

Department of Personnel and Training O.M. No.36012/22/93-Estt.(SCT),
dated the 15th November, 1993, to all Ministries/Departments, etc.

To

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

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

Sir,

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

- (a) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/1st Class Stipendary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner (not below the rank of 1st Class Stipendary Magistrate).
- (b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (c) Revenue Officer not below the rank of Tehsildar; and
- (d) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

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

examine the claims of the candidates a model format has been devised as in Annexure B. This may be suitably revised if considered necessary. The format of the certificate that may be given by the concerned district authorities may be as in Annexure A.

3. It is also requested that wide publicity may be given to the Ministry of Welfare Resolution No. 12011/68/93-BCC(C), dated 10-9-93 published in the Gazette of India/Extraordinary Part 1 Section I, dated 13-9-93 containing the list of Backward Castes as well as to DOPT O.M.No. 36012/22/93-Estt. (SCT), dated 8-9-93 which specifies the criteria which will determine the persons who belong to the creamy layer and to whom the reservation shall not apply. This will facilitate the candidates to ascertain their eligibility for reservation. It would also be advisable to appropriately brief the certifying Authorities and to provide them with sufficient number of copies of the above mentioned Gazette Notification and the Deptt. O.M. date 8-9-93 in order to ensure prompt and correct certification.

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

Yours faithfully,

Sd/

(Smt. Sarita Prasad).

Joint Secretary to the Government of India.

**FORM OF CERTIFICATE TO BE PRODUCED BY OTHER BACKWARD CLASSES,
APPLYING FOR APPOINTMENT TO POSTS UNDER THE GOVERNMENT OF INDIA**

This is to certify that.....
son of..... of village.....
District/Division..... in the..... State.....
belongs to the..... community which is recognised as a backward class under the
Government of India, Ministry of Welfare Resolution No. 12011/68/93-BCC(C), dated 10th Sept.
1993 published in the Gazette of India Extraordinary Part I Section I dated 13th Sept. 1993.
Shri..... and/or his family ordinarily reside(s) in the..... District/Division of
the..... State. This is also to certify that he/she does not belong to the persons/sections
(Creamy Layer) mentioned in column 3 of the Schedule to the Government of India, Department of
Personnel & Training O.M. No. 36012/22/93-Estt. (SCT), dated 8-9-93.

District Magistrate,
Deputy Commissioner etc.

Dated :

Seal

-
- NB : (a) The term 'ordinarily' used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.
- (b) Where the certificates are issued by Gazetted Officers of the Union Government or State Governments, they should be in the same form but *countersigned* by the District Magistrate or Deputy Commissioner (Certificates issued by Gazetted Officers and attested by District Magistrate/Deputy Commissioner are not sufficient).

ANNEXURE B

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

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

To

Sir,

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

I give below the necessary particulars:—

1. Full Name of the applicant :
(in Block letters).
2. Date of birth :
3. Complete Residential Address :
(a) Present

(b) Permanent
4. Religion :
5. Caste :
6. Sub-caste :
7. Occupational Group :
8. Serial Number of the Caste in the Central List of OBCs.
9. Name of Father :
10. Name of Mother :
11. Name of Husband :
12. Status of Parent (s)/Husband

Father

Mother

- (A) Constitutional Posts.
(i) Designation
(B) Government Services.
(i) Service (Central/State).
(ii) Designation

- (iii) Scale of Pay, including classification, if any.
 - (iv) Date of appointment to the post.
 - (v) Age at the time of promotion to Class I Post (if applicable)
 - II. Employment in International Organisation e.g. UN, UNICEF, WHO.
 - (i) Name of Organisation
 - (ii) Designation
 - (iii) Period of service (indicate date from.....to.....).
 - III. Death/Permanent Incapacitation (Omit if not applicable).
 - (i) Date of death/Permanent incapacitation putting an officer out of service.
 - (ii) Details of Permanent incapacitation.
 - (C) Employment in Public Sector Undertakings etc.
 - (i) Name of Organisation
 - (ii) Designation
 - (iii) Date of appointment to the Post.
 - (D) Armed Forces including Para-military Forces (This will not include persons holding civil posts.)
 - (i) Designation.
 - (ii) Scale of Pay.
 - (E) Professional class (other than those covered in item Nos. B & C) and those engaged in trade, Business and Industry.
 - (i) Occupation/Profession.
 - (F) PROPERTY-OWNERS.
 - (F) I. Agricultural Land Holding: owned by mother, father & minor children.
 - (i) Location.
 - (ii) Size of holding
 - (iii) (a) Irrigated (Type of irrigated land).
 - (i)
 - (ii)
 - (iii)
 - (b) Unirrigated.
- To be certified by District Revenue Officer not lower than the rank of Tehsildar.
- (iv) Percentage of irrigated land holding to statutory ceiling limit under State land Ceiling laws.
 - (v) If land holding is both irrigated/unirrigated total irrigated land holdings on the basis of conversion formula in State land Ceiling law.
 - (vi) Percentage of total irrigated land holding to statutory ceiling limit as per. (iv).
- (F) II. Plantation:
 - (i) Crops/Fruit.

- (ii) Location
 - (iii) Area of Plantation.
- (F) III. Vacant land and/or building in urban areas or urban agglomeration.
- (i) Location of Property.
 - (ii) Details of Property.
 - (iii) Use to which it is put.
- (G) Income/Wealth.
- (i) Annual family income from all sources
(excluding salaries & income from agricultural land.)
 - (ii) Whether Tax Payer (Yes/No.)
(If yes, a copy of the last three years return be furnished).
 - (iii) Whether covered in Wealth Tax Act (Yes/No.)
(if so furnish details)
13. Any other remarks.
14. I certify that above said particulars are true to the best of my knowledge and belief and that I do not belong to the Creamy Layer of OBCs and eligible to be considered for posts reserved for OBC's. In the event of any information being found false or incorrect, or ineligibility being detected before or after the selection. I understand that my candidature/appointment is liable to be cancelled and I shall be liable to such further action as may be provided under the law and/or Rules.

Yours faithfully,

Place :

Signature of the candidate.

Date :