

# Annual Report

2012- 2013  
(1st April, 2012 to 31st March, 2013)



सत्यमेव जयते

**National Commission for Backward Classes**  
**Trikoot-I., Bhikaiji Cama Place,**  
**New Delhi-110066**

# Chapter-1

## Introduction

## Chapter-I

### Introduction

Reservation and the task of listing of castes/communities has had a long history, which started from the early period of our history with Manu. Medieval chronicles contained a description of communities located in various parts of the country. Listings in the colonial period were undertaken on an extensive scale, after 1806. The process gathered momentum in course of the censuses from 1881 to 1941. The Backward Classes movement first gathered momentum in South India particularly in Tamil Nadu where reservation was introduced much before Independence.

Reservation in favour of Backward Classes (BCs) was introduced even many years before Independence in most of the area comprising the Presidencies and Princely States south of the Vindhya. In view of Article 16(4) of the Constitution and in response to demands for reservation and other benefits for Backward Classes in other parts of India and in the Centre, the Govt. of India appointed a Backward Classes Commission under Article 340 of the Constitution on 29<sup>th</sup> January 1953. The Commission, popularly known as the Kaka Kalelkar Commission, was required "to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove difficulties and to improve their conditions." The Commission submitted its report on 30<sup>th</sup> March 1955. It was considered by the Government over the next half-decade but was rejected in 1961.

The Backward Classes had to wait for nearly two more decades for the next step at the Central level. The Government of India appointed the Second Backward Classes Commission (Mandal Commission) on 1<sup>st</sup> of January 1979 to investigate the conditions of the Socially and Educationally Backward

Classes and recommend the criteria for defining such classes of citizens, steps to be taken for their advancement and examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes of citizens which are not adequately represented in public services and posts in connection with the affairs of the Union or of any State. The Commission submitted its report on 31<sup>st</sup> December, 1980.

The first tangible step for the implementation of the recommendations of the Mandal Commission's Report was taken in 1990. It was on 6<sup>th</sup> August 1990 that the Government of India took the historic decision to introduce reservation of 27% for Backward Classes on the basis of the Mandal Commission's recommendations. This was announced in the Parliament by the Prime Minister of India on the 7<sup>th</sup> August 1990. Formal orders were issued thereafter in Office Memorandum No. 36012/31/90-Estt. (SCT) dated 13<sup>th</sup> August 1990 (Annexure-I) providing reservation for Socially and Educationally Backward Classes (SEBCs) of 27 % of the vacancies filled by direct recruitment in civil posts and services under the Central Government and Public Sector Undertakings and Financial Institutions for SEBCs. A number of writ petitions were filed in the Supreme Court questioning the said Memorandum along with applications for staying the operation of the Memorandum. The operation of the O.M. was stayed by the Supreme Court. The stay continued in force till 16<sup>th</sup> November 1992, when the Supreme Court finally disposed off these writ petitions. Another Office Memorandum was issued on 25<sup>th</sup> September 1991 reiterating in essence the O.M. of 13<sup>th</sup> August 1990 and partly modifying it (Annexure-II). The Supreme Court in its landmark judgement dated 16-11-1992 in Writ Petition (Civil) No 930 of 1990, Indra Sawhney etc. etc. Vs Union of India & Others etc. etc., popularly known as the Mandal Case held O.M. No. 36012/31/90-Est. (SCT) dated 13-8-1990 valid and enforceable subject to the exclusion to the socially advanced persons/sections from the notified Backward Classes. It directed that the implementation of the O.M. dated 13-8-1990 shall be subject to the exclusion of the socially advanced members/sections ('Creamy Layer' as it was termed)

of the Backward Classes. Another direction of the Supreme Court required the Government of India, and each of the State Governments and Administrations of Union Territories to constitute a permanent body, in the nature of a Commission or Tribunal, for entertaining and advising the respective governments on the requests for inclusion and Complaints of over-inclusion or under-inclusion in the lists of Backward Classes and also directed that the Advice tendered by such body shall ordinarily be binding upon the concerned Government. The directions of the Supreme Court contained in the Judgement are appended (Annexure-III).

In accordance with the direction of the Supreme Court regarding the Socially Advanced Persons/Sections, the Government of India vide its Resolution No. 12011/16/93-BCC(C)-Ministry of Welfare dated the 22<sup>nd</sup> February, 1993 (Annexure-IV) set up an Expert Committee, initially to determine the basis, viz., the criteria for identification of the Socially Advanced Persons/Sections in so far as the Government of India was concerned. The Committee started functioning from 23<sup>rd</sup> February 1993 and furnished its report on 10-3-93.

The O.M. of the 13<sup>th</sup> of August 1990 as upheld and in accordance with the directions of the Supreme Court and this was implemented through Department of Personnel & Training, O.M. No. 36012/22/93-Estt(SCT) dated 8<sup>th</sup> September 1993 and Ministry of Welfare, Resolution No. 12011/68/93-BCC(C), dated 10<sup>th</sup> September 1993 (Annexure-V & VI). The O.M. dated 8<sup>th</sup> September 1993 incorporated in the O.M. of 13<sup>th</sup> August 1990 the rule of exclusion of Socially Advanced Persons/Sections from reservation, on the basis of the recommendations of the Expert Committee, thus fulfilling the condition laid down by the Supreme Court for the implementation of the O.M. of 13<sup>th</sup> August 1990. The order contained in the Resolution dated 10<sup>th</sup> September 1993 of the Ministry of Welfare notified the first phase lists of Backward Classes for 14 States, on the basis of the recommendations of the Expert Committee on Backward Classes.

In pursuance of this direction of the Supreme Court, the Government of India enacted the National Commission for Backward Classes Act, 1993 (Act No. 27 of 1993) (Annexure-VII), setting up a National Commission for Backward Classes at the Centre. Section 3 of the Act provides that the Commission shall consist of five members, namely, a Chairperson who is or has been a judge of the Supreme Court or of a High Court, a social scientist, two persons who have special knowledge in matters relating to backward classes and a Member-Secretary who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India. The functions of the Commission are laid down in section 9 and section 11 of the Act. Under Section 9(1) of the Act it 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". Under Section 9(2) of the Act, the advice of the Commission shall ordinarily be binding upon the Central Govt. Another function of the Commission arises from Section 11 of the Act which, in the light of a direction of the Supreme Court, enjoins upon the Central Government to undertake revision of the lists at the expiration of ten years from coming into force of this Act and every succeeding period of ten years, and enables it to undertake such revisions 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. While performing its functions under Section 9(1) of the Act, the Commission has, by section 10, been vested with all the powers of a civil court trying a suit and in particular, in respect of the summoning and enforcing the attendance of any person from any part of India and examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; issuing notices for the examination of witnesses and documents; and any other matter which may be prescribed. Section 8(2) empowers the National Commission for Backward Classes to regulate its own procedure. Sections 14

and 15 provide that the Commission shall prepare its annual report for each financial year which together with a memorandum of action taken on the advice tendered by the Commission under Section 9 and the reasons for the non-acceptance, if any, of any such advice and the audit report shall be laid by the Central Government before each House of Parliament. The Act came into effect on the 2<sup>nd</sup> April 1993. The Government of India constituted the Commission by its Notification No. 12011/34/BCC(C)/Pt. I dated 14<sup>th</sup> August, 1993 with the first team of five Members with a tenure of three years (Annexure-VIII).

### *Review of Income Criteria*

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

Having regard to the fact that the period of three years have since elapsed from the date of issue of O. M. dated 9<sup>th</sup> March, 2004, raising the income limit to Rs. 2.5 lakhs, the Government of India, the Ministry of Social Justice & Empowerment, vide Office Order No. 12015/13/2007-BCC dated December, 2007, entrusted the task of review of the income criteria to this Commission. The Commission had also been asked to give suggestions/recommendations on some other issues relating to the creamy layer criteria. The Commission submitted its report on 1<sup>st</sup> July, 2008 and

recommended income limit for person/sections among OBCs to be raised from Rs. 2.5 lakhs to Rs. 4.5 lakhs.

The recommendations contained in the Report were accepted by the the Government of India and notified the above vide DOP&T O.M.No. 36033/3/2004-Estt. (Res.) dated 14<sup>th</sup> October, 2008 raising the income limit to Rs. 4.5 lakhs (Annexure-IX).

The Ministry of Social Justice & Empowerment vide Office Order No. 12015/10/2011-BC-II dated 5<sup>th</sup> July, 2011, again entrusted the task of review of the income criteria to this Commission. The Commission submitted its report on 14<sup>th</sup> September, 2011 and recommended income limit for person/sections among OBCs to be raised from Rs. 4.5 lakhs to Rs. 12 lakh in urban areas i.e. Metropolitan cities and Rs. 9 lakhs in rest of the areas. The report of the Commission is under consideration of Ministry of Social Justice & Empowerment, Government of India.

# Chapter-II

## Functions of the Commission

## Chapter II

### **Functions of the Commission**

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

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

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

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

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

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

- (i) Formulated the procedure for examination of requests for inclusion in the lists and complaints of over-inclusion or under-inclusion in the Central list of Backward Classes.
- (ii) Formulated guidelines for consideration of requests for inclusion and complaints of under-inclusion in the Central list.
- (iii) Prepared questionnaire for obtaining data in respect of requests for inclusion of castes/communities.

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

### **Conferment of Review Powers on the Commission**

The Power of the Commission has been widened by Gazette Notification No. 12011/9/2007-BCC dated 03/05/2011 wherein the Commission shall also have the power to review an advice tendered erstwhile to the Central Government under sub-section (1) of Section-9.



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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सामाजिक न्याय और अधिकारिता मंत्रालय

अधिसूचना

नई दिल्ली, 3 मई, 2011

सा.का.नि. 360(अ).— केन्द्रीय सरकार, राष्ट्रीय पिछड़ा वर्ग आयोग अधिनियम, 1993 (1993 का 27) की धारा 17 के साथ पठित धारा 10 के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारंभ.— (1) इन नियमों का संक्षिप्त नाम राष्ट्रीय पिछड़ा वर्ग आयोग (सलाह के पुनर्विलोकन की शक्ति) नियम, 2011 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं - इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो, -

(क) "अधिनियम" से राष्ट्रीय पिछड़ा वर्ग आयोग अधिनियम, 1993 (1993 का.27) अभिप्रेत है;

(ख) "आयोग" से राष्ट्रीय पिछड़ा वर्ग आयोग अभिप्रेत है ;

(ग) "पुनर्विलोकन" से इन नियमों के नियम 3 के अनुसरण में किया गया कोई पुनर्विलोकन अभिप्रेत है ;

(घ) शब्दों और पदों के, जो इसमें प्रयुक्त हैं और परिभाषित नहीं हैं, वही अर्थ होंगे जो अधिनियम में हैं।

3. केन्द्रीय सरकार को दी गई सलाह के पुनर्विलोकन की शक्ति.— धारा 10 के उपबंधों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, आयोग को धारा 9 की उपधारा (1) के अधीन केन्द्रीय सरकार को दी गई किसी सलाह के पुनर्विलोकन की शक्ति होगी।

4. पुनर्विलोकन पर सिविल प्रक्रिया संहिता, 1908 के कतिपय उपबंधों का लागू होना.— सिविल प्रक्रिया संहिता 1908 (1908 का 5) की धारा 114 और आदेश 47 के उपबंध आयोग द्वारा किए गए किसी पुनर्विलोकन को आवश्यक परिवर्तनों सहित लागू होंगे।

[फा. सं. 12011/9/2007-बीसीसी]

पी. पी. मित्रा, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT  
NOTIFICATION

New Delhi, the 3rd May, 2011

G.S.R. 360(E).— In exercise of the powers conferred by Clause (f) of Section 10, read with Section 17 of the National Commission for Backward Classes Act, 1993 (27 of 1993), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement - (1) These rules may be called the National Commission for Backward Classes (Power to Review Advice) Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**—In these rules, unless the context otherwise requires —

- (a) “Act” means the National Commission for Backward Classes Act, 1993 (27 of 1993);
- (b) “Commission” means the National Commission for Backward Classes;
- (c) “review” means a review undertaken in pursuance of rule 3 of these rules;
- (d) words and expressions used herein but not defined shall have the meaning assigned to them in the Act.

3. **Power to review advice tendered to the Central Government.**—Without prejudice to the generality of the provision of Section 10, the Commission shall also have the power to review an advice tendered to the Central Government under sub-section (1) of Section 9.

4. **Applicability of certain provisions of the Code of Civil Procedure, 1908, to review.**—Provisions of Section 114 and Order XLVII of the Code of Civil Procedure, 1908 (5 of 1908), shall, *mutatis mutandis*, apply to a review undertaken by the Commission.

[F.No. 12011/9/2007-BCC]

P.P. MITRA, Jt. Secy.



Gosain (Delhi)

# Chapter-III

## Composition of the Commission

### *Chapter III*

## **Composition of the Commission**

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

#### **A From 18.8.1993 to 17.8.1996**

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

**B From 28.2.1997 to 27.2.2000**

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

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

**C From 28.7.2000 onwards**

1. Chairperson Justice (Retd.) B L Yadav  
(died in harness on 24.3.2002)
2. Member-Secretary Shri C T Benjamin  
(6.4.2000 to 31.7.2000 as Secretary)  
(1.8.2000 to 31.7.2003 as Member Secretary)
3. Member Shri M S Matharoo  
(14.7.1999 to 13.7.2002)
4. Member Dr. B M Das  
(28.08.2000 to 27.08.2003)
5. Member Smt. Neera Shastri  
(03.9.2000 to 02.9.2003)

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

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

**E From 14-8-2005 onwards**

1. Chairperson Justice (Retd.) S. Ratnavel Pandian  
(14.8.2006 to 13.08.2009)
2. Member-Secretary Shri S.K. Purkayastha  
(9.8.2004 to 8.8.2007)  
Shri Lakshmi Chand  
(18.08.2007 to 05.07.2008)  
Smt. Chitra Chopra  
(11.11.2008 onwards)
3. Member Shri.Yogeshwar Prasad Yogesh  
(from 10.03.06 to 31.05.2007)  
Shri Ram Awadhesh Singh  
(08.06.2007 to 07.06.2010)
4. Member Smt. Neera Shastri  
(from 29.09.2003 to 28.09.2006)  
Dr. Subbha Somu  
(28.03.2007 to 27.03.2010)

5. Member Dr. B. Babu Rao Verma  
(6.10.2003 to 5.10.2006)  
Shri Abdul Ali Azizi  
(15.10.2007 to 14.10.2010)

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

**F From 07.06.2010 onwards**

1. Chairperson Justice (Retd.) M N Rao  
(07.06.2010 onwards)
2. Member-Secretary Smt. Chitra Chopra  
(11.11.2008 till 10-11-2011)  
Dr. Shyam Agarwal  
(Secretary-Additional Charge)  
(15-11-2011 onwards)
3. Member Shri S.K. Kharventhan  
(03.11.2010 onwards)
4. Member Shri Ram Awadhesh Singh  
(from 08-06-2007 to 07.06.2010)  
Shri Deepak Katole  
(12-11-2010 onwards)
- 5 Member Shri Abdul Ali Azizi  
(15.10.2007 to 14.10.2010)  
Dr. Shakeel-uz-Zaman Ansari  
(27-07-2011 onwards)



Fakir (Delhi)



Kuruba (Kerala)

# Chapter-IV

## Work done by the Commission

## *Chapter IV*

### **Work done by the Commission**

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

Since its inception, the Commission has tendered **1317** Advices in respect of cases of castes/communities/sub-castes/synonyms for inclusion/rejection of Other Backward Classes in the Central List for various States and Union Territories from time to time under section 9(1) of the NCBC Act, 1993 and for further necessary action by the Ministry of Social Justice & Empowerment under section 9(2) of the Act.

#### ***II. Work done during April 2012 to March 2013***

Under sub-section (1) of Section 9 of the National Commission for Backward Classes Act, the Commission examines requests for inclusion of any class of citizens as a Backward Class in the lists and hear complaints of over-inclusion or under inclusion of any Backward Class in such lists and tender such advice to the Central Government as it deems appropriate. While the Commission processes the requests received from various Organisations, it is only those cases in respect of which advices are furnished and sent to the Government are reflected in the Report. The advice of the Commission are finalized in formal meetings of the Commission for which date and time are fixed by the Chairman.

During the year 2012-13, the Commission held **12** meetings upto March 2013 and **36 advices** relating to inclusion/rejection/correction of castes/communities/sub-castes/synonyms had been considered & approved and were sent to the Ministry of Social Justice & Empowerment.

During the period from April 2012 to March 2013, the Commission held **3 public hearings in 2 States and 1 Union Territory** for considering the requests for inclusion of castes/communities in the Central List of OBCs for the respective States /UTs as per details indicated below:-

**Public Hearings held during April 2012 – March 2013**

Sl. No.	State	Date of Public Hearing	Castes/Communities for which the Public Hearing was held
1.	Kerala	Public Hearing at Kerala on 15-05-2012	<ol style="list-style-type: none"> <li>1. Mahendra- Medara</li> <li>2. Chaliya (Chaliyan)</li> <li>3. Moopar</li> <li>4. Malayan (throughout the State except Malabar District)</li> <li>5. Kuruba</li> </ol>
2.	Delhi	Public Hearing at Delhi on 24-08- 2012	<ol style="list-style-type: none"> <li>1. Rawat/ Rajput Rawat</li> <li>2. Kharol/ Khariwal</li> <li>3. Bhatra, Darpi &amp; Ramiya</li> <li>4. Pal, Baghel &amp; Nikhar</li> <li>5. Kosta/ Kostee</li> <li>6. Ramgarhia- Sikh</li> <li>7. Alvi as synonym of Fakir</li> <li>8. Nath, Yogi, Jugi &amp; Gosain as synonym of Jogi,</li> <li>9. Maurya, Kushwaha, Shakya and Mahato as synonym of Kachhi</li> <li>10. Bhar/Rajbhar</li> </ol>
3.	Chandigarh	Public hearing at Chandigarh on 12-03-2013	<ol style="list-style-type: none"> <li>1. Tarboli</li> <li>2. Berrer</li> <li>3. Teta</li> <li>4. Bharbhuria</li> <li>5. Chahang</li> <li>6. Chamgar</li> <li>7. Darji/ Darj, Tank, Chimpa, Chiba</li> <li>8. Dhinear, Kashyap Rajput/ Kasye Rajputs</li> <li>9. Bhosali</li> <li>10. Gadderia</li> <li>11. Ghani/ Ghazi, Goasiara or Ghosia</li> <li>12. Kummi</li> <li>13. Kanihar</li> <li>14. Pemja</li> <li>15. Rehard</li> <li>16. Singhikar, Singhwala</li> <li>17. Tamera</li> <li>18. Daula, Soni Barderi</li> <li>19. Nais</li> <li>20. Lohar</li> </ol>

During the period under report, the Commission tendered **36 advices for inclusion/rejection in the Central List of OBCs, in respect of castes/ sub-castes/ communities/ synonyms of 6 States to the Central Government as per the details given below:**

**Advices tendered to Government of India during  
April, 2012 to March, 2013**

State	Caste Name	Advice No. & Date
Andhra Pradesh	Gudia/ Gudiya (confined to Srikakulam, Vizianagaram and Visakhapatnam Districts only),	NCBC/ Advice No.75/A.P./2012 dated 07.11.2012 (Inclusion)
	Kurmi (confined to Telangana Region and also Krishna Districts only)	NCBC/ Advice No.76/A.P./2012 dated 07.11.2012 (Inclusion)
	Budubunjala/ Bhunjwa/ Bhadbhunja (confined to Hyderabad and Ranga Reddy Districts only)	NCBC Advice No. 77/ A.P./ 2013 dated 27.02.2013 (Inclusion)
	Lakkamari Kapu (confined to Telangana Region only)	NCBC Advice No. 78/A.P./2013 dated 27.02.2013 (Inclusion)
	Beri Vysya/ Beri Chetty	NCBC Advice No. 79/A.P./2013 dated 27.02.2013 (Rejection)
	Kunchiti Vakkaliga/ Vakkaligara/ Kunchitiga	NCBC Advice No. 80/A.P./2013 dated 27.02.2013 (Rejection)
	Sadara/ Sadaru/ Hindu Sadaru (Sadari, Sadara Reddy, Sadara Kapu, Sadara Gowda, Sadar)	NCBC Advice No. 81/A.P./2013 dated 27.02.2013 (Rejection)
	Veerashaiva Lingayat/ Linga Baliija	NCBC Advice No. 82/A.P./2013 dated 27.02.2013 (Rejection)
Delhi	Ramgarhia- Sikh	NCBC/ Advice No.32/Delhi/2012 dated 01.10.2012 (Inclusion)
	Alvi- Fakir	NCBC/ Advice No.33/Delhi/2012 dated 01.10.2012 (Inclusion)
	Nath, Yogi, Gosain	NCBC/ Advice No.34/Delhi/2012 dated 01.10.2012 (Inclusion)
	Maurya, Shakya	NCBC/ Advice No.35/Delhi/2012 dated 01.10.2012 (Inclusion)
	Bhar/ Rajbhar	NCBC/ Advice No.36/Delhi/2012 dated 01.10.2012 (Inclusion)
Jharkhand	Mayra (Maira) Modak	NCBC/ Advice No.6/Jharkhand/2012 dated 07.11.2012 (Inclusion)
Kerala	Mahendra- Medara	NCBC/ Advice No.60/Kerala/2012 dated 04.07.2012 (Inclusion)
	Chaliya (Chaliyan)(Whose caste profession is cotton weaving)	NCBC/ Advice No.61/Kerala/2012 dated 04.07.2012 (Inclusion)
	Moopar	NCBC/ Advice No.62/Kerala/2012 dated 04.07.2012 (Inclusion)
	Kuruba	NCBC/ Advice No.63/Kerala/2012 dated 04.07.2012 (Inclusion)

Karnataka	Kalavanthi	NCBC Advice No. 203/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Kodagaru	NCBC Advice No. 204/ Karnataka/2012 dated 27.04.2012 (Rejection)
	Raya Rawath, Ravat	NCBC Advice No. 205/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Daveri	NCBC Advice No. 206/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Garudi, Garudiga, Garadiga (Hindu & Muslim)(Whose traditional occupational is snake-charming and performing juggling and acrobats )	NCBC Advice No. 207/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Andi, Andipandaram	NCBC Advice No. 208/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Bolahallala, Ballala	NCBC Advice No. 209/ Karnataka/2012 dated 27.04.2012 (Rejection)
	Bhatial, Bhattia	NCBC Advice No. 210/ Karnataka/2012 dated 27.04.2012 (Rejection)
	Banagara	NCBC Advice No. 211/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Somavamsha Sahasrarjuna Kshatriya	NCBC Advice No. 212/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Sadaru, Sadumata, Sadkula, Sadar, Sadu Gowda, Sadu Gowdar, Sadara, Sadari, Sadara Gowda	NCBC Advice No. 213/ Karnataka/2012 dated 27.04.2012 (Rejection)
	Gamalla	NCBC Advice No. 214/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Agnivanni	NCBC Advice No. 215/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Agni Vamsha Kshatriya	NCBC Advice No. 216/ Karnataka/2012 dated 27.04.2012 (Inclusion)
	Medara	NCBC Advice No. 217/ Karnataka/ 2013 dated 15.02.2013 (Deletion)
Banjari, Brinjari, Vanjara, Wanjari, Lambaid, Gore or Gorla	NCBC Advice No. 218/ Karnataka/2013 dated 27.02.2013 (Rejection)	
Killikyata	NCBC Advice No. 219/ Karnataka/2013 dated 27.02.2013 (Rejection)	
Uttarakhand	Ranwalta /Jaunpuri Samuday	NCBC/Advice No. 6/ Uttarakhand/2013 dated 14.03.2013 (Correction)

**Entries in Centre & State List of OBCs**

<b>States/UTs</b>	<b>Central List</b>	<b>State List</b>
A& N Islands	5	5
Andhra Pradesh	106	128
Assam	28	30
Bihar	132	138
Chandigarh	59	60
Chattisgarh	67	91
Dadra & Nagar Haveli	10	13
Daman & Diu	44	47
Delhi	54	65
Goa	16	17
Gujarat	105	137
Haryana	74	74
Himachal Pradesh	52	49
Jammu & Kashmir	21	23
Jharkhand	127	147
Karnataka	195	207
Kerala	83	81
Madhya Pradesh	66	91
Maharashtra	256	301
Manipur	4	4
Odisha	199	209
Pondicherry	58	80
Punjab	66	69
Rajasthan	68	82
Sikkim	9	12
Tamil Nadu	181	285
Tripura	42	44
Uttar Pradesh	76	79
Uttarakhand	78	84
West Bengal	61	108
<b>Total</b>	<b>2342</b>	<b>2449</b>



**Chaliya (Chaliyan)(Whose caste profession is cotton weaving) Kerala**



**Banjari** caste/community Karnataka

# Chapter-V

## Requests made to the Government

एस० के० खारवेंथन

सदस्य

पूर्व सांसद (लोक सभा)

**S. K. Kharventhan**

**Member**

Former Member of Parliament (Lok Sabha)

Former Chairman, Bar Council of India



राष्ट्रीय पिछड़ा वर्ग आयोग  
सामाजिक न्याय एवं अधिकारिता विभाग  
भारत सरकार

ट्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

GOVERNMENT OF INDIA

TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110066

TEL : 011-26187360 FAX : 011-26183227

NCBC/DO/404/2012

1<sup>st</sup> November, 2012

**Hon'ble Sir,**

**Namaskar.**

Herewith I am forwarding the resolutions passed in All India General Insurance OBC Employees Conference held at Chennai on 13-10-2012.

The above conference was presided over by Shri K. Senthamizh Selvan, Honorary President of the Association. Myself and Shri K. Venkitapathy, Ex-MP, Former Minister of State for Law and Justice, Government of India were participated as Chief Guests.

The above Association emphasise certain important factors for early implementation. The first and foremost is participation of OBC representation in "CHECK-OFF-EXERCISE". The "General Insurers' (Public Sector) Association of India (GIPSA)" and its Members, The Oriental Insurance Co. Ltd., United India Insurance Co. Ltd., The New India Assurance Co. Ltd. and National Insurance Company Ltd. have the above Exercise for carrying out negotiations with all the Associations and Unions. In the recent past 2 Exercise has been done but it is unfortunate that the OBC Associations were not called and failed to give an opportunity to express their views. The office bearers of OBC Employees Welfare Association took up the issue with "GIPSA" number of times but ended in vein.

Ministry of Finance, Department of Economic Affairs (Banking Division), Government of India directed the Chief Executives of All Public Sector Banks / Financial Institutions to have regular meetings with the representatives of the OBC Employees Associations at least twice in a year by its Letter No. F/2/3/97-SCT (B) dated 9-01-2001. The above system is strictly followed by all Government of India Institutions, Public Sector Undertakings, Banks and other Financial Institutions and Railways. The copy of the letter is enclosed herewith.

Hence, I request your goodself to direct the authorities concerned to call for the OBC Associations for regular meetings and for Check Off Exercises and give an opportunity to express their views.

Thanking you,

Yours sincerely,

  
(S. K. KHARVENTHAN)

**Shri Namo Narain Meena**

Hon'ble Minister of State for Finance

Govt. of India

North Block

New Delhi-110001

एस० के० खारवेंथन

सदस्य

पूर्व सांसद (लोक सभा)

**S. K. Kharventhan**

**Member**

Former Member of Parliament (Lok Sabha)

Former Chairman, Bar Council of India



सत्यमेव जयते

राष्ट्रीय पिछड़ा वर्ग आयोग  
सामाजिक न्याय एवं अशिक्षितों के  
संरक्षण आयोग  
भारत सरकार

त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT,

GOVERNMENT OF INDIA

TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110066

TEL : 011-26187360 FAX : 011-26183227

No.NCBC/DO/330/2012

10<sup>th</sup> July, 2012

Dear Sir,

**Namaskar.**

Herewith I am forwarding the letter submitted by Shri J. K. Puthiyevan, General Secretary, AIOBC Railway Employees Association, Southern Railway, for your kind consideration and necessary action.

They have levelled certain grievances about the appointment of the Liaison Officer for the OBC Employees. One Mr. K. Manickaraj, Senior Personal Officer, Reservation is appointed for as Liaison Officer for SC, ST & OBC.

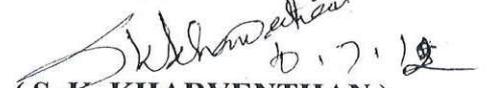
As per the direction of Government of India, Department of Personnel & Training vide O.M. No.42011/18/96-Estt. (Res) dated 6-3-1997 and OM of even number, dated 1-10-1997, a separate Liaison Officer should be appointed not below the rank of Deputy Secretary for looking after matters relating to the reservation for OBCs and other matters. The copy of the above O.M. is enclosed for your perusal.

Hence, Shri J. K. Puthiyevan, General Secretary, AIOBC Railway Employees Association requesting to appoint a separate Liaison Officer exclusively for OBC Railway Employees.

I feel his request is genuine and reasonable.

Please consider and do the needful.

Yours sincerely,

  
(S. K. KHARVENTHAN)

**Shri B. K. Handique**

Chairman

Committee on Welfare of Other Backward Classes

Room No.415

Parliament House Annexe

New Delhi-110001

एस० के० खारवेंथन  
सदस्य  
पूर्व सांसद (लोक सभा)



**S. K. Kharventhan**  
**Member**

Former Member of Parliament (Lok Sabha)  
Former Chairman, Bar Council of India

राष्ट्रीय पिछड़ा वर्ग आयोग  
सामाजिक न्याय एवं अधिकारिता मंत्रालय  
भारत सरकार

त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES  
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT,  
GOVERNMENT OF INDIA  
TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110066  
TEL : 011-26187360 FAX : 011-26183227

NCBC/DO/318/2012  
25<sup>th</sup> June, 2012

Dear Sir,

**Namaskar.**

Herewith I am forwarding the representation submitted by Shri J. Vijayakumar, President, All India ONGC OBC & MOBC Employees Welfare Association, for your kind consideration and necessary action.

The letter itself is self explanatory. The above Association raised three issues pertaining to OBC and MOBC Members working in ONGC.

I feel their requests are genuine and reasonable.

Please consider and do the needful.

With warm regards,

Yours sincerely,

  
25-6-12  
( S. K. Kharventhan )

**The Chairman & Managing Director**  
Oil and Natural Gas Corporation Limited  
Jeevan Bharti Tower-II  
124, Indira Chowk  
Connaught Place  
New Delhi-110001

एस० के० खारवेंथन  
सदस्य  
पूर्व सांसद (लोक सभा)

**S. K. Kharventhan**  
Member

Former Member of Parliament (Lok Sabha)  
Former Chairman, Bar Council of India



राष्ट्रीय पिछड़ा वर्ग आयोग  
NCBC, Annual Report 2012-13  
सामाजिक न्याय एवं अधिकारिता मंत्रालय  
भारत सरकार  
त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066  
NATIONAL COMMISSION FOR BACKWARD CLASSES  
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT  
GOVERNMENT OF INDIA  
TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110066  
TEL. : 011-26187360 FAX : 011-26183227

No.NCBC/DO/383/2012  
26<sup>th</sup> September, 2012

Hon'ble Sir,

**Namaskar.**

Herewith I am forwarding the copy of the letter received from Ministry of Shipping (Ports Wing), Govt. of India dated 17-4-2012 by its Ref : F.No.PR.35013/102/2012-PG by Shri K. Dhanasekhar, General Secretary, All India Confederation of OBC Employees' Welfare Association, No.28/8, New Street, Kannammamet, Thyagarayanagar, Chennai-600017, for your kind consideration and necessary action.

Throughout the Country there are 12 Ports under the Ministry of Shipping. It is unfortunate to note that none of the Port appointed a separate Liason Officer for OBC Employees to redress their grievances as per the Order No.42011/18/96-Estt(Res) dated 6-3-1997 issued by DOP & Training, Govt. of India.

Hence I request you to take up this issue with Ministry of Shipping and direct the various Port authorities to implement the order dated 6-3-1997 and protect the interests of OBC Employees.

Thanking you,

Yours sincerely,

  
26-9-12  
( S. K. KHARVENTHAN )

**Shri B. K. Handique**  
Chairman  
Committee on Welfare of Other Backward Classes  
Room No.415  
Parliament House Annexe  
New Delhi-110001

**By Regd. Post**

**F.No.PR-35013/102/2012-PG**

Government of India  
Ministry of Shipping  
(Ports Wing)

Transport Bhawan,  
1, Parliament Street, New Delhi.  
Dated the 17<sup>th</sup> April, 2012

To

Shri K.Danasekar, General Secretary,  
All India confederation of OBC Employees'  
Welfare Association,  
No.28/8, New Street, Kannammamet,  
Thyagarayanagar, Chennai-600017.

Subject: Application under RTI Act,2005.

Sir,

Please refer to your RTI application dated 23.3.2012 (received in the Ministry on 27.3.2012).  
The pointwise information sought for is given below:-

**i. List of Ports in India coming under the Ministry of Shipping:**

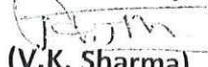
- |                                  |                                |
|----------------------------------|--------------------------------|
| 1. Kolkata port Trust            | 2. Paradip port Trust          |
| 3. Vishakhapatnam Port Trust     | 4. Chennai Port Trust          |
| 5. V.o. Chidambaranar port Trust | 6. Cochin Port Trust           |
| 7. New Manglore Port Trust       | 8. Mormugao Port Trust Trust   |
| 9. Mumbai Port Trust             | 10. Jawahar Lal New Port Trust |
| 11. Kandla Port Trust            | 12. Ennore Port Limited.       |

**ii. Name and designation of the Liaison officers appointed exclusively for OBC's in the above ports as per the order No. 42011/18/96-Estt. (Res) dated 6.3.1997 issued by DOP&T.**

No Liaison officer has been appointed for OBC's from the Ministry for the above Ports.

3. If you are not satisfied with the reply, you may appeal to Shri Rakesh Srivastava, Joint Secretary & Appellate Authority. Ministry of Shipping, Room No. 411, Transport Bhawan, New Delhi within 30 days from the date of receipt of reply.

Yours faithfully,

  
(V.K. Sharma)

Deputy Secretary to the Government of India & CPIO

Tel: 23719456

एस० के० खारवेंथन  
सदस्य  
पूर्व सांसद (लोक सभा)



**S. K. Kharventhan**  
Member

Former Member of Parliament (Lok Sabha)  
Former Chairman, Bar Council of India

राष्ट्रीय पिछड़ा वर्ग आयोग  
NCBC, Annual Report 2012-13  
सामाजिक न्याय एवं अधिकारिता मंत्रालय  
भारत सरकार

त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066  
NATIONAL COMMISSION FOR BACKWARD CLASSES  
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT  
GOVERNMENT OF INDIA  
TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110066  
TEL. : 011-26187360 FAX : 011-26183227

No.NCBC/DO/491/2013

11<sup>th</sup> March, 2013

Dear Sir,

**Namaskar.**

On behalf of "All India LIC OBC Employees Welfare Association"  
I am submitting this letter for your kind consideration and necessary  
action.

The above Association is functioning since the last two decades for  
protecting the interests of OBC Employees working in LIC of India. After  
constitution of the above association they had conducted number of  
Conferences in National Level and Zonal Level and demanded the  
Management to appoint a Liasion Officer for OBC Employees to redress  
their grievances. Upon their request LIC Management appointed a Liasion  
Officer for OBC Employees but till date no meeting was conducted to  
discuss their problems and no steps taken to solve their problems.

Government of India, Department of Personnel and Training issued  
a Office Memorandum No.42011/18/96 – Estt.(SCT) dated 6-3-1997 and  
OM of even number dated 1-10-1997 and directed all the Ministries to  
appoint a separate Liasion Officer not less than the rank of Deputy  
Secretary for OBC Employees and further instructed functions of the  
Liasion Officers will be at par with Liasion Officer looking after the work  
of SC/ST in services and Posts. The copy of the O&M is enclosed  
herewith for your perusal. It is unfortunate that the LIC Management is  
failed to conduct regular meeting with OBC Employees like SC/ST  
Employees Meeting, as per the direction dated 1-10-1997 by DOPT.

Government of India, Ministry of Finance issued Circular on  
9-1-2001 No.F.2/3/97-SCT(B) and directed all Public Sector Banks and  
Financial Institutions to conduct regular meeting with OBC Employees at  
least twice in a year and the same is regularly followed by all Institutions.  
The copy of the Circular is enclosed herewith.

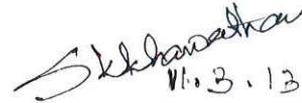
*contd..*

Number of times this issue was taken up with your office but till date no action being taken. Hence, the above Association submitted a Memorandum to Parliamentary Committee on OBC and the Committee also sent a letter to LIC and the same is pending.

Hence, I am requesting you to take necessary and suitable action and direct the authorities concerned to conduct regular periodical Meeting with the representatives of OBC Employees and do the needful.

Thanking you,

Yours sincerely,



11.3.13

( S. K. KHARVENTHAN )

**Shri D. K. Mehrotra**  
Chairman  
LIC of India  
Yogakshema Building  
Jeevan Bima Marg  
Nariman Point  
Mumbai-400021

284 SWAMY'S — RESERVATIONS AND CONCESSIONS IN GOVT. SERVICES

2. After the issue of reservation orders of OBCs, it is considered necessary to have similarly provisions in respect of the caste certificate furnished by candidates claiming to belong to OBC communities.

3. In the offer of appointment to candidates claiming to belong to OBC, the Appointing Authority should include a clause as follows:—

[ *Not printed. See Order 11 for Revised Certificate.* ]

4. All Ministries / Departments are requested to take further action on the above lines.

9

**G.I., Dept. of Per. & Trg., O.M. No. 42011/18/96-Estt. (Res.), dated 6-3-1997 and OM of even number, dated 1-10-1997**

*Subject:—* Officer of the rank of Deputy Secretary to be nominated as a separate Liaison Officer for looking after matters relating to the reservation for OBCs

The undersigned is directed to invite attention to this Department's O.M. No. 36035/8/92-Estt. (SCT), dated 10-11-1994, according to which the Liaison Officers appointed to look after the reservation matters of SC/ST were also entrusted with the responsibility of looking after reservation matters relating to the OBCs.

2. The matter of having the same LO for the SCs/STs and the OBCs has been re-examined and it has been decided there should be a separate Liaison Officer for looking after matters relating to the reservation for the OBCs. Ministry of Finance, etc., are requested to take immediate steps to appoint a separate LO for the OBCs.

3. Ministry of Finance, etc., may also please bring these instructions to the notice of all the Attached and Subordinate Offices / PSUs under them for compliance.

It has been noticed that the Ministries / Departments have appointed Liaison Officers below the level / status of the Deputy Secretary, without taking into consideration the instructions laid down for the appointment of LO for SC/ST, *vide* OM, dated 10-4-1968.

4. All the Ministries/Departments are requested to nominate the Deputy Secretary in-charge of Administration in the Ministry/Department or another officer of the rank of Deputy Secretary as LO for looking after work relating to matters of reservation for the OBCs in service / posts. The functions of the Liaison Officers will be at par with the LO looking after the work of SC / ST in services / posts.

[G.I., Dept. of Per. & Trg., O.M. No. 42011/18/96-Estt. (Res.), dated 1-10-1997.]

10

**G.I., Min. of Social Justice & Empowerment, Lr. No. 12017/1/2002-BCC, dated 25-11-2002**

*Subject:—* Clarification regarding issue of OBC certificate to migrants from one State / UT to another State / UT

I am directed to say that many instances have come to the notice of this Ministry wherein certificates belonging to a particular backward class has

No.F.2/3/97-SCT(B)  
Government of India  
Ministry of Finance  
Department of Economic Affairs  
(Banking Division)  
\*\*\*\*\*

New Delhi, the 9<sup>th</sup> January, 2001.

To,

**The Chief Executives of All Public Sector Banks/Financial Institutions.**

**The Executive Director, Reserve Bank of India, Head Office, Mumbai.**

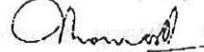
Sub:- Meetings with OBCs Employees representatives.

Sir,

I am directed to invite your kind attention to Banking Division's letter of even No. dated 05.06.1998 (copy enclosed) wherein it was desired that the Chief Executives of Public Sector Banks/Financial Institutions may hold meetings with the majority OBC Employees association at least once in a year.

It has been brought to the notice of the Government that the meetings are not being held regularly. It has also been represented to the Government that periodicity of the meeting may be increased. After careful consideration of the matter, it has been decided that the Chief Executives of the Public Sector Banks/FIs may meet with the representatives of the OBC Employees Associations at least twice in a year and that the time gap between two meetings should not be more than six months.

Yours faithfully,

  
(A. THOMAS)

Under Secretary to the Government of India.

Copy to:-

1. The Chief Liaison Officers for OBCs in All Public Sector Banks/Financial Institutions/Reserve Bank of India.
2. The Personnel Adviser, Indian Bank's Association, Mumbai.
3. The Chief Liaison Officers for OBCs, Banking Division, New Delhi.
4. RRB Section (Banking Division).
5. Copy to F.No.10/36/2000-SCT(B)
6. Guard File.

  
(A. THOMAS)

Under Secretary to the Government of India.

एस० के० खारवंथन

सदस्य

पूर्व सांसद (लोक सभा)

**S. K. Kharventhan**

**Member**

Former Member of Parliament (Lok Sabha)

Former Chairman, Bar Council of India



सत्यमेव जयते

राष्ट्रीय पिछड़ा वर्ग आयोग  
NCBC, Annual Report 2012-13  
सामाजिक न्याय एवं अधिकारिता मंत्रालय

भारत सरकार

त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

GOVERNMENT OF INDIA

TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110066

TEL : 011-26187360 FAX : 011-26183227

No.NCBC/DO/492/2013

11<sup>th</sup> March, 2013

Dear Sir,

**Namaskar.**

On behalf of "All India LIC OBC Employees Welfare Association" I am submitting this letter for your kind consideration and necessary action.

The above Association is functioning since the last two decades for protecting the interests of OBC Employees working in LIC of India. After constitution of the above association they had conducted number of Conferences in National Level and Zonal Level and demanded the Management to appoint a Liasion Officer for OBC Employees to redress their grievances. Upon their request LIC Management appointed a Liasion Officer for OBC Employees but till date no meeting was conducted to discuss their problems and no steps taken to solve their grievances.

Government of India, Department of Personnel and Training issued a Office Memorandum No.42011/18/96 – Estt.(SCT) dated 6-3-1997 and OM of even number dated 1-10-1997 and directed all the Ministries to appoint a separate Liasion Officer not less than the rank of Deputy Secretary for OBC Employees and further instructed functions of the Liasion Officers will be at par with Liasion Officer looking after the work of SC/ST in services and Posts. The copy of the O&M is enclosed. It is unfortunate that the LIC Management is failed to conduct regular meeting with OBC Employees like SC/ST Employees Meeting, as per the direction dated 1-10-1997 by DOPT.

Government of India, Ministry of Finance issued Circular on 9-1-2001 No.F.2/3/97-SCT(B) and directed all Public Sector Banks and Financial Institutions to conduct regular meeting with OBC Employees at least twice in a year and the same is regularly followed by all Institutions. The copy of the Circular is enclosed herewith.

*contd..*

Number of times this issue was taken up with LIC but till date no action being taken. Hence, the above Association submitted a Memorandum to Parliamentary Committee on OBC and the Committee also sent a letter to Ministry of Finance for necessary action and the same is pending.

Hence, I am requesting you to take necessary and suitable action and direct the LIC Management to conduct regular periodical Meeting with the representatives of OBC Employees and do the needful.

Thanking you,

Yours sincerely,

*S. K. Kharventhan*  
11.3.13

**( S. K. KHARVENTHAN )**

**Shri Arvind Kumar, IAS**  
Joint Secretary  
Ministry of Finance  
Govt. of India  
Jeevan Deep Building  
Parliament Street  
New Delhi-110001

284 SWAMY'S — RESERVATIONS AND CONCESSIONS IN GOVT. SERVICES

2. After the issue of reservation orders of OBCs, it is considered necessary to have similarly provisions in respect of the caste certificate furnished by candidates claiming to belong to OBC communities.

3. In the offer of appointment to candidates claiming to belong to OBC, the Appointing Authority should include a clause as follows:—

[ Not printed. See Order 11 for Revised Certificate. ]

4. All Ministries / Departments are requested to take further action on the above lines.

9

**G.I., Dept. of Per. & Trg., O.M. No. 42011/18/96-Estt. (Res.), dated 6-3-1997 and OM of even number, dated 1-10-1997**

*Subject:*— Officer of the rank of Deputy Secretary to be nominated as a separate Liaison Officer for looking after matters relating to the reservation for OBCs

The undersigned is directed to invite attention to this Department's O.M. No. 36035/8/92-Estt. (SCT), dated 10-11-1994, according to which the Liaison Officers appointed to look after the reservation matters of SC/ST were also entrusted with the responsibility of looking after reservation matters relating to the OBCs.

2. The matter of having the same LO for the SCs/STs and the OBCs has been re-examined and it has been decided there should be a separate Liaison Officer for looking after matters relating to the reservation for the OBCs. Ministry of Finance, etc., are requested to take immediate steps to appoint a separate LO for the OBCs.

3. Ministry of Finance, etc., may also please bring these instructions to the notice of all the Attached and Subordinate Offices / PSUs under them for compliance.

It has been noticed that the Ministries / Departments have appointed Liaison Officers below the level / status of the Deputy Secretary, without taking into consideration the instructions laid down for the appointment of LO for SC/ST, vide OM, dated 10-4-1968.

4. All the Ministries/Departments are requested to nominate the Deputy Secretary in-charge of Administration in the Ministry/Department or another officer of the rank of Deputy Secretary as LO for looking after work relating to matters of reservation for the OBCs in service / posts. The functions of the Liaison Officers will be at par with the LO looking after the work of SC / ST in services / posts.

[G.I., Dept. of Per. & Trg., O.M. No. 42011/18/96-Estt. (Res.), dated 1-10-1997.]

10

**G.I., Min. of Social Justice & Empowerment, Lr. No. 12017/1/2002-BCC, dated 25-11-2002**

*Subject:*— Clarification regarding issue of OBC certificate to migrants from one State / UT to another State / UT

I am directed to say that many instances have come to the notice of this Ministry wherein certificates belonging to a particular backward class has

No.F.2/3/97-SCT(B)  
Government of India  
Ministry of Finance  
Department of Economic Affairs  
(Banking Division)  
\*\*\*\*\*

New Delhi, the 9<sup>th</sup> January, 2001.

To,

**The Chief Executives of All Public Sector Banks/Financial Institutions.**

**The Executive Director, Reserve Bank of India, Head Office, Mumbai.**

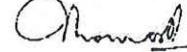
Sub:- Meetings with OBCs Employees representatives.

Sir,

I am directed to invite your kind attention to Banking Division's letter of even No. dated 05.06.1998 (copy enclosed) wherein it was desired that the Chief Executives of Public Sector Banks/Financial Institutions may hold meetings with the majority OBC Employees association at least once in a year.

It has been brought to the notice of the Government that the meetings are not being held regularly. It has also been represented to the Government that periodicity of the meeting may be increased. After careful consideration of the matter, it has been decided that the Chief Executives of the Public Sector Banks/FIs may meet with the representatives of the OBC Employees Associations at least twice in a year and that the time gap between two meetings should not be more than six months.

Yours faithfully,

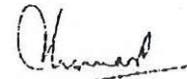


(A.THOMAS)

Under Secretary to the Government of India.

Copy to:-

1. The Chief Liaison Officers for OBCs in All Public Sector Banks/Financial Institutions/Reserve Bank of India.
2. The Personnel Adviser, Indian Bank's Association, Mumbai.
3. The Chief Liaison Officers for OBCs, Banking Division, New Delhi.
4. RRB Section (Banking Division).
5. Copy to F.No.10/36/2000-SCT(B)
6. Guard File.



(A.THOMAS)

Under Secretary to the Government of India.

एस० के० खारवेंथन  
सदस्य  
पूर्व सांसद (लोक सभा)

**S. K. Kharventhan**  
Member

Former Member of Parliament (Lok Sabha)  
Former Chairman, Bar Council of India



सत्यमेव जयते

राष्ट्रीय पिछड़ा वर्ग आयोग  
सामाजिक न्याय एवं अधिकारिता विभाग  
भारत सरकार

ट्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES  
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT  
GOVERNMENT OF INDIA  
TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110066  
TEL : 011-26187360 FAX : 011-26183227

NCBC/ DO /404/2012

1<sup>st</sup> November, 2012

**Hon'ble Sir,**  
**Namaskar.**

Herewith I am forwarding the resolutions passed in All India General Insurance OBC Employees Conference held at Chennai on 13-10-2012.

The above conference was presided over by Shri K. Senthamizh Selvan, Honorary President of the Association. Myself and Shri K. Venkitapathy, Ex-MP, Former Minister of State for Law and Justice, Government of India were participated as Chief Guests.

The above Association emphasise certain important factors for early implementation. The first and foremost is participation of OBC representation in "CHECK-OFF-EXERCISE". The "General Insurers' (Public Sector) Association of India (GIPSA)" and its Members, The Oriental Insurance Co. Ltd., United India Insurance Co. Ltd., The New India Assurance Co. Ltd. and National Insurance Company Ltd. have the above Exercise for carrying out negotiations with all the Associations and Unions. In the recent past 2 Exercise has been done but it is unfortunate that the OBC Associations were not called and failed to give an opportunity to express their views. The office bearers of OBC Employees Welfare Association took up the issue with "GIPSA" number of times but ended in vein.

Ministry of Finance, Department of Economic Affairs (Banking Division), Government of India directed the Chief Executives of All Public Sector Banks / Financial Institutions to have regular meetings with the representatives of the OBC Employees Associations at least twice in a year by its Letter No. F/2/3/97-SCT (B) dated 9-01-2001. The above system is strictly followed by all Government of India Institutions, Public Sector Undertakings, Banks and other Financial Institutions and Railways. The copy of the letter is enclosed herewith.

Hence, I request your goodself to direct the authorities concerned to call for the OBC Associations for regular meetings and for Check Off Exercises and give an opportunity to express their views.

Thanking you,

Yours sincerely,

  
1-11-12  
(S. K. KHARVENTHAN)

**Shri Namu Narain Meena**  
Hon'ble Minister of State for Finance  
Govt. of India  
North Block  
New Delhi-110001



# ALL INDIA GENERAL INSURANCE

## OBC EMPLOYEES WELFARE ASSOCIATION (Regd. 203/98)

C/O. UNITED INDIA INSURANCE CO LTD

24,WHITES ROAD, CHENNAI - 600 014.

1

### RESOLUTION 1:

The United Progressive Alliance at the Centre has constituted a OBC Parliamentary Committee during its tenure. The General Body of this Association on behalf of the multitudes of the OBC population of the country expresses its overwhelming gratitude for having carried out our long-time demand.

Dr.Kalignar has taken sincere efforts writing to the Hon'ble Prime Minister Dr.Manmohan Singh after participating in the conference organised by the OBCs' and expressed his ideas during the Conference. The General Body expresses its sincere thanks to Dr. Kalignar Karunanidhi for his commendable efforts. The efforts of Mr.Veeramani of Dravidar Kazhagam, Mr.S.K.Karvendhan, Ex M.P.,Mr. Hanumnath Rao, M.P. and all other leaders who have contributed to the effort needs special mention here.

### RESOLUTION 2:

The GIPSA and its member companies The Oriental Insurance Co.Ltd., United India Insurance Co. Ltd., The New India Assurance Co. Ltd., and National Insurance Company Ltd., have the system known as "CHECK-OFF EXERCISE" for carrying out negotiations with all the employee Union/Associations. Such an exercise has been done for the past 2 times and OBC Associations have been neglected and not included.Yet another exercise is slated again and this time also OBC Association have been neglected.

The matter was taken up with GIPSA. GIPSA was categorical enough to state that Check-off Exercise cannot be considered for OBCs' since only Reservation in recruitment is permissible as per law.

It is a laughing stock matter since there are Liasion Officer duly constituted as per directions of the Central Govt., to take care of the needs and welfare of the OBCs' and GIPSA failed to apply its mind.

Liasion Officer for OBC a duly constituted officer is unable to carry forward the just and legal demands of the OBC employees.

The Ministry of Insurance has a Banking Division and an Insurance Division. The Ministry is permitting the Banking Division to hold negotiations with the OBC Association in Banking sectors.

Shortly GIPSA is likely to call for the check-off exercise for the third time. The conference express its expectation that GIPSA shall call for OBC Association also for this exercise.

**RESOLUTION 3:**

The Conference hereby demands that Reservation in Promotion for OBCs' is to be given alongwith the SC & STs'. When the matter for promotion was taken up in the Parliament during the current session it was vociferously demanded inclusion of OBC also by many members. Dr.Kalignar Karunanidhi and the Hon'ble M.P. Sri.G.K. Vasan of Tamilnadu voiced their concerns on the matter.

**RESOLUTION 4:**

The present economic scenario of the country promises a bright future for the Insurance Industry and a lot of small private sector companies are likely to come up in the Insurance sector.

The Association demands that due reservation for OBCs' to be considered and implemented in private sectors also.

The Association also demands that the Govt. lays clear cut conditions and **guidelines for identifying the Creamy Layer** amongst the OBCs' and for proper issuance of OBC Certificate.

To identify the Creamy Layer the authorities for State Govt. are not clear about the concept of the Creamy Layer. Infact, whenever the employees of Govt. and Public Sector approach Tahsildar for a OBC Certificate for their wards, the Revenue authorities are insisting for salary slip which is irrelevant, since the income criteria is fixed only for the professionals like Doctor,Chartered Accountants,Lawyers etc.

This Conference demands that the National Backward Class Commission should pass clear cut instructions for the State Govt., and the State Backward Class Commission and advice them for having a workshop for the concerned to make things explicit and clear considering the hardship faced by OBC people in getting the OBC certificate.

\*\*\*\*\*

Exclusive OBC member to be  
 nominated in recruitment  
 and <sup>all</sup> promotion exercise



K. S. TAMILSEVA

Hon Secretary

एस० के० खारवेंथन  
सदस्य  
पूर्व सांसद (लोक सभा)

**S. K. Kharventhan**  
Member

Former Member of Parliament (Lok Sabha)  
Former Chairman, Bar Council of India



सत्यमेव जयते

राष्ट्रीय पिछड़ा वर्ग आयोग  
सामाजिक न्याय, एवं अधिकारिता मंत्रालय  
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TEL : 011-26187360 FAX : 011-26183227

No.NCBC/DO/383/2012  
26<sup>th</sup> September, 2012

Hon'ble Sir,

**Namaskar.**

Herewith I am forwarding the copy of the letter received from Ministry of Shipping (Ports Wing), Govt. of India dated 17-4-2012 by its Ref : F.No.PR.35013/102/2012-PG by Shri K. Dhanasekhar, General Secretary, All India Confederation of OBC Employees' Welfare Association, No.28/8, New Street, Kannammappet, Thyagarayanagar, Chennai-600017, for your kind consideration and necessary action.

Throughout the Country there are 12 Ports under the Ministry of Shipping. It is unfortunate to note that none of the Port appointed a separate Liasion Officer for OBC Employees to redress their grievances as per the Order No.42011/18/96-Estt(Res) dated 6-3-1997 issued by DOP & Training, Govt. of India.

Hence I request you to take up this issue with Ministry of Shipping and direct the various Port authorities to implement the order dated 6-3-1997 and protect the interests of OBC Employees.

Thanking you,

Yours sincerely,

*S. Kharventhan*  
26-9-12

(S. K. KHARVENTHAN)

**Shri B. K. Handique**  
Chairman  
Committee on Welfare of Other Backward Classes  
Room No.415  
Parliament House Annexe  
New Delhi-110001

एस० के० खारवेंथन  
सदस्य  
पूर्व सांसद (लोक सभा)



**S. K. Kharventhan**  
Member

Former Member of Parliament (Lok Sabha)  
Former Chairman, Bar Council of India

राष्ट्रीय पिछड़ा वर्ग आयोग  
सामाजिक न्याय एवं अधिकारिता मंत्रालय

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TEL : 011-26187360 FAX : 011-26183227

26<sup>th</sup> June, 2012

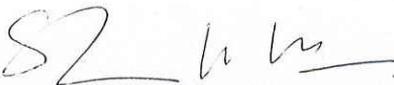
Hon'ble Sir,

Namaskar,

We are submitting this letter for your kind consideration and necessary action.

After a long period, responding positively to the request of Other Backward Classes all over the Country, a Parliamentary Standing Committee on Welfare of OBCs was constituted with thirty members out of whom 20 are from Lok Sabha and 10 from Rajya Sabha. The Committee is headed by Hon'ble Shri Bijoy Krishna Handique. Out of thirty, one post is vacant (to be filled from a member of Rajya Sabha). It is needless to enlighten that among non-Hindu Minority OBCs, the fact legally recognized both by the Mandal Commission, the report of which was upheld by the Supreme Court in Indra Sawhney case (1992) Supp. 3 SCC 217.

We are of the view that in order to infuse greater confidence among the non-Hindu minority OBCs in the Country, there should be few members in the Standing Committee belonging to Muslim OBCs. As already 29 persons have been nominated, we request that at-least the thirtieth vacancy should go to a non-Hindu minority community preferably a OBC Muslim.

  
(Dr. Shakeel-uz-Zaman Ansari)

  
(S.K.Kharventhan, Ex.M.P.)

To,

The Hon'ble Chairman,  
Rajya Sabha,  
New Delhi

एस० के० खारवेंथन  
सदस्य  
पूर्व सांसद (लोक सभा)

**S. K. Kharventhan**  
Member

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राष्ट्रीय पिछड़ा वर्ग आयोग  
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TEL : 011-26187360 FAX : 011-26183227

No.NCBC/DO/295/2012  
25<sup>th</sup> April, 2012

Dear Shri Sachin Pilot ji,

Namaskar.

**Sub :- The facilities extended to social welfare association (All India P&T SC/ST employees welfare association) – granting / extension of the same facilities to this OBCs employees welfare association – Reg.**

**Ref :- 1. Postal Directorate letter no.2-1/2000-SCT dated 2<sup>nd</sup> May 2000  
2. Postal Directorate letter no.40-01/08-OBC dated 2<sup>nd</sup> May 2008  
3. Kalpana Rajsinghot's letter no.24-1/2007-OBC dated 9<sup>th</sup> March 2012**

Herewith I am forwarding the letter submitted by Shri C. Udhayasuriakannan, General Secretary, Postal OBC Employees' Welfare Association, Tamil Nadu, having address O/o The General Manager, Postal Accounts and Finance, 7, Ethiraj Salai, Egmore, Chennai, for your kind consideration and necessary action.

The letter is self explanatory. The applicant and other OBC Employees formed the above Association and they are working for the welfare of OBC employees of Postal Department. According to the above reference mentioned letters sent by various authorities in Postal Department the OBC Employees Welfare Association is not a recognized association and not deserved to get any facilities from the department.

I want to bring to your kind notice that all Government of India Institutions like Nationalised Banks, Reserve Bank of India, Indian Railways, Oil Companies, PSUs and all other authorities recognized and approved the OBC Employees Associations and extended all facilities including separate Liaison Officer to OBC Employees Association. Another important factor I want to bring to your kind notice that Department of Personnel and Training, Government of India, issued O.M. No.42011/18/96-Estt.(Res) dated 6-3-1997 and O.M. of even number dated 1-10-1997 requested all the Ministries/Departments to nominate the Deputy Secretary in-charge of Administration in the Ministry/Department or another officer of the rank of Deputy Secretary as Liaison Officer for looking after work relating to matters of reservation for the OBCs in service/posts. The above O.M. clearly mentioned that the functions of the Liaison Officers will be at par with the Liaison Officer looking after the work of SC/ST in services/posts. The copy of the above Office Memorandum is enclosed herewith for your reference. I feel till date Department of Post, have not appointed a separate Liaison Officer for OBC employees throughout the Country. Moreover, Department have not also taken any steps to recognize the applicant's OBC Association and failed to extend any facility to OBC Welfare Association on par with SC/ST Employees Association.

contd..

Hence, I humbly request the Hon'ble Minister to direct the authorities to recognize applicant's Association, appoint a separate Liaison Officer for OBC employees and extend all facilities to OBC Employees Welfare Association at par with SC/ST Employees Association.

Please consider and do the needful.

Thanking you,

Yours sincerely,

  
25-4-12  
( S. K. Kharventhan )

**Shri Sachin Pilot**  
Hon'ble Minister of State for Communications & IT  
Govt. of India  
Electronics Niketan, CGO Complex  
Lodhi Road  
New Delhi-110003

# POSTAL OBC EMPLOYEES' WELFARE ASSOCIATION - TAMILNADU

OBC Annual Report 2012-13



Reg.No.278/2007  
Ministry of Communication and Information Technology, Govt. of India, Department of Posts

Head Quarters: O/o The General Manager, Postal Accounts and Finance  
7, Ethiraj Salai, Egmore, Chennai 600 008.

(Affiliated to All India Federation of OBC Employees' Welfare Associations  
139, Broadway, Chennai 600 108)



Lr. No.

Date:

Lr.no.1002/obc/facilities on par with SCs and STs association

05<sup>th</sup> April 2012

To

*Sh.Karvendan, Member, National Commission for Backward classes (OBC), Trikoot -1, Bhikija cama place, New Delhi 110 066.*

*Kalpana rajsinghot, the Director (Estt.&DE) & Dy.Liaison Officer (SCT) , Department of Posts, Ministry of Communication and IT, Dak Bhawan, Sansad Marg, New Delhi 110 116.*

Sir / Madam,

Subject :- The facilities extended to social welfare association (All India P&T SC/ST employees welfare association) – granting / extension of the same facilities to **this OBCs employees welfare association – reg.**

Ref:

1. Postal Directorate letter no. 2-1/2000-SCT dated 2<sup>nd</sup> May 2000.
2. Postal Directorate letter no. 40-01/08-OBC dated 5<sup>th</sup> May 2008.
3. Kalpana Rajsinghot's letter no.24-1/2007-OBC dated 9<sup>th</sup> March 2012

*"Postal OBC employees' welfare association – Tamilnadu" & "All India P&T SC/ST employees' welfare association" are not recognized association, however only certain facilities are extended to the SC/ST employees' welfare association" – Vide. Para 2. Of postal directorate letter no. 40-01/08-OBC dated 05.05.2008 addressed to this OBC welfare association.*

*"Extension of facilities to the OBC welfare association on par with other social welfare association (SC&ST) is not possible, till a decision is taken by postal directorate" – Vide. Para2. Of postal directorate letter no. 40-01/08-OBC dated 05.05.2008 addressed to this OBC welfare association.*

*“As per CCS (RSA) rules 1993 para 5(f) – the service association on the basis of caste, tribe or religion” – it has been clearly stated by the deputy liaison officer for (SCT), the director (Estt & DE), department of posts, New Delhi in the letter dated 9<sup>th</sup> March 2012 addressed to this OBC welfare association”*

*It is for your kind notice that both the SC/ST welfare association and this OBC welfare association are not service associations and also:*

- a. They are Social associations (OBC and SC/ST) registered under the Co-operative Society act 1975, Tamilnadu and the Co-operative act, New Delhi.
- b. They are not Service unions (i.e. not trade Unions under Trade Union Act).
- c. Only Service union has to be recognized by the postal department.
- d. The Social associations (OBC and SC/ST) need not be recognized by the postal department.
- e. On registration itself the Social associations (OBC and SC/ST) become a statutory bodies – legal bodies.
- f. On getting recognized only the service union becomes a statutory body.
- g. The Service Association on basis of caste, tribe or religion can not be recognized – rules 5 (f) of CCS (RSA) rules, 1993.

*It is for your kind notice that the “All India P&T SC/ST association has been granted certain facilities. So, this OBC welfare association requests you to extend the following facilities on par with SC/ST welfare association - Vide Postal Directorate letter no. 2-1/2000-SCT dated 2<sup>nd</sup> May 2000.*

1. Examination of Grievances of OBCs referred by this OBC welfare association.
2. Acknowledgement of receipt of the communication from this OBC Association.
3. Informing the association about Govt. policies
4. Informal meetings - four in a year with member(P)/ Pr.CPMG/ CPMG / DDG(P) / PMG / DDG(PAF)/ Divisional Postal / RMS supdt. / Director of Postal Accounts / GM(PA&F).
5. Grant of Special Casual Leave to the office bearers of this OBC welfare association to attend the informal meeting at circle office / postal directorate.
6. Supply of Policy circulars/letter on reservation for OBCs & Establishment etc.
7. Stay facilities to the office bearers of the Assn. on visit to Postal Directorate/Circle Headquarters for informal meetings.
8. Allotment of accommodation to the offices of OBCs Postal Employees Associations at Postal Directorate/Circle Offices / Head quarters /in all attached /subordinate offices etc.

9. Identify cards to two office bearers in the postal directorate / circle head quarters / all India levels.
10. Recovery of subscription from the pay bill out of accounts.

Receipt of this letter may be acknowledged.

Yours faithfully,



C.Udhayasuriakannan / General Secretary – Head quarters, Chennai 8.

HEAD QUARTERS - GENERAL SECRETARY  
POSTAL OBC EMPLOYEE'S  
WELFARE ASSOCIATION-TAMILNADU  
7, ETHIRAJ SALAI, CHENNAI-600 008.

Government of India  
Ministry of Communications & IT  
Department of Posts  
Dak Bhavan,

Sansad Marg, New Delhi – 110 116.  
Dated: 09.03.2012.

No.24-1/2007-OBC

To

Shri C. Udhayasuriakannan,  
General Secretary,  
Postal OBC Employees Welfare Association,  
Tamilnadu Circle, 7, Ethiraj Salai,  
Chennai – 600 008.

Subject:-Extension of facilities to Postal OBC Employee's Welfare Association –  
Tamilnadu on par with P&T SC/ST employees welfare association.

Sir,

I am directed to refer to your letters no. 2000019/obc/facilities on par with P&T SC/ST association dated 11<sup>th</sup> January 2012, Lr.no.80005/obc/facilities dated 1.1.2011(Two letters) and 100016/obc/facilities dated 23.02.2011 on the above cited subject.

The letters from Directorate dated 05.5.2008, 09.02.2011 and 01/10.03.2011 in this regard may kindly be referred to where in you have been replied explicitly in the matter. It is stated that Service Associations working in the Department are recognized in terms of CCS(RSA)Rules, 1993 Para 5(f) of the said Rules explicitly prohibits formation of associations on the basis of caste, tribe or religion. Hence the subject Association does not deserve to be granted facilities which are meant only for the recognized Associations.

Since the position has been clarified to the Association time and again, no further correspondence in this regard will be entertained.

Yours faithfully,



(Kalpana Rajsinghot)  
Director (Estt. & DE) & Dy.L.O.(SCT)

R.T.I. Case  
RegisteredGovernment of India  
Ministry of Communications & IT  
Department of PostsDak Bhavan,  
Sansad Marg,  
New Delhi - 110 001

Dated: 5.05.08

40-01/08-OBC

To

Shri C. Udhayasuriakannan,  
President,  
Postal OBC Employees Welfare Association,  
Park Town Head Post Office,  
Chennai-600 003.Subject:- Request of Shi C. Udhayasuriakannan for information under  
R.T.I. 2005 - regarding special efforts to fill up the reserved  
vacancies of O.B.C.-----  
Kindly refer to your letter No.33/obc/rfi/newdelhi dated  
06.05.08 on the subject mentioned above. The information requested for is  
as under:

1. Special efforts to fill up the reserved vacancies of OBC. This relates to Director (SPN), Dak Bawan to whom a copy of this letter is being given for giving a direct reply to you.
2. The OBC Employees Welfare Association mentioned ie. "Postal OBC Employees Welfare Association - Tamil Nadu" is not a recognized Association and therefore, extension of facilities to the OBC Welfare association on par with other social Welfare Association (SC&ST) is not possible, till a decision is taken by Postal Directorate. The "All India P&T SC/ST Employees Welfare Association", is also not a recognized Association, however only certain facilities are extended to it.
3. Whether it is an attached or subordinate office, a separate Liaison Officer is mandatory to be appointed for OBCs as per Deptt. of Personnel & Trg. Instructions.

*Dr. Abhinav Walia*  
(Dr. Abhinav Walia)  
Director (T&E) &  
Dy. Liaison Officer (SCT) & CPIO.

GOVERNMENT OF INDIA  
 MINISTRY OF COMMUNICATIONS  
 DEPARTMENT OF POSTS  
 (SCT CELL)

Dak Bhavan, Sansad Marg  
 New Delhi-110001.

Dated: 2<sup>nd</sup> May, 2000

2-1/2000-SGT

All Heads of Circle Offices/FMsG  
 All Circle Liaison Officer(SCT)  
 All SC/STs Postal Welfare Associations

b: Facilities granted to All India SC/STs Postal Employees Welfare Associations.

The undersigned is directed to say that the following facilities are granted to All India SC/STs Postal Employees Association.

(i) Examination of Grievances of SCs/STs referred by Association

The representation made by the All India SCs/STs P&T Employees Welfare Association relating to the grievance of SC/ST Postal Employees should be examined and appropriate action may be taken thereupon.

(ii) Acknowledgement of Receipt of communication from Association

Receipt of representation/correspondence made by the All India P&T SC/ST Employees Association and its Regional Branches in regard to matters relating to reservation in recruitment and promotion should be acknowledged.

(iii) Informing the Association about Govt. policies

While acknowledging receipt of communications, the Assn. should be advised of the Government's policy decisions so as to enable the SC/ST employees to be conversant as to what Government is doing for them.

(iv) Informal meetings and their periodicity

On the request of the Assn. its representatives should be allowed the facility to meet informally, the Member(P)/Pr.CPMG/CHMG/DDG(P)/PMG/DDG(PAF)/Divisional Postal/RMS Supdts./Director of Postal Accounts for representing their grievances personally. The periodicity of informal meeting would be four in a year. Formal minute of the meeting, however, need not be circulated to Assn. and correspondence need not be entered into with the Assn. but copies of any orders that may be issued should be sent to the Associations.

(v) Grant of Special Casual Leave

Special Casual Leave should be granted to the bearers of All India SC/ST P&T Employees Welfare Association to enable them to attend the

Informal meeting at Circle office/Postal Directorate.

(vi) Supply of Policy circulars/letter on reservation & Establishment.

Apart from providing all policy circular/letters etc. on reservation of SC/STs 15 copies of all circular/letter etc. on Establishment matters should be provided to the Assn. for proper appreciation of the reservation rules.

(vii) Stay facilities to the office bearers of the Assn. on visit to Postal Directorate/Circle Headquarters for informal meetings.

Staying facility may be provided to the office bearers of the Assn. who come for informal meetings at the Postal Directorate/Circle Headquarters on usual payment terms subject to availability of accommodations as are admissible to other regular recognised Service Associations. This may include Holiday Homes accommodation as per entitlement.

(viii) Allotment of Postal accommodation to offices of SC/STs Postal Employees Associations at Postal Directorate/Circle Offices

Cases for allotment of Postal Accommodation to SC/STs Employees Association will be considered on merits by concerned Postal Administration, at All India/Circle/Divisional levels.

(ix) Identify Cards

Identify Cards may be issued to two office bearers in the Postal Directorate/Circle Headquarters/All India levels.

This issues with the approval of Hon'ble Minister of Communications. These orders will be applicable with immediate effect.

Receipt of this letter may be acknowledged.

*Meera Datta*

( MEERA DATTA )  
D.D.G. (E&PN) AND  
LIAISON OFFICER (SCT CELL)

Copy to:

1. Sr.PPS to Secretary(P)
2. PPS to Members, Postal Services Board
3. Secretary(PSB)/DDG(PAF)/DDG(P)/DDG(T&E)/Director(Staff)/(SR)
4. ADG(Adm.)/Dir(PA-I) - for information and necessary action please.

3. In the offer of appointment to candidates claiming to belong to OBC, the Appointing Authority should include a clause as follows:—

[ Not printed. See Order 11 for Revised Certificate. ]

4. All Ministries / Departments are requested to take further action on the above lines.

✓ (9)

**G.I., Dept. of Per. & Trg., O.M. No. 42011/18/96-Estt. (Res.), dated 6-3-1997 and OM of even number, dated 1-10-1997**

**Subject:—** Officer of the rank of Deputy Secretary to be nominated as a separate Liaison Officer for looking after matters relating to the reservation for OBCs

The undersigned is directed to invite attention to this Department's O.M. No. 36035/8/92-Estt. (SCT), dated 10-11-1994, according to which the Liaison Officers appointed to look after the reservation matters of SC/ST were also entrusted with the responsibility of looking after reservation matters relating to the OBCs.

2. The matter of having the same LO for the SCs/STs and the OBCs has been re-examined and it has been decided there should be a separate Liaison Officer for looking after matters relating to the reservation for the OBCs. Ministry of Finance, etc., are requested to take immediate steps to appoint a separate LO for the OBCs.

3. Ministry of Finance, etc., may also please bring these instructions to the notice of all the Attached and Subordinate Offices / PSUs under them for compliance.

It has been noticed that the Ministries / Departments have appointed Liaison Officers below the level / status of the Deputy Secretary, without taking into consideration the instructions laid down for the appointment of LO for SC/ST, vide OM, dated 10-4-1968.

4. All the Ministries/Departments are requested to nominate the Deputy Secretary in-charge of Administration in the Ministry/Department or another officer of the rank of Deputy Secretary as LO for looking after work relating to matters of reservation for the OBCs in service / posts. The functions of the Liaison Officers will be at par with the LO looking after the work of SC / ST in services / posts.

[G.I., Dept. of Per. & Trg., O.M. No. 42011/18/96-Estt. (Res.), dated 1-10-1997.]

(10)

**G.I. Min. of Social Justice & Empowerment, Lr. No. 12017/1/2002-BCC,**

No. 42011/18/96-Estt.(Res)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(DEPARTMENT OF PERSONNEL & TRAINING)

NORTH BLOCK,  
New Delhi, the 06.03.1997.

OFFICE MEMORANDUM

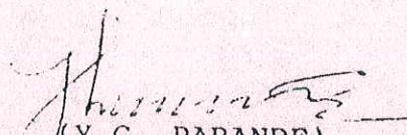
Subject: Reservation for OBCs - Appointment of separate Liaison Officer for looking after matters relating to OBCs.

\*\*\*\*\*

The undersigned is directed to invite attention to this Department's O.M. No. 36035/8/92-Estt.(SCT) dated 10.11.1994 on the above subject, according to which the Liaison Officers appointed to look after the reservation matters of Scheduled Castes/Scheduled Tribes were also entrusted with the responsibility of looking after reservation matters relating to the Other Backward Classes.

2. The matter of having the same Liaison Officer for the Scheduled Castes/Scheduled Tribes and the Other Backward Classes has been re-examined and it has been decided that there should be a separate Liaison Officer for looking after matters relating to the reservation for the Other Backward Classes. Ministry of Finance etc. are requested to take immediate steps to appoint a separate Liaison Officer for the Other Backward Classes.

3. Ministry of Finance etc. may also please bring these instructions to the notice of all the Attached and Subordinate Offices/Public Sector Undertakings under them for compliance.

  
(Y.G. PARANDE)  
DIRECTOR (RESERVATION)

To

All Ministries/Departments  
of the Government of India.

**Department of Personnel and Administrative Reforms O.M. No.36022/5/76-Estt.(SCT),  
dated the 27<sup>th</sup> May, 1976, to all Ministries/Departments, etc**

**Subject :—**Liaison Officers nominated in Ministries/Departments for work relating to representation of Scheduled Castes and Scheduled Tribes—Recommendation No. 31 in the 41st Report of the Parliamentary Committee on Welfare of Scheduled Castes and Scheduled Tribes.

The undersigned is directed to say that the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes has in its 41st Report made the following recommendation:

**Recommendation No. 31 (Para 4.20)**

"The Committee feel that the Liaison Officers are not able to function in as much as they are not of sufficiently high status and necessary papers and records are not made available to them. The Committee desire that the Liaison Officer should be of the status of a Director in the Ministry/Department."

2. According to para 33 of the first edition of the Brochure issued *vide* Ministry of Home Affairs O.M. No. 1/2/61-SCT(D) dated 27-4-1962, Ministries/Departments are required to nominate the Deputy Secretary in charge of administration in the Ministries/Department (or any other officer, designated for the purpose) as Liaison Officer for work relating to representation of Scheduled Castes and Scheduled Tribes in services/posts. All Ministries/Departments have already nominated a Deputy Secretary or an officer of equal or higher status as the Liaison Officer except that in a few Ministries/Departments an officer of the rank of an Under Secretary may have been so nominated as Liaison Officer. The above mentioned recommendation of the Parliamentary Committee has been considered by Govt. It may not always be feasible to nominate an officer of the rank of Director (instead of Deputy Secretary) as Liaison Officer and further the posts of Directors are only selection grade/posts or Deputy Secretaries and their duties are interchangeable. The number of posts of Directors will also be small and in some Ministries/Departments there may be no Directors. The recommendation of the Parliamentary Committee is however brought to the notice of the Ministries/Departments and it is requested that where at present is a Ministry/Department an officer lower in rank than a Deputy Secretary is nominated as Liaison Officer, an officer at least of the rank of Deputy Secretary should be nominated as Liaison Officer.

**Department of Personnel O.M. No.27/2/71-Estt.(SCT),  
dated the 24<sup>th</sup> March, 1972, to all Ministries/Departments, etc.**

**Subject:—Liaison Officers for work relating to representation of Scheduled Castes and Scheduled Tribes—inspection of rosters etc.**

As the Ministry of Finance etc. are aware, Officers of the rank of Deputy Secretary are required to be nominated as Liaison Officers in the Ministries/Departments for ensuring strict compliance of the orders of reservation for Scheduled Castes and Scheduled Tribes by all appointing authorities under the Ministry/Department. Liaison Officers are also required to be nominated in offices under the Heads of Departments. The Liaison Officers in Ministry/Departments and in offices under the Heads of Departments have been entrusted with the responsibility inter-alia of conducting annual inspection of the rosters maintained in the Ministry/Department/Office with a view to ensuring proper implementation of the reservation orders *vide* this Department's O.M. No. 27/4(ii)/70-Estt.(SCT), dated 3rd September, 1970. The proforma for conducting annual inspection of the rosters has also been prescribed *vide* this Department's O.M. No. 8/8/71-Estt.(SCT) dated 22nd April, 1971. Instances have however come to notice where rosters were not properly maintained or the reservation orders were not fully implemented. Ministry of Finance etc. are therefore requested to once again impress upon the appointing authorities the need to observe the reservation and other order relating to representation of Scheduled Castes and Scheduled Tribes in services strictly. Cases of negligence or lapses in the matter of following the reservation and other orders relating to Scheduled Castes and Scheduled Tribes coming to light through the inspections carried out by the Liaison Officers or otherwise, should be submitted to the Secretary/Additional Secretary to the Government in the respective Ministries/Departments and to the Head of the Department in respect of officers under a Head of Department. Necessary action should be taken as directed by the Secretary/Additional Secretary/Head of the Department on such reports to ensure strict compliance of these orders by the appointing authority concerned.

डा० शकील उज्जमा अन्सारी

(पूर्व मंत्री, बिहार सरकार)

सदस्य

Dr. Shakeel-Uz-Zaman Ansari

(Former Minister, Govt. of Bihar)

Member



सत्यमेव जयते

राष्ट्रीय पिछडा वर्ग आयोग  
NCBC, Annual Report-2012-13  
सामाजिक न्याय एवं अधिकारिता मंत्रालय

भारत सरकार

त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

GOVERNMENT OF INDIA

TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110066

TEL : 011-26185478 FAX 011-26183227

No. NCBC/Member/SA/2013/975

February 14, 2013

Respected Sir,

I wish to draw your kind attention to my letter No. NCBC/Member/SA/2013/599 dated 11<sup>th</sup> December, 2012 in connection with amendments in the Constitution to empower National Commission for Backward Classes (NCBC) in pursuant to the First Report of Joint Parliamentary Committee on Welfare of Other Backward Classes submitted in the Parliament on 27<sup>th</sup> August, 2012.

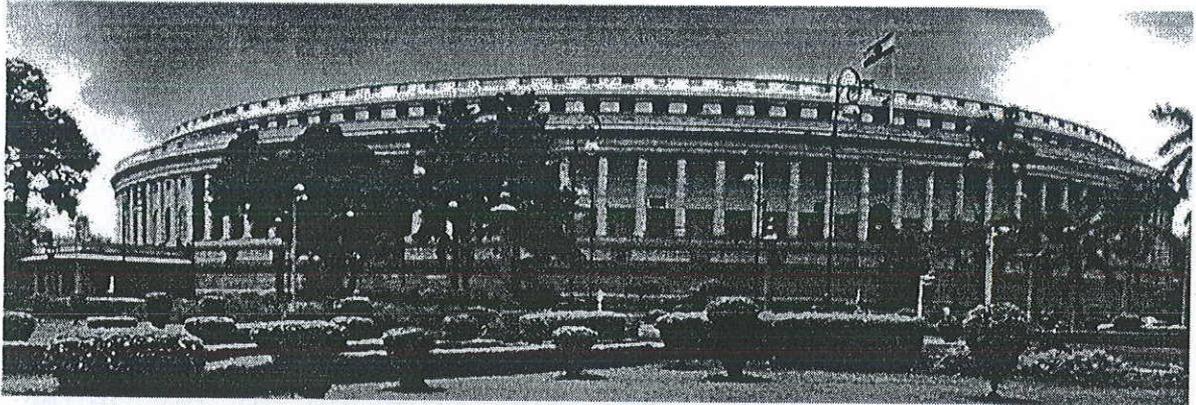
The Budget Session is commencing on February 21, 2013. I am hopeful that with your efforts, a Bill to this effect will be introduced and passed in the Parliament for strengthening the NCBC in the forthcoming Session.

With regards,

Yours sincerely,

Dr. Shakeel-Uz-Zaman Ansari

Shri Manmohan Singh  
Hon'ble Prime Minister of India  
South Block, Raisina Hills,  
NEW DELHI - 110001



**PRESS COMMUNIQUE**  
**LOK SABHA SECRETARIAT**  
**NEW DELHI**

Dated: 27 August, 2012

**FIRST REPORT (FIFTEENTH LOK SABHA) OF THE COMMITTEE FOR WELFARE OF OTHER BACKWARD CLASSES (OBCs) PERTAINING TO THE MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT ON "MEASURES FOR STRENGTHENING AND GIVING CONSTITUTIONAL STATUS FOR NATIONAL COMMISSION FOR BACKWARD CLASSES (NCBC)".**

Shri Bijoy Krishna Handique, M.P. and Chairman, Committee for the Welfare of Other Backward Classes (OBCs), presented to Lok Sabha, today the 27th August, 2012, the First Report (Fifteenth Lok Sabha) of the Committee for the Welfare of Other Backward Classes pertaining to the Ministry of Social Justice & Empowerment on the subject "Measures for strengthening and giving constitutional status for National Commission for Backward Classes (NCBC)".

**Important Recommendations of the Committee**

RESOLUTION	<p>The Committee adopted the following resolution during their sitting held on 24th July, 2012:</p> <p>"Committee for welfare of Other Backward Classes is of firm view that immediate action should be initiated for amending Indian Constitution and NCBC Act appropriately for setting up NCBC with constitutional status and exercising identical powers as given to</p>
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	<p>NCSC and NCST (in relation to SCs and STs). Nature and extent of powers concerning OBCs are already in Article 338(5). Those powers should be entrusted to NCBC in relation to OBCs and not to NCSC.</p> <p>It is, therefore, necessary that Article 338(10) should be deleted and a new Article 338B should be inserted to establish NCBC. The Constitution amendment should also include existing powers of NCBC under prevailing NCBC Act vis., powers to include in or exclude from list of OBCs and obligation on GOI to consult NCBC for list revision.</p> <p>The Committee feel that NCSC has not been able to discharge its functions pertaining to OBCs due to its overwhelming preoccupation with the affairs of SCs. The Committee therefore strongly recommend that all issues pertaining to welfare of OBCs including complaints/grievances etc. should be dealt with by NCBC. This may be done only by amending the Constitution."</p> <p style="text-align: right;">(Para 2.1 of Part II of the Report)</p>
<p>CONSTITUTIONAL STATUS FOR NCBC RECOMMENDED.</p>	<p>The National Commission for Backward Classes (NCBC) came into being in August, 1993 by the NCBC Act, 1993. The Commission was given the mandate to examine requests for inclusion of any class of citizens as a backward class in the Central list of backward classes and hear complaints of over-inclusion or under-inclusion of any backward class and tender such advice to the Central Government as it deems appropriate. However, the Committee understand that in the absence of a dedicated Commission for backward classes, a separate clause viz. clause 10 was added to the Article 338 of the Constitution in the beginning, by virtue of which the power to</p>

	<p>look into the affairs of the backward classes was entrusted to the National Commission for Scheduled Castes(NCSC). Now that nearly two decades have passed since the inception of a separate dedicated Commission for backward classes viz. the NCBC, the Clause 10 of Article 338 of the Constitution has lost its relevance. Moreover, NCBC has limited function to advise the Government on inclusion and exclusion of the castes in the Central list of OBCs. Hence it is being reduced to the status of an ordinary institution with limited functions, powers and responsibilities. Also, NCSC, already overloaded with work and crippled by inadequate manpower, has not been able to look into OBC-related complaints efficiently and in a time bound manner. The Committee have found that the NCBC had time and again requested the Government to empower it with more functions and responsibilities at par with the NCSC and NCST except on those matters which are exclusively meant for SCs and STs. The Committee therefore have expressed the firm view that immediate action should be initiated for amending Indian Constitution and the NCBC Act appropriately for granting NCBC the constitutional status and conferring it with identical powers as given to NCSC and NCST (in relation to SCs and STs) as enumerated in Article 338. Those powers should be entrusted to NCBC in relation to OBCs and not to NCSC. Against this backdrop, the Committee have recommended that Article 338(10) should be deleted and a new Article 338B should be inserted to for NCBC. The Constitutional amendment should also include existing powers of NCBC under prevailing NCBC Act viz., powers to include in</p>
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	<p>or exclude from Central list of OBCs and obligation on Government of India to consult NCBC for list revision.</p> <p style="text-align: right;">(Para 2.2 of Part II of the Report)</p>
<p><b>CONSTITUTIONAL AMENDMENT TO REPEAL CLAUSE 10 OF ARTICLE 338 SUGGESTED.</b></p>	<p>The Committee have observed that NCSC has not been able to discharge its functions pertaining to OBCs due to its overwhelming preoccupation with the affairs of SCs which is evident from the fact that NCSC started taking cognizance of OBC complaints w.e.f 9.2.2011 only and during this period the Commission merely dealt with 13 cases out of 172. Even in these 13 cases, it is not clear whether these have been resolved finally. Also, the post of the National Co-ordinator within NCSC which was meant to expedite the grievance redressal mechanism for OBCs, is reduced to a ceremonial post with no significant contribution. Hence, the Committee has expressed their strong view that in the light of the proposed deletion of Clause 10 of Article 338 of the Constitution, the office of the National Co-ordinator under NCSC be dissolved. The Committee have therefore strongly recommended that all issues pertaining to welfare of OBCs including complaints/grievances etc. should be dealt with by NCBC. This may be done only by amending the Constitution.</p> <p style="text-align: right;">(Para 2.3 of Part II of the Report)</p>

डा० शकील उज्जमा अन्सारी  
(पूर्व मंत्री, बिहार सरकार)  
सदस्य

Dr. Shakeel-Uz-Zaman Ansari  
(Former Minister, Govt. of Bihar)  
Member



राष्ट्रीय पिछड़ा वर्ग आयोग  
सामाजिक न्याय एवं अधिकारिता मंत्रालय  
भारत सरकार  
त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066  
NATIONAL COMMISSION FOR BACKWARD CLASSES  
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT  
GOVERNMENT OF INDIA  
TRIKOOT-1 BHIKAJI CAMA PLACE, NEW DELHI - 110066  
TEL 011-26185478 FAX 011-26183227

No. NCBC/Member/SA/2012/  
December 11, 2012

I wish to draw your kind attention regarding the functioning & powers of National Commission for Backward Classes (NCBC).

NCBC has been formed in the year 1993 with the sole purpose of looking after welfare and upliftment of OBC caste/class which consists of about 50% of the total population of the Country. OBC caste/class are still languishing behind other sections of society. They are subjected to discrimination in the fields of employment, education, health and housing etc. and this is high time to take remedial measures to protect their interest.

I wish to submit as under :

\*\*\* The NCBC Act 1993 has given very limited powers viz. to examine requests for the inclusion of any class of citizens as backward class and consequently hear complaints regarding over and under inclusion of any class/caste.

\*\*\* Prior to the formation of NCBC, the following Commissions were existed :

- 1 National Commission for Scheduled Castes;
- 2 National Commission for Scheduled Tribes;
- 3 National Commission for Women ;
- 4 National Minorities Commission; & etc.

-2-

The above Commissions were conferred adequate powers to investigate, monitor, safeguard and take other measures for the protection, welfare and socio-economic development of the respective castes and communities.

\*\*\* The public at large, is under the impression that the powers to take care of the interest of OBCs are vested with NCBC. In view of this NCBC is receiving several requests/complaints from the public highlighting the injustices done to OBCs but the NCBC is not in a position to take up any of these matters. All such complaints are forwarded to NCSC for their disposal.

\*\*\* In a bid to uplift and development of OBC castes/class a **Joint Parliamentary Committee on Welfare of Other Backward Classes**, set up last year. While submitting its **First Report** to the Parliament it has stressed the need to take up urgent measures for strengthening and giving **Constitutional status for National Commission for Backward Classes (NCBC)**" as NCSC has not been able to discharge its functions pertaining to OBCs due to its preoccupation with the affairs of SCs.

The Committee is of the firm view that immediate action should be taken for amendments in Constitution to empower the **National Commission for Backward Classes (NCBC)** conferring it with identical powers as given to NCSC and NCST.

While on the subject, the Committee has also recommended that **Article 338(10)** should be deleted and a new **Article 338B** should be inserted to for NCBC. The Constitutional amendment should also include existing powers of NCBC under prevailing NCBC Act.

-3-

In view of the facts, highlighted above, I would request you to kindly **intervene** in the matter and help in implementing the **recommendations** of the **Parliament Committee for Welfare of OBCs**, so that NCBC is empowered adequately, to look after the interest of OBC caste/class, who are far behind in the society, as a whole.

*With regards.*

Yours sincerely,



**Dr. Shakeel-Uz-Zaman Ansari**

सचिन पायलट  
SACHIN PILOT



D.O.No.VIP/MCA/2012/64

राज्य मंत्री (स्वतंत्र प्रभार)  
कारपोरेट कार्य मंत्रालय  
भारत सरकार  
MINISTER OF STATE (I/C)  
MINISTRY OF CORPORATE AFFAIRS  
GOVERNMENT OF INDIA

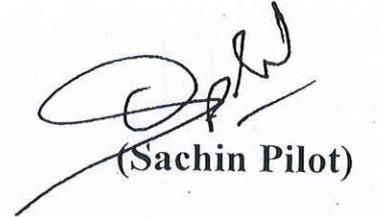
19<sup>th</sup> December, 2012

Dear Dr.Ansari,

I have received your letter dated 11<sup>th</sup> December, 2012 regarding the functioning & powers of National Commission for Backward Classes.

With regards,

Yours sincerely,

  
(Sachin Pilot)

**Dr. Shakeel-Uz-Zaman Ansari**  
Member  
National Commission for Backward Classes  
Ministry of Social Justice & Empowerment  
Trikoort-1, Bhikaji Cama Place  
New Delhi – 110 066.

राजीव शुक्ल  
RAJEEV SHUKLA



सत्यमेव जयते

राज्य मंत्री  
संसदीय कार्य एवं योजना  
भारत सरकार  
नई दिल्ली - 110001  
Minister of State For  
Parliamentary Affairs & Planning  
Government Of India  
New Delhi - 110001

January 10, 2013

Dear Dr. Ansari,

I am in receipt of your letter dated 11<sup>th</sup> December, 2012 regarding the functioning of National Commission for Backward Classes (NSBC).

I am having the matter examined.

With regards,

hly

Yours sincerely,

(Rajeev Shukla)

Dr. Shakeel-uz-Zaman Ansari  
Member  
National Commission for Backward Classes  
Trickoot-1 Bickaji cama Place,  
New Delhi 110066.

पबन सिंह घाटोवार  
Paban Singh Ghatowar



राज्य मंत्री (स्वतंत्र प्रभार)  
उत्तर पूर्वी क्षेत्र विकास मंत्रालय एवं  
संसदीय कार्य राज्य मंत्री  
भारत सरकार

D.O. No. 05.../MOS(IIIC)/DoNER/VIPI/2013

Minister of State (Independent Charge)  
Ministry of Development of North Eastern Region &  
Minister of State for Parliamentary Affairs  
Government of India  
January 6, 2013

Dear Dr. Ansari,

Thank you very much for your d.o. letter dated 11<sup>th</sup> December, 2012 apprising me about the functioning of National Commission for Backward Classes and powers vested therewith.

While appreciating your sentiments and feelings about the welfare and safeguarding the interests of the Backward Classes, I assure you of my fullest cooperation in this regard.

With good wishes for a Happy & Prosperous New Year,

Yours sincerely,

  
(Paban Singh Ghatowar)

Dr. Shakeel-Uz-Zaman Ansari,  
Member,  
National Commission for Backward Classes,  
Ministry of Social Justice & Empowerment,  
Trikoot-1, Bhikaji Cama Place,  
**NEW DELHI-110 066**

गृह मंत्री  
भारत  
नई दिल्ली - 110001



सत्यमेव जयते

No. V-171965-HMP-2012

HOME MINISTER  
INDIA  
NEW DELHI-110001

सुशीलकुमार शिंदे  
SUSHILKUMAR SHINDE

03 JAN 2013

Dear Dr. Ansari ji,

I have received your letter dated 11.12.2012 regarding functioning of National Commission for Backward Classes (NCBC).

With regards,

Yours sincerely,

(SUSHILKUMAR SHINDE)

**Dr. Shakeel-Uz-Zaman Ansari,**  
National Commission for Backward Classes,  
Ministry of Social Justice & Empowerment,  
Government of India,  
Trikoot-1, Bhikaji Cama Place,  
New Delhi- 110 066.

दिनशा पटेल  
DINSHA PATEL



खान मंत्री  
भारत सरकार  
Minister of Mines  
Government of India

D.O. No. 4...../MOM/Mines/2013

2 January, 2013

Dear Dr. Ansari Ji,

This is to acknowledge with thanks the receipt of your D.O. letter no. NCBC/Member/SA/2012/608 dated 11<sup>th</sup> December, 2012 regarding functioning & powers of National Commission for Backward Classes (NCBC).

The matter has been sent to the concerned Division of the Ministry for appropriate action.

With regards,

*Handwritten initials*

Yours sincerely,

*Handwritten signature of Dinsha Patel*  
(Dinsha Patel)

**Dr. Shakeel-Uz-Zaman Ansari,**  
Member,  
National Commission for Backward Classes,  
Government of India,  
Trikoort-1, Bhikaji Cama Place,  
New Delhi – 110 066.

वे. नारायणसामी  
V. NARAYANASAMY



सत्यमेव जयते

प्रधानमंत्री कार्यालय,  
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
भारत सरकार  
Minister of State  
Prime Minister's Office,  
Personnel, Public Grievances & Pensions  
Government of India

Dear *Shakeel-Ansari,*

I acknowledge the receipt of your letter dated 11.12.2012 regarding functioning of National Commission for Backward Classes (NCBC).

With regards,

Yours sincerely,

(V. Narayanasamy)

*A*  
**Dr. Shakeel-Uz-Zaman Ansari**  
Hon'ble Member  
National Commission for  
Backward Classes  
Ministry of Social Justice & Empowerment  
Trikoot-I, Bhikaji Cama Place,  
New Delhi 110 066.

**AMARNATH PRADHAN**  
MEMBER OF PARLIAMENT  
(LOK SABHA)

MEMBER :

- Standing Committee on Chemicals & Fertilizers
- Consultative Committee on Mines
- Committee on Welfare of OBC



NCBC, Annual Report-2012-13

22, North Avenue,  
New Delhi - 110 001

MPS-348/12 dt. 20-12-1

**Dear Shri Ansari Ji**

I have received your letter bearing No – NCBC/Member/SA/2012/618, dated. 11-12-2012 with thanks. I will raise your concern at the appropriate level at the appropriate time.

Thanking you

Sincerely Yours

  
( Amarnath Pradhan )

**Dr. Shakeel – Uz-Zaman Ansari**

**Member , National Commission for Backward Classes**

**Trikoot -1, Bhikaji Cama Place,**

**New Delhi -110066.**



डॉ. के. चिरंजीवि  
Dr. K. Chiranjeevi



पर्यटन राज्य मंत्री (स्व प्र)  
भारत सरकार  
नई दिल्ली  
MINISTER OF STATE FOR TOURISM (I C)  
GOVERNMENT OF INDIA  
NEW DELHI

31st December, 2012

Dear *Shri Ansari ji*

*Seen*  
I am in receipt of your letter dated December 11, 2012 regarding implementing the recommendations of the Parliament Committee for Welfare of OBCs.

With  
*Warm regards*

Yours sincerely,

(Dr. K. Chiranjeevi)

Dr. Shakeel-Uz-Zaman Ansari,  
Member,  
National Commission for Backward Classes,  
Ministry of Social Justice & Empowerment,  
Government of India,  
Trikoort-1, Bhikaji Cama Place,  
New Delhi-110066.

# Annexures

## Annexure-I

### 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 31<sup>st</sup> 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.

**Annexure-II**

**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 13<sup>th</sup> 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 13<sup>th</sup> August, 1990, shall be deemed to have been amended to the extent specified above.

**Annexure-III**

**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 13<sup>th</sup> 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 25<sup>th</sup> September 1991, as explained herein, shall be preferred only before this court and not before or in any other High Court or other court or Tribunal. Similarly, any petition or proceeding questioning the validity, operation or implementation of the two impugned Office Memorandums, on any grounds whatsoever, shall be filed or instituted only before this Court and not before any High Court or other Court or Tribunal.

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

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

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

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

No costs.

Sd/- CJI

(M.H. KANIA)

Sd/- J

(M.N. VENKATACHALIAH)

Sd/- J

(A.M. AHMADI)

Sd/- J

(B.P. JEEVAN REDDY)

NEW DELHI,  
November 16, 1992

**Annexure-IV**

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

**RESOLUTION**

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

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

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

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

3. The Headquarters of the Committee will be located at Delhi.

4. The Committee will devise its own procedures in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Committee. It is hoped that the State Governments and Union Territory Administrations and others concerned will extend their fullest cooperation and assistance to the Committee.

5. The Committee shall submit its Report on the socio-economic criteria for exclusion of the 'creamy layer' from Other Backward Classes latest by 10<sup>th</sup> March, 1993

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

ORDER

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

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

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

## Annexure-V

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 13<sup>th</sup> August, 1990<sup>1</sup> and 25<sup>th</sup> September, 1991<sup>2</sup>, 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.

1. 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.

---

<sup>1</sup> Annexure-I

<sup>2</sup> Annexure-II

2. Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and by the Ministry of Finance respectively effective from the date of this office memorandum.

To

All Ministries/Departments of Government of India.

Copy:

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

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

**Appendix 1 to Annexure-V****PERSONS/SECTIONS EXCLUDED FROM RESERVATION**

[Schedule TO G.I., Dept. of Per. &amp; 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	<p style="text-align: center;">Sons and daughter(s) of –</p> <ul style="list-style-type: none"> <li>(a) President of India;</li> <li>(b) Vice-President of India;</li> <li>(c) Judges of the Supreme Court and the High Courts;</li> <li>(d) Chairman and Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller and Auditor-General of India;</li> <li>(e) Persons holding constitutional positions of like nature.</li> </ul>
II. Service Category	
A. Group 'A'/Class I officers of the All India Central and State Services (Direct Recruits).	<p style="text-align: center;">Son(s) and daughter(s) of ---</p> <ul style="list-style-type: none"> <li>(a) parents, both of whom are Class I officers;</li> <li>(b) parents, either of whom is a Class I officer;</li> <li>(c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation;</li> <li>(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;</li> <li>(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;</li> </ul>

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)

- (a) Son(s) and daughter(s) of ---  
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 Inter-national 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;
- (b) Sons and daughters of ---  
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 Son(s) and daughter(s) of parents either or Forces (Persons holding civil posts both of whom is or are in the rank of Colonel are not included). and above in the Army and to equivalent posts in the Navy and the 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 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. 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 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.

V. Property owners

A. Agricultural holding

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 :-

(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 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.

**Annexure-VI**

**MINISTRY OF WELFARE  
RESOLUTION  
New Delhi, the 10<sup>th</sup> September**

No. 12011/68/93-BCC(C)-The Government of India have had under consideration the judgement of the Supreme Court dated 16-11-92 in the case of Indira Sawhney and Others Vs. Union of India and Others (No.930 of 1990) relating to reservation of 27% vacancies in civil posts and services under the Government of India in favour of Other Backward Classes OBCs.

2. The OBCs for the purpose of the aforesaid reservation as per orders of the Government of India issued vide O.M. No. 36012-22-93-Estt.(SCT) of 8<sup>th</sup> September, 1993 by the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training), 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.

3. The Expert Committee on 'Creamy Layer' headed by Justice (Rtd.) R.N. Prasad, was commissioned to prepare the Common Lists in respect of the following States which had notified the list of OBCs for the purpose of reservation in State Services as on the date of Judgement of the Supreme Court;

1. Andhra Pradesh
2. Assam
3. Bihar
4. Goa
5. Gujarat
6. Haryana
7. Himachal Pradesh
8. Karnataka
9. Kerala
10. Madhya Pradesh
11. Maharashtra
12. Punjab
13. Tamil Nadu
14. Uttar Pradesh

4. The Common Lists prepared by the Committee have been accepted by the Government. The Government has decided to notify the annexed list of the Other Backward Classes in the context of implementation of the aforesaid O.M. The lists shall be deemed to have taken effect from 8<sup>th</sup> Sept., 1993.

5. The National Commission for Backward Classes, set up under the provisions of the National Commission for Backward Classes Act, 1993 in pursuance of the direction of the Supreme Court in the aforesaid case, shall entertain, examine and recommend upon requests for inclusion and complaints of over-inclusion and under-inclusion in the lists of Other Backward Classes of citizens.

**ORDER**

Ordered that a copy of the resolution be communicated to all State Governments, UT Administrations, Ministries/Departments of Government of India.

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

M.S. PANDIT, Jt. Secy

**Annexure-VII**

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

*New Delhi, the 2<sup>nd</sup> April, 1993/Chaitra 12, 1915 (Saka)*

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

**THE NATIONAL COMMISSION FOR BACKWARD CLASSES ACT, 1993**

**No.27 of 1993**

[2<sup>nd</sup> April, 1993]

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

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

**CHAPTER I**

**PRELIMINARY**

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

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

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

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

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

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

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

(d) “Member” means a Member of the Commission and includes the Chairperson;

(e) “prescribed” means prescribed by rules made under this Act.

## CHAPTER II

## THE NATIONAL COMMISSION FOR BACKWARD CLASSES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The Commission shall regulate its own procedure.

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

### CHAPTER III

#### FUNCTIONS AND POWERS OF THE COMMISSION

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

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

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

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

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

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

## CHAPTER IV

## FINANCE, ACCOUNTS AND AUDIT

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

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

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

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

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

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

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

## CHAPTER V

## MISCELLANEOUS

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

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

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

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

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the succession sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form to be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

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

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

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

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

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

**Annexure-VIII**

GOVERNMENT OF INDIA  
MINISTRY OF WELFARE

No. 12011/34/BCC(C)/Pt.I

New Delhi, the 14<sup>th</sup> August 1993

**NOTIFICATION**

In exercise of powers conferred by section 3 of National Commission for Backward Classes Act, 1993 (27 of 1993) the Central Government hereby constitutes the National Commission for Backward Classes as follows :

- |   |   |
|---|---|
| (i) Justice (Retd.) R. N. Prasad<br>Former Judge,<br>Patna High Court   | Chairperson   |
| (ii) Dr. Dhirubhai L. Seth,<br>Senior Fellow and Professor<br>Centre for the Study of Developing Societies<br>New Delhi | Member<br>(Social Scientist)  |
| (iii) Dr. Dinesh Singh Yadav<br>Former Principal  | Member<br>(Person having special<br>knowledge in matters<br>relating to backward classes) |
| (iv) Dr. R. Prasannan,<br>Member, Kerala State Backward Classes Commission<br>Trivendrum, Kerala.                       | -do-  |
| (v) Shri P.S. Krishnan<br>Secretary (Retd.)<br>Govt. of India   | Member-Secretary  |

2. Chairperson and every member shall hold office for a term of 3 years from the date he assumes office.

sd/-  
(M. S. PANDIT)  
Joint Secretary to the Govt. of India

**Annexure-IX**

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: 14<sup>th</sup> October, 2008.

**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 8<sup>th</sup> September, 1993 which inter alia provided that sons and daughters of persons having gross annual income of Rs. 1 lakh or above for a period of three consecutive years would fall within the creamy layer and would not be entitled to get the benefit of reservation available to the Other Backward Classes. The limit of income for determining the creamy layer status was raised to Rs. 2.5 lakh vide this Department's OM of even number dated 9.3.2004. It has now been decided to raise the income limit from Rs.2.5 lakh to Rs. 4.5 lakh per annum 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	<p>Son(s) and daughter(s) of</p> <p>(a) Persons having gross annual income of Rs. 4.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.</p> <p>(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.</p>

**Explanation:**

Income from salaries or agricultural land shall not be clubbed.

2. The provisions of this Office Memorandum take effect from the 3<sup>rd</sup> October, 2008.

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)  
Director

To

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

Copies forwarded to :

The Chief Secretaries of all the States/UTs for information and necessary action.