

**MOST IMMEDIATE  
ASSEMBLY QUESTION**

**GOVERNMENT OF N.C.T. OF DELHI  
REVENUE DEPARTMENT: PARLIAMENT CELL  
5, SHAM NATH MARG, DELHI-110054**

No. F.11/1686/DC/PC/VS/2021 599

Dated: 02-01-2022

To

The Dy. Secretary (Question Cell)  
Delhi Legislative Secretariat,  
Old Secretariat Delhi-110054

**Sub: Reply to Vidhan Sabha Unstarred Question No. 55 fixed for 03.01.2022 raised by  
Hon'ble MLA Sh. Mahender Yadav.**

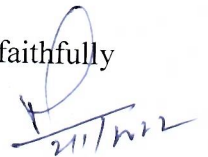
Sir,

Please find enclosed herewith the 100 copies of the reply in respect of above said question for further necessary action at you end.

This issues with the prior approval of Competent Authority.

**Encl.: As above.**

Yours faithfully



**(ANIL SIROHI)  
SUB DIVISIONAL MAGISTRATE-III (HQ)**

ANIL SIROHI  
SDM (HQ)  
Revenue Department  
Govt. of NCT of Delhi  
5, Sham Nath Marg, Delhi-110054

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार  
कार्यालय मंडलायुक्त (राजस्व)  
संसदीय शाखा,  
5, शाम नाथ मार्ग, दिल्ली।

अतारांकित प्रश्न संख्या : 55

राजस्व विभाग

दिनांक 03.01.2022

प्रश्नकर्ता का नाम : माननीय विधायक श्री महेन्द्र यादव जी

क्या माननीय राजस्व मंत्री यह बताने की कृपा करेंगे कि :

क्र.सं.	प्रश्न	उत्तर
क)	क्या दिल्ली राज्य का ओबीसी सर्टिफिकेट प्राप्त करने के लिए 1993 से निवास की शर्त को हटाने की सरकार की कोई योजना है; और	मंत्रालय कार्मिक, लोक शिकायत और पेंशन, (कार्मिक और प्रशिक्षण विभाग), भारत सरकार के कार्यालय आदेश सं० No. 36012/22/93-Eatt. (SCT) दिनांक 08/09/1993 में अन्य पिछड़ा वर्ग के अंतर्गत आने वाली जातियों को लाभ देने से संबंधित दिशा निर्देश सर्वप्रथम जारी हुए थे (प्रतिलिपि संलग्न है)। इस संदर्भ में सामाजिक न्याय और अधिकारिता मंत्रालय, भारत सरकार द्वारा पत्र सं० No. 20012/2/2017-BC-II(Pt.) दिनांक 21/10/2019 में स्पष्टीकरण जारी किया गया है। जिसकी प्रतिलिपि संलग्न है। अतः दिल्ली राज्य का ओबीसी सर्टिफिकेट प्राप्त करने के लिए 1993 से निवास की शर्त को हटाने की दिल्ली सरकार की कोई योजना नहीं है।
ख)	यदि नहीं, तो क्या 1993 की यह समयसीमा कम की जा सकती है, संपूर्ण जानकारी दें?	उपरोक्तानुसार

इसकी स्वीकृति सक्षम प्राधिकारी से प्राप्त कर ली गई है।

(अनिल सिरोही)

उपमण्डलीय दण्डाधिकारी-3 (मु०)

ANIL SIROHI  
SDM (HQ)  
Revenue Department  
Govt. of NCT of Delhi  
5, Sham Nath Marg, Delhi-110044

No. 36012/22/93-Estt. (SCT)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

New Delhi, the 8th September, 1993  
OFFICE MEMORANDUM

Subject:-Reservation for Other Backward Classes in Civil Posts and Services under the Government of India—Regarding.

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

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

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

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

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

To

All Ministries/Departments of Government of India.

Copy:

1. Department of Public Enterprises, New Delhi : It is requested that the said instructions may be issued in respect of PSUs, Public Sector Banks & Insurance Corporation.
2. Ministry of Finance (Banking & Insurance Divisions), New Delhi.



# SCHEDULE

1	2	3
	Description of category	To whom rule of exclusion will apply
I.	CONSTITUTIONAL POSTS	<p>Son(s) 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 of the High Courts;</li> <li>(d) Chairman &amp; Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller &amp; Auditor General of India;</li> <li>(e) persons holding Constitutional positions of like nature.</li> </ul>
II.	SERVICE CATEGORY	<p>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>
	A. Group A/Class 1 officers of the All India Central and State Services (Direct Recruits).	<p>Provided that the rule of exclusion shall not apply in the following cases:</p> <ul style="list-style-type: none"> <li>(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.</li> <li>(b) A lady belonging to OBC category has got married to a Class-I officer, and may herself like to apply for a job.</li> </ul>

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<p>B. <i>Group B/Class II officers of the Central &amp; State Services (Direct Recruitment)</i></p>	<p>Son(s) and daughter(s) of</p> <ul style="list-style-type: none"> <li>(a) parents both of whom are Class II officers.</li> <li>(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.</li> <li>(c) parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation;</li> <li>(d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and</li> <li>(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</li> </ul> <p>Provided that the rule of exclusion shall not apply in the following cases :</p> <p>Sons and daughters of</p> <ul style="list-style-type: none"> <li>(a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.</li> <li>(b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation</li> </ul>	
<p>C. <i>Employees in Public Sector Undertakings etc.</i></p>	<p>The criteria enumerated in A &amp; B above in this Category will apply mutatis mutandi to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, Pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these Institutions.</p>	

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<p>III. <b>ARMED FORCES INCLUDING PARAMILITARY FORCES</b> (Persons holding civil posts are not included)</p>	<p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces;</p>	<p>Provided that:—</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(ii) the service ranks below Colonel of husband and wife shall not be clubbed together;</li> <li>(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.</li> </ul>
<p>IV. <b>PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY</b></p>	<ul style="list-style-type: none"> <li>(I) <i>Persons engaged in profession as a doctor, lawyer, chartered accountant, Income-Tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.</i></li> <li>(II) <i>Persons engaged in trade, business and industry.</i></li> </ul>	<p>Criteria specified against Category VI will apply:—</p> <p>Criteria specified against Category VI will apply:</p> <p><i>Explanation :</i></p> <ul style="list-style-type: none"> <li>(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.</li> <li>(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.</li> </ul>



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V. <i>PROPERTY OWNERS</i>		
A. <i>Agricultural holdings</i>		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 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 conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.
		(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.
B. <i>Plantations</i>		
	(i) Coffee, tea, rubber, etc.	Criteria of income/wealth specified in Category VI below will apply.
	(ii) Mango, citrus, apply plantations etc.	Deemed as agricultural holding and hence criteria at A above under this Category will apply.
C. <i>Vacant land and/or buildings in urban areas or urban agglomerations</i>		Criteria specified in Category VI below will apply.
		<i>Explanation :</i> Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.
VI. <i>INCOME/WEALTH TEST</i>		
		Son(s) and daughter(s) of
		(a) Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.

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- (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.



No. 20012/2/2017-BC-II(Pt.)  
Government of India  
Ministry of Social Justice and Empowerment  
Department of Social Justice and Empowerment

B-2, Ground Floor, Pt. Deendayal  
Antodaya Bhawan, CGO Complex,  
New Delhi- 110003  
21 October, 2019

To,

Shri Rajbir Singh,  
SDM-IV (HQ),  
Govt of National Capital Territory of Delhi,  
Revenue Department, C.C. Section,  
Room No-206, B-Block,  
Sham Nath Marg, Delhi-54

**Subject: Clarification regarding OBC cut off date on which a person is required to be ordinarily resident of State/ UT for the purpose of getting OBC certificate.**

Sir,

I am directed to refer to your letter No. 87(135)/CCS(HQ)/Court Case RI V 2019 6026 dated 04.10.2019 on the above mentioned subject and to enclose this Ministry's letter No. 12017/1/2002-BCC dated 25.11.2002 regarding issue of OBC certificate to migrants from one State UT to another State UT-clarification.

Encl: As above

*N.S. Venkateshwaran*  
21/10/2019

(N.S. Venkateshwaran)  
Under Secretary to the Government of India  
Tel: 24369841

No 12017/1/2002-BCC  
Government of India  
Ministry of Social Justice & Empowerment

25, Jeevan Prakash Building,  
9<sup>th</sup> Floor, Kasturba Gandhi Marg,  
New Delhi, Dated 25<sup>th</sup> November, 2002

To

Chief Secretaries to all State Governments/UT Admins.,

परी सं: / Dy. No. 339, गणपत / A. प्र. / रा. सी. सी. / N. C. B. C.

Subject : Issue of OBC certificate to migrants from one State/UT to another State/UT  
- clarification regarding.

Sir,

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 not been issued strictly in accordance with the principles governing the issue of such certificates. In order that the certificates are issued to the eligible persons, it is necessary that proper verification based primarily on revenue records and if need be, through reliable inquiries, is made before such certificates are issued.

2. Further, it may be clarified that in the case of migrant OBCs, the crucial date for determining the OBC as migrant or origin should be taken as the date of issue of notification applicable in the case of beneficiary. Similarly, in the case of persons born after the date of issue of the relevant notification, the place of residence for the purpose of acquiring backward class status, is the permanent abode of their parents at the time of the issue of the notification under which they claim to belong to such a caste/community.

3. All the State Governments/UT Administrations are, therefore, requested to streamline their respective procedure for issuing such certificates so as to conform to the above guidelines as well as to those issued from time to time. The certificate issuing authorities may be instructed to do so only after having made proper verification and after having satisfied themselves of the correctness of such certificates.

Yours faithfully,

[PRAHLAD KUMAR]  
Director(BC)

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19/12

Pr. circulate  
to chm. MS & submit to Information.

Only

26/12

~~PR~~

PR

26/12

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