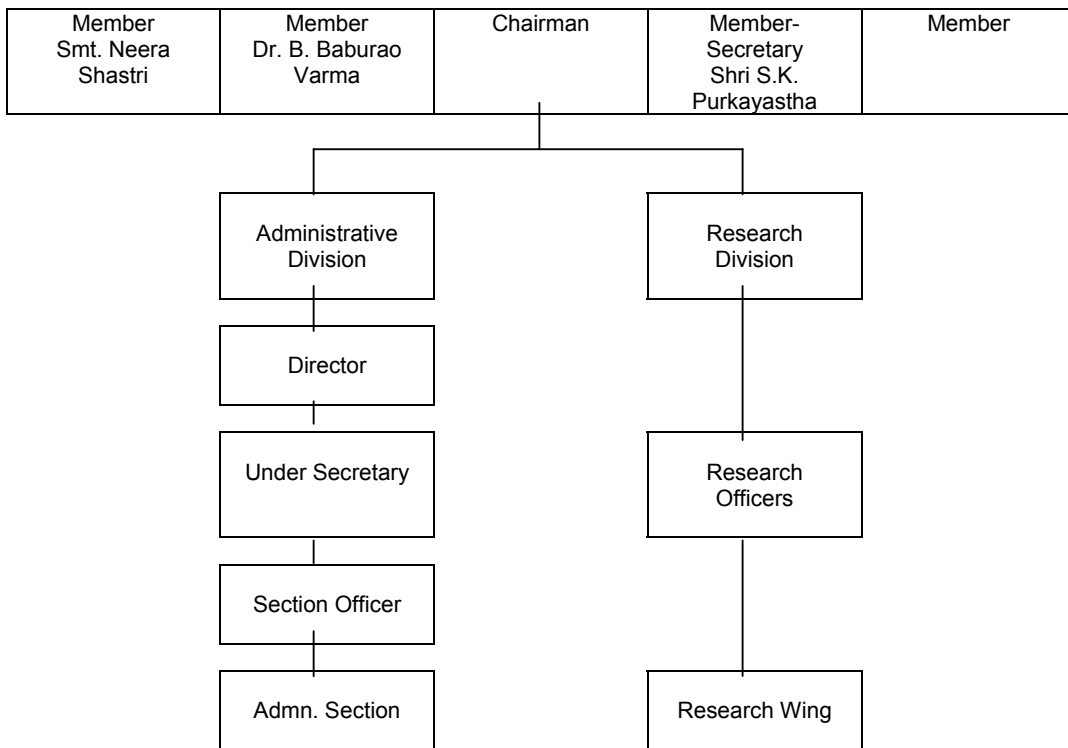
2.4 Terms and Conditions of Chairperson & Members

2.4.1 The terms and conditions of service of Chairperson and Members of the Commission are at *Annexure-VII*

2.5 Organizational Structure

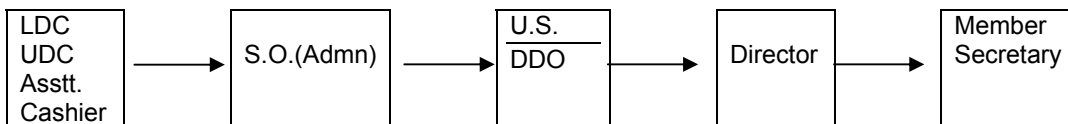
2.5.1 . The Commission consist of the Chairperson, 3 Members and a Member-Secretary. The Commission’s secretariat has a sanctioned strength of 48 posts. There are two Wings namely Administration Wing and Research Wings. The Administration is headed by Director (Administration). Under him there are one Under Secretary, 1 Section Officer, 2 Assistants, 1 PA, 1 Stenographer Grade ‘D’, 2 UDCs, 3 LDCs, 5 Drivers, 2 Daftry, 3 Peons, 1 Farash, and 1 Safaiwala are working. The Research Wing consists of 2 Research Officers, 4 Research Investigators, 1 LDC and 1 Peon working. Chairperson is the overall head of the Commission. The Personal Sections of the Chairperson, Members and Member-Secretary are provided with one Private Secretary, 01 Personal Assistant and 01 Peon on co-terminus basis. Details of the above posts with scale of pay is annexed at Annexure-

2.5.2 The organization chart of NCBC is as under:

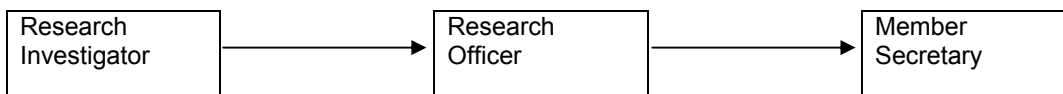


2.53 Channel of submission.

All Administrative & Financial Matters



All matters relating to inclusion/exclusion of caste/communities in the Central List of OBCs.



CHAPTER – 3 : Rules, Regulations, Instructions, Manual and Records for Discharging Functions

3.1 The list of Rules, Regulations, Instructions, Manual and records, held by the office under its control or used by its employees for discharging functions is as under:

- a) NCBC Act, 1993
- b) Notifications, Instructions issued by various Ministries/Departments of Govt. of India in respect of inclusion/exclusion of caste/communities in the Central List of OBCs.
- c) Orders on Reservations/Income Criteria issued by DOPT/Ministry of Social Justice and Empowerment/NCBC.
- d) Service/Administrative/Financial Rules

3.2 The documents mentioned at (a) to (c) above are held by NCBC and can be obtained free of cost by making written request to the CPIO or ACPIO. Other documents are not under its control and can be obtained from the concerned Ministry/Department of the Govt. of India. However some of the relevant Notifications, Rules, Instructions, etc. have been posted in the website of NCBC and Printouts can be taken from it.

Name / Title of the Document	<input style="width: 90%;" type="text"/>	Type of the Document	<input style="width: 90%;" type="text"/>
<i>Choose one of the types given below. (Rules, Regulations, Instructions, Manual, Records, Others)</i>			
Brief Write-up of the Document	<input style="width: 95%; height: 60px;" type="text"/>		
From where one can get a copy of rules, regulations, instructions, manual and records:			
Address:	National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, New Delhi - 110066		
Telephone No:	011-26189210		
Fax:	011-26183227		
Email:			
Others:			
Fee charged by the Department for a copy of rules, regulations, instructions, manual and records (if any)			Rs. _____

CHAPTER – 4 : Documents held by NCBC

4.1 List of Documents/Information

S.No.	Name of the document	Whether free or priced. If Priced, what is the cost?	Held by/under control of
1	NCBC Act, 1993*	Free	Under its control
2.	Annual Report of the Commission*	Free, subject to availability #	Under its control
3	Photocopies of orders on reservation/income criteria and the related papers	Priced. Re. 1/- per page + Postal Charges	Under its control
4	Any other record/information under the control	Priced. Re. 1/- per page + Postal Charges	
5	Instructions issued by Ministries/Departments of Govt. of India used by the officials for discharging the duties	Can be obtained from the Concerned Ministry/ Department	Held by it

* These documents are available on the website of this office at www.ncbc.nic.in. Print out can be taken from the website.

In the absence of stock, the photocopies of these documents can be provided on payment of Re. 1/- per page + postal charges. **The document can be provided only after the same is tabled in the Parliament.**

4.2 List of Exempted Documents

- 1) Annual Confidential Reports of the Officers/staff.
- 2) Minutes of Departmental Promotion Committees/Selection Committees.
- 3) Confidential information received from the parties in connection with the cases before the Commission.
- 4) Minutes of the meetings of the Commission.
- 5) Advice of the Commission.
- 6) Proceedings of the Commission.

CHAPTER – 5 : Particulars of Public Information Officers

5.1 Name of Public Authority: National Commission for Backward Classes

5.2 Public Information Officer:

Shri Kanta Prasad, Under Secretary
Shri V. Chandra Serkhar, Research Officer
Shri S.K. Sinha, Research Officer
National Commission for Backward Classes
Trikoote-I, Bhikaji Cama Place, New Delhi – 110 066

Contact Number: 011- 26189213 (O)
011- 25510079 (R)
Fax Number: 011- 26183227
E-mail: cpio-ncbc@nic.in

5.3 Department Appellate Authority:

Member-Secretary
National Commission for Backward Classes
Ministry of Social Justice & Empowerment
Trikoote-1, Bhikaji Cama Place, New Delhi – 110 066

Contact Number: 011-26183190 (O)
011-26889564 (R)
Fax Number: 011-26183227
E-mail:

CHAPTER – 6 : Directory of Officers and Employees (as on Aug., 05)

**NATIONAL COMMISSION FOR BACKWARD CLASSES TRIKOOT-1, BHIKAIJI CAMA
PLACE, NEW DELHI-110 066**

Name & Designation	Off	Res.	Intercom	Room No.	Residential Address
Chairperson	2618-3152	23382886	201	101	AB-6 Pandara Road New Delhi
Member	2618-7360		204	111	
Smt. Neera Shastri, Member	2618-7130 Mobile No. 9818617489		213	114	C-1/17 Pandara Park, New Delhi.
Dr. Babu Rao Varma, Member	2618-5478 Mobile No. 9818790206		205	110	C-II/71, Shajahan Road New Delhi-110 011.
Shri S.K.Purkayastha Member-Secretary	2618-3190 Mobile No. 9873398303	2688-9564	202	104	C-II/157 Satya Marg, New Delhi
Shri P.S. Ranga, Director	2618-3590	2756-5634	207	8	2-A, Surya Apartments, Rohini, Delhi-110 085
Shri Kanta Prasad Under Secretary	2618-9213	25510079	208	12	C-103 Vikaspuri New Delhi-110 018
Shri S.S. Meena Section Officer	26189212		212	11	32, Sector-5, Vihar, New Delhi.
Shri V. Chandra Sekhar Research Officer	26189210	26676747	224	107	A-95 Shivalik, Malviya Nagar, New Delh 110 017
Sh.S.K.Sinha Research Officer	2618-9210		223	107	Maiphalpur, Near Raddison Hotel, New Delhi.

CHAPTER – 7 : Monthly Remuneration received by Officers and Employees
(As on August, 2005)

Details of Sanctioned Posts in the National Commission for Backward Classes				
S.No.	Name of the Post along with Scale	Group	No. of posts Sanctioned	
1	Chairperson (Rs.26,000/- p.m. fixed)	"A"	1	
2	Member-Secretary (-do-)	"A"	1	
3	Members (-do-)	"A"	3	
4	Director (14300-400-18300)	"A"	1	
6	Under Secretary (10000-325-15200)	"A"	1	
7	Research Officer (8000-275-13500)	"A"	2	
8	Section Officer (6500-200-10500)	"B"	1	
9	Private Secretary (-do-)	"B"	6	
10	Assistant (5500-175-9000)	"B"	2	
11	Research Investigator (-do-)	"B"	4	
12	Stenographer Gr'C' (-do-)	"B"	1	
13	Personal Assistant (4500-125-7000)	"C"	5	
14	Stenographer Gr'D' (4000-100-6000)	"C"	1	
15	UDC (-do-)	"C"	2	
16	LDC (3050-75-3950-80-4590)	"C"	4	
17	Driver (-do-)	"C"	5	
18	Daftry (2610-60-3150-65-3540)	"D"	2	
19	Peon (2550-55-2660-60-3200)	"D"	9	
20	Farash (-do-)	"D"	1	
21	Safaiwala (-do-)	"D"	1	
		Total	53	

CHAPTER – 8 : Details of Budget Allocated

8.1 The budget provision is made each financial year in the form of Grant-in-Aid by the Ministry of Social Justice and Empowerment. There is no Plan budget provision. The accounts are maintained by the Pay & Accounts Office of the Ministry of Social Justice and Empowerment.

Form 'A'

Form of application for seeking information

RTI Application No. _____

(To be filled by the Office)

To

(PIO or APIO)

1. Name of the applicant :
2. Postal Address :
3. Tele. No., Fax, E-mail, etc. :
4. Particulars of information required-
5. I state that the information sought does not fall within the restrictions contained in Section 8 of the RTI Act and to the best of my knowledge it pertains to your office.
6. A fee of Rs. _____ has been deposited in the office vide Receipt No. _____ dated _____ or the demand draft in favour of Pay & Accounts Officer, Ministry of Social Justice and Empowerment, New Delhi is enclosed.

Place:

Date:

Signature of Applicant

Kindly fill all the columns properly and strike out, whichever is not applicable.

**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

**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 Act, 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.

Annexure-III

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.

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

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.

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, 1990 and 25th September, 1991, 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)**

(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 | It is requested that the said instructions may be issued in respect of PSUs, Public Sector Banks and Insurance Corporations. |
| 2. Ministry of Finance (Banking and Insurance Divisions), New Delhi | -do- |

Appendix 1 to Annexure-

PERSONS/SECTIONS EXCLUDED FROM RESERVATION

[Schedule TO G.I., Dept. of Per. & Trg., O.M. No.36012/22/93-Estt.(SCT) dated 8-9-1993]

<u>Description of category</u>	<u>To whom rule of exclusion will apply</u>
I. Constitutional Posts	Sons and daughter(s) of – (a) President of India; (b) Vice-President of India; (c) Judges of the Supreme Court and the High Courts; (d) Chairman and Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller and Auditor-General of India; (e) Persons holding constitutional positions of like nature.
II. Service Category	
A. Group 'A'/Class I officers of the All India Central and State Services (Direct Recruits).	Son(s) and daughter(s) of --- (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;

Provided that the rule of exclusion shall not apply in the following cases :-

- (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.

B. Group 'B'/Class II officers of The Central and State Services (Direct Recruitment)

Son(s) and daughter(s) of ---

- (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 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 recruitment of pre-forty promoted) 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;

Provided that the rule of exclusion shall not apply in the following cases :-

Sons and daughters of ---

- (a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation;

Sons and daughters of ---

- (a) 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 organization like UN, IMF, World Bank, etc., for a period of not less than 5 years before their death or permanent incapacitation.

C. Employees in Public Sector

The criteria enumerated in A and B above in this category will apply mutatis mutandis 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.

III. Armed forces including Paramilitary or Forces (Persons holding civil posts Colonel are not included)

Son(s) and daughter(s) of parents either both of whom is or are in the rank of and above in the Army and to equivalent Post in the Navy and Air Force and the Paramilitary Forces;

Provided that ---

- (i) 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;
- (ii) the service ranks below Colonel of husband and wife shall not be clubbed together;
- (iii) 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.

IV. Professional class and those engaged in Trade and Industry

- (i) Persons engaged in profession as a doctor, lawyer, chartered accountant, income tax consultant, financial or

Criteria specified against Category VI will apply.

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.

- (ii) Persons engaged in trade, business and industry.

Criteria specified against Category VI will apply.

EXPLANATION ---

(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 on the basis of the husband's income.

(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.

Property owners

A. Agricultural holding

which is equal to

Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns
(a) only irrigated land

or more than 85% of the statutory ceiling area, or

(b) both irrigated and unirrigated land, as follows :-

- (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 converting, the unirrigated land on the basis of the 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 85% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur).

- (ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.

B. Planatations

(i) Coffee, tea, rubber, etc.

Criteria of income/wealth specified in Category VI below will apply.

(ii) Mango, citrus, apple plantations, etc.

Deemed as agricultural holding and hence criteria at A above under this category will apply. Criteria specified in Category VI below will apply.

C. Vacant land and/or buildings in urban areas or urban agglomerations

Explanation : - Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.

VI. Income/Wealth Test

Son(s) and daughter(s) ---

(a) Persons having gross annual income of Rs.1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth 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 of wealth which will bring them within the income/wealth criteria mentioned in (a) above.

EXPLANATION :-

- (i) Income from salaries or agri- cultural land shall not be clubbed;
- (ii) 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.

EXPLANATION :- Wherever the expression “permanent incapacitation”

occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.

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, Trikot-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 – VI

Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Other Backward Classes

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

SOCIAL

1. Castes and communities, generally considered as socially backward.
2.
 - (a) Castes and communities, which mainly depend on agricultural and/or other manual labour for their livelihood and are lacking any significant resource base.
 - (b) Castes and communities, which, for their livelihood, mainly depend on agricultural and/or other manual labour for wage and are lacking any significant base.
 - (c) Castes and communities, the women of which, as a general practice, are for their family's livelihood, engaged in agricultural and/or other manual labour, for wage.
 - (d) Castes and communities, the children of which, as a general practice, are, for family's livelihood or for supplementing family's low income, mainly engaged in agricultural and/or manual labour.
 - (e) Casts and communities, which in terms of caste system, are identified with traditional crafts or traditional or hereditary occupations considered to be lowly or undignified.
 - (f) Castes and communities, which in terms of the caste system, are identified with traditional or hereditary occupations considered to be 'unclean' or stigmatised.
 - (g) Nomadic and semi-nomadic casts and communities.
 - (h) Denotified or Vimukta Jati castes and communities

Explanation: The term refers to castes/communities which had been categorised as Criminal Tribes under the Criminal Tribes Act, 1924, Act No. VI of 1924, passed by the Indian Legislature and repealed by the Criminal Tribes (Repeal) Act, 1952, Act No. XXIV of 1952 and subsequently referred to as Denotified or Vimukta Jatis.

3. Castes and communities, having no representation or poor representation in the State Legislative Assembly and/or district-level Panchayati Raj institutions during the ten years preceding the date of the application

Explanation : This is only intended to measure, as an indicator, the presence of a caste or community these bodies.

The term “poor representation” may be taken to refer to a caste or community whose presence in the body is less than 25% of its proportion in the population.

EDUCATIONAL

1. Castes and communities, whose literacy rate is at least 8% less than the State or district average.
2. Castes and communities of which the proportion of matriculates is at least 20% less than the State or district average.
3. Castes and communities, of which the proportion of graduates is at least 20% less than the State or district average.

ECONOMIC

1. Castes and communities, a significant proportion of whose members reside only in Kachha houses.
2. Castes and communities, the share of whose members in number of cases and in extent of agricultural lands surrendered under the Agricultural Land Ceiling Act of the State, is nil or significantly low.
3. Castes and communities, the share of whose members in State Government posts and services of Groups A & B/Classes I & II, is not equal to the population-equivalent proportion of the caste/community.

ILLUSTRATION:

Population-equivalent proportion

Population of a State	10,00,0000
Population of the caste/community under consideration in the State	1,00,000
Proportion of the population of the caste/ community under consideration to the total population of the State	10%
Number of posts in Class-I in the State	1,000
Therefore, population equivalent proportion of Class-I posts in the State in respect of the caste/community under consideration	100

Explanation-1: In the case illustrated above, if members belonging to the caste/community under consideration hold 100 Class-1 posts or more, its share is equal to or more than its population-equivalent proportion.

In that case that caste/community will not be considered to have fulfilled this indicator of backwardness.

In the case illustrated above, if the members of the caste/community under consideration have 99 Classes-1 posts or less, its share is less than its population-equivalent proportion and will, therefore, be considered to have fulfilled this criterion of backwardness.

Explanation-2: This guideline is only an indicator to assess backwardness or its absence and has no relation to the condition of inadequacy under Article 16(4).

Explanation-3: The population-equivalent proportion of posts may be composed of posts secured through merit only or through reservation only or through both – figures need to be furnished separately for posts secured through merit/posts secured through both – figures need to be furnished separately for posts secured through merit/posts secured through reservation.

D. In addition to the above, arising from Article 16(4) the following condition has also to be fulfilled:

Castes and communities, which are not/are inadequately represented in the Central Government posts & services of

Group A & B

Each Group/Class should be taken separately.

PROCEDURAL CLARIFICATION ON GUIDELINES

1. The above social, educational and economic guidelines for consideration of requests for inclusion in the list of Other Backward Classes are intended to aid the Bench/Commission to identify castes and communities which deserve

to be included in the list of OBC in terms of the National Commission for Backward Classes Act and not to fetter due exercise of discretion by it.

2. The term 'local', wherever used, is intended to mean State level or intra-State regional level or district level, as appropriate, in the light of the demographic distribution of the caste/community concerned.

However, wherever the Bench/Commission has adequate reasons, the sub-district level positions may be taken into account.

In some guidelines State or local, or State or district have been given as alternatives. In such instances the appropriate alternative may be chosen depending on the circumstances such as demographic distribution, ready availability of data etc.

3. Some of the guidelines are capable of quantification but data are not available in every State. In respect of States, where such data are readily available (e.g. specific percentage figures), the bench/Commission may examine the cases before it in terms of such quantifiable data and their own observations as well and other relevant materials that may be available to it. In respect of States where such quantifiable data are not available, the bench/Commission may consider castes/communities on the basis of their own observations and other relevant materials that may be available to it.
4. Under each of the categories A, B & C, of guidelines, there are 3 or 4 guidelines. They are not necessarily cumulative. Cumulative data would no doubt be advantageous. But where data-base does not readily permit, each caste or community may be considered in terms of such of the guidelines under each of the categories A, B & C as are practicable.
5. Regarding the condition at D, till information regarding the position of each caste in the Government of India's services becomes readily available, it may be presumed that this factor is fulfilled by a caste/community/sub-caste/synonym/sub-entry, in case it is found that it fulfills the guideline in C 3.
6. Wherever a caste or community fulfills the guidelines 2 (e) or (f) or (g) or (h), the Bench/Commission may take it as adequate evidence of backwardness. In such cases, the Bench shall take into account such other data/information that may be made available to it or comes to its notice, and it may make such further inquiry as it deem proper and necessary. Having done so and being satisfied that there are no sufficient grounds to take a contrary view regarding the backwardness of the caste or community making the request, the Bench may, after examining the matter inadequacy of representation as indicated in D, proceed to formulate its findings.
7. Occupations mentioned at guideline 2(e) and 2(f) may include traditional artisanal crafts; fishing, hunting, bird-snaring; agricultural labour on the lands of others; earth work, stone-breaking, salt manufacturing, lime-burning; toddy-tapping; animal rearing; butchery; hair-cutting; washing of clothes; ferrying by boat; safai (i.e. "scavenging"); knife grinding, grain roasting;

entertaining through song and dance, acrobatics jugglery, snake-charming, acting; begging or mendicancy.

Explanation: This refers only to castes or communities which traditionally depended on begging or mendicancy in the past i.e. until it was prohibited by law.

The Bench/Commission may take into account any other occupation which may be similar to these occupations.

8. In respect of any case of request, found to be one of apparent “clerical” error, or factual mistakes at the stage of preparation of the common lists and if there is no contrary view expressed and data furnished before or otherwise available to/in the notice of the bench/Commission such castes/communities may be included and findings/advice formulated to that effect.
9. In case of synonyms/sub-castes/different names of the same caste or community/local variants of the same caste or community, if and after it is established that, they are, in fact, such synonyms/sub-castes/different names of the same caste/local variants, etc. and if there are no contrary views expressed and data furnished before or otherwise available to/in the notice of the Bench/Commission and the Bench/Commission does not find any ground to take a contrary view, such synonyms/sub-castes/different names of the same caste/local variants of the same caste, such cases may be included, and findings/advice formulated to that effect.
10. In all cases, publicity regarding the date and venue of the sitting of the Commission’s bench and the castes/communities etc. to which the sitting pertains may be made through mass media and all those who have any views to express or data to furnish to the bench may be invited to do so, in addition to addressing the State Governments and applicants to furnish all material and data in their possession.
11. These guidelines of identification and procedure will be applicable to all categories of States/UTs and all categories of castes/communities whether included in the State list but in the Mandal list or included in the Mandal list but not in the State list, or included in neither.

NATIONAL COMMISSION FOR BACKWARD CLASSES

Questionnaire
for Consideration of Requests for Inclusion
and Complaints of Under-Inclusion
in the Central List of
Other Backward Classes



Trikoot-I, Bhikaji Cama Place, New Delhi 110 066

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Guidelines for filling up Questionnaire

- 1. This Questionnaire is issued by the National Commission for Backward Classes (NCBC) to elicit necessary information and data which will enable the Commission to consider the requests for inclusion and complaints of under-inclusion in the Central list of Other Backward Classes (OBC). The Questionnaire is required to be filled up in every case by the State Government as also the party (individual, association, institution etc.) making the request/complaint. Experts/expert institutions may also be invited to furnish data on the Questionnaire or any part thereof by the NCBC or the State Government.**
- 2. Separate Questionnaire is to be filled up in respect of each caste/community/sub-caste/sub-community/social group under consideration.**
- 3. The Questionnaire consists of two Parts. Both Parts are expected to be filled up by the State Government, and by or on behalf of the caste/community making the request or complaint.**
- 4. Part-I of the Questionnaire relates to General Descriptive Data of the State. After it is filled up once, it obviously will not have to be filled up again and again by the State Government and a copy of the same can be attached to the responses to the Questionnaire in respect of every caste/community under consideration, in that State.**
- 5. Part-II of the Questionnaire is designed to secure a complete and comprehensive profile of each caste/community in respect of which a request for inclusion or a complaint of under-inclusion in the Central list of Other Backward Classes is received. The data furnished in response to Part-II will not only help the Commission to formulate its advice on the requests for inclusion and complaints of under-inclusion, but also help in building up a data-base for continuous monitoring which is essential for helping each backward caste/community in a substantive and meaningful manner over time. However, in order that the immediate task of inclusion of deserving castes/communities in the Central list of OBC is speeded up to the maximum extent possible, the following procedure may be**

followed:-

- (i) The questions have been categorised in two phases. Phase-I consists of questions to which answers are necessarily required for consideration of requests for inclusion and complaints of under-inclusion. Phase-II consists of questions, answers to which will be helpful but are not indispensable for the immediate purpose, and are essential for building up a sound data-base required for periodic monitoring and for formulating measures for securing the progress of the OBC.

The Phase-II questions are the following:

Part-I	General Descriptive Data of the State	Questions 4, 5, 6, 13, 14, 15, 16(e), 16(f), 23(b)(iii), 23(b)(iv), 23(c), 23(d)(iii), 23(d)(iv), 23(e)(iii), 23(e)(iv), 23(f), 23(g).
Part-II	General Descriptive Data of the caste/community	Questions 6, 7, 8 and 10
	B. Educational	Questions 2, 4 and 6
	C. Economic	Questions 3 Group C/Class III, Group D/Class IV, Question 4 Question 5
	D. Representation in the Services of Central Government	Question 1 Group C & Group D Question 2 Group C & Group D Question 3 Group C & Group D Question 4 Group C & Group D Question 5 Group C & Group D

All the questions, which are not listed above as Phase-II questions, are Phase-I questions.

Wherever answers to both Phase-1 and Phase-II questions can be furnished without loss of time, answers to both phases may be furnished together. Wherever it is possible to furnish answers only to some of the Phase-II questions without loss of time, they may also be furnished along with answers to Phase-1 questions, and answers to other Phase-II questions may be furnished later. Wherever it will take time to furnish answers to any of the Phase-II questions, answers to Phase-1 questions may be furnished first at the earliest and answers to Phase-II questions may be furnished later.

(ii) As another measure for speeding up findings, the Commission has devised a “*fast-track*” Questions 7, 8, 9 and 10 of ‘Part-II A. Social’ pertain to the “*fast-track*”. Answers to these “*fast-track*” questions may be furnished on topmost priority basis to facilitate the process of expeditiously clearing this category of cases.

6. Whenever information or data is supplied against any question, the source of such information and data may be indicated as also the basis for its authenticity.
7. Some of the questions require answers in terms of quantitative data. Wherever up-to-date and precise quantitative data are not readily available, information may first be furnished on the basis of the best possible approximation (specifying and explaining the basis of the approximation) and thereafter, as early as possible, up-to-date and precise quantitative data may be gathered and furnished.
8. Those filling up the Questionnaire will no doubt be aware that supplying of incorrect information or data will affect credibility.
9. The Commission or its Bench may call for any further particulars as and when necessary.
10. Wherever necessary please add additional sheets or annexures with suitable referencing in the main Questionnaire form.

11. **In the Questionnaire at a number of places, year of reference has been asked for. Wherever this has been asked for the data pertaining to the latest year for which data is available may be furnished, specifying the year.**

QUESTIONNAIRE
Part-I

General Descriptive Data of the State

1. Name of the State
2. Population of the State
3. Population of the State as percentage of All India Population
4. Population of OBC in the State
5. Percentage of OBC population to the Total State Population
6. Percentage of the State OBC population To the All India OBC population
7. Scheduled Caste population in the State
8. Percentage of Scheduled Caste population to the total State population
9. Percentage of Scheduled Caste population to the All India Scheduled Caste population
10. Scheduled Tribe population
11. Percentage of Scheduled tribe population to the All India Scheduled Caste population
12. Percentage of Scheduled Tribe population to the All India Scheduled Caste population
13. Total population of Backward Classes (SCs + STs + OBC) in the State
14. Percentage of Backward Classes population to the total State population
15. Percentage of total Backward Classes population of the State to the All India Backward Classes population
16. (a) When was reservation for OBC in the services of the State started?

- (b) What was the percentage of such reservation for OBC then?
 - (c) Furnish changes if any, in respect of reservation for OBC and its percentage, made from time to time
 - (d) What is the present percentage of reservation for OBC?
 - (e) Furnish statistical data of the quota of reservation for OBC and its fulfilment year-wise for the last ten years indicating shortfalls, if any
 - (f) Reasons for shortfalls and remedial measures taken
17. Has the State government set up any machinery/ cell for monitoring the implementation of the reservation scheme? If so, furnish particulars
18. What steps has the State government taken and proposes to take for helping and enabling the OBC to successfully compete and secure appointments in the State/Central Services (services under Govt. of India, Public Sector Undertakings, Financial Institutions etc.)

19. Literacy rate of the State:-

(in percentage)

	All (Male+Female)	Male
Female		
State Literacy		
Total (Rural + Urban)		
Rural		
Urban		
Scheduled Caste		
Total (rural + Urban)		
Rural		
Urban		
Scheduled Tribes		
Total (Rural + Urban)		
Rural		
Urban		
OBC		
Total (Rural + Urban)		
Rural		
Urban		

20. Number of entries of castes/sub-castes etc. included in:

- (a) State List
- (b) Mandal List
- (c) Common List

21. Particulars of Commissions/Committees appointed in the State up-to-date

- (a) Name of the Commission/Committee
- (b) Chairperson
- (c) Number of Members including Chairperson
- (d) Date of appointment
- (e) Date of Report
- (f) Whether the Report has been accepted by the Govt. or not
- (g) Any other important information

22. Particulars of Commission/Committee appointed pursuant to the Mandal Judgment of the Supreme Court

- (a) Whether statutory or not
- (b) Name of the Chairperson and other Members
- (c) Whether any report has been presented By such Commission/Committee and if so, what action has been taken on the same by the Government.

23. (a) Total number of posts in services under the State Government

Year of reference

- i) Group A/Class I :
- ii) Group B/Class II :
- iii) Group C/Class III :
- iv) Group D/Class IV :

(b) Out of the total number of posts

number of posts held by the members of OBCs:

Year of reference

- i) Group A/Class I :

- ii) Group B/Class II :
- iii) Group C/Class III :
- iv) Group D/Class IV :

(c) Out of the total number of posts, number
Of posts held by each caste/community
Included in the list of OBCs of the State,
Separately in the following format:

Name of caste/community	Group/Class of Posts				Year of reference
	A/I	B/II	C/III	D/IV	
1.					
2.					
3.					
4.					
-					
-					

(d) Out of total number of posts,
number of posts held by SCs:

Year of reference

- i) Group A/Class I :
- ii) Group B/Class II :
- iii) Group C/Class III :
- iv) Group D/Class IV :

(e) Out of total number of posts,
Number of posts held by STs:

Year of reference

- i) Group A/Class I :
- ii) Group B/Class II :
- iii) Group C/Class III :
- iv) Group D/Class IV :

(f) Number of posts held by the single OBC
caste/community accounting for the
larger number/percentage of the posts

held by all OBC castes/communities

Year of reference

- i) Group A/Class I :
- ii) Group B/Class II :
- iii) Group C/Class III :
- iv) Group D/Class IV :

- (g) Number of castes/communities among the OBC not holding any post:
(specify names of such castes/communities)

Name of caste/community	Group/Class of Posts				Year of reference
	A/I	B/II	C/III	D/IV	
1.					
2.					
3.					
4.					
-					
-					

Part II

General Data of the Caste/Community Under Consideration

1. Name of the caste/sub-caste/community/social group/synonym in respect of which the request for inclusion or complaint or under-inclusion has been made
2. Name and address of the individual/organisation/Representative making the request or the complaint
3. Is it the main caste/community? If not, give the name of the main caste/community
4. Give the names of other sub-castes/sub-communities/synonyms etc.
5. Is the caste/community/sub-caste known by any other name?
6. Population in the State of the caste/sub-caste/community/synonym etc. in respect of which the request or complaint has been made.
7.
 - a) Percentage of the population of the caste/sub-caste under consideration to the total OBC population of the State
 - b) If the caste/community under consideration is a sub-caste/sub-community, then give the percentage of this sub-group to the total population of the main caste/community in the State
8. Percentage of the population of the caste/sub-caste etc. to the total State population
9. Whether the caste/community/sub-caste/social group is spread all over the State or largely concentrated in some districts of the State? In case of the latter position, give the names of the districts where there is large concentration
10. Give district-wise population figures of the caste/sub-caste etc. under consideration. Also furnish the total population of each such district
11. Whether the caste/sub-caste etc. is included in:

- (a) the State List (if included, give its serial number in the State list, with date of its inclusion)
 - (b) the Mandal List for the State (if included, indicate the serial number in the Mandal list)
12. Is the caste/sub-caste etc. listed as a backward class in any other State(s).
- If yes, give the name(s) of the State(s) and the Serial number(s) in the State list(s)
13. Specify the religion/faith/sect if any which members of the caste/community/sub-caste etc. (on whose behalf request/complaint has been made) follow
14. Date of request/complaint

Data Relating to Social and Other Factors

A. Social

1. Whether the caste/community under consideration is generally regarded as socially backward or socially not backward
2.
 - (a) What is the occupation on which the members of the caste/community mainly depend for livelihood?
Specify the occupation
 - (b) Indicate whether the occupation is agricultural or non-agricultural
 - (c) If agricultural, what proportion (approximately) of the members of the caste/community are landholders with holdings of more than 50% of the statutory ceiling limit for agricultural lands in the State
 - (d) (i) If agricultural:
Do the activities of their occupation mainly involve manual labour or do not mainly involve manual labour

- (ii) If agricultural activities involve manual labour, whether it is manual labour rendered for wage or manual labour on own land
- (e)
 - (i) If not agricultural: state which occupation are the members engaged in
 - (ii) Do the activities of the above mentioned occupation mainly involve manual labour or does not mainly involve manual labour
 - (iii) If the above-mentioned occupation involves manual labour, whether it is manual labour rendered for wage or manual labour rendered on own works
 - (iv) has the caste or community got or acquired significant resource base in the form of
 - a) Infrastructure such as land, buildings, workshops, quarries, etc.
 - b) Machines and equipment necessary for carrying out the occupation. Are the machines and equipment traditional or are they modern?
- 3. Whether there are any occupations other than the main occupation referred to at 2(a), on which substantial numbers of members of the caste/community depend for livelihood. If so, specify such occupations
- 4.
 - a) Whether or not the women of the caste/community, as a general practice, are, for their own or for their family's livelihood, engaged in agricultural labour for wage
 - b) Whether or not the women of the caste/community, as a general practice, are, for their own or for their family's livelihood engaged in any other manual, (i.e., non-agricultural) labour for wage

If so, specify the type/nature of manual labour:
- 5.
 - a) Whether or not the children of the caste/community, as a general practice, are, for their their family's livelihood or for supplementing their family's income, engaged in agricultural labour
 - b) Whether or not the children of the caste/community, as a general practice, are, for their their family's livelihood or for supplementing their family's low income, engaged in any other manual, i.e., non-agricultural labour

If so, specify the type/nature of the manual labour

6. What percentage of the population of the caste/community etc. (male, female, children taken together) are landless manual (both agricultural and non-agricultural) labourers?

Explanation: The term “landless” includes those who have not more than 1 hectare of unirrigated land and have no irrigated land at all

7. Whether the caste/community is, in terms of the caste system, identified/linked with any traditional craft

If so,

(a) Specify which traditional craft they are identified/linked with?

(b) The percentage (approximately) of the population of the adult members (males and females taken together) of the caste/community, actually engaged in that craft

(c) Of the adult members of the caste/community who are actually not engaged in that craft, what proportion (approximately) are engaged in:-

- i) Agricultural labour for wage
- ii) Other manual labour for wage (specify which)
- iii) Cultivation of own land
- iv) Other occupations [like services (clerical/supervisory/managerial/academic) in Government, Public Sector, Universities, Colleges & Schools, organised private sector, trade/commerce/contracts/entrepreneurial manufacture, professions (lawyer, doctor, consultancy etc)]
Specify the occupation(s):

8. (a) Whether the caste/community is, in terms of the caste system, identified/linked with any traditional or hereditary occupation, (i.e., other than traditional crafts)

If so, specify which occupation(s)

(b) Whether such traditional or hereditary occupation is, in terms of the caste system, regarded to be lowly, undignified, unclean or stigmatised?

(c) The proportion (approximately) of the adult members (males and females taken together) of the caste/community actually engaged in that occupation

(d) Of the adult members of the caste/community who are actually not engaged in that occupation, what proportion (approximately) are engaged in:

- i) agriculture labour for wage
- ii) other manual labour for wage (specify which kind of manual labour)
- iii) Cultivation of own land

- iv) Other occupations [like services (clerical/ supervisory/managerial/academic) in Government, Public Sector, Universities, Colleges & Schools, organised private sector, Trade/commerce/contracts/entrepreneurial Manufacture, professions (lawyer, doctor, Consultancy etc.)]

Specify the occupation(s):

- 9. a) Is the caste/community categorized as:-
 - i) Nomadic caste/community/tribe?
If so,
Name the Commission(s)/Committee(s)/Report(s) which has so categorised it
 - ii) Semi-nomadic/caste/community/tribe?
If so,
Name the Commission(s)/Committee(s)/Report(s) which has so categorised it
 - b) If the answer to (i) or (ii) is yes,
what is the present occupation(s) of the members of the caste/community?
- 10. (a) Is the caste/community categorized as De-notified or Vimukta Jati caste/Community/tribe [in terms of Criminal Tribes (Repeal) Act, 1952, Act No. XXIV of 1952]
(b) If the answer is yes,
what is the present occupation(s) of the members of the caste/community?
- 11. Was the caste/community subject to bonded labour?
If so, since when? Is it still being so subjected?
- 12. a) Number of MLA belonging to the caste/community on the date of application and their proportion to the total strength of the Legislative Assembly
b) Furnish separately the number of MLAs belonging to the caste/community during the twenty-five years preceding the date of application
- 13. a) State the number of members of the caste/ community elected to the elective bodies at the district level, i.e., panchayati raj institutions, Zilla Parishad, Zilla Panchayat, District Council etc.

Give the figures for the ten years preceding the date of application

b) Give the total number of elected members in the State in such district level elective bodies during the above period

B. Educational

1. a) (i) Number of literates of the caste/community in the State
(ii) Literacy rate of the caste/community in the State

Specify the year of reference

- b) (i) Total number of literates in the State
(ii) Total literacy rate of the State

Specify the year of reference

Where the caste/community is not spread over the entire State but is largely Concentrated in one or a few districts, also furnish the following information

- c) (i) Number of literates of the caste/community in the district
(ii) Literacy rate of the caste/community in the district

Specify the year of reference

- d) (i) Total number of literates in the district
(ii) Total literacy rate of the district

Specify the year of reference

2. Out of the total number of literates of the caste/community in the State, please furnish the total number of female literates of the caste/community

Specify the year of reference

3. a) Number of Matriculates (or equivalent High School Examination) among the members of the caste/community in the State

Specify the year of reference

b) Proportion of matriculates of the caste/community to the total population of the caste/community in the State

c) Total matriculates in the State

Specify the year of reference

- d) Proportion of total matriculates in the State to the population of the State

Where the caste/community is not spread over the entire State but is largely concentrated in one or a few districts, also furnish the following information

- e) No. of matriculates among the members of the caste/community in each of the concerned district

Specify the year of reference

- f) Proportion of matriculates of the caste/community to the total population of the caste/community in the State

- g) Total matriculates in the district

Specify the year of reference

- h) Proportion of total matriculates in the district to the population of the State

4. Out of the total number of matriculates of the caste/community in the State, please furnish the total number of female matriculates among the members of the caste and community in the State

Specify the year of reference

5. **a) Total number of all graduates (in arts, commerce, law, management, science, applied, technological, technical, professional etc. fields) among the members of the caste/community in the State**

Specify the year of reference

- b) Proportion of total number of graduate of the caste/community to the total population of the caste/community in the State

- c) Total graduates in the State

Specify the year of reference

- d) Proportion of total number of graduates in the State to the population of the State

Where the caste/community is not spread over the entire State but is largely concentrated in one or a few districts, also furnish the following information

- e) No. of graduates among the members of the

caste/community in the concerned district

Specify the year of reference

f) Proportion of graduates of the caste/community in the district to the total population of the caste/community in the district

g) Total number of graduates in the district

Specify the year of reference

h) Proportion of total number of graduates in the district to the population of the district

6. Out of the total number of graduates of the caste/community in the State, specify how many among them are female graduates (arts, science, all other graduates taken together)

Specify the year of reference

C. Economic

1. What percentage (approximately) of the families of the caste/community in the State live in the type of houses indicated below:

Kachha houses
(including huts and sheds)

Pucca houses
(including Chawls)

Where the caste/community is not spread over the entire State but largely concentrated in one or a few districts, then the above information may also be separately furnished districtwise in respect of the districts where the population is concentrated

2.
 - a) Total number of cases of surrender of agricultural land in the State under the Land Ceiling Act of the State
 - b) Out of this, the number of cases pertaining to the caste/community
 - c) The total area (in hectares or acres) involved in the cases at (a)
 - d) Out of this, the area pertaining to the members of the caste/community

Where the caste/community is not spread over the entire State but largely concentrated in one or a few districts, the information may be further furnished:-

- e) Number of cases surrender of agricultural land in each District under the land Ceiling Act of the State
 - f) Out of this, the no. of cases pertaining to the caste/community
 - g) The total area (in hectares or acres) involved in the cases at (e)
 - h) Out of this the area pertaining to the members of the caste/community
3. Number of posts in services of the State Government held by the members of

the caste/community under consideration

Year of reference

Group A/Class I:

Group B/Class II:

Group C/Class III

Group D/Class IV:

4. Besides State Government Services, state how many persons of the caste/community under consideration are engaged in the following areas of employment and professions
 - a) State level Public Undertakings, autonomous/semi-autonomous establishments
 - b)
 - i) Teachers in colleges and universities
 - ii) Administrative Personnel in Colleges and Universities
 - c) Doctors
 - d) Lawyers
 - e) Engineers and Architects
 - f) Chartered Accountants
 - g) Income Tax, financial and management consultants
 - h) Media professionals
 - i) Deference services
(Major in the Army and above,
equivalent ranks of Navy and Air-force)
 - j) Any other important fields of employment or profession
(specify the fields)

5. State what percentage of the members of the caste/community is income-tax assessee on account of trade/business.

D. Representation in the Services of Central Government

1. Total number of posts under the Central Government

Year of reference

Group A:

Group B:

Group C:

Group D:

2. (a) Number of posts held by all OBC
in the present Central List (Common List)

Year of reference

Group A:

Group B:

Group C:

Group D:

b) Number of posts held by each caste/community in the
Central List (Common List) separately
(Serial Number as given in the Central List may be indicated)

Name of caste/community	Group/Class of Posts				Year of reference
	A/I	B/II	C/III	D/IV	

1.

2.

3.

4.

-

-

Explanation : As and when any caste/community is added to the list, the data against Q.2(a) and 2(b) may be updated

3. Number of posts held by SCs:

Year of reference

Group A:

Group B:

Group C:

Group D:

4. Number of posts held by STs:

Year of reference

Group A:

Group B:

Group C:

Group D:

5. Number of posts held by the caste/community under consideration:

Year of reference

Group A:

Group B:

Group C:

Group D:

E. Miscellaneous

1. (a) What are the main reasons on account of which the caste/community considered itself to be backward
- (b) What are the main reasons on account of which the caste/community is considered backward or not backward by the State Govt.
- (c) Has there been any improvement in the condition of the caste/community during the last twenty years?
If so, in what respects?
- (d) Has there been any deterioration in the condition of the caste/community during the last twenty years?

Note: Support your reasoning with authentic evidence as far as possible

2. (a) **Furnish the name two castes/communities (whether from among the backward or forward castes/communities) at a level immediately higher than the caste/community under consideration**

Give reasons
 - (b) Furnish the names of two designated backward castes/communities in the State, along with serial number in the State List, which are more or less at the same level as the caste/community under consideration.

Give reasons
3. Any other point besides those covered by the questionnaire above which need to be mentioned in respect of the request or complaint