**No.No 43011/11/2022-Estt Res-II**
**Government of India**
**Ministry of Personnel, Public Grievances & Pensions**
**Department of Personnel and Training**
**ESTT.(Estt. Reservation-II)**
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**Dated 19 September, 2022**

**Subject:- Frequently Asked Questions (FAQS) on reservation to Economically Weaker Sections (EWSs) in posts/services under Central Government**

To
The Chief Secretaries
All State Governments and UTs

Madam/Sir,

This Department issued O.M. No.36039/1/2019-Estt(Res) on 31.01.2019 providing for 10% reservation to Economically Weaker Sections (EWSs), who are not covered under the reservation scheme for SCs/STs/OBCs in respect of direct recruitment in civil posts and services in Central Government. In this regard, it is stated that it receives a number of references from various Ministries/Departments/individuals for clarification of certain issues. The Central Information Commission in a hearing held on 27.04.2022, directed to take necessary action to place in the public domain FAQs on EWS reservation to assist the information seekers in future. Accordingly, the undersigned is directed to inform that a set of FAQs on the subject has been prepared, as under, which may be of use while issuing Income & Asset Certificate to the candidates by the concerned authorities.

**FAQs on Property**

**Question-1. If the land/property (more than threshold limit) is in the name of parents and there are more than one child and the property has not been distributed, then in that situation, can one of the children apply for EWS certificate?**

**Answer**: No. Para 4.2 and 4.3 of said O.M. dated 31.01.2019 provides that the property held by a "Family" in different locations or different places/cities would be clubbed while applying the land or property holding test to determine EWS status and the term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years. Property beyond threshold limit tantamount to disqualification for applying to Income and Asset Certificate in respect of any of the children.

**Question-2. In case agricultural land/residential flat/plot of parents is located in more than one State/District or within the same State/District, all such land/properties will be clubbed or not?**

**Answer**: Yes. Para 4.2 of said O.M. dated 31.01.2019 provides that, the property held by a "Family" in different locations or different places/cities would be clubbed while applying the land or property holding test to determine EWS status. Person can apply for Income and Asset Certificate in the district of his permanent address.

**Question-3. Does the residential flat/plot as classified under Para 4.1 of DoPT OM, dated 31.1.2019, includes both commercial and residential property?**

**Answer**: Para 4.1 of the OM, dated 31.1.2019, speaks of residential property. However, exclusion of commercial property will result in injustice. Hence, the definition of residential flat/plot in the OM also includes the commercial property.

**Question -4. Will the property of grandparents not distributed among the parents of the applicants be counted towards calculating the assets held by the parents of applicants for the purpose of Income and Asset Certificate?**

**Answer**: No. Grandparent is not a part of a family under para 4.3 of OM dated 31.1.2019.

**Question-5. If half of the residential plot, i.e. 90 square yards is in urban area (notified municipalities) and rest 90 square yards is in rural areas (other than the notified municipalities), how will the residential plot be treated?**

**Answer**: It will be 90 square yards in urban area and remaining 90 square yards in rural area. Hence, as laid down in Para 4.1 of OM dated 31.1.2019, it is neither 100 square yards in notified municipalities nor 200 square yards in other than notified municipalities. As such, eligibility will remain for EWS certificate.

**Question-6. If the construction of a residential flat/plot is on barren land, does that property come under residential flat or agricultural land?**

**Answer**: If it is a flat, the criteria of Income & Assets applicable for residential flat of 1000 square feet and above as provided in para 4.1(ii) of the O.M. dated 31.1.2019, will apply. If it is a plot, again, the criteria of notified municipality or the area other than the notified municipality will apply as provided in Para 4.1 (iii) and (iv) of the O.M., dated 31.1.2019.

**Question-7. What does residential plot mean? How is residential plot measured ?**

**Answer:** Residential plot means a plot for the purpose of construction of residential house irrespective of the fact whether the house has been constructed or not. The entire area of the plot will be taken into account while assessing the eligibility of a candidate to get an Income & Asset Certificate. In this regard, rules/regulations framed by the respective Municipality/Panchayat shall be taken into account.

**Question-8. What is the difference between residential flat and residential plot ?**

**Answer**: For the purpose of reservation in the category of EWS, the term 'Plot' connotes an independent identity, whereas the term 'flat' connotes a number of residential units/dwelling units built on the same plot.

**Question-9**: **If a person has residential flat/plot on agricultural land will that be treated as agricultural land or residential flat/plot ?**

**Answer: Built up a**rea of the flat and the covered area plus the area left uncovered of the plot (as per rules of Municipality/Panchayats) will be treated as residential area and additional land beyond residential flat / plot, being used for agricultural purpose, may be treated as agricultural land. This will be specifically for the purpose of determination of EWS status and not for any other purpose.

**Question-10. In case of residential flat, whether super area (including common area viz, stair case, gardens, roads within the society, as distributed among the flats) or total area of the flat (including brick/pillar area) or carpet area (excluding brick and pillar area) is to be taken into account for computation of the measurement of the flat ?**

**Answer**: Total built up area of the residential unit/flat, including brick/pillar area (excluding staircase area and common area), is to be taken into account for computation of measurement of the flat.

**FAQs on Category of Applicant**

**Question-11. Migrants belonging to Scheduled Castes (SCs), Scheduled Tribe(STs), Other Backward Castes(OBCs) in other State where they do not belong to SC, ST and OBC, then in that case, can they apply for EWS reservation?**

**Answer**: As per Para 2 of DoPT O.M. No. 36039/1/2019-Estt.(Res.), dated 31.01.2019, the persons belonging to EWSs who, are not covered under the scheme of reservation for SCs, STs and OBCs shall get 10% reservation in direct recruitment in civil posts and services in the Government of India. Applicants belonging to SC, ST or OBC included in the Central List residing in any of the States/UTs are not eligible for EWS reservation in respect of posts/services of the Government of India.

**Question-12. If a person belongs to Other Backward Classes (OBCs) in a State list but not in Central List, can he apply for Income and Asset Certificate?**

**Answer**: Para 2 of annexure-I to O.M., dated 31.01.2019, regarding Income & Asset Certificate reads as under:

*"Shri/Smt./Kumari _____ belongs to the _____ caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Classes (Central List) .....".*

Therefore, if a person belongs to OBC in a State list but not in Central List, he/she can apply for Income and Asset Certificate for applying to posts and services of the Government of India to avail of EWS reservation subject to fulfilling other conditions, as mentioned in said OM, dated 31.1.2019.

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**FAQs on vacancies**

**Question-13. How can the unfilled vacancies of EWS be filled in a recruitment year in case of non-availability of suitabie candidates belonging to EWS ?**

**Answer**: As per Para 6.3 of DoPT OM No. 36039/1/2019-Estt.(Res.), dated 31.1.2019, where in any recruitment year any vacancy earmarked for EWS cannot be filled up due to non availability of a suitable candidate belonging to EWS, such vacancies for that particular recruitment year shall not be carried forward to the next recruitment year as backlog. A further attempt in the same recruitment year to fill the EWS vacancy is desirable. Thereafter, the unfilled vacancies may be filled up, treating them as unreserved provided it does not result in excess representation in general category beyond the number added on account of non-availability of EWS candidate. If it results in excess representations, it may be diverted to the category in which shortfall exists.

**Question-14. Whether EWS reservation is to be calculated on total number of vacancies of cadre strength or current year vacancies.**

**Answer**: EWS reservation should be calculated in accordance with reservation roster as provided in Annexure - II to V of DoPT OM, dated 31.1.2019. EWS reservation is effective in respect of all direct recruitment vacancies to be notified on or after 01.02.2019. Every Government establishment shall recast group-wise post-based reservation roster register for direct recruitment, in accordance with format given in Annexure II, III, IV and V of DoPT OM, dated 31.1.2019, as the case may be, for effecting 10% reservation for EWSs interpolating them with the SCs, STs and OBCs. Thereafter, they can see the point which was vacated in the Post Based Roster. The vacancies will, accordingly, go to respective categories. Current vacancies are to be taken into account to distribute vacancies amongst different categories. .

**FAQs on Income**

**Question-15. Whether money earned through Providend Fund, Gratuity or other pensionary benefits in a particular financial year at the time of retirement will be counted as family income ?**

**Answer**: As per Para 4.1 of DoPT O.M. No. 36039/1/2019-Estt.(Res.), dated 31.01.2019, apart from asset holding test, persons whose family has gross annual income below Rs 8.00 lakh (Rupees eight lakh only) are to be identified as EWSs for benefit of reservation. Income for the purpose shall include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application. The income for this purpose will be gross income taken into account for the purpose of Income Tax.

**Question-16. Will monthly pension/family pension be counted for family income?**

**Answer**: Yes.

**Question-17. Gross salary is Rs.10 Lakh but as per income tax return total income comes out to Rs.6 Lakh. In that case, can a candidate apply for Income and Asset certificate?**

**Answer:** It is always gross salary/gross income..

**FAQs on Competent Authorities for issuance of Income & Asset Certificate**

**Question-18. Can Competent Authorities of different States and Union Territories issue Income and Asset Certificate in different formats?**

**Answer**: No. Prescribed format for Income & Asset Certificate for applying to posts and services under the Government of India has been prescribed vide Annexure-I of DoPT O.M. No. 36039/1/2019-Estt.(Res.-II),dated 31.01.2019. Hence, it cannot be different for different States/UTs for the purpose of employment under the Central Government.

**Question-19. Whether Anchal Adhikari or Naib-Tehsildar is a competent Authority to issue a EWS certificate?**

**Answer**: Anchal Adhikari of any State/UT can issue Income and Asset Certificate, if he/she is not below the rank of Tehsildar or any other equivalent officer(s) as mentioned in Para 5.1 of DoPT OM, dated 31.1.2019, and as notified by the respective State/UT. If the Anchal Adhikari/Naib Tehsildar is below the rank of Tehsildar, they shall not issue Income & Asset Certificate.

**FAQs regarding Income & Asset Certificate**

**Question-20. In case Income and Asset certificate comes out to be a fake/false at a later stage, what will be the next course of action to be followed by the Appointing Authority ?**

**Answer**: Para 5.4 DoPT OM, dated 31.01.2019 provides that the appointing authorities should, in the offer of appointment to the candidates, claiming to be belonging to EWS, include the following clause :-

*"The appointment is provisional and is subject to the Income and asset certificate being verified through the proper channels and if the verification reveals that the claim to belong to EWS is fake/false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of fake/false certificate.*

*The appointing authority should verify the veracity of the Income and asset certificate submitted by the candidate through the certificate issuing authority*."

If the Income & Asset Certificate is found to be fake, the services of the temporarily appointed person shall be done away with.

**Question-21. Crucial date for Income & Asset certificate?**

**Answer**: Para 5.3 DoPT OM, dated 31.01.2019, provides that the crucial date for submitting income and asset certificate by the candidate may be treated as the closing date for receipt of application for the post, except in cases where crucial date is fixed otherwise. The crucial date for submission of Income & Asset Certificate (Cutoff date) shall be clearly mentioned in the advertisement published by the recruiting agencies. Income & Asset Certificates issued subsequent to the crucial date and for the later Financial Year shall be treated as major discrepancies. In this regard, the order, dated 18.05.2020 passed by the Hon'ble Supreme Court in SLP(C) No. 426/2021 titled UPSC vs Gaurav Singh & Ors, may be referred to.

**Question-22. Requirement of seal/stamp of name and designation of Income & Asset certificate issuing authority of State/UT.**

**Answer**: The authorized certificate issuing authorities in the States/UTs should invariably affix the seal/stamp properly displaying their name and designation on the space earmarked for the purpose in the Income and Asset Certificate (Annexure-I of DoPT OM, dated 31.01.2019).

**Question-23. What if the earmarked space of "Valid for the year_____" below the certificate no. and date is left blank?**

Answer: As per Para 4.1 of DoPT OM No. 36039/1/2019-Estt.(Res.), dated 31.01.2019, Family Gross Annual Income shall be computed for the financial year prior to the year of application. Therefore, if the closing date for receipt of application for a post is 1st August, 2022, the financial year for computing gross annual income of the family shall be 2021-2022 and the certificate shall be valid for 2022-2023. If it is left blank but the income and assets have been calculated for the correct financial year and also indicated in the body of the Income & Asset Certificate, it may be referred back to the certificate issuing authority for confirmation and filling up the validity year in the space earmarked for it. However, neither financial year nor validity year is mentioned in the certificate, it will be treated as a major discrepancies and may invite rejection.

**Miscellaneous FAQs**

**Question-24. What are notified municipalities'' and areas falling in 'other than the notified municipalities'?**

**Answer**: Notified Municipalities means the area under the respective Municipalities, as notified by the respective States/UTs. If any area has not been notified, it will come under the category of the area 'other than the notified municipalities'.

**Question-25. Whether in case of applicants(s) not living with parents or separated by parents, property or income of parents shall be taken into account for computation of family income ?**

**Answer**: As per Para 4.3 of DoPT O.M. No. 36039/1/2019-Estt.(Res.), dated 31.01.2019, The term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years. Therefore, no other definition of Family will be allowed. To make it clear, it is stated that whether the children are not living with parents or separated from parents, property/income of parents shall be taken into account for computation of family income.

**Question-26. Whether siblings/children of 18 years or above will be counted under the definition of family for EWS reservation?**

**Answer**: No. As per the Para 4.3 of O.M. of DoPT, dated 31.01.2019, the term "Family" will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years, as also his/her spouse and children below the age of 18 years. Therefore, siblings/children of 18 years and above will not be counted under the definition of "Family" for applying to Income and Asset Certificate.

**Question-27. What is the maximum time limit to issue the Asset and Income Certificate for EWS after submitting the application?**

**Answer:** The Officer who issues the certificate would do the same after carefully verifying all relevant documents following due process, as prescribed by the respective State/UT and, accordingly, time limit for issuing Income and Asset Certificate is to be decided by the respective State/UT. However, the time limit should be fixed in such a way that it does not harm the interest of the applicants.

**Question-28. - Whether the benefit of age relaxation and relaxation in number of attempts available to EWS candidates?**

**Answer:** No. The conditions prescribed for General category candidates in matters of Age and Number of attempts, would also apply to EWS candidates.

2. In case any reply, as contained in this FAQ, contradicts any of the provisions made in DoPT OM, dated 31.1.2019, the provisions made in DoPT OM, dated 31.1.2019, shall prevail. The clarification contained in this FAQs shall be effective from the date of issue of this OM and it will not be applicable to the cases settled before the date of issue of this O.M. Further the clarifications are subject to outcome of different cases pending before various Courts on the subject.

3. This FAQs is being issued after having consultation with the Department of Social Justice and Empowerment and the Department of Legal Affairs.

4. This issues with the approval of Secretary (P).

**(Sign of Authority)**
**S.P Pant**
**Director, Reservation -II**
**23093074**

Copy to:

(i) The Secretaries of all Ministries/Departments of the Govt. of India

(ii) Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi

(iii) Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi.

(iv) Railway Board, Rail Bhavan, Delhi.

(v) Supreme Court of India/ Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Prime Minister’s Office/ NITI Aayog.

(vi) Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.

(vii) Staff Selection Commission, CGO Complex, Loch Road, New Delhi.

(viii) The Secretary, Department of Social Justice and Empowerment, Shastri Bavan, New Delhi.

(ix) National Commission for Scheduled Castes, Lok Nayak Bhavan, New Delhi.

(x) National Commission for Scheduled Tribes, Lok Nayak Bhavan, New Delhi.

(xi) National Commission for Backward Classes, Trikoot, Bhikaji Cama Place, R.K. Puram, New Delhi.

(xii) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

(xiii) Information and Facilitation Centre, DOPT, North Block, New Delhi.

(xiv) Director, ISTM, Old JNU Campus, Olof Palme Marg, New Delhi-110067.

(xv) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.

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