

COPIES OF ORDERS

**G.I., Dept. of Per. & Trg., O.M. NO. 36012/31/90-Estt. (SCT),
dated 13-8-1993
and O.M. No. 36012/52/93-Estt. (SCT), dated 13-1-1995**

**Subject:- 27% Reservation for other Backward Classes in Civil Posts/
Services.**

In a multiple undulating society like ours, early achievement of the objective of social justice as enshrined in the Constitution is a must. The Second Backward Classes Commission, called the MANDAL COMMISSION, was established by the then Government with this purpose in view, which submitted its report to the Government of India on 31st December, 1980.

2. Government have carefully considered the report and the recommendations of the Commission in the present context regarding the benefits to be extended to the Socially and Educationally Backward Classes as opined by the Commission and are of the clear view that at the outset certain weight age has to be provided to such classes in the services of the Union and their Public Undertakings.

Following the Supreme Court judgment in the Indira Sawhney and others v. Union of India and others case [Write 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.

3. Consequent to the consideration of the Expert Committee's recommendations, orders are issued as follows:-

- (a) 27% (twenty-seven 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 weparately.
- (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% (see Clarification below)

(c)(i) The aforesaid reservation shall not apply to persons/sections mentioned in Column 3 of the Scheduled 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. (See Appendix-2)

(d) The aforesaid reservation shall take immediate effect.

4. Similar instructions in respect of Public Sector Undertakings and Financial Institutions including Public Sector Banks were issued by the Department of Public Enterprises and by the Ministry of Finance respectively, effective from the date of this Office Memorandum.

The above-said instructions relating to reservations for OBCs have been extended to Autonomous Bodies, Statutory and Semi-Government Bodies and Voluntary Agencies receiving grants from Government.

Clarification.- How the OBCs are to be assessed in relation to general candidates and how their reserved quota are required to be filled?

Normally for any recruitment or selection, basis minimum standards are fixed. In the case of competitive examination, merit lists are drawn, subject to fulfillment of this basic minimum standards and candidates are appointed to the extent of the number of vacancies. The cut-off point for the preparation of this general merit list is normally well above the basic minimum standards. In the process, not all the candidates who have obtained the basic minimum standards prescribed are appointed to the services/posts in question. While the OBCs candidates who come in the general merit list will not be adjusted against the reserved quota, those OBCs candidates who could not come in the merit list but have obtained the basic minimum standards can be appointed against the reserved vacancies.

A similar procedure is also required to be followed in the case of recruitment other than by open competition. It will be up to the recruiting authorities to prescribe the basic minimum standard in respect of any examination/selection.