पत्र संख्या-7/नीति (क्रिमीलेयर)-07/2002 का. 7906 /3

झारखण्ड सरकार,

कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग

प्रेषक,

फि देलिस टोप्पो,
सरकार के संयुक्त सचिव ।

सेवा में,

सभी प्रधान सचिव/सभी सचिव/
सभी विभागाध्यक्ष/ सभी प्रमण्डलीय आयुक्त/
सभी उपायुक्त/सचिव, झारखण्ड लोक सेवा आयोग/
अध्यक्ष, झारखण्ड कर्मचारी चयन आयोग/सचिव, संयुक्त
प्रतियोगिता परीक्षा पर्षद ।

रांची, दिनांक 10 दिसम्बर, 2011

विषय:- अन्य पिछड़े वर्गों को भारत सरकार के सिविल (असैनिक) पदों एवं सेवाओं में आरक्षण के लिये प्रमाण-पत्र निर्गत करने के सम्बन्ध में ।

महाशय,

निदेशानुसार उपर्युक्त विषयक अन्य पिछड़े वर्गों को भारत सरकार सिविल (असैनिक) पदो एवं सेवाओं में आरक्षण हेतु प्रमाण-पत्र निर्गत करने, क्रिमीलेयर की पहचान आदि के संबंध में नियमानुसार कार्रवाई हेतु निम्नांकित परिपत्र संलग्न है :-

1. बिहार सरकार, कार्मिक एवं प्रशासनिक सुधार विभाग का पत्रांक- 17 दिनांक 06.02.1994 के साथ अनुलग्नक की छायाप्रति संलग्न है ।
2. विभागीय संकल्प संख्या 3482 दिनांक 10.06.2002 की छायाप्रति संलग्न है
3. विभागीय पत्रांक 7097 दिनांक 30.10.2009 के साथ संलग्न भारत सरकार, कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग) का पत्र संख्या 36033/3/2004-स्था. (आरक्षण) दिनांक 14.10.2008 की छाया प्रति संलग्न है ।

विश्वासभाजन,

7-12-2011

सरकार के संयुक्त सचिव ।

कृष्ण/

11

निबंधित डाक से

पत्र सं0-7/भा0स0प0-17-08/2008 का0 7097 3/3.

झारखण्ड सरकार,
कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग ।

प्रेषक,

विनय प्रकाश वर्मा,
सरकार के संयुक्त सचिव ।

सेवा में,

सभी उपायुक्त,

सभी प्रमण्डलीय आयुक्त, झारखण्ड ।

राँची, दिनांक- 30 अक्टूबर, 09

विषय:- अन्य पिछड़े वर्गों (ओ0 बी0 सी0) के आरक्षण के दायरे से सामाजिक रूप से उन्नत व्यक्तियों/वर्गों (सम्पन्न वर्गों) को बाहर रखने के लिए आय के मानदण्डों में संशोधन ।

महाशय,

निदेशानुसार, उपर्युक्त विषय के संबंधित कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग, झारखण्ड, राँची द्वारा निर्गत संकल्प संख्या-7/नीति क्रीमी लेयर-07/2002 का0-3482 दिनांक-10.6.2002 की कंडिका-5 में निहित प्रावधान के आलोक में भारत सरकार के ज्ञापांक-36033/3/2004- स्था0(आरक्षण) दिनांक-14.10.2008, कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग), नई दिल्ली के द्वारा क्रीमीलेयर की पहचान संबंधी संशोधित मापदण्ड को अंगीकृत करते हुए उसकी प्रति संलग्न कर भेजी जा रही है । इस विभाग के पत्रांक-6903 दिनांक-12.12.2008, पत्रांक-701 दिनांक-30.1.2009 एवं पत्रांक-1992 दिनांक-26.3.09 के द्वारा भी उक्त पत्र की प्रति पूर्व में भेजी जा चुकी है ।

भारत सरकार के पत्र की कंडिका-2 में निर्धारित तिथि से यह झारखण्ड राज्य में भी प्रभावी समझा जायेगा ।

विश्वासभाजन,

(ह0) 30/10

सरकार के संयुक्त सचिव ।

ज्ञापांक-7/भा0स0प0-17-08/2008 का0 7097/राँची, दिनांक- 30 अक्टूबर, 09

प्रतिलिपि:- सभी विभाग एवं विभागाध्यक्ष को भारत सरकार के ज्ञापन संख्या-36033/3/2004 दिनांक-14.10.2008 की प्रति के साथ सूचनार्थ प्रेषित ।

(ह0)

जफर/-

सरकार के संयुक्त सचिव ।

संख्या-36033/3/2004-स्था.(आरक्षण).
भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नॉर्थ ब्लॉक, नई दिल्ली.
दिनांक 14 अक्टूबर, 2008.

कार्यालय ज्ञापन

विषय: अन्य पिछड़े वर्ग (ओ.बी.सी.) के आरक्षण के दायरे से सामाजिक रूप से उन्नत व्यक्तियों/वर्गों (सम्पन्न वर्गों) को बाहर रखने के लिए आय के मानदण्डों में संशोधन ।

अधोहस्ताक्षरी को इस विभाग के दिनांक 08 सितम्बर, 1993 के कार्यालय ज्ञापन संख्या-36012/22/93-स्थापना(अनु.जा.) की ओर ध्यान आकृष्ट करने का निदेश हुआ है, जिसमें अन्य बातों के साथ-साथ यह प्रावधान था कि उन व्यक्तियों के पुत्र और पुत्रियां जिनकी लगातार तीन वर्षों तक की कुल वार्षिक आय एक लाख रुपये अथवा उससे अधिक है, सम्पन्न वर्गों में आते हैं और वे, अन्य पिछड़े वर्गों को उपलब्ध आरक्षण के लाभ को प्राप्त करने के हकदार नहीं हैं । इस विभाग के दिनांक 09.03.2004 के समसंख्यक कार्यालय ज्ञापन के द्वारा सम्पन्न वर्ग का निर्धारण करने के लिए आय की सीमा को बढ़ाकर 2.5 लाख रुपये कर दिया गया था । अब यह निर्णय लिया गया है कि अन्य पिछड़े वर्गों में से सम्पन्न वर्गों का निर्धारण करने के लिए आय की सीमा को 2.5 लाख से बढ़ाकर 4.5 लाख कर दिया जाए । तद्नुसार, उपर्युक्त संदर्भित कार्यालय ज्ञापन की अनुसूची की श्रेणी vi की विद्यमान प्रविष्टि के स्थान पर एतद्द्वारा निम्नलिखित प्रविष्टि प्रतिस्थापित की जाती है ।

श्रेणी	श्रेणी का विवरण	वे व्यक्ति जिन पर आरक्षण के क्षेत्र से बाहर रखे जाने का नियम लागू होगा
VI	आय/सम्पत्ति का निर्धारण	(क) उन व्यक्तियों के पुत्र और पुत्रियां, जिनकी लगातार तीन वर्षों तक की कुल वार्षिक आय 4.5 लाख रुपये अथवा उससे अधिक है अथवा सम्पत्ति-कर अधिनियम में यथा-निर्धारित छूट सीमा से अधिक की सम्पत्ति रखते हैं ।
		(ख) श्रेणी-I, II, III और V-क, में आने वाले ऐसे व्यक्ति जो आरक्षण का लाभ पाने के हकदार हैं, परन्तु जिनकी अन्य स्रोतों से आय अथवा सम्पत्ति जो उन्हें उपर्युक्त (क) में उल्लिखित आय/सम्पत्ति के मानदण्ड के भीतर लाएगी, के पुत्र और पुत्रियां ।

स्पष्टीकरण:

वेतन अथवा कृषि भूमि से प्राप्त आय को नहीं जोड़ा जाएगा ।

2. इस कार्यालय ज्ञापन के प्रावधान 3 अक्टूबर, 2008 से लागू होंगे ।

3. सभी मंत्रालयों/विभागों से अनुरोध है कि वे इस कार्यालय ज्ञापन की विषय-वस्तु को सभी सम्बन्धित व्यक्तियों की जानकारी में ला दें ।

(के.जी. वर्मा)
निदेशक
दूरभाष: 23092185

सेवा में,

1. भारत सरकार के सभी मंत्रालय/विभाग ।
2. आर्थिक कार्य-विभाग (बैंकिंग प्रभाग), नई दिल्ली ।
3. आर्थिक कार्य-विभाग (बीमा-प्रभाग), नई दिल्ली ।
4. लोक-उद्यम-विभाग, नई दिल्ली ।
5. रेल-बोर्ड ।
6. संघ लोक सेवा आयोग/भारत का उच्चतम न्यायालय/निर्वाचन आयोग/लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमण्डल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/प्रधान मंत्री कार्यालय/योजना आयोग ।
7. कर्मचारी चयन आयोग, केन्द्रीय सरकार कार्यालय परिसर, लोदी रोड, नई दिल्ली ।
8. सामाजिक न्याय और अधिकारिता मंत्रालय, शास्त्री भवन, नई दिल्ली ।
9. राष्ट्रीय अनुसूचित जाति और अनुसूचित जनजाति आयोग, लोक नायक भवन, नई दिल्ली ।
10. राष्ट्रीय पिछड़ा वर्ग आयोग, त्रिकूट-I, भीकाजी कामा प्लेस, रामकृष्णपुरम, नई दिल्ली ।
11. भारत के नियंत्रक तथा महालेखा परीक्षक, 10, बहादुरशाह जफर मार्ग, नई दिल्ली-110002
12. सूचना और सुविधा केन्द्र, कार्मिक और प्रशिक्षण विभाग, नॉर्थ ब्लॉक, नई दिल्ली ।
13. अतिरिक्त प्रतियां-400

प्रतिलिपि:

सभी राज्यों/केन्द्र शासित क्षेत्रों के मुख्य सचिव ।
सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित

4

झारखंड सरकार,
कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग ।

संकल्प

राँची, दिनांक- जून, 2002.

विषय:- पिछड़े वर्गों में क्रीमी लेयर की पहचान के संबंध में ।

झारखंड पदों एवं सेवाओं की रिक्तियों में आरक्षण (अनुसूचित जातियों, अनुसूचित जन जातियों एवं पिछड़े वर्गों के लिए) अधिनियम, 2001 की धारा- 4 में पिछड़े वर्गों के लिए आरक्षण की व्यवस्था की गई है ।

2. संविधान की धारा-16(4) के प्रावधानों में अंकित आरक्षण के लाभ के संदर्भ में माननीय सर्वोच्च न्यायालय द्वारा इन्दिरा साहनी बनाम भारत संघ एवं अन्य में विभिन्न पहलुओं की व्याख्या करते हुए यह स्पष्ट किया गया है कि पिछड़े वर्गों में "क्रीमी लेयर" को बाहर रखते हुए ही आरक्षण की सुविधा अनुमान्य की जाय ।

3. भारत सरकार ने उक्त "काईटेरिया" संकल्प संख्या-36012/22/93 दिनांक- 08 सितम्बर, 1993 द्वारा परिचारित किया है जो संकल्प की अनुसूची परिशिष्ट "क" के रूप में संलग्न किया गया है ।

4. झारखंड में "क्रीमी लेयर" की पहचान के लिए भारत सरकार के संकल्प संख्या- 36012/22/93 दिनांक-08.09.93 की अनुसूची को यथावत् अंगीकृत किया जाता है एवं तदनुसार उसमें निर्धारित काईटेरिया पूर्ण रूपेण लागू होगा ।

5. भारत सरकार द्वारा भविष्य में इस नीति में यदि कोई परिवर्तन किया जाता है तो झारखंड में भी वह यथावत् लागू माना जाएगा ।

आदेश :- आदेश है कि सर्वसाधारण की जानकारी के लिए इसे राजकीय गजट में प्रकाशित कराया जाय और इसकी एक प्रति महालेखाकार, झारखंड, राँची/सभी विभाग/सभी विभागाध्यक्ष/सभी प्रमंडलीय आयुक्त/सभी उपायुक्त को सूचनार्थ एवं आवश्यक कार्रवाई हेतु भेजा जाय ।

झारखंड राज्यपाल के आदेश से,
10.6.2002
(सुशील कुमार चौधरी)
सरकार के सचिव ।

ज्ञाप संख्या-7/नीति कीमी लेयर-07/2002का0-3482/ राँची, दिनांक-10 जून, 2002

प्रतिलिपि-अधीक्षक, सचिवालय मुद्रणालय, डोरण्डा, राँची को राजकीय गजट के असाधारण अंक में प्रकाशित करने हेतु प्रेषित । उनसे अनुरोध है कि गजट की 200 प्रतियाँ कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग को भेजें ।

सरकार के सचिव ।

ज्ञाप संख्या-7/नीति कीमी लेयर-07/2002का0-3482/ राँची, दिनांक-10 जून, 2002

प्रतिलिपि :- महामहिम राज्यपाल के प्रधान सचिव/ माननीय मुख्य मंत्री के सचिव, मुख्य मंत्री सचिवालय, राँची/ महानिबंधक, झारखंड उच्च न्यायालय, राँची/ प्रभारी सचिव, झारखंड विधान सभा सचिवालय/ सरकार के सभी विभाग/ सभी विभागाध्यक्ष/ मुख्य सचिव के सचिव/ सभी प्रमण्डलीय आयुक्त/ सभी उपायुक्त/ संयुक्त सचिव, झारखंड लोक सेवा आयोग/ सभी विश्वविद्यालय/ सभी संबंधित संस्थानों के प्राचार्य को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित ।

सरकार के सचिव ।

पत्र संख्या- 11/वि 6- भा0 स0- 01/94 का0- 17

बिहार सरकार,

कार्मिक एवं प्रशासनिक सुधार विभाग ।

प्रेषक,

श्री गुलाम ताहिर,
सरकार के उप सचिव ।

सेवा में,

सभी विभाग/ सभी विभागाध्यक्ष/ सभी प्रमंडलीय आयुक्त / सभी जिलाधिकारी ।

पटना-15, दिनांक 6 फरवरी, 94

विषय :- अन्य पिछड़े वर्गों को भारत सरकार की सिविल पदों एवं सेवाओं पर आरक्षण के लिये प्रमाण- पत्र निर्गत करने के संबंध में अनुदेश ।

महाशय,

निदेशानुसार उपर्युक्त विषयक भारत सरकार, कल्याण मंत्रालय के पत्र संख्या 12011/6P/93- बी0 सी0 सी0 {सी0}, दिनांक अक्टूबर, 93 के साथ प्रकाशित अन्य पिछड़े वर्गों की सूची, भारत सरकार, कार्मिक, लोक शिकायत और {प्रशिक्षण} पेंशन मंत्रालय के पत्र संख्या 36012/22/93- इस्ट- {एस0 सी0 टी0}, दिनांक 8 सितम्बर, 93 एवं दिनांक 15 नवम्बर, 93 की प्रतियाँ अनुलग्नक के साथ मार्गदर्शन हेतु संलग्न की जा रही है ।

2} कृपया पावती स्वीकार की जाय ।

विश्वासभाजन,

{गुलाम ताहिर}
सरकार के उप सचिव ।

अनुलग्नक : यथोपरि ।

(1)

No. 12011/68/93 -BCC(C)
Government of India
Ministry of Welfare

....

Shastri Bhavan, New Delhi- 110001
Dated the October, 1993

To

The Chief Secretary.
Government of Bihar,
PATNA.

Subject : Implementation of reservation of 27 % vacancies in civil posts and services under the Government of India in favour of Other Backward Classes OBCs.- List of Others Backward Classes.

Sir,

I am directed to forward herewith five copies of the resolution dated the 13th September, 1993 (List of OBCs) regarding the above cited subject for onward transmission to your Ministries Departments for official use.

Kindly acknowledge the receipt.

Encl : As above

Yours faithfully,

Sd/- (Mrs.) (Manjula Krishnan)
Director BCc(C)

754

APPENDIX

List of States of OBCS

STATE : BIHAR : COMMON LIST

SL. No.	Name of Castes/ Communities (including sub castes/ synonyms) in the common list of S.E.B.Cs.	Entry No. in Mandal list	Remarks
1	2	3	4
1.	Abdal	1	अबदल
2.	Agariya	2	अगरिया
3.	Aghori	3	अघोरी
4.	Amart	5	अमात
5.	Kasab(Kasai) (Muslim)	80	कसाब (कसाई) (मुस)
6.	Kewat	115	केवट
	Keot	84	
7.	Kadar	68	कादर
8.	Kaivartta/ Kalbartta	71	कैवर्त / [illegible]
9.	Kalandar	72	कलन्दर
10.	Kaura	81	कौरा
11.	Kawar	82	कवार
12.	Kochh	93	[illegible]
13.	Korku	95	[illegible]
14.	Kumarbhag Pahadia	97	कुमार भाग पहाड़िया
15.	Kurmi(Mahto)	101,110	कुर्मी (महतो)
	Kurmi(Mahto) (in Chhotanagpur Division only).		कुर्मी (महतो) (केवल [illegible])
16.	Kagzi	69	कागजी
17.	Kanu	77	कानू
18.	Kamar(Lohar, Karmkar, Visvakarma)	74,75,106	कमार (लोहार, कर्मकार, विश्वकर्मा)
		74	
19.	Kushwaha (Koeri)	102	कुशवाहा (कोइरी)
20.	Kapadia	79	कपड़िया
21.	Kosta , Koshta	96	[illegible]
[illegible]	Khatik	87	खटिक
	Khangar	86	खंगार
	Khatwa	88	[illegible]
	Khatwe	89	[illegible]
	[illegible] (only in the district of Siwan and Rohtas)	85	[illegible] (केवल [illegible])

	Khatauri Khataur	91	खतौरी
	Kheita	90	खेतहर
	Godi(Chhava)	52	गोदी (छावा)
30.	Gaddi	44	गद्दी
31.	Gandarbh or Gandharb	47	गंधर्भ या गं[illegible]
32.	Gangai (Nagesh)	48	गंगाई (नागेश)
33.	Gangota, Gangoth	49	गंगोता
34.	Gorh, Gourh (only in the district of Saran & Rohtas)	55	गोड़ या गोड़ (केवल सारण तथा रोहतास जिला [illegible])
35.	Gulgaliya	58	गुलगलिया
36.	Goud	56	गौड़
37.	Ghatwar	50	घटवार
38.	Chik (Muslim)	28	चीक (मुस्लिम)
39.	Chain, Chayeen	24	चांई / चांय, चाइन / चायीन
40.	Chapota	26	चपोता
41.	Chandrabanshi (Kahar)	23	चन्द्रवंशी (कहार)
42.	Churihar (Muslim)	29	चुड़िहार (मुस्लिम)
43.	Chanou	25	चनउ
44.	Jogi(Jugi)	64	जोगी (जुगी)
45.	Tikulhar	165	टिकुलहार
46.	Dafali (Mulsim)	31	डफाली (मुस्[illegible])
47.	Dhekaru	39	ढेकारू
48.	Tanti (Tatwa) Tati, Tatin	159	तांती (ततवा) ता[illegible]
49.	Turha	167	तुरहा
50.	Tamariya	156	तमेरिया
51.	Tiyar	166	तियर
52.	Tamoli, Tamboli	158,157	तम्बोली, तमोली
53.	Teli	161	तेली
54.	Tharu	164	थारू
55.	Devhar	33	देवहार
56.	Dhanuk	36	धानुक
57.	Dhobi(Muslim)	धोबी (मुस्लिम) Covered by general note on p. 171 of Mandal Report (Second part).	
	Dhunia(Muslim)	41	धुनिया (मुस्लिम)
	Dhamin	34	धामीन
	Dhanwar	35	धानवार
	Dhimar	40	धीमर
	[illegible]		नाई

22

Nat(Muslim)	127	नट (मु)
Nunia, Nonia	129	नोनिया, नु...
Namshudra,	126	नामशुद्र
Naiya	59	नइया
Nalband (Muslim)	125	नालबन्द (मुस्लिम)
Pamaria(Muslim)	132	पमरिया (मुस्लिम)
Prajapati (Kumhar)	98	प्रजापति (कुम्हार)
Pandi	133	पाण्डी
Pinganiya	139	पिनगनिया
Parya	134	परया
Pradhan	140	प्रधान
Pahira	130	पहिरा
Pal (Bherihar- Gaderi), Ganderia	131	पाल (भेडिहार— गड़ेरी)
Bekhada	11	बेखड़ा
Bagdi	6	बागदी
Bari	9	बारी
Beldar	12	बेलदार
Bind	21	बिन्द
Barhai (Viswakarma)	74	बढ़ई (विश्वकर्मा)
Barai	3	बरई
Sudi,	4	सूढ़ी
Halwai,	4	हलवाई
Roniyar,	[illegible]	रौनियार
Pansari	4	पनसारी
Modi,	4	मोदी
Kasera,	4	कसेरा
Kesarwani,	4	केसरवानी
Thathera,	164	ठठेरा
Kalwar,	73	कलवार
Patwa,	137	पटवा
Sinduriya- Bania,	4	सिन्दुरिया–बनिया
Mahuri- Vaishya,	4	माहुरी वैश्य
Avadh- Bania	4	अवध बनिया
Agrahari- Vaishya	4	अग्रहरी ...
Bhathiara (Muslim)	19	भठियारा ...

23

89.	Mali (Malakar)	114	माली (मालाकार)
90.	Mallah (Surhia)	115	मल्लाह (सुरहिया)
91.	Madari (Muslim)	108	मदारी (मुस्लिम)
92.	Mehtar, Lalbegi, Halalkhor, Bhangi (Muslim) M	Covered by the general note on p. 171 of Mandal Report (Second part).	लालबेगी हलालखोर भंगी [मुस्लिम]
		104	
		Covered by general note on p. 171 of Mandal Report (Second part).	
		104	
93.	Mirisin (Muslim)	120	मिरियासिन (मुस्लिम)
94.	Majhwar	112	मझवार
95.	Malar (Malhar)	113	मालार (मालहार)
96.	Mangar (Magar)	117	मानगार (मागार)
97.	Markande	118	मारकंडे
98.	Maulik	123	मउलिक
99.	Mukri (Mukeri) (Muslim)	124	मुकरी (मुकेरी) (मुस्लिम)
100.	Madar	107	मदार
101.	Mauriaro, Mauriara	129	मौरियारी, मुरियारी
102.	Mirshikar (Muslim)	121	मिरशिकार (मुस्लिम)
103.	Momin (Muslim)	122	मोमिन (मुस्लिम)
104.	Yadav (Gwala, Ahir, Ghasi, Gope)	168	यादव (ग्वाला, अहिर, घासि, गोप)
105.	Rajbhar	141	राजभर
106.	Rajdhobi	143	राजधोबी
107.	Rajbanshi (Risija and Poliya)	142	राजवंशी (रिसया तथा पोलिया)
108.	Rangwa	144	रंगवा
	Rangrez (Muslim)	145	रंगरेज (मुस्लिम)
110.	Rautiya	146	रउतिया
111.	Rayeen or Kunjra (Muslim)	147, 99	राईन या कुंजरा (मुस्लिम)
112.	Lahari	103	लहेरी
113.	Banpar	7	वनपर
114.	Shivhari	151	शिवहरि
	Saunta (Sota)	149	सउंटा (सोटा)
116.	Sayee (Muslim)	150	साँई (मुस्लिम)
	Sonar	154	सोनार, सुनार
	Sunar		
118.	Sangtarash (only in the district of Nawadah)	148	संगतराश (केवल नवादा जिला में)
	Idrisi or Darzi (Muslim)	61	इदरिसी या दर्जी (मुस्लिम)

120.	Christian Converts from Scheduled Castes	General note in p. 171 of Mandal Report (Second Part).
121	Christian converts from other-de-Backward classes	
122.	Dhanwar	37 धनवार

(In Bihar there are two lists, List I relates to " Other Backward Classes " (O.C) which list II relates to " Most Backward Classes " among the O.B.C. all names (except Dhanwar of list II are common to both the lists).

(बिहार में दो सूचियाँ हैं। पहली सूची का संबंध अन्य पिछड़े वर्गों से है। सूची 2 का संबंध अन्य पिछड़े वर्गों में से अत्यन्त पिछड़े वर्गों से है। सूची के सभी नाम (धनवार को छोड़कर दोनों सूचियों में एक से हैं)।

(7)

No. 36012/22/93-Estt. (SCT)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING
NEW DELHI DATED THE 15 Nov. 1993

To

The Chief Secretaries of
all the State Governments/ Union Territories.

Sub: Reservation for Other Backward Classes- exclusion of Creamy Layer for the purpose of appointment in services and posts under the Government of India- Certificate to be produced by the candidates.

......

Sir,

I am directed to say that the Government of India has issued instructions on 8.9.93 providing for reservation to Other Backward Classes in the services and posts under the Government of India (A copy of this O.M. is enclosed). The Other Backward Classes for the purpose of the above said 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 Government's list. A list of such castes and communities was notified in Resolution No. 12011/68/93-BCC(C), dated 10th Sept. 1993 published in the Gazette of India, Extraordinary Part I Section I dated 13.9.93. For the purpose or verification of the castes and communities the Government of India has prescribed a certificate from the following authorities as in the case of SC/ST vide this Department's O.M. No. 36012/22/93- Estt. (SCT), dated 22.10.93 (copy enclosed):

(a) District Magistrate/ Additional District Magistrate/ Collector/ Deputy Commissioner/ Additional Deputy Commissioner /Deputy Collector / Ist Class Stipendary Magistrate/ Sub-Divisional Magistrate/ Taluka Magistrate/ Executive Magistrate/ Extra Assistant Commissioner (not below the rank of Ist Class Stipendary Magistrate).

(b) Chief Presidency Magistrate/ Additional Chief Presidency Magistrate/ Presidency Magistrate.

(c) Revenue Officer not below the rank of Tehsildar; and

(d) Sub- Divisional Officer of the area where the candidate and / or his family normally resides.

173 697

2. In the light of the Supreme Court's Judgement in the Indira Sawhney case, this Department has specified the persons/ sections (" Creamy Layer ") to whom the benefit of reservation shall not apply vide column 3 of the Schedule to the Department of Personnel and Training O.M. No. 36012/22/93 -Estt. (SCT), dated 8.9.93. It has been considered that the same autherities who are notified as competent to certify OBCs status should also be authorised to certify that a candidate does not belong to the " Creamy Layer. " It is, therefore, therefore, requested that instructions may be issued to the District Authorites under your control to verify and issue the necessary certificate to the candidates regarding his OBCs status as well as exclusion from the " creamy layer." To enable the District Authorities to examine the claims of the candidates a model format has been devised as in Annexure B. This may be suitably revised if considered necessary. The format of the Certificate that may be given by the concerned district authorities may be as in Annexure A.

3. It is also requested that wide publicity may be given to the Ministry of Welfare Resolution No.12 011/68/93- BCC(C), dated 10-9-93 published in the Gazette of India / Extraordinary Part I Section I, dated 13-9-93 containing the list of Backward Castes as well as to DOPT O.M.No. 36012/22/93-Estt. (SCT), dated 8-9-93 which specifics the criteria which will determine the persons who belong to the creamy layer and to whom the reservation shall not apply. This will facilitate the candidates to ascertain their eligibility for reservation. It would also be advisable to appropriately brief the certifying Authorities and to provide them with suffifient number of copies of the above mentioned Gazette Notification and the Deptt. O.M. dated 8.9.93 in order to ensure prompt and correct certification.

4. A copy of the orders issued by your Government in this regard may also be endorsed to this Department for information.

(Hindi version will follow)

Yours faithfully,

Sd/- Smt. Sarita Prasad .

Joint Secretary to the Government of India.

Annexure

FORM OF

Certificate to be produced by Other Backward Classes applying for appointment to posts under the Government of India.

This is to certify that . . .

Son of . . . of village . . .

District/ Division . . . . . .

in the . . . State .. . . . .

belongs to the . . . community

which is recognised as a backward class under the Government of India, Ministry of Welfare Resolution No. 12011/68/93- BCC(C), dated 10th Sept. 1993 published in the Gazette of India Extraordinary Part I Section I dated 13th Sept. 1993 . Shri . and/ or his family ordinarily resides in the . . District/ Division of the . . . State.

This is also to certify that he/ she does not belong to the persons/ sections (Creamy Layer) mentioned in column 3 of the Schedule to the Government of India, Department of Personnel & Training O.M. No. 36012/22/93-Estt.(SCT), dated 8.9.93.

District Magistrate,

Dated Deputy Commissioner

Seal

NB

(a) The term 'ordinarily' used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.

(b) Where the certificates are issued by Gazetted Officers of the Union Government or State Governments, they should be in the same form but [illegible] by the District Magistrate or Deputy [illegible] (Certificates issued by Gazetted Officers [illegible] District Magistrate/ Deputy Commissioner [illegible]).

(5)

(277-A) (1742) (410)

ANNEXURE B

APPLICATION FORM FOR A CERTIFICATE FOR ELIGIBILITY FOR RESERVATION OF JOBS FOR OTHER BACKWARD CLASSES IN CIVIL POSTS AND SERVICES UNDER GOVERNMENT OF INDIA.

(This form, however, should be used only as a model. Additional items, if necessary, may be incorporated to suit to the local situation in the form.O).

To

____

____

____

Sir,

I, request that a certificate in respect of reservation for other Backward Classes in Civil posts and Services under Government of India be granted to me.

I give below the necessary particulars :-

1. Full name of the applicant : (in block letters).
2. Date of birth.
3. Complete Residential address
   (a) Present
   (b) Permanent
4. Religion
5. Caste :
6. Sub- caste :
7. Occupational Group :
8. Serial Number of the caste in the Central List of OBCs.
9. Name of Father
10. Name of Mother
11. Name of Husband :
12. Status of parent (s)/ Husband

	Father	Mother	Husband
(a) Constitutional posts.			
(I) Designation			
(B) Government Services.			

(4) (7)

(iii) (a) Irrigated
(Type of irrigated Land).
(i)
(ii)
(iii).
(b) Unirrigated.

To be certified by District Revenue Officer not lower than the rank of Tehsildar.

(iv). Percentage of irrigated land holding to statutory ceiling limit under State land Ceiling Laws.
(v). If land holding is both irrigated/ unirrigated total irrigated land holdings on the basis of conversion formula in State Land Ceiling Law.
(vi). Percentage of total irrigated land holding to statutory ceiling limit as per.(iv).

(F). II. Plantation.
(i) Crops/ Fruit.
(ii) Location
(iii) Area of Plantation.

(F). III. Vacant land and / or buildings in urban areas or urban agglamaration.
(i) Location of Property.
(ii) Details of Property.
(iii) Use to which it is put.

(G). Income/ Wealth.
(i) Annual family income from all sources (excluding salaries & income from agricultural land).
(ii). Whether Tax payer (Yes/ No).
(If yes, a copy of the last three years return be furnished).
(iii). Whether covered in Wealth Tax Act (Yes/No).
(if so, furnish details).
(E). Any other remarks

744

(3)

(F). I certify that the above said particulars are true to the best of may knowledge and belief and that I do not belong to the Creamy Layer of OBCs and am eligible to be considered for posts reserved for O.B.C.S. In the event of any information being found false or incorrect, or ineligibility that my candidature/ appointment is liable to be cancelled and I shall be liable to such further action as may be provided under the law and/ or Rules.

Place :
Date:

Yours faithfully,

Signature of the candidate.

(9)

No. 36012/22/93-Estt. (SCT)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)
New Delhi the 8th September 93

OFFICE MEMORANDUM

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 others Vs. 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 13.8.90 referred to in para (1) above is here by modified to provide as follows :

(a) 27 %(Twenty severn 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 [illegible] in column 3 of the scheduled to this office memorandum.

746

(10)

(2)

(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 Government's 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 case of this Office Memorandum.

(Hindi version will follow).

Sd/- Smt. Sarita Prasad.
Joint Secretary to the Government of India.

To

All Ministries/ Departments of Government of India.

Copy:

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

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

(19)

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 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 of wealth which will bring them within the income/wealth criteria mentioned in (a) above.

Explanation :

(i) Income from salaries or agricultural 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.

323

V	PROPERTY OWNERS	
A.	Agricultural holdings	son(s) and daughter (s) of persons belonging to a family (father, mother and minor children) which owns (a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or (b) both irrigated and unirrigated land, as follows : 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 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 8 % 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.	Plantations (i) Coffee, tea, rubber, etc.	Criteria of income/ wealth specified in Category below will apply.
	(ii) Mango, citrus, apple plantations etc.	Deemed as agricultural holding and hence criteria at A above under this Category will apply.
C.	Vacant land and/ or buildings in urban areas or urban agglomerations	Criteria specified in Category VI below will apply.

(7) (15)

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 management consultant, doctor, 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 ;	Criteria specified against category VI will apply :-
(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 only 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 of 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.

(31)

SCHEDULED

Description of category	To whom rule of exclusion will apply
I. CONSTITUTIONAL POSTS	son(s) and daughter(s) of (a) President of India; (b) Vice President of India; (c) Judges of the Supreme Court and of the High Courts ; (d) Chairman & Members of UPSC and of the State Public Service Commission ; Chief Election Commissioner ; Comptroller & Auditor General of India ; (e) persons holding Constitutional positions of like nature.
II. 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

(d) 12

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 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 & 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 in-capacitation and either one of them has had the benefit of employment

(4) (13)

in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation ;

(d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife does; 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 or 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 permenent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years perore their death or permanent incapacitation.

Sedtor Undertakings

The criteria enumerated in A & B above in this Category

All apply mutatis mutandi to officers holding

equivales or comparable posts in PSUs, banks,