VOLUME 5

Caste, EWS & Other Certificates

Certificate Rules · caste · EWS · resident · legal heir certificates and reservation orders

05

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About this volume

This volume brings together the Acts and the Government of Odisha orders, circulars, notifications and resolutions on caste, EWS and other certificates and reservation that are published on odisharevenuelaws.com. Each document is reproduced as issued, in its original form. Use the Contents page or the PDF bookmarks to jump to any document. Page numbers at the foot of each page run continuously through the volume. This is a compilation for ready reference only; for official purposes, please rely on the notified text and the latest orders of the Government.

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The Orissa Caste Certificate (for Scheduled Castes and Scheduled Tribes) Rules, 1980

1. Short title, extent and commencement: - (1) These Rules may be called "The Orissa Caste Certificate (for Scheduled Castes and Scheduled Tribes) Rules, 1980".

(2) They shall come into force at once.

2. Definitions:- In these rules unless the context otherwise required-

(a) **"Scheduled Castes**" shall have reference to the Scheduled Castes specified in the Constitution (Scheduled Castes) Orders, 1950 made under Article 341 of the Constitution of India and as amended from time to time.

(b) **"Scheduled Tribes"** shall have reference to the Scheduled Tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India and as amended from time to time.

(c) **"Forms"** means the forms set out in the appendix to these Rules.

(d) **"Appointing authority"** in relation to a service or post in an establishment means the authority empowered to make appointment to such service or post.

(e) **"Establishment"** means any office of the State Government, a local or statutory authority constituted under any State Act for the time being in force or a Corporation in which not less than 51 per cent of the paid up share capitals is held by the State Government and includes Universities, Colleges affiliated to the Universities, Primary and Secondary Schools and also other educational institutions which are owned and aided by the State Government and also includes an establishment in Public Sector.

(f) **"Establishment in Public Sector"** means any industry, trade, business or occupation owned, controlled and managed by –

(i) The State Government or any Department of the State Government.

(ii) A Government company as defined under Section 617 of the Companies Act, 1956 or a Corporation established by or under a Central or State Act, in which not less than 51 per cent of paid up share capital is held by the State Government.

(iii) A local or statutory authority constituted under any State Act for the time being in force.

(g) **"State"** means the State of Orissa.

3. Applicability – A certificate issued by the competent authority under these Rules shall be accepted by the appointing authorities in relation to a service or post in an establishment.

4. Verification of caste – Where a person claims to belong to Scheduled Caste or Scheduled Tribe it should be verified-

(1) That the person and his parents actually belong to the community claimed.

(2) That the community is included in the Presidential Order specifying the Scheduled Castes and Scheduled Tribes in relation to the State of Orissa.

(3) That the person belongs to the State of Orissa and to the area in respect of which the community has been scheduled.

(4) If a person claims to be a Scheduled Caste, he should profess either the Hindu or Sikh religion.

(5) If a person claims to be a Scheduled Tribe, he may profess any religion.

5. In order that certificates are issued to the deserving persons it is necessary that proper verification based primarily on revenue records and if need be, through reliable enquiries, is made before issue of certificates.

[1]*[Provided that in case of doubt of the competent authority about the caste of the person, the competent authority may conduct local enquiry and take appropriate steps to issue caste certificate without delay within the prescribed time, i.e, within 30 days from receipt of the application].*

6. Competent Authority – The following shall be the competent authority for the purpose of issue of caste certificates under these Rules within their respective jurisdictions.

(1) District Magistrate / Collector;

(2) Additional District Magistrate;

(3) Sub-divisional Magistrate / Sub- divisional Officer;

(4) Executive Magistrates;

(5) Revenue Officers not below the rank of Tahasildar / Additional Tahasildar;

[2][(6) All O.A.S., B.D.Os.]

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1. Substituted vide Orissa Gazette Ext. No. 1106/10.8.1992.
2. Inserted vide Orissa Gazette Ext. No. 1106/10.8.1992.

7. Recommendatory Authority- The following authorities for the purpose of these Rules may recommend to the competent authority for issue of caste certificates to the persons belonging to Scheduled Castes and Scheduled Tribes in the State of Orissa.

(1) The Sarpanch of the Grama Panchayat in respect of persons residing within the jurisdiction of the Grama Panchayat concerned.

(2) Members of the Orissa Legislative Assembly in respect of persons belonging to their constituencies.

(3) Members of Parliament from Orissa in respect of their constituencies.

Provided that the competent authority may issue caste certificates on the basis of the recommendation of the recommendatory authority. He may, however, cause such verification or enquiries as may be necessary for the purpose of own satisfaction.

8. Miscellaneous- (1) The competent authority shall issue caste certificate in the form prescribed in Appendix I of these Rules.

(2) If after issue of caste certificate in any particular case, subsequent verification reveals that the candidate's claim was false, the competent authority who issued the certificate shall have the right to cancel the same and pass orders for revocation of the benefits that might have acquired by the person concerned.

(3) Any person securing an appointment in any office or in an establishment on the basis of a false claim regarding his caste shall be liable for termination from service.

(4) The competent authority before whom an application is made for issue of caste certificate for the purpose of securing an employment under the State, shall ensure disposal of such application within a period of one month. In case of failure to issue a Caste Certificate or to dispose of the application otherwise by passing appropriate orders within the stipulated time, the competent authority shall record in the order sheet of the case record the reasons for such violation of the time-limit.

(5) If any competent authority is found to have issued a wrong caste certificate carelessly or deliberately without proper verification, he shall make himself liable for his acts of commission and omission under relevant provision of the I.P.C and also under the appropriate disciplinary rules applicable to him.

[1]**[8-A. Cases where caste certificate should not be insisted upon-**

(1) Admission of SC/ST children up to Class VII and related facilities shall be allowed on the recommendation of public representatives such as Sarapanchs, elected members of the Panchayat Samities, Chairpersons of Panchayat Samities, M.L.As. and M.Ps., D.W.Os. and A.D.W,Os. within their respective jurisdiction without insisting upon regular caste certificates issued by competent authorities under Rule 6.

(2) Regular caste certificate or in case of its non-availability recommendation from the M.L.A. or M.P of the area only, shall be compulsory for admission and availing related facilities after Class VII (Pre-matric stages from Class-VIII to Class –X and Post-matric Classes). However benefits of reservation in posts and services without regular caste certificate from the competent authority shall not be admissible.

(3) The Welfare Extension Officers shall be responsible for arranging issuance of caste certificates by the Competent Authorities in favour of students who have got admission and related facilities up to Class-VII on the recommendation as per provision of Sub-rule (1) before they pass out from Class-VII.]

9. Any person aggrieved by an order passed by a competent authority subordinate to that of District Magistrate / Collector may prefer an appeal before the District Magistrate/ Collector concerned and to the concerned Revenue Divisional Commissioner where the original order is passed by the District Magistrate / Collector, within a period 30 days of passing of such order. The orders passed by the District Magistrate or the Revenue Divisional Commissioner on such appeal petition shall be final.

10. Repeal – These rules supersedes all previous instructions on the subject.

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1. Inserted vide Orissa Gazette Ext. No. 1106/ 10.8.1992.

ANNEXURE-I
FORM OF CASTE CERTIFICATE

This is to certify that Shri/Smt/Kumari……..son / daughter * of…… ……of village /town ……. in the District ……. of the State……..belongs to the …… Caste/Tribe*which is , recognized as Scheduled Caste/ Scheduled Tribe* under the Constitution (Scheduled Castes) Order, 1950/ the Constitution (Scheduled Tribes) Order, 1950* as amended by the Scheduled Castes and Scheduled Tribes (Amendment) Orders Act, 1976.

2. Shri/ Shrimati*……..and his /her* family ordinarily reside (s) in village/town*……..of …….District of the State of ……..

Place…….. Signature…….

Date…… Designation…….

(with seal of Office)

* Please delete the words which are not applicable

NOTE: The term "Ordinarily resides" used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.

****PROFORMA**

Year…….

Sl. No.	Name and father's name of the person	Permanent address	Designation of the Certificate issuing authority	Case No. and date of issue of certificate	Date of receipt of the copy of certificate from the certificate issuing authority	Remarks
1	*2*	*3*	*4*	*5*	*6*	*7*

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REVENUE & DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

The 15th October, 2019

In supersession of the Odisha Miscellaneous Certificates Rules, 2017 and subsequent amendments issued from time to time and circulars issued thereunder, the State Government do hereby make the following rules, namely:-

1. Short title, extent and commencement - (1) These rules may be called the Odisha Miscellaneous Certificates Rules, 2019.

(2) They shall come into force from the date of publication in the *Odisha Gazette*.

(3) The certificates under these Rules shall be issued only to the citizens of India.

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

(1) "Certificate" means a miscellaneous certificate specified in rule 3;

(2) “Income” means income from all sources i.e. salary, agriculture, business, profession etc.; and

(3) "Revenue Officer" means the Chief Officer in charge of revenue administration in the District, Sub-Division or Tahasil. Collector includes Additional District Magistrate, Sub-Collector includes Additional Sub-Collector and Tahasildar includes Additional Tahasildar.

3. Categories of miscellaneous certificates and authorities competent to issue - Subject to the provisions hereinafter contained, a Revenue Officer shall be competent to grant following categories of miscellaneous certificates, namely:-

i.	Resident Certificate	-	(Form No. I)	- Tahasildar
ii.	Legal heir Certificate	-	(Form No. II)	- Tahasildar
iii.	Income Certificate	-	(Form No. III)	- Tahasildar

iv.	Income and Asset Certificate *(for direct recruitment in civil posts and services and admission in educational institutions under Government of India)*	-	(Form No. IV)	-	Tahasildar
v.	Income and Asset Certificate *(for admission to specified educational institutions under Government of Odisha)*	-	(Form No. V)	-	Tahasildar
vi.	Solvency Certificate	-	(Form No. VI)	-	Tahasildar **(upto Rs.10 lakh)** - Sub-Collector **(more than Rs.10 lakh)**
vii.	Guardianship Certificate	-	(Form No. VII)	-	Collector

4. Application for miscellaneous certificates - (1) A person desirous of obtaining a certificate shall file before a Revenue Officer an application for issue of -

i. Resident Certificate, in Form No. 1;
ii. Legal Heir Certificate, in Form No. 2;
iii. Income Certificate, in Form No. 3;
iv. Income and Asset Certificate, in Form No. 4; *(for direct recruitment in civil posts and services and admission in educational institutions under Government of India)*,
v. Income and Asset Certificate, in Form No. 5; *(for admission to specified educational Institutions under Government of Odisha)*
vi. Solvency Certificate, in Form No. 6; and
vii. Guardianship Certificate, in Form No.7

by affixing court fee stamp of denomination of three rupees or such amount as may be notified by the Government, from time to time:

Provided that where application is filed electronically, the application fee may also be realized through any electronic mode:

Provided further that the Government may also exempt the application fee for some or all such certificates under such conditions as may be specified.

(2) In case of a minor or person incapable of managing his/her own affairs, the family members / guardian can file application before the Revenue Officer for issue of certificates.

(3) The applicant shall submit the documents as mentioned in the Application Form prescribed for issue of each certificate.

5. Criteria for issue of miscellaneous certificates -

(1) Resident certificate for a locality in the State shall be issued to a person, who has been residing continuously for a period of at least one year within the jurisdiction of the concerned Tahasil; however, the same may be relaxed for government employees who have been transferred and women who have been married within the past one year.

(2) **Legal heir certificate shall be granted for –**

i. drawal of pension, gratuity, arrear salaries, provident fund;
ii. receipt of government assistance, ex-gratia payment;
iii. withdrawal of money from financial institutions and post offices:
iv. registration of document relating to transfer of land and buildings;
v. change of name in case of utility services/basic amenities like electricity connection, water connection, LPG connection etc:

Provided that in disputed cases the applicants may be advised to approach the competent Civil Court for issue of Succession Certificate.

Provided further that the Succession Certificates, which are governed under the provisions of the Indian Succession Act, 1925 shall not be granted by the Revenue Officers.

(3) While granting Income certificate, income of all members of the family living in a common mess from all sources i.e. income from salary, wage, remuneration in whatever form received from Government service/ P.S.U. or Private; income from the movable properties; income from trade or business or profession; income from agriculture etc. during the financial year prior to the year of application shall be taken into account.

(4) Income and Asset Certificate for direct recruitment in civil posts and services and admission in educational institutions under Government of India shall be issued basing on the following guidelines.

a. Persons who are not covered under the scheme of reservation for SCs, STs and OBCs and whose family has gross annual income below Rs. 8.00 lakh (Rupees eight lakh only) are to be identified as Economically Weaker Sections (EWSs) for benefit of reservation;
b. “Income” shall include income from all sources i.e. salary, agriculture, business, profession etc. for the financial year prior to the year of application;
c. Persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS irrespective of family income;
    I. Ac. 5.00 dec. of agricultural land and above;

II. Residential flat of 1000 sq. ft. and above;

III. Residential plot of 100 sq. yards or 900 sq. ft. and above in NACs, Municipalities and Municipal Corporations; and

IV. Residential plot of 200 sq. yards or 1800 sq. ft. and above in the areas other than the urban areas mentioned above at (III).

d. 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;

e. The term 'Family' for the purpose will include the person who seeks benefit or reservation, his/her parents and siblings below the age of 18 years and also his/her spouse and children below the age of 18 years;

(5) Income and Asset Certificate for admission to specified Educational Institutions under Government of Odisha, shall be issued to the Economically Weaker Sections (EWSs) candidates who do not belong to the SCs, the STs and the SEBCs (State list) categories and whose family has gross annual income below Rs. 8.00 lakh (Rupees eight lakh only). All other criteria mentioned at clause 4 (b) to (e) shall be followed for issue of such certificate.

(6) While issuing Solvency certificate, immovable properties situated within the state of Odisha only shall be taken into account. For this purpose, the Revenue Officer shall obtain the market value of the land from the Sub-Registrar and valuation of building from the Executive Engineer / Assistant Executive Engineer / Assistant Engineer and any Department of Government.

(7) The Guardianship certificate shall be granted by the Collector for limited purposes such as receipt of pension, family pension, retirement/death gratuity and government assistance etc. to the legal guardian of the minor or person incapable of managing his/her own affairs.

6. Institution of the case and issue of certificate - (1) The Revenue Officer shall institute a case, verify the relevant records / documents and self declaration furnished by the applicant. Wherever necessary, he may call for a report of inquiry by a specified date from an officer subordinate in rank or may himself inquire into the matter.

(2) Before issue of Legal heir certificate, the Revenue Officer shall issue a proclamation in Form VIII inviting objections from the public regarding list of the legal heirs of the deceased within fifteen days of the proclamation. The proclamation should be signed by at least five persons of the locality.

(3) If on the basis of the documents, records, and the result of an inquiry the Revenue Officer is of the view that the certificate applied for may be granted, he shall pass necessary orders in the case record and sign the appropriate certificate.

(4) The certificate shall be handed over to the applicant or his duly authorized agent on due acknowledgement of receipt.

(5) When the application is filed electronically, the certificate shall also be issued through electronic mode with digital signature of the Revenue Officer.

(6) If the Revenue Officer is of the view that the certificate applied for may not be granted, he shall pass necessary orders in the case record, briefly recording the reasons thereof.

(7) The time limit for disposal of applications for issue of Miscellaneous Certificates shall be as follows:

i.	Resident certificate	…	fifteen days
ii.	Income certificate	…	fifteen days
iii.	Income and Asset Certificate	…	fifteen days
iv.	Legal heir certificate	…	thirty days
v.	Solvency certificate	…	thirty days
vi.	Guardianship certificate	…	thirty days

(8) The Revenue Officer may at his discretion issue Resident and Income certificates on the basis of declaration of the applicant and supporting documents furnished by him without resorting to any further inquiry.

Provided that if any person gives false information and declaration, he shall be liable for punishment under section 199, 200 and 420 of Indian Penal Code and other relevant laws/ rules. In that event, the certificate shall be cancelled and the benefits accrued thereof shall be withdrawn.

Provided further that the Revenue Officer who has issued the Resident and Income certificate based on self declaration of the applicant, shall cause an inquiry by himself or through an officer subordinate in rank to him in some cases chosen at random to ascertain whether the applicant has furnished correct declaration or not. Upon such inquiry, if it is found that the applicant has furnished wrong declaration, he shall forthwith cancel the certificate and pass orders for revocation of the benefits that might have been accrued thereof after giving the person concerned a reasonable opportunity of being heard. He shall also proceed to initiate criminal action against the applicant.

7. Rectification of clerical errors. - Notwithstanding anything contained in these rules, if it is revealed on subsequent verification or otherwise that the contents of the certificate require modification on account of clerical errors which are apparent on the face of record,

the Revenue Officer shall be competent to rectify the errors and issue the corrected certificate.

8. Cancellation of certificate. - If any certificate is granted wrongly for any reason other than wrong declaration by the applicant as mentioned under Rule 6(8), the Revenue Officer shall bring it to the notice of his next higher authority, who shall then proceed to cancel the certificate and pass orders for revocation of the benefits that might have been acquired by the applicant.

Provided that no order shall be passed without giving the person concerned a reasonable opportunity of being heard.

9. Withdrawal of benefit.- Any person securing an appointment in any office or in an establishment or securing admission in an educational institution on the basis of a certificate issued basing upon false information / declaration shall be liable for termination from service / removal from the institution.

Provided that no order shall be passed without giving the person concerned a reasonable opportunity of being heard.

10. Appeal.- Any person aggrieved by an order passed by the Revenue Officer under rule 6 may prefer an appeal before -

a) the Sub-Collector concerned, if the order was passed by a Revenue Officer, below the rank of the Sub-Collector;
b) the Collector concerned, if the order was passed by the Sub-Collector; and
c) the Revenue Divisional Commissioner concerned, if the order was passed by the Collector.

Provided that no appeal under these rules shall be entertained unless it is preferred within a period of thirty days from the date of the said order.

11. Revision.- The Revenue Divisional Commissioner (RDC), when certificate has been issued by Collector; and the Collector, when the certificate has been issued by any Revenue Officer subordinate to him, may call for the records on his own motion or on an application and set aside the said orders on merit.

Provided that no order shall be passed without giving the person concerned a reasonable opportunity of being heard.

12. Interpretation.- If any question arises relating to interpretation of these rules, it shall be referred to Government in Revenue and Disaster Management Department for clarification / decision.

Form No. 1

[See Rule 4 (1)]

APPLICATION FORM FOR ISSUE OF RESIDENT CERTIFICATE

Paste Applicant's Photo
(Passport size)

1. Personal Details:

Name of Applicant _____

Gender _____ Marital Status _____

Age _____

Mother's Name _____

Father's Name _____

*Husband's Name _____

(In case of married women)

Mobile No. _____ Aadhaar No. _____

e-Mail ID _____

2. Permanent Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

3. Present Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

4. *Family members/Guardian details (in case of minor & person who is unable to manage his/her own affairs):

Name: _____

Relation with applicant: _____

5. Purpose: _____

6. Copy of documents attached:

i) Any one of following documents

Copy of RoR / Electricity Bill / Landline Telephone Bill / Water connection bill / Holding tax receipt/ Lease agreement with house owner / Certificate from the employer/ First page of Bank Passbook / extract of latest Voter list / EPIC / Aadhaar Card / Ration Card / NREGS Job card / other (please specify)

Declaration:

I do hereby declare that the information given by me in this application form is true to the best of my knowledge and I have not suppressed / misrepresented any fact. That, I am solely responsible for the accuracy of the information furnished and shall be liable for action under section 199, 200 and 420 of Indian Penal Code and other relevant laws/ rules in case of furnishing wrong information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of furnishing wrong information.

Place:

Date:

Signature of the Applicant / Family member/ Guardian

**Strike out which is not applicable*

.

Form No. 2

[See Rule 4 (1)]

APPLICATION FORM FOR ISSUE OF LEGAL HEIR CERTIFICATE

1. Personal Details

Paste Applicant's Photo (Passport size)

Name of Applicant _____

Gender _____ Marital Status _____

Age _____

Father's Name _____

*Husband's Name _____

(In case of married women)

Mobile No. _____ Aadhaar No. _____

e-Mail ID _____

2. Permanent Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

3. Present Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

4. *Family members/Guardian details (in case of minor & person unable to manage his/her own affairs):

Name: _____

Relation with Applicant: _____

5. Purpose: _____

6. Details of deceased person:

Name of the Deceased person: _____

Age:_____ Gender:_____ Place of Death:_____ Date of death: _____
(on the date of death)

7. Legal heir details:

Sl. No.	Name	Age	Marital Status	Relationship with deceased

8. Copy of documents to be attached

i) EPIC / Aadhaar Card

ii) Copy of death certificate

iii) Copy of the first page of Service Book if deceased was a Government employee

Declaration:

I do hereby declare that the information given by me in this application form is true to the best of my knowledge and I have not suppressed / misrepresented any fact. That, I am solely responsible for the accuracy of the information furnished and shall be liable for action under section 199, 200 and 420 of Indian Penal Code and other relevant laws/ rules in case of furnishing wrong information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of furnishing wrong information.

Place:
Date:

Signature of the Applicant / Family member/ Guardian

**Strike out which is not applicable*

Form No. 3

[See Rule 4 (1)]

APPLICATION FORM FOR ISSUE OF INCOME CERTIFICATE

1. Personal Details

Name of Applicant _____

Gender _____ Marital Status _____

Age _____

Father's Name _____

*Husband's Name _____
(In case of married women)

Mobile No. _____ Aadhaar No. _____

e-Mail ID _____

Paste Applicant's Photo
(Passport size)

2. Permanent Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

3. Present Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

4. *Family members/Guardian details (in case of minor & person unable to manage his/her own affairs):

Name:_____

Relation with Applicant: _____

5. Purpose: _____

6. Gross annual income of the family (during preceding financial year)

Sl. No.	Source	Income (in Rs)
1.	Agriculture (including plantation, horticulture, dairying, poultry, fisheries etc.)	
2.	Salary/ Wages/ Remuneration etc.	
3.	Trade/ Business / Profession (please specify)	
4.	Other sources (please specify)	
Total		

7. Total Income (in Rs) _____

8. Documents attached

i) Copy of RoR
ii) Salary certificate, if any
iii) IT Returns, if any
iv) Documents in support of other incomes (please specify)

Declaration:

I do hereby declare that the information given by me in this application form is true to the best of my knowledge and I have not suppressed any fact. That, I am solely responsible for the accuracy of the declaration and information furnished and liable for action under section 199, 200 and 420 of Indian Penal Code and other relevant laws/ rules in case of wrong declaration and information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of wrong declaration and information.

Place:
Date:

Signature of the Applicant / Family member/ Guardian

Strike out which is not applicable

Form No. 4

[See Rule 4 (1)]

APPLICATION FORM FOR ISSUE OF INCOME AND ASSET CERTIFICATE
(for direct recruitment in civil posts and services and admission in educational institutions under Government of India)

1. Personal Details

Paste Applicant's Photo
(Passport size)

Name of Applicant _____

Gender _____ Marital Status _____

Age _____

Mother's Name _____

Father's Name _____

*Husband's Name
(In case of married women) _____

Mobile No. _____ Aadhaar No. _____

e-Mail ID _____

2. Family Details

Mother's Name _____

Father's Name _____

*Spouse Name _____

*Sibling Details
(below the age of 18 years) _____

*Children Details
(below the age of 18 years) _____

3. Permanent Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

4. Present Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

5. *Family members/Guardian details (in case of minor & person unable to manage his/her own affairs):

Name: _____

Relation with Applicant: _____

6. Annual income details of the preceding financial year of family income:

Sl. No.	Source	Income (in Rs.)
1	Salary	
2	Business	
3	Agriculture (including plantation, horticulture, dairying, poultry, fisheries etc.)	
4	Profession	
5	Other sources (Please specify)	
Total		

7. Asset Details

Sl. No.	Asset	Area (in Ac./Sq. yd./ sq.ft)	Location
1	Agricultural land		
2	Residential Flat		
3	Residential Plot in the urban area Municipal Corporation / Municipality / NAC)		
4	Residential Plot in areas other than the urban area stated above (rural area)		
Total			

N.B: 1 sq.yd = 9 sq.ft

8. List of Documents attached:

i) Copy of RoR

ii) EPIC / Aadhaar card

iii) Copy of salary certificate, if any

iv) IT returns of last financial year, if any

Declaration:

I do hereby declare that the information given by me in this application form is true to the best of my knowledge and I have not suppressed / misrepresented any fact. That, I am solely responsible for the accuracy of the information furnished and shall be liable for action under section 199, 200 and 420 of Indian Penal Code and other relevant laws/ rules in case of furnishing wrong information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of furnishing wrong information.

Place:
Date:

Signature of the Applicant / Family member/ Guardian

**Strike out which is not applicable*

Form No. 5

[See Rule 4 (1)]

APPLICATION FORM FOR ISSUE OF INCOME AND ASSET CERTIFICATE
(for admission to specified Educational Institutions under Government of Odisha)

1. Personal Details

Paste Applicant's Photo
(Passport size)

Name of Applicant _____

Gender _____ Marital Status _____

Age _____

Mother's Name _____

Father's Name _____

*Husband's Name _____
(In case of married women)

Mobile No. _____ Aadhaar No. _____

e-Mail ID _____

2. Family Details

Mother's Name _____

Father's Name _____

*Spouse Name _____

*Sibling Details (below the age of 18 years) _____

*Children Details (below the age of 18 years) _____

3. Permanent Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

4. Present Address:

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

5. *Family members/Guardian details (in case of minor & person unable to manage his/her own affairs):

Name: _____

Relation with Applicant: _____

6. Annual income details of the preceding financial year of family income:

Sl. No.	Source	Income (in Rs.)
1	Salary	
2	Business	
3	Agriculture (including plantation, horticulture, dairying, poultry, fisheries etc.)	
4	Profession	
5	Other sources (Please specify)	
Total		

7. Asset Details

Sl. No.	Asset	Area (in Ac./Sq. yd./ sq.ft)	Location
1	Agricultural land		
2	Residential Flat		
3	Residential Plot in the urban area Municipal Corporation/ Municipality / NAC)		
4	Residential Plot in areas other than the urban area stated above (rural area)		
Total			

N.B: 1 sq.yd = 9 sq.ft

8. List of Documents attached:

i) Copy of RoR
ii) EPIC / Aadhaar card
iii) Copy of salary certificate, if any
iv) IT returns of last financial year, if any

Declaration:

I do hereby declare that the information given by me in this application form is true to the best of my knowledge and I have not suppressed / misrepresented any fact. That, I am solely responsible for the accuracy of the information furnished and shall be liable for action under section 199, 200 and 420 of Indian Penal Code and other relevant laws/ rules in case of furnishing wrong information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of furnishing wrong information.

Place:

Date:

Signature of the Applicant / Family member/ Guardian

Strike out which is not applicable

Form No. 6

[See Rule 4 (1)]

APPLICATION FORM FOR ISSUE OF SOLVENCY CERTIFICATE

1. Personal Details

Paste Applicant's Photo
(Passport size)

Name of Applicant _____

Gender _____ Marital Status _____

Age _____

Mother's Name _____

Father's Name _____

*Husband's Name _____
(In case of married women)

Mobile No. _____ Aadhaar No. _____

e-Mail ID _____

2. Permanent Address

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

3. Present Address

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

4. *Family member/Guardian details (in case of minor & person unable to manage his/her own affairs):

Submitter's Name: _____
(in case the submitter is not the applicant)

Relation With Applicant:_____

5. Purpose: _____

6. List of Immovable Properties **Approximate value *(in Rs.)***

(i) Land

(ii) Buildings

(iii) Any other immovable properties (to be specified)

_____

Total

7. Solvency Certificate applied for amount ***(in Rs.)***: _____

8. List of Documents attached:

i) EPIC / Aadhaar Card

ii) Copy of RoR

iii) List of immovable properties

iv) Encumbrance Certificate for each immovable property

v) Valuation of the land/building, if any

Declaration:

I do hereby declare that the information given by me in this application form is true to the best of my knowledge and I have not suppressed / misrepresented any fact. That, I am solely responsible for the accuracy of the information furnished and shall be liable for action under section 199, 200 and 420 of Indian Penal Code and other relevant laws/ rules in case of furnishing wrong information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of furnishing wrong information.

Place:

Date:

Signature of the Applicant / Family member/ Guardian

**Strike out which is not applicable*

Form No. 7

[See Rule 4 (1)]

APPLICATION FORM FOR ISSUE OF GUARDIANSHIP CERTIFICATE

1. Personal Details

Paste Applicant's Photo
(Passport size)

Name of Applicant _____

Gender _____ Marital Status _____

Age _____

Mother's Name _____

Father's Name _____

*Husband's Name
(In case of married women) _____

Mobile No. _____ Aadhaar No. _____

e-Mail ID _____

2. Permanent Address

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

3. Present Address

*Village/ Town: _____ Police Station: _____ Post Office: _____

Tahasil: _____ District: _____ Pin: _____

State: _____

4. *Family members/Guardian details (in case of minor & person unable to manage his/her own affairs):

Submitter's Name ***(in case the submitter is not the applicant)*** :_____

Relation With Applicant:_____

5. Purpose: _____

6. Legal Guardian:

Name: _____ Age: _____

Father's Name: _____ *Village/ Town: _____

Police Station: _____ Tahasil: _____ District: _____

Relation with the minor/person unable to manage his/her own affairs _____

7. List of Documents

i) Birth certificate (If minor)
ii) Certificate in support of disability (if applicable)
iii) Legal heir certificate
iv) EPIC / Aadhaar card

v) Documentary evidence in support of receipt of pension/family pension/ retirement/death gratuity etc. of the deceased

Declaration:

I do hereby declare that the information given by me in this application form is true to the best of my knowledge and I have not suppressed / misrepresented any fact. That, I am solely responsible for the accuracy of the information furnished and shall be liable for action under section 199, 200 and 420 of Indian Penal Code and other relevant laws/ rules in case of furnishing wrong information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of furnishing wrong information.

Place:
Date:

Signature of the Applicant / Family member/ Guardian

**Strike out which is not applicable*

FORM No. I
(See Rule 3)

GOVERNMENT OF ODISHA

Office of the Tahasildar ……..

Miscellaneous Certificate Case No.……of 20……

RESIDENT CERTIFICATE

This is to certify that *Shri/Smt./Miss …….. son/ daughter of ……..(Mother), and Shri ……(Father), *W/o _____ (in case of married woman) is a native / permanent resident of the district of …….. in the state of *Odisha / in the state of …… (mention the name of the State in case s/he originally belongs to other State) and *she/he or *her/his family is presently residing at *Village/Town …… P.S.…….. Tahasil…… in the district of …….. in the state of Odisha for _____ year(s) & _____ month(s) .

Signature of the Revenue Officer

Date ……..

Designation (with seal of office)

*Strike out which is not applicable

FORM No. II
(See Rule 3)

GOVERNMENT OF ODISHA

Office of the Tahasildar ……..

Miscellaneous Certificate Case No.……of 20……

LEGAL HEIR CERTIFICATE

This is to certify that the person/persons specified below is/are the legal heir/heirs of late *Shri/Smt./Miss …….…….. *son/ daughter/wife of Shri …….of *Village/Town…… P.S……..……. Tahasil…… in the district of ……. in the state of Odisha.

2. This certificate is being granted only for the purpose specified in the Odisha Miscellaneous Certificates Rules, 2019 (purpose to be specified).

Name of the Legal heir(s)	Age	Marital status	Relationship with the deceased
1.			
2.			
3.			
4.			

Signature of the Revenue Officer

Date ……..

Designation (with seal of office)

*Strike out which is not applicable

FORM No. III
(See Rule 3)

GOVERNMENT OF ODISHA

Office of the Tahasildar ……

Miscellaneous Certificate Case No.……of 20……

INCOME CERTIFICATE

(Valid for the Financial Year ……..)

This is to certify that *Shri/Smt./Miss …….. *son/ daughter of …….. (Mother) and Shri ……(Father), *W/o …….. (in case of married women) is a native / permanent resident of the district of …….. in the state of *Odisha / in the state of …… (mention the name of the State in case he originally belongs to other State) and *she/he or *her/his family is presently residing at *Village/Town……P.S…….. Tahasil…… in the district of …… in the state of Odisha has an annual family income of Rs. ……..(Rupees ……) only from the sources specified below.

Sl. No.	Source	Income (in Rs)
1.	Agriculture (including plantation, horticulture, dairying, poultry, fisheries etc.)	
2.	*Salary/ Wages/ Remuneration etc.	
3.	*Trade/ Business / Profession (please specify)	
4.	Other sources (please specify)	
Total		

Signature of the Revenue Officer

Date ……..

Designation (with seal of office)

*Strike out which is not applicable

FORM No. IV
(See Rule 3)

GOVERNMENT OF ODISHA

Office of the Collector……..

Miscellaneous Certificate Case No.……of 20……

VALID FOR THE YEAR _____

INCOME AND ASSET CERTIFICATE TO BE PRODUCED BY ECONOMICALLY WEAKER SECTIONS

This is to certify that Shri/Smt./Kumari …….. son/daughter/wife of …… permanent resident of …… Village / Street …… Post Office……District ……., in the State of Odisha, Pin Code …….. whose photograph is attested below belongs to Economically Weaker Sections, since the gross annual income* of his/her "family"** is below Rs.8.00 lakh (Rupees Eight Lakh only) for the financial year_____. His/her family does not own or possess any of the following assets***:

I. 5 acres of agricultural land and above;

II. Residential flat of 1000 sq. ft. and above;

III. Residential plot of 100 sq. yards and above in notified municipalities;

IV. Residential plot of 200 sq. yards and above in areas other than the notified municipalities;

2. Shri/Smt./ Kumari …….. belongs to the caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Class (Central List).

Recent passport size attested photograph of the applicant

Signature of the Revenue Officer

Date ……

Designation (with seal of office)

*Note 1: Income covered all sources i.e. salary, agriculture, business, profession, etc.

**Note 2: The term “Family” for this purpose 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.

***Note 3: The property held by a “Family” in different locations or different places/cities have been clubbed while applying the land or property holding test to determine EWS status.

FORM No. V
(See Rule 3)

GOVERNMENT OF ODISHA

Office of the Collector……..

Miscellaneous Certificate Case No.……of 20……

VALID FOR THE YEAR _____

INCOME AND ASSET CERTIFICATE TO BE PRODUCED BY ECONOMICALLY WEAKER SECTIONS

This is to certify that Shri/Smt./Kumari …….. son/daughter/wife of …… permanent resident of …… Village / Street …… Post Office……District ……., in the State of Odisha, Pin Code …….. whose photograph is attested below belongs to Economically Weaker Sections, since the gross annual income* of his/her "family"** is below Rs.8.00 lakh (Rupees Eight Lakh only) for the financial year_____. His/her family does not own or possess any of the following assets***:

I. 5 acres of agricultural land and above;

II. Residential flat of 1000 sq. ft. and above;

III. Residential plot of 100 sq. yards and above in notified municipalities;

IV. Residential plot of 200 sq. yards and above in areas other than the notified municipalities;

2. Shri/Smt./ Kumari …….. belongs to the caste which is not recognised as a Scheduled Caste, Scheduled Tribe and Socially & Educationally Backward Class (State List).

3. The certificate is being issued for the purpose of admission to specified educational institutions in the state of Odisha, notified by Government of Odisha from time to time.

Recent passport size attested photograph of the applicant

Signature of the Revenue Officer

Date ……

Designation (with seal of office)

*Note 1: Income covered all sources i.e. salary, agriculture, business, profession, etc.

**Note 2: The term “Family” for this purpose 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.

***Note 3: The property held by a “Family” in different locations or different places/cities have been clubbed while applying the land or property holding test to determine EWS status.

FORM No. VI
(See Rule 3)

GOVERNMENT OF ODISHA

Office of the Tahasildar / Sub-Collector……..

Miscellaneous Certificate Case No.……of 20……

SOLVENCY CERTIFICATE

This is to certify that *Shri/Smt./Miss …….. *son/ daughter of ……..(Mother), Shri …… (Father), *W/o Shri ……. (in case of married women) of *Village/Town…….P.S…….. Tahasil…… in the district of …….. in the state of Odisha is solvent to the extent of Rs……. (Rupees ……..……) only.

Immovable Properties	**Approximate value (*in Rs.*)**
(i) Land	
(ii) Buildings	
(iii) Other immovable properties (to be specified)	
Total	

Signature of the Revenue Officer
Date……

Designation (with seal of office)

*Strike out which is not applicable

FORM No. VII
(See Rule 3)

GOVERNMENT OF ODISHA

Office of the Collector……..

Miscellaneous Certificate Case No.……of 20……

GUARDIANSHIP CERTIFICATE

This is to certify that *Sri/Smt./Miss …….. *son/ daughter / wife of ……..of *Village/Town……..P.S. ……..……Tahasil ……..in the district of …… in the state of Odisha is the legal guardian of *Sri/Smt./Miss…… aged ……. years, *son/daughter/wife of ……..…… of *Village/Town……..P.S……Tahasil.……in the district…….. in the state of Odisha who is a *minor/ person incapable of managing his/her own affairs.

2. This certificate is being granted only for the purpose of ……

Signature of the Revenue Officer

Date……

Designation (with seal of office)

*Strike out which is not applicable

FORM No. VIII
[See Rule 6(3)]

GOVERNMENT OF ODISHA

Office of the Tahasildar ……..

Miscellaneous Certificate Case No.……of 20……

PROCLAMATION

It is hereby informed to the general public that *Shri/Smt./Miss……. …….. *son/daughter/wife of ……. Of *Village/Town……..…… P.S……..…….. Tahasil…… in the district of ……. in the state of Odisha has applied for issue of legal heir certificate of Late ……..*son/daughter/wife of …… who died on …….

As enquired by the RI…….., the following persons are found to be legal heir (s) of Late……..

Name of the Legal heir(s)	Age	Marital status	Relationship with the deceased
1.			
2.			
3.			
4.			

. Anybody having any objection to the list of legal heirs may file objection within a period of fifteen days from the date of this publication.

No objection shall be entertained after expiry of the schedule period.

Signature of the Revenue Officer

Date .....
Designation (with seal of office)

*Strike out which is not applicable

ORDER

Ordered that this Resolution be published in an Extraordinary issue of the *Odisha Gazette* and copies should supplied to all Departments / all Heads of Departments/ all R.D.Cs / all Collectors / all Sub-Collectors / all Tahasildars.

By Order of the Governor

NIKUNJA BIHARI DHAL
Principal Secretary to Government

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The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 938 CUTTACK, THURSDAY, MAY 30, 2019 / JAISTHA 9, 1941

[No. 15147–RDM-GOEB-MISC-0018/2019/R&DM.]

REVENUE & DISASTER MANAGEMENT DEPARTMENT

RESOLUTION

The 27th May, 2019

After careful consideration, the State Government have been pleased to make the following rules further to amend the Odisha Miscellaneous Certificates Rules, 2017, namely:–

1. Short title, extent and commencement.– (1)These rules may be called the Odisha Miscellaneous Certificates (Amendment) Rules, 2019.

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

AMENDMENTS

2.In the Odisha Miscellaneous Certificates Rules, 2017 (hereinafter called the said rules), in rule 3, after item (v) of sub-rule (1), the following item shall be inserted, namely :–

"(V-1) Income and Asset Certificate (Form No. VI)";

3. In the said rules, in the "Note" to rule 3, after clause (g), the following clause shall be inserted, namely:–

"(h) The criteria for issue of Income and Asset Certificate to a person belonging to Economically Weaker Section shall be as mentioned below:-

(i) Income and Asset Certificate shall be granted to a person belonging to Economically Weaker Sections (EWSs) who is not covered under the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes and whose family has gross annual income below Rs. 8.00 lakh (Rupees eight lakh only) for the benefit of reservation in direct recruitment in civil post and services under the Government of India.

(ii)Income for issue of such Certificate shall include income from all sources, i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.

(iii)Persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS irrespective of family income, namely:—

(A)Ac. 5. 00 dec. of agriculture land and above;

(B)Residential flat of 1000 sq. ft. and above;

(C)Residential plot of 100 sq. yards or 900 sq. ft. and above in NACs, Municipalities and Municipal Corporations;

(D)Residential plot of 200 sq. yards or 1800 sq. ft. and above in the areas other than the urban areas mentioned in item (C).

(iv) The term 'Family' for this purpose will include the person who seeks benefit of reservation, his or her parents and siblings below the age of 18 years as also his or her spouse and children below the age of 18 years.

(v) The property held by a 'Family' in different locations or different places or cities would be clubbed while applying the land or property holding test to determine EWS status".

4. In the said rules, in rule 4, in sub-rule (1), after item (v), the following item shall be inserted, namely:–

"(vi) for issuance of Income and Asset Certificate, to a person belonging to Economically Weaker Sections, in Form No.6".

5. In the said rules, in rule 6,-

(a) in sub-rule (4), after item (v), following item shall be inserted, namely:–

"(vi) Income and Asset Certificate --- fifteen days".

(b) in sub-rule (5), after the word "income" and before the word "and" appearing in the first line, the comma and words ", income and assets" shall be inserted; and

(c) the following note may be inserted at the end, namely :-

"Note – In order to be eligible to belong to EWS category, the provisions of the Office Memorandum No. 36039/1/2019-Estt(Res), dated the 31st January, 2019 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, as amended from time to time, shall be applicable.".

Form No. 6

[*See* Rule 4 (1)(vi)]

APPLICATION FORM FOR ISSUANCE OF INCOME & ASSET CERTIFICATE

1. Personal Details:

Paste Applicant's Photo (Passport size)

Name of the Applicant_____

Father's / Husband's Name_____

Gender _____Marital Status_____

Age _____ Religion _____

Mobile No. _____Aadhaar No._____

e-Mail ID: _____

2. Family Details:

Father's Name:_____

Mother's Name: _____

Spouse Name: _____

Sibling Details:_____
(Below the age of 18 years)

Children Details: _____
(Below the age of 18 years)

3. Permanent Address:

Village / Town _____, Police Station_____

Post Office _____, Tahasil _____

R.I. Circle _____, District _____

Pin _____, State_____

4. Present Address:

Village / Town _____, Police Station_____

Post Office _____,Tahasil _____

R.I. Circle _____, District _____

Pin Code _____, State_____

5. Submitter's Details:

Submitter's Name (*in case the submitter is not the applicant*) _____

Relation with Applicant: _____

6. Purpose: _____

7. Gross annual income of the family (during preceding financial year)

Sl. No.	Source	Income (in Rs.)
1.	Salary	
2.	Business	
3.	Agriculture	
4.	Profession	
5.	Other sources (Please specify)	
Total:		

8. Asset Details

Sl. No.	Asset	Area	Location
1.	Agricultural land (in Acre)		
2.	Residential Flat (in sq.yd /sq.ft)		
3.	Residential Plot in urban area (Municipal Corporation/Municipality/NAC) (in sq.yd /sq.ft)		
4.	Residential Plot in areas other than the urban areas mentioned above at point no. 3 (in sq. yd /sq. ft)		

N.B: 1 sq. yd = 9 sq. ft

9. List of Documents attached

i. Copies of RoR / documents in support of all asset
ii. Voter ID / Aadhaar Card

iii. Copy of Salary Certificate, if any

iv. Income Tax return of last financial year, if any

10. Declaration:

I, Shri/Miss/Mrs. _____ son of / daughter of / wife of _____ age_____, presently residing at village/town_____, Post _____ PS_____ District _____of the State, Odisha, do hereby declare that the information given by me in this application form and its self-attached enclosures are true to the best of my knowledge and that the information furnished is exhaustive and I have not suppressed any fact. That, I am solely responsible for the accuracy of the declaration and information furnished and liable for action under section 199 and 200 of the Indian Penal Code in case of wrong declaration and information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of wrong declaration and information.

Place: **Signature of the Applicant/**
Date: **Authorized Representative**

✷ *Strike out which is not applicable*

FORM NO. VI

[*See* Rule 3 (1) (v-1)]

Government of Odisha

Office of the Tahasildar ……..

Miscellaneous Certificate Case No.……of 20……

INCOME & ASSET CERTIFICATE TO BE PRODUCED BY ECONOMICALLY WEAKER SECTIONS

Certificate No. ……Date……..

VALID FOR THE YEAR……..

This is to certify that Shri/Smt./Kumari _____son/daughter/wife of _____ permanent resident of _____ Village / Street _____, Post Office_____, District _____ in the State/Union Territory _____, Pin Code _____ whose photograph is attested below belongs to Economic Weaker Sections, since the gross annual income* of his/her "family"** is below Rs.8.00 lakh (Rupees Eight Lakh only) for the financial year_____. His/her family does not own or possess any of the following assets***:

I. Ac. 5.00 dec. of agricultural land and above;
II. Residential flat of 1000 sq. ft. and above;
III. Residential plot of 100 sq. yards and above in notified municipalities
IV. Residential plot of 200 sq. yards and above in areas other than the notified municipalities

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

Recent Passport size attested photograph of the applicant

Signature of the Tahasildar

Date……

Designation (with seal of office)

***Note 1:** *Income covered all sources i.e. salary, agriculture, business, profession, etc.*

****Note 2:** *The term "Family" for this purpose 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.*

*****Note3:** *The property held by a "Family" in different locations or different places/cities have been clubbed while applying the land or property holding test to determine EWS status.*

ORDER

Ordered that this Resolution be published in an Extraordinary issue of the *Odisha Gazette* and copies should be supplied to all Departments / all Heads of Department / all RDCs / all Collectors / all Sub-Collectors / all Tahasildars.

By Order of the Governor

NIKUNJA B. DHAL
Principal Secretary to Government

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Top Priority
By Fax / e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

RDM-CHS-MISC-0023-2021- 11587 /R&DM Dated 06.04.2021

From

Shri Bishnupada Sethi, IAS
Principal Secretary to Government

To

All Collectors

Sub: Revised guidelines for issue of miscellaneous and caste certificates.

Madam/ Sir,

For quick delivery of certificate services to citizens and to bring transformational changes in citizen-centric governance, Government have been pleased to issue the following guidelines in respect of issuance of miscellaneous and caste certificates.

1. Resident, Income and Income & Asset Certificates which are presently issued within 15 days as per the extant rules shall be issued within 10 days, henceforth.
2. ST, SC, SEBC and OBC Certificates shall be issued within 15 days instead of 30 days.
3. Solvency, Legal Heir and Guardianship Certificates shall continue to be issued within 30 days.
4. Legal Heir Certificate shall be issued for all purposes so that citizens will not be required to apply more than once for different purposes.

These instructions shall be given immediate effect to pending amendment of the relevant Act/ Rules by Revenue and DM Department and ST&SC Development, Minorities & Backward Classes Welfare Department.

Yours faithfully,

Bishnupada Sethi

Principal Secretary to Government

6/4/2021

Memo No. 11588 /R&DM Dated 06.04.2021

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.

Additional Secretary to Government

Memo No. 11589 /R&DM Dated 06.04.2021

Copy forwarded to all RDCs for information and necessary action.

Additional Secretary to Government

Memo No. 11590 /R&DM Dated 06.04.2021

Copy forwarded to all Sub-Collectors and Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 11591 /R&DM Dated 06.04.2021

Copy forwarded to Additional Secretary to Hon'ble Chief Minister for information and necessary action.

Additional Secretary to Government

Memo No. 11592 /R&DM Dated 06.04.2021

Copy forwarded to Private Secretary to Hon'ble Minister, Revenue and Disaster Management for kind information of Hon'ble Minister.

Additional Secretary to Government

Memo No. 11593 /R&DM Dated 06.04.2021

Copy forwarded to the OSD to Chief Secretary for kind information of Chief Secretary.

Additional Secretary to Government

Memo No. 11594 /R&DM Dated 06.04.2021

Copy forwarded to the Principal Secretary, ST&SC Development, Minorities & Backward Classes Welfare Department for kind information and necessary action.

Additional Secretary to Government

Memo No. 11595 /R&DM Dated 06.04.2021

Copy forwarded to the Special Secretary, E&IT Department / CEO, OCAC for information and necessary action.

Additional Secretary to Government

Memo No. 11596 /R&DM Dated 06.04.2021

Copy forwarded to the DDG&SIO, NIC, Bhubaneswar for information and necessary modification of the application software as per the revised guidelines.

Additional Secretary to Government

Memo No. 11597 /R&DM Dated 06.04.2021

Copy forwarded to the e-Governance Branch for uploading of the guidelines in the Department website.

Additional Secretary to Government

By FAX/E-mail
URGENT

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

****

No. RDM-GOEB-MISC-0103-2018 5190 /R&DM dated 14 FEB 2019

From

Sailendra Dwivedi
Addl. Secretary to Government

To

All Collectors.

Sub. : Regarding issue of Caste Certificate.

Madam/Sir,

It has been brought to the notice of the Government that the some natural children whose father or forefathers have been issued ST or SC Certificates are not being issued caste certificate by the Tahasildars. After careful consideration, the Govt. have been pleased to decide that the caste certificate may be issued to natural children whose father and forefathers have been issued such caste certificates subject to verification of revenue records and local enquiry in accordance with the Rule 5 of Odisha Caste Certificate (for Scheduled Castes and Scheduled Tribes Rules, 1980). At the same time, the Tahasildar may refer to decision of Hon'ble Supreme Court of India in case of Kumari Madhuri Patil-vrs-Addl. Commissioner, reported in 1995 AIR 94 decided on 02.9.1994.

This may be brought to the notice of all field functionaries.

Yours faithfully,

Addl. Secretary to Government

Memo No. 5191 /R&DM, dated 14 FEB 2019

Copy forwarded to the Commissioner-cum-Secretary to Govt., ST & SC Development Department/ Director & Special Secretary, SCSTRTI, CRP Square, Nayapalli, Bhubaneswar for information and necessary action.

Addl. Secretary to Government

URGENT
By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-CHS-MISC-0037-2024-22529 /R&DM dated 11 JUL 2024

From

Sri Manoranjan Pattanaik,

Under Secretary to Government

To

All Collectors

All Tahasildars.

Sub : **Appointment and promotion of Govt. employees of General category producing S.C. category certificate.**

Sir,

In enclosing here with a copy of the letter No. 16223 Dated 03.06.2024 of GA & PG Department, Govt of Odisha and Letter No. NCIB/OD/15/2021 Dated 20.04.2024 Dated 14.06.2024 received from the State Director, National Crime Investigation Bureau, Odisha , I am directed to request you to instruct your field functionaries to conduct proper field enquiry and proper verification of records before issuing caste certificates to avoid fake caste certificate cases in future .

This is may be treated as ***" URGENT"***.

Yours faithfully,

10/7/2024

Under Secretary to Government

Memo No. 22530 /R&DM Dated 11 JUL 2024

Copy forwarded to the Additional Secretary, GA & PG Department, Odisha in response to his letter No. 16223 Dated 03.06.2024 for kind information and necessary action.

10/7/2024

Under Secretary to Government

P.T.O.

Memo No. 22531 /R&DM Dated 11 JUL 2024

Copy forwarded to the State Director, National Crime Investigation Bureau, Odisha in response to their Lt No. NCIB/OD/15/2021 Dated 20.04.2024 Dated 14.06.2024 for kind information.

10/7/2024

Under Secretary to Government

राष्ट्रीय अपराध जाँच ब्यूरो
Regd. Under IT Act, Govt. of India

Circle - Odisha, E-mail : sdncibodisha@gmail.com, Ph : 7008222687

Date :

25 APR 2024

Dy - 11214/GAD
29-04-24

From The State Director,

National Crime Investigation Bureau, Odisha

To The Hon'ble Secretary.

Department of General Administration & Public Grievance,

Government of Odisha.

Sub:- Appointment and Promotion of Government employees of General category producing S.C. category certificate.

Sir,

Some of the government employees are appointed under S.C. categories. By the time after revision and modification of caste list some of the castes such as Radhi etc treated as Scheduled Caste are enlisted as General categories. But such government employees are still getting promotion under S.C category without verification of their caste. The Caste mentioned in the Caste certificate produced by them at the time of engagement should be verified to ascertain the category of their present caste in the modified Caste list. Such employees in the case of promotion should be enlisted in general category.

Besides the same category of applicants are taking advantage of issuing S.C. certificate in case of appointment under S. C. Category. The inquiry officers are not properly doing their job or influenced by illegal means to issue them S.C category certificate. The inquiry officers should verify the applicant's other land records(Patta) with Patta produced by the applicant. Being **Radhi** as general caste the persons fraudulently get another Patta issued as S.C category caste.

So I request you to take necessary action against this practice and provide ample scope to the candidates of S.C categories to get benefits.

Yours sincerely

National Crime Investigation Bureau
STATE DIRECTOR
ODISHA

Gonda (U.P) 270001
PH: 9792580000

Correspondence Address
At - Kolathal, Po - Sadanandapur
Dist - Jajpur - 755051

Government of Odisha

General Administration and Public Grievance Department

****

No. [illegible] Gen Bhubaneswar dated [illegible] June,2024

GAC SC-MISC 0042 2024

The Additional Secretary to Government,

Revenue & Disaster Management Department

Sub: Letter No. NCIB OD 15 2024 dated 20.04.2024 received from The State Director, NCIB, Odisha

Sir,

I am directed to send herewith the copy of letter No. NCIB OD/15/2024 dated 20.04.2024 received from the State Director, National Crime Investigation Bureau, Odisha in original for [illegible] the matter at your level.

Yours Faithfully

Additional Secretary to Govt

By E-Mail

Memo No. [illegible] Gen. Bhubaneswar, dated [illegible] June,2024

Copy forwarded to National Crime Investigation Bureau, At Kolathan, Po-Sadanandapur, Jajpur, Odisha [illegible] 755051, Email-[illegible]@gmail.com with reference to the Letter No. NCIB OD [illegible] 2024 dated 20.04.2024

Additional Secretary to Govt

[illegible]

17
4.6

राष्ट्रीय अपराध जाँच ब्यूरो
Regd. Under IT Act, Govt. of India
Circle - Odisha, E-mail : sdncibodisha@gmail.com, Ph : 7008222687

Date :

25 APR 2024

DY - 11214/GAD
29-04-24

From The State Director,

National Crime Investigation Bureau, Odisha

To The Hon'ble Secretary.

Department of General Administration & Public Grievance,

Government of Odisha.

Sub:- Appointment and Promotion of Government employees of General category producing S.C. category certificate.

Sir,

Some of the government employees are appointed under S.C. categories. By the time after rivision and modification of caste list some of the castes such as Radhi etc treated as Scheduled Caste are enlisted as General categories. But such government employees are still getting promotion under S.C category without verification of their caste. The Caste mentioned in the Caste certificate produced by them at the time of engagement should be verified to ascertain the category of their present caste in the modified Caste list. Such employees in the case of promotion should be enlisted in general category.

Besides the same category of applicants are taking advantage of issuing S.C. certificate in case of appointment under S. C. Category. The inquiry officers are not properly doing their job or influenced by illegal means to issue them S.C category certificate. The inquiry officers should verify the applicant's other land records(Patta) with Patta produced by the applicant. Being **Radhi** as general caste the persons fraudulently get another Patta issued as S.C category caste.

So I request you to take necessary action against this practice and provide ample scope to the candidates of S.C categories to get benefits.

Yours sincerely

National Crime Investigation Bureau
STATE DIRECTOR
ODISHA

Gonda (U.P) 270001
Ph. 9792580000

Correspondence Address
At - Kolathal, Po - Sadanandapur
Dist - Jajpur - 755051

URGENT

By e-Mail/FAX

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No. RDM-CHS-MISC-0032-2023- 33361 /R&DM dated 16 SEP 2023

From

Sri Manoranjan Pattanaik ,

Under Secretary to Government

To

The DDG & SIO, NIC,

Bhubaneswar

Sub:- Insertion of caste "KALANGA" along with other 21 castes in the State SEBC list of e-District Portal .

Madam,

In inviting a reference to the subject cited above, I am directed to say that 22 castes have been included in the state SEBC list vide Notification No. 8749 Dated 04.05.2023 of ST & SC Development, M & BCW Department (copy enclosed).

You are therefore requested to take necessary steps to include these castes in SEBC list of new e-District Portal at the earliest .

An action taken report may be intimated to this Department for needful action.

Yours faithfully,

15/9/2023

Under Secretary to Government

Memo No. 33362 / R&DM dated 16 SEP 2023

Copy with enclosure forwarded to all Collectors/ Sub-Collectors/ Tahasildars for information and necessary action .

15/9/2023

Under Secretary to Government

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT, MINORITY & BACKWARD CLASSES
WELFARE DEPARTMENT

NOTIFICATION

No 8749 /M&BCW Date. 04th May 2023
File No. PTI-STSCD-BCW-COMMT-0016-2021

In exercise of the powers conferred by sub-section (3) of section 9 of the Odisha State Commission for Backward Classes Act, 1993 (Odisha Act 16 of 1993) as inserted under section 2 of the Odisha State Commission for Backward Classes (Amendment) Ordinance, 2023, (Odisha Ordinance No.01 of 2023),the State Government do hereby include the following Castes/ Communities along with their synonyms including sub-castes and synonyms, those are already notified as Other Backward Classes for the Sate of Odisha as mentioned in column (2) as per different resolutions of the Ministry of Social Justice & Empowerment, the Government of India as mentioned in column (3) against serial number mentioned at column (4) of the table below in respect of the State List of Socially and Educationally Backward Classes as in ANNEXURE 'A' of the Resolution of the Government of Odisha in the erstwhile Tribal Welfare Department Resolution No-25455/TW, dated the 10th September, 1993 published in the Orissa Gazette (Supplement) No-40, dated the 1st October, 1993 as revised, from time to time, namely:-

Table

Sl No.	Name of the Caste/ Communities	Notification No. and date. Ministry of Social Justice and Empowerment(SJ&E), Govt. of India published in the Extraordinary issue of the Gazette of India No. and date	Sl No. of the State List of S&EBC
(1)	(2)	(3)	(4)
1	Dhakhada	No.12011/9.94-BCC dt.19.10.94 vide Gazette No.163 dtd.20.10.1994	39
2	Gop, Sadgop and Dumal Gouda	No.12011 01/2001-BCC dt.19.06.2003 Gazette No.151 dtd.20.06.2003	45
	Gopala	No.12015 9 2000-BCC dt.06.09.2001 Gazette No.246 dtd.06.09.2001	
	Gopapuria Gouda	No.12015 15/2008-BCC dt.16.06.2011 Gazette No.123 dtd.16.06.2011	

P.T.O

3	Budho Kouriya	No.12011/9/94-BCC dt.19.10.1994 Gazette No.163 dtd.20.10.1994	48
4	Kostha	No.12015/13/2010-BC-II, dt.08.12.2011, Gazette No.257 dtd.08.12.2011	
	Tulabhina	No. 12011/9/94-BCC dt. 19.10.1994 Gazette No.163 dtd.20.10.1994	
	Bunakar/Bunakara	No.12011/68/98-BCC dt. 27.10.1999 Gazette No.241 dtd.27.10.1999	50
	Matibansa Tanti	No.12011/36/99-BCC dt.04.04.2000 Gazette No.71 dtd.04.04.2000	
	Rangini Hansi	No. 12011/9/2004- BCC dt. 16.1.2006 Gazette No.10 dtd.17.01.2006	
	Ranguni Tanti	No.12011/01/2001-BCC dt.19.06.2003 Gazette No.151 dtd.20.06.2003	
5	Kosalya Goudus, Bosotheriya	No.12011/9/94-BCC dt.19.10.1994 Gazette No.163 dtd.20.10.1994	82
6	Kuraiar	No.12011/9/94-BCC dt.19.10.1994 Gazette No.163 dtd.20.10.1994	90
7	Malis, Korchia Malis, Podda Malis	No.12011/9/94-BCC dt.19.10.1994 Gazette No.163 dtd.20.10.1994	107
8	Monger	No.12011/9/94-BCC dt.19.10.1994 Gazette No.163 dtd.20.10.1994	115
9	Pagadai	No.12011/9/94-BCC dt.19.10.1994 Gazette No.163 dtd.20.10.1994	131
10	Membram	No.12011/9/94-BCC dt.19.10.1994 Gazette No.163 dtd.20.10.1994	158
11	Kubara	No.12011/9/94-BCC dt.19.10.1994 Gazette No.163 dtd.20.10.1994	168
	Sahoo	No. 12011 -96/94 BCC dt. 9.3.1996 Gazette No.60 dtd.11.03.1996	
12	Banayat Odiya	No.12011/36/99-BCC dt. 4.4.2000 Gazette No.71 dtd.04.04.2000	202

P.T.O

	Benayit Odia	No.12015/15/2008-BCC dt.16.06.2011 Gazette No.123 dtd.16.06.2011	
13	Patra	No. 12011/44/96-BCC dt. 6.12.1996 Gazette No.210 dtd.11.12.1996	149
	Aswini	No.12011/9/2004-BCC dt. 16.1.2006 Gazette No.10 dtd.17.01.2006	
14	Kurmi, Kurma Chasa	No. 12011/44/96- BCC dt. 6.12.1996 Gazette No.210 dtd.11.12.1996	182
15	Kalinji	No. 12011/68/98-BCC dt. 27.10.1999 Gazette No.241 dtd.27.10.1999	186
16	Mahla/ Mahlar	No. 12011/88/98-BCC dt. 06.12.1999 Gazette No.270 dtd.06.12.1999	185
17	Ashtralohi/ Ashtalohi Karmakar/ Viswa Brahman (Sunari)/ Swaransilpi	No. 12011/36/99- BCC dt. 4.4.2000 Gazette No.71 dtd.04.04.2000	14
18	Kalanga	No. 12011/36/99- BCC dt. 4.4.2000 Gazette No.71 dtd.04.04.2000	211
19	Koppula Vellama	No. 12011/36/99- BCC dt. 4.4.2000 Gazette No.71 dtd.04.04.2000	196
20	Scheduled Castes converts to Christianity and their progeny	No. 12011/36/99- BCC dt. 4.4.2000 Gazette No.71 dtd.04.04.2000	193
21	Kalwar	No. 12011/36/99- BCC dt. 4.4.2000 Gazette No.71 dtd.04.04.2000	201
	Kalal	No. 12011/1/2001 - BCC dt. 19.6.2003 Gazette No.151 dtd.20.06.2003	
22	Kalandi Baishanaba/ Kalandi Vaishnab	No. 12011-44/99 - BCC dt. 21.9.2000 Gazette No.210 dtd.21.09.2000	203

P.T.O

Order:- Ordered that the Resolution be published in the Extraordinary issue of the *Odisha Gazette* and copies thereof be sent to all Departments of Government/All Heads of Departments/All Collectors and All other Offices of the State Government.

By order of the Governor

Commissioner-cum-Secretary to Government

Memo No 8750 /Dated 04th May 2023

Copy forwarded to all Departments of Govt./P.S. to the Chief Minister/P.S. to all Ministers/Ministers of State/ P.S. to the Chief Secretary P.S. to D.C.-cum-A.C.S/All Heads of Departments/All Collectors/All Sub-Collectors/All Tahsildars/All Branches of ST & SC Dev.,M&BCW Deptt./ 20 copies for Guard file for information and necessary action.

Director,OBC(I/c)
4/5/23

Memo No 8751 /Dated 04th May 2023

Copy forwarded to Member Secretary, Odisha State Commission for Backward Classes for information and necessary action.

Director,OBC(I/c)

MOST URGENT
By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-GOEB-MISC-0103-2018-36477 /R&DM dated 13 OCT 2023

From

Shri Sashadhar Nayak

Additional Secretary to Government

To

All Collectors

Sub: Regarding non-issuance of Scheduled Tribe certificate to the SAORA(SA A-RA) community.

Sir,

In enclosing a copy of the letter No.20189/SSD Dated 27.09.2023 of ST & SC Dev, M & BCW Department on the subject cited above , I am directed to say that it has come to the notice of Government that due to some synonyms and phonetic variation in the notified ST caste name, many communities are deprived of availing ST caste certificate as the ST caste certificates are being issued only to the members of the communities whose names are notified in the Scheduled Tribes List of the state.

This type of problems arise because the ST list is notified by the Ministry of Tribal Affairs, Govt. of India in the official language English whereas the community names are written in the RoRs in the local language with several variations including phonetic variations.

To resolve this issue, a meeting has been held on Dated 31.08.2023 at 11.30 AM under the chairmanship of Chief Secretary, Odisha and it has been decided that Revenue & DM Department will scrutinize the land records of the members of the notified ST communities and prepare the list of synonyms and phonetic variations recorded in the RoRs all over the state after which further course of action will be decided upon.

To help this exercise , ST & SC Dev, M & BCW Department has also given a list of synonyms and phonetic variations of 24 STs as found by SCSTRTI proposed for inclusion in the ST list of Odisha(Copy enclosed).

Hence, you are hereby directed to instruct your field functionaries to verify the land records for synonyms and phonetic variations (caste names should be mentioned both in Odia and English) of these ST caste names and submit a detailed report to this Department within a month positively for further necessary action .

PTO

Further, it is reiterated that the above 24 ST caste names are only indicative but not exhaustive. Hence, you are directed to instruct your field functionaries to verify synonyms and phonetic variations (caste names should be mentioned both in Odia and English) of all such ST Caste names as notified in presidential order and submit a detailed report to this Department within a month positively for further necessary action .

This may be treated as **MOST URGENT**.

Yours faithfully,

12/10/2023

Additional Secretary to Government

Memo No. 36478 / R&DM dated 13 OCT 2023

Copy with enclosure forwarded to the all Sub-Collectos / all Tahasildars for information and necessary action .

12/10/2023

Additional Secretary to Government

Memo No. 36479 / R&DM dated 13 OCT 2023

Copy forwarded to the PS to Commissioner-cum-Secretary, ST & SC Development, Minorities and Backward Classes Welfare Department for information and necessary action in response to her Letter No.20189 Dated 27.09.2023 .

12/10/2023

Additional Secretary to Government

ରୂପାରୋଶନ ସାହୁ, ଭା.ପ.ସେ
କମିଶନର ଓ ଶାସନ ସଚିବ

ROOPA ROSHAN SAHOO, IAS
Commissioner-cum-Secretary

Phone: 0674-2536872, 2322757
E-mail: stscdev@gmail.com

ଅନୁସୂଚିତ ଜନଜାତି ଓ ଅନୁସୂଚିତ ଜାତି, ଉନ୍ନୟନ,
ସଂଖ୍ୟାଲଘୁ ଉନ୍ନୟନ ଓ ପଛୁଆ ବର୍ଗ କଲ୍ୟାଣ ବିଭାଗ, ଓଡ଼ିଶା ସରକାର

ST & SC Development, Minorities & Backward Classes Welfare
Department Government of Odisha

Building System Enablers towards
Regenerative Transformation

No. 20189 /SSD, Bhubaneswar Dated the, 27th September, 2023
STSCD-PCR-STUDY-0003-2017

OFFICE OF THE ADDL. CHIEF SECY. REVENUE & D.M. DEPTT.
30 SEP

To
The Additional Chief Secretary
Revenue and Disaster Management Department
Government of Odisha

Sub: - Regarding non-issuance of Scheduled Tribe certificate to the SAORA (SA-A-RA) community

In inviting a reference to the letter and subject cited above, I am to say that the meeting on the matter of non-issuance of Scheduled Tribe certificates to the SAORA (SA-A-RA) community was held under the chairmanship of Chief Secretary, Odisha on Dt. 31.08.2023 at 11:30 AM in the conference hall of Chief Secretary. Senior Officers of ST & SC Development Deptt., R& DM Deptt, Higher Education Deptt. and Law Deptt. attended the meeting and rendered their valuable suggestions to deal with the matter.

Now, Scheduled Tribes Certificates are being issued by the competent Revenue authorities only to the members of the communities whose names are notified in the Scheduled Tribes List of the State. Besides, these notified names some communities have many Synonyms and Phonetic Variations recorded in Odia language in their RoRs which creates problems in issuance of Scheduled Tribe Certificates to them as these Synonyms and Phonetic Variations are not listed in the STs list of the State. For example Dharua, Dhuruba and Dhurva has been notified at Sl. No.17 of the ST list while, it's common synonym 'Durua' that has been recorded in their RoRs is yet to be notified as ST. Likewise the tribe Oraon notified at Sl. No. 53 of the ST list of Odisha is commonly called "Oram" that has not been notified. The present case of SA-A-RA is a similar one. SA-A-RA is a synonym of the Scheduled Tribe Saora, Sahara notified at Sl. No. 59 the ST list of Odisha. Those members of the community who have RoRs mentioning their community name as SA-A-RA are facing difficulties to get ST Certificates from the competent Revenue authorities as SA-A-RA is yet to be notified in the STs list of Odisha. However, the State Government has submitted proposals in favour of inclusion of SA-A-RA in the

STs list of the State that has been pending with Ministry of Tribal Affairs, Govt. of India since long. This has caused resentment among the members of SA-A-RA community and they have been agitating on their demand for issuance of ST Certificates as synonym of Saora/ Sahara.

This matter was discussed at length before the Chief Secretary and it was felt that this kind of problem emerges from the fact that the ST list is notified by the Ministry of Tribal Affairs, Govt. of India in the official language English whereas, the community names are written in the RoRs in the local Odia language with several variations including phonetic variations.

As decided in the meeting the R& DM Deptt will scrutinize the land records of the members of the notified ST communities and prepare the list of synonyms and phonetic variations recorded in the RORs all over the state after which further course of action may be decided upon. To help this exercise I am enclosing a list (Annexure-1) of synonyms and phonetic variations of 24 STs as found by SCSTRTI proposed for inclusion in the ST list of Odisha.

Yours faithfully,

Commissioner-cum-Secretary

Memo No. 20190 dt. 27.09.2023

Copy forwarded to the Director, SCSTRTI, Bhubaneswar/ Director, (SC), ST & SC Development Department, Govt. of Odisha for information and necessary action.

Director, ST

Annexure-1

SYNONYMS & PHONETIC VARIATIONS PROPOSED FOR INCLUSION UNDER NOTIFIED SCHEDULED TRIBE

Sl. No.	SYNONYMS & PHONETIC VARIATIONS PROPOSED FOR INCLUSION UNDER NOTIFIED SCHEDULED TRIBES				
	NOTIFIED ST				
	Sl. No. in ST List	Name	Synonyms proposed for inclusion	Phonetic Variations proposed for inclusion	
1	1	Bagata, Bhakta		BHUKTA, BHOGTA, BHOKTA, BHAGTA, BHAGATA, BHAGHATA	
2	3	Banjara, Banjari	LABAN, LABANA		
3	5	Bhottoda, Dhotada, Bhotra, Bhatra, Bhattara, Bhotora, Bhatara		BHATTADA, BHOTTARA	
4	6	Bhuiya, Bhuyan	BHUINYA		
5	8	Bhumij		BHUMIJA	
6	13	Bonda Poraja, Bonda Paroja, Banda Paroja		BANDA PARAJA, BONDA PARAJA	
7	17	Dharua, Dhuruba, Dhurva		DHURAVA/ DHURUVA, DHURUA, DURUA	
8	27	Kandha Gauda	TANLA GAUDA		
9	28	Kawar, Kanwar	KAUR		
10	28	Kawar, Kanwar		KUNWAR/ KANWAR, KAUR/KAONR/ KUANR/KONWAR/ KUANAR	
11	31	Kond, Kondh, Kandha	KUI (KANDHA)		
12	32	Kisan, Nagesar, Nagesia	NAGESWAR, NAKASIA/NAXIA		

Sl. No.	SYNONYMS & PHONETIC VARIATIONS PROPOSED FOR INCLUSION UNDER NOTIFIED SCHEDULED TRIBES			
	NOTIFIED ST			
	Sl. No. in ST List	Name	Synonyms proposed for inclusion	Phonetic Variations proposed for inclusion
13	34	Kolah Loharas, Kol Loharas		KOLHA LOHARA
14	37	Kondadora	ANATI DORA/ENATI DORA	
15	38	Kora, Khaira, Khayara		KAORA
16	41	Koya	KOITOR	
17	47	Mankirdia, Mankria, Mankidi		MANKIDIA
18	52	Omanatya, Omanatyo, Amanatya		AMANATIA
19	53	Oraon, Uran Dhangar	DHANGARA	
20	53	Oraon, Dhangar, Uran		URAM, ORAM/URAON
21	55	Paroja		PORJA, PARJIA
22	57	Rajuar		RAJUAL, RAJUAD
23	59	Saora, Savar, Saura, Sahara	SA-A-RA	
24	62	Tharua, Tharua Bindhani	JHADUA BINDHANI	

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-CHS-MISC-0073-2021-33054 /R&DM dated 03 NOV 2021

From

Shri Bishnupada Sethi, IAS

Principal Secretary to Government

To

All Collectors

Sub: Timeline for providing caste particulars in investigation booked under SC&ST (PoA) Act

Madam/ Sir,

In inviting reference to the above mentioned subject, I am to say that inordinate delay has been reported in connection with furnishing caste particulars of complainants as well as victims in investigation cases booked under SC & ST(PoA) Act. It is pertinent to mention here that Caste certificates have been mandated to be issued within 15 days by the Designated Officers (Tahasildars/ Addl. Tahasildars) under ORTPS Act, 2012 vide Gazette Notification No.17890 dt.20/07/2021

Therefore, caste particulars (SC/ST) of complainants as well as victims by the Tahasildars/ Addl. Tahasildars shall be furnished by the Tahasildars/ Addl. Tahasildars within this stipulated period of 15 days in connection with investigation cases under SC/ST (PoA) Act. Necessary instructions may be issued to the field functionaries concerned.

You are therefore requested to instruct your field officials under your jurisdiction to adhere to the above said timeline without any deviation.

Yours faithfully,

Principal Secretary to Govt.

3.11.2021

Memo No. 33055 /R&DM Dated 03 NOV 2021

Copy forwarded to the P.S. to the Addl. Chief Secretary to Government, Home Department for kind information of Addl. Chief Secretary.

3.11.2021

Addl. Secretary to Government

Memo No. 33056 /R&DM Dated 03 NOV 2021

Copy forwarded to the DG, Police, Odisha, Cuttack w.r.t. his D.O. letter No.409/DGP-Res dated 01/10/2021 addressing to Home Department for kind information and necessary action.

3.11.2021

Addl. Secretary to Government

Memo No. 33057 /R&DM Dated 03 NOV 2021

Copy forwarded to P.S. to Principal Secretary to Government, ST& SC Development, M&BCW Department for kind information of Principal Secretary.

It is requested to take necessary steps for issue of guidelines / SOP for determining caste particulars of complainants as well as victims in investigation cases booked under SC & ST(PoA) Act in cases where land records (RoR) of the concerned persons are not available.

3.11.2021
Addl. Secretary to Government

Memo No. 33058 /R&DM Dated 03 NOV 2021

Copy forwarded to the Sub-Collectors/ Tahasildars/ Addl. Tahasildars for kind information and necessary action.

3.11.2021
Addl. Secretary to Government

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT, MINORITIES & BACKWARD CLASSES
WELFARE DEPARTMENT

.....

No. 22420 /ST&SC, Bhubaneswar, Dtd. 8.12.2016
OBC-22/2014

From

Sri Surendra Kumar, IAS
Commissioner-cum-Secretary to Government.

To

The Principal Secretary to Government,
Revenue & Disaster Management Department.

Sub: Determination of creamy layer status at the time of issue of OBC/SEBC Certificate by Tahasildars.

Madam,

With reference to the subject mentioned above, I am to say that Government of India, Ministry of Personnel, Public Grievances and Pension (DoPT) vide their letter No.36011, dtd.08.09.1993 have prescribed certain criteria to determine the creamy layer status of a candidate for issue of OBC Certificate. This has been communicated to all Collectors and other Certificate Issuing Authorities in this Department letter No.4030, dtd.29.01.1994. Subsequent clarification of the Ministry of PPGP in this regard also have been communicated vide this Department letter No.32652, dtd.03.10.2013 to all concerned for better understanding of the matter. But it has come to the notice of this Department that different field functionaries especially the Certificate Issuing Authorities are interpreting the guidelines in a wrong manner, while considering the creamy layer status of a candidate.

A close scrutiny of the above guideline and clarification reveals that there have been two separate parameters suggested by the Ministry for two separate categories of candidates to determine their creamy layer status. The first category

candidates are those whose parents are in Civil Services both at Central & State Government, PSU, Banks, Insurance Organization, Universities etc. and also holding equivalent or comparable post in Private Sector. The other category candidates are belong to parents, who are self employed or are the employees of an organization where evaluation of the post on equivalent or comparable basis with the Government, PSU etc. has not been made.

For the 1st category of candidate, it is prescribed among other that, if the parents (both father and mother) of the candidate are directly recruited Class-I/Group-A/Class-II/Group-B Officer or either of is a directly recruited Class-I Officers, he or she shall be treated as falling in creamy layer.

For the 2nd category of candidate whose parents are employed in an organization where there have been no comparable posts as in 1st category, the determination of the creamy layer status shall be made on the basis of Income/Wealth Test.

It has come to notice that while deciding the creamy layer status of Government servants particularly those belonging to Class-II , the Certificate Issuing Authorities are not referring to the clarifications issued at Note-6 at P.26 of the said clarification. Despite instructions to the contrary, Certificate Issuing Authorities are including the Annual Income from salaries of Class-II and Class-III employees and thereby denying the applicants the SEBC/OBC Certificate on the grounds that they fall under creamy layer category. This is not in accordance with the guideline and as a result many deserving candidates are debarring from getting the benefit in time. This is also causing undue harassment to service seekers due to ignorance of law by the concerned authorities.

The Hon'ble High Court, Odisha, Cuttack also while disposing of W.P. (C) No.10353/2015 filed by Ashis Pradhan Vrs. State in their order dtd.04.03.2016 have taken a view that the amount of gross salary received by the father of the petitioners for the purpose of grant of benefit of OBC Certificate is irrelevant (copy enclosed), which clearly speaks about the misinterpretation of law by the Tahasildar, Bheden. In another case also the Tahasildar, Kalahandi has rejected

the application of one Ashis Kumar Bhoi of Goikela, Kalahandi for issue of non creamy layer OBC Certificate on the ground that the annual income of the father of the applicant is more than Rs.6.00 lakhs who was initially appointed as a Class- III Asst. Teacher now working as Headmaster. Besides, a good number of representations have also been received in this Department regarding non issuance of OBC/SEBC Certificate by the Tahasildars on the above ground.

In view of the above, I would therefore request you to please intervene in the matter and issue suitable instructions to all Tahasildars and Certificate Issuing Authorities to follow instructions/guidelines meticulously in the matter of issue of OBC/SEBC Certificate. Further, it is also requested to take necessary action against the Tahasildars for erroneous interpretation of Govt. guidelines and non issue of OBC/SEBC Certificate to the eligible candidates.

Yours faithfully,

8/12/16

Commissioner-cum-Secretary to Government

Government of Odisha
Revenue & Disaster Management Department.
*****

Memo No. GOEB-Misc.-32/2015- 39831 */RDM., dt.* 19-12-2016

Copy forwarded to All Collectorsfor information and necessary action.

He is impressed upon all concerned that guidelines /instructions issued on the matter of issuance of OBC/SEBC Certificate from time to time may be meticulously followed and strictly adhered to and follow up action may be taken accordingly.

The Tahasildars /Certificate Issuing Authorities under your control may be informed of accordingly.

17/12/16

Addl. Secretary to Government.

819/16//

By Fax / e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

RDM-IMU-STATUT-0001-2013 43280 dtd. 16.11.2013

From

Dr. Taradatt
Additional Chief Secretary to Government

To

The Secretary, Board of Revenue, Odisha, Cuttack
All Revenue Divisional Commissioners
All Collectors

Sub: Clarification on issuance of Legal Heir Certificates.

Madam/Sir,

In inviting reference to the subject cited above I am to say that after enactment of Odisha Right to Public Services Act, 2012 and subsequent publication of notifications no. 30 dtd. 01.01.2013 and no. 8824 dtd. 30.03.2013 of Government in GA (AR) Department, on the list of services to be delivered under the said Act, tahasildars are not issuing legal heir certificates to the applicants of other tahasils in view of the restrictions imposed therein.

During delivery of the services, difficulties have been experienced by public when they are advised by the tahasildars to get the above certificates from their native tahasils.

Legal Heir Certificates are issued under the provisions of Rule-3 (iii) of Odisha Miscellaneous Certificates Rules, 1984. There is no provision in the said rules that legal heir certificates shall only be issued by native tahasildars. Hence, issuance of such certificates by other tahasildars having jurisdiction is not barred. However, the tahasildar exercising jurisdiction may call for a report from the native tahasil, if he so likes.

Yours faithfully
Taradatt
16.11.13
Additional Chief Secy. to Govt.

Memo No. 43281 /R&DM dtd. 16.11.2013

Copy forwarded to all Sub-Collectors / all Tahasildars for information and necessary action.

16/11/13
Joint Secretary to Government

Memo No. 43282 /R&DM dtd. 16.11.2013

Copy forwarded to Special Secretary, GA(AR) Deptt. for kind information and necessary action.

16/11/13
Joint Secretary to Government

Government of Odisha

Revenue & Disaster Management Department

Please affix required stamps before submission

FORM NO. III

FORM FOR RESIDENT OR NATIVITY CERTIFICATE

(See Rule 3)

Office of the _____ Miscellaneous Certificate Case No. _____ of 20 ____

This is to certify that Shri/Smt./Miss _____

son / daughter / wife of Shri _____

is a native of the District of _____ in the State of Odisha

and he/his family ordinarily resides in Village/Town _____

P.S. _____ Tahasil _____ in the District of _____

This certificate being granted only for the purpose of _____

_____ _____

Signature of the applicant Signature of Revenue Officer

_____

District (with seal of office)

Date: _____

Published on National Portal of India (india.gov.in)

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

ORDER

RDM-GOEB-MISC-0032-2017-465 /R&DM Dated 02.01.2020

Large number of certificates like Caste, Resident, Income, Solvency, Legal Heir Certificate, etc., are issued by the Revenue Officers under the provisions of different Act & Rules and most of these certificates are issued for the purpose of applying to various educational institutions and recruiting agencies. This consumes a significant amount of time of both the citizens and the Revenue Officers. Hence the Government have been pleased to decide as follows:

1. Recruiting agencies shall allow the applicants to file applications for job basing on self-declaration of their Caste (ST/SC) and Resident status, etc. After provisional selection, applicants shall be called upon to produce certificates like Caste, Resident, etc., for scrutiny and final selection. GA&PG Department shall issue instructions to different recruiting agencies in this regard.

2. Educational institutions shall allow the applicants to file applications for admission on self-declaration. After provisional selection, applicants shall be called upon to produce certificates like Caste (ST/SC), Resident, etc., for scrutiny and final admission. The concerned Department such as Higher Education, Skill Development & Technical Education, School & Mass Education, Health & Family Welfare, etc., shall issue instructions in this regard.

3. The recruiting agencies and educational institutions shall register themselves as verifier and thereafter, they can verify the digital certificates issued by Revenue Officers either from the Portal through which the certificates have been issued or from the DigiLocker. Such verification shall be undertaken by the recruiting agencies before sponsoring the names of the selected candidates to the appointing authorities.
4. Forfeiture of candidature and action as per law for furnishing wrong/false declaration shall be clearly mentioned in the application forms for admission or job.
5. Caste (ST&SC) certificates shall be issued to students along with School Leaving Certificate (10th standard examination). ST & SC Development, Minorities & Backward Classes Welfare Department shall issue guidelines in this regard in consultation with Revenue & DM Department.
6. Issue of Solvency Certificate shall be phased out. No Department shall ask for Solvency Certificate for grant of licence for issuing licences to storage agents, grant or renewal of excise licence, quarry lease, etc. Instead, they will ask for IT returns, Bank Guarantee, etc., for issuing such licences. The concerned Department such as Food Supplies & Consumer Welfare, Excise, etc., shall issue instructions in this regard.
7. Departments shall not ask for production of Legal Heir certificate issued by Revenue Officer for payment of various service dues. GA&PG Department shall develop a mechanism for updation of e-Service Books of employees on annual basis. The Service Book shall reflect the complete list of legal heirs based on the declaration of the Government employee. On death of

the Government employee various dues such as pension/family pension, gratuity, leave salary, etc., can be paid to the legal heirs based on the entry in the e-Service Book. GA&PG Department shall issue guidelines in this regard.

By Order of the Governor

2/1/2020

(Nikunja B. Dhal, IAS)
Principal Secretary to Government

Memo No. 466 /R&DM Dated 02.01.2020

Copy forwarded to All Departments / All Heads of Department / All RDCs / Secretary, Board of Revenue, Odisha, Cuttack / all Revenue Divisional Commissioners/ DLR&S, Odisha, Cuttack / all Collectors / all Sub-Collectors / all Tahasildars for information and necessary action.

Jitendra Dwivedi 2/1/2020
Additional Secretary to Government

Memo No. 467 /R&DM Dated 02.01.2020

Copy forwarded to the Private Secretary to Hon'ble Chief Minister / All Ministers / All Ministers of State for kind information of Chief Minister / Ministers / Ministers of State.

Jitendra Dwivedi 2/1/2020
Additional Secretary to Government

Memo No. 468 /R&DM Dated 02.01.2020

Copy forwarded to the P.S. to Chief Secretary, Odisha / P.S to Development Commissioner-cum-Addl. Chief Secretary, Odisha / P.S. to APC-cum-Addl. Chief Secretary / PS to Principal Secretary to Government, R&DM Department for kind information of Chief Secretary/ Development Commissioner-cum-Addl. Chief Secretary/ APC-cum-Addl. Chief Secretary / Principal Secretary, R&DM Deptt.

Jitendra Dwivedi 2/1/2020
Additional Secretary to Government

Memo No. 469 /R&DM Dated 02.01.2020

Copy forwarded to Secretary, OPSC, Odisha, Cuttack / Chairman, OSSC, Bhubaneswar / Chairman, OSSSC, Bhubaneswar for information and necessary action.

Additional Secretary to Government

Memo No. 470 /R&DM Dated 02.01.2020

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack for kind information of Member, Board of Revenue.

Additional Secretary to Government

Memo No. 471 /R&DM Dated 02.01.2020

Copy forwarded to e-Governance branch for uploading the ORDER in the Department website.

Additional Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

ORDER

RDM-GOEB-MISC-0032-2017- 9618 /R&DM Dated 26.02.2020

Large number of miscellaneous and caste certificates are issued by the Revenue Officers under the provisions of different Acts and Rules and most of these certificates are issued for the purpose of applying to various educational institutions and recruiting agencies. Mostly, students after passing their 10th standard, require caste certificates to avail the benefit of reservation for ST and SC caste persons in various educational institutions for higher study or in public and private institutions for various jobs.

As part of citizen-centric initiative, Government had decided to issue Caste (ST&SC) certificates to students along with School Leaving Certificate and order to this effect had been issued by Revenue & Disaster Management Department vide No. 465 dated 02.02.2020.

In the above backdrop, Government has been pleased to issue the following guidelines for issuance of Caste (ST&SC) certificates to 10th standard students along with School Leaving Certificates:

1. Caste (ST&SC) certificates shall be issued to students reading in 10th standard in schools under School & Mass Education Department and ST&SC Development, Minorities & Backward Classes Welfare (ST&SC Dev & M&BCW) Department.
2. The entire process of collection of applications and handing over of certificates to eligible students shall be completed while the students are in 10th standard and this should be a continuous process.

3. Applications of all eligible students shall be collected by Head Master/ Head Mistress of the concerned School by 31st July of every calendar year.
4. For students reading in schools under School & Mass Education Department, the District Education Officer (DEO), and for students reading in schools under ST&SC Dev & M&BCW Department, the District Welfare Officer (DWO) shall make arrangements for e-filing of applications through e-District Portal by 15th September every year.
5. Applications, shall be electronically forwarded to the Tahasildar having jurisdiction over the concerned educational institution, who may forward the application electronically to the native Tahasildar, if required, for detailed enquiry.
6. After completion of enquiry, digitally signed certificates shall be issued in favour of the eligible students by the concerned Tahasildar. The DEO/DWO shall collect the certificates from the Tahasils and handover the same to the Head Master/ Head Mistress of the concerned school by 30th November of every year.
7. Head Master/ Head Mistress of the school shall ensure distribution of certificates to students by 15th December every year. The certificates can also be downloaded by the students themselves from the e-District Portal, their mailbox and DigiLocker.
8. Both Departments (School & Mass Education Department and ST&SC Dev & M&BCW Department) shall issue detailed guidelines in this regard.

By Order of the Governor

26/02/2020

(P. K. Mohapatra, IAS)
Additional Chief Secretary to Government

Memo No. 9619 /R&DM Dated 26.02.2020

Copy forwarded to all Departments /all Heads of Department/ Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ DLRS&C, Odisha, Cuttack / all Collectors/ all Sub-Collectors/ all Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 9620 /R&DM Dated 26.02.2020

Copy forwarded to the Private Secretary to Hon'ble Chief Minister / all Ministers / all Ministers of State for kind information of Hon'ble Chief Minister / Ministers / Ministers of State.

Additional Secretary to Government

Memo No. 9621 /R&DM Dated 26.02.2020

Copy forwarded to the P.S. to Chief Secretary, Odisha / P.S to Development Commissioner-cum-Addl. Chief Secretary, Odisha/ P.S. to APC-cum-Addl. Chief Secretary/ PS to Addl. Chief Secretary to Government, R&DM Department for kind information of Chief Secretary/ Development Commissioner-cum-Addl. Chief Secretary / APC-cum-Addl. Chief Secretary / Addl. Chief Secretary, R&DM Deptt.

Additional Secretary to Government

Memo No. 9622 /R&DM Dated 26.02.2020

Copy forwarded to Principal Secretary to Government, ST&SC Dev & M&BCW Department and Principal Secretary to Government, School & Mass Education Department for information and necessary follow up action.

Additional Secretary to Government

Memo No. 9623 /R&DM Dated 26.02.2020

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack for kind information of Member, Board of Revenue.

Additional Secretary to Government

Memo No. 9624 /R&DM Dated 26.06.2020

Copy forwarded to e-Governance branch for uploading the order in the Department website.

Additional Secretary to Government

BY FAX /E-MAIL

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
****

RDM-GOEB-MISC-0059-2018- 21845 /R&DM dated 19 JUN 2018

From

Shri Bijaya Kumar Mohanty
Deputy Secretary to Government

To

All Collectors

Sub: Prompt disposal of applications for issuing Caste Certificates (SC, ST & SEBC) filed under School Certificate Programme.

Ref: Letter No. 7797/SSD dated 21.04.2017 of ST & SC Development Department.

Madam/Sir,

In inviting a reference on the above noted subject, I am directed to say that ST&SC Development Department had issued guidelines vide Letter No. 7797/SSD dated 21.04.2017 (copy enclosed) for issuing of permanent Caste Certificates under School Certificate Programme. During ADMs' Conference, Hon'ble Minister, Revenue and DM, Odisha instructed all ADMs to convene a meeting of all stakeholders viz. DEOs, BEOs and DWOs/ADWOs and give them a list of on-hold applications with direction to scan and upload requisite documents fixing a dateline for disposal of such applications. He further instructed to review the progress of disposal of cases under School Certificate Programme in the Monthly District Revenue Meetings and to furnish separate information tahasils wise and certificate wise. The minutes of ADMs' Conference has been communicated vide this Department Letter No. 19413 dated 29.05.2018.

In view of the above, you are requested to furnish the information on the number of Caste Certificates issued under School Certificate Programme from 1st June, 2017 to 31st May, 2018 in the enclosed format by Fax and through e-Mail **(imu-rev-od@nic.in)** by 25th June, 2018. Soft copy of the information should also be sent in excel file only to facilitate compilation of district-wise data in this Department.

This may be treated as Most Urgent.

Yours faithfully,

Bmohanty
19.6.2018

Deputy Secretary to Government

Memo No. 21846 /R&DM Dated 19 JUN 2018

Copy forwarded to Director, OBC, ST&SC, Minorities and Backward Classes Welfare Department for kind information and necessary action.

19.6.2018

Deputy Secretary to Government

Memo No. 21847 /R&DM Dated 19 JUN 2018

Copy forwarded to Joint Secretary (IMU Cell), R&DM Department for uploading the letter in the Department website.

19.6.2018

Deputy Secretary to Government

Information on the number of Caste Certificates issued under the Scheme of School Certificate Programme from 1st June, 2017 till 31st May, 2018.

Name of the District: _____

Sl. No.	Name of the Tahasil	No. of students identified				No. of applications filed through e-District Portal under School Certificate Programme				No. of applications disposed				No. of Caste Certificates issued				No. of applications kept on-hold				No. of applications rejected				Steps taken for disposal of on-hold applications
		ST	*SC*	*SEBC*	*Total*	*ST*	*SC*	*SEBC*	*Total*	*ST*	*SC*	*SEBC*	*Total*	*ST*	*SC*	*SEBC*	*Total*	*ST*	*SC*	*SEBC*	*Total*	*ST*	*SC*	*SEBC*	*Total*	
Total																										

Signature of Collector / ADM

URGENT
By Fax/E-Mail

GOVERNMENT OF ODISHA
S.T. & S.C. DEVELOPMENT DEPARTMENT

****

No. 7797 / SSD, Bhubaneshwar, Date: 21st April, 2017.
PCR(C)09/14(Pt II)

From

Sri. Surendra Kumar, IAS
Commissioner-cum-Secretary to Government

To

All Collectors,

Sub: Immediate action for ensuring issuance of Permanent Caste Certificate to eligible ST, SC and SEBC students on priority basis.

Sir/ Madam,

In reference to the subject cited above I am to say that State Government has decided to facilitate issuance of Permanent Caste Certificate to all eligible ST, SC and SEBC students from class V to class XII, those not having caste certificate, in a mission mode. It has been decided that the school authorities, block and district officials will take lead role in helping the parents/ students in making application for the Caste-certificate with the designated authority and facilitate issuance of the same adhering the due prescribed procedure. This task requires meticulously planned inter-department coordination among the district officials to accomplish the same in given time frame.

In this context, you are requested to take following steps on an urgent basis:

Pre-Application Phase – 1st May to 31st May

1. As a first step, the District Education Officer & the District Welfare Officer of your district need to be immediately instructed to inform the parents of such ST, SC and SEBC students from class V to class XII, those not having caste certificate, through the Headmaster of the concerned schools, to submit the requisite supporting documents, as prescribed by the Revenue Department, for filing application for issuance of the Caste-certificate with the concerned authority. The request letter for parent in this regard, mentioning the list of documents to be submitted by them upon opening of the schools after the summer vacation, is at annexure A for your reference and circulation to the HMs through District Education Officer & the District Welfare Officer. This request letter to parents should be circulated among the students/ parents by the concerned HMs before the closure of the schools for summer vacation positively. Such prior intimation shall help in smooth documentation, immediately after re-opening of schools after summer vacations.

2. Within the first week of May, a one-day training involving all Revenue Authorities up-to the level of Additional Tahsildar, All Welfare Department officials till Welfare Extension Officer level, All School & Mass Education Department officials up-to Block Education Officer level, and functionaries from Higher Education and Technical Education Department shall be organized at the District Head-quarter and shall be Chaired by the Collector personally. This training should focus on the guidelines/ procedure for issuance of Caste Certificate, filling up of the application form and the timeline of the future activities for completing this task.

3. During the second and third week, on any fixed day as decided by the District Collector, all the Head Masters/ Principals/ Head of Institution of each educational institution (Government schools, Grant-in-Aid and Block Grant schools, Higher educational institutions) of ST & SC Dept., S & ME

Dept. and Higher education dept. shall be trained at the Block Head-quarter by the block level functionaries under the overall coordination of the Tahsildar and Addl Tahsildars. District Level Officers such as Sub Collector, PD DRDA, ADM, District Education Officer, District Welfare Officer shall personally supervise the training at their respective training centers allotted to them. The Head Masters shall be trained in filling up of application forms, the list of documents that shall be enclosed with the application and other necessary instructions shall be shared regarding the timeline for collection and submission of the application forms. While attending the above meeting, the Head Masters shall bring with them the number and category of the students reading in Class V (5) and above in their Schools. The training head of the center shall ensure issuance of the required number of prescribed application forms to the Head Masters, in coordination with Tahasildar/ Addl. Tahsildars, on the very date of the meeting.

Application, digitization and submission Phase – within 6 weeks of the re-opening of the schools

4. Upon re-opening of the schools/ educational institutions after summer vacation, the Head Master, class teachers shall fill up/ assist the parents in filling up the application forms for grant of caste certificate and enclose photocopies of documentary evidence submitted by the parent of the ward for submission to the Revenue Authorities. This exercise of filling up of forms shall be completed within 14 days of re-opening of schools UNFAILINGLY.
5. In case any of the students or his parent has failed to bring the supporting document, then they must be duly advised by the HM in writing, to submit any of the documentary evidences as mentioned in the letter at Annexure A within a week to complete the application process. The HMs shall submit



duly filled in application for such cases along with the requisite documents not later than 31st July.

6. In case any parent does not have any documentary evidence in support of the claim, the same must be noted on the body of the application as "Without Documentary Evidence". All such cases shall be verified for the claim by conduct of field enquiry as prescribed by the Revenue Authorities.
7. After filling up of applications within 14 days of re-opening of schools, all the applications shall be collected by the Welfare Extension Officers and Block Education Officers for the SSD schools and S & ME Schools respectively. This task shall be completed within four weeks of the re-opening of schools.
8. All the received applications shall then have to be entered in the digital form in computer and the hard copy shall be submitted to the Office of the concerned Tahsildar, immediately thereafter by the Welfare Extension Officers and Block Education Officers for their respective schools. The services of Common Service Centers may be pressed into to complete the digitization of the applications in the e-district portals. **IT MUST BE NOTED THAT ALL APPLICATIONS MUST BE ENTERED IN THE E-DISTRICT PORTAL AND HARD COPIES SUBMITTED TO THE TAHSILDAR CONCERNED WITHIN ONE AND A HALF MONTH OF OPENING OF THE SCHOOL.** In case there are any residual applications, which are made subsequently, the same may be submitted later on following the same process.

Field enquiry and Disposal of the Applications – within 4-6 weeks of the receipt of hard copies of the applications

9. All the received applications at Tahsil office shall be disposed off by the authorized Revenue Officers, as per the merit of the application and following the due process of enquiry, **within 4-6 weeks of the receipt of**

the applications. Collector shall suitably instruct the Revenue Officers concerned to complete the process in due time un-failingly.

10. In cases, where application is rejected, the reason for the rejection must be properly documented on the application form and shall be shared with facilitating officer (WEO or BEO as the case may be) for communicating back to the applicant.

Distribution of certificate to the students – within 2 weeks of the grant of Caste Certificate by the designated Revenue Officer

11. Once the certificate is granted in favour of the applicant, the print out of the e-Certificate shall be handed over to the facilitating officer (WEO or BEO as the case may be) for distribution to the concerned students.
12. WEO/ BEO shall prepare the list of students to whom Certificate have been granted and handover the e-certificates of such students to their respective Headmasters with an acknowledgement of the receipt of the same from the Headmaster concerned.
13. The HMs shall distribute the Caste certificate to the student/ parent concerned and shall maintain a register to record the receipt the certificate by the student/ parent.

As the whole process is required to be completed in the given timeframe, all out efforts are needed at all levels.

This may be given TOP PRIORITY.

Yours faithfully

21/4/17

Commissioner-cum-Secretary

Memo No. 7798/SSD., dated 21-04-2017.

Copy forwarded to Principle Secretary, Revenue & Disaster Management Department/ Principle Secretary, Higher Education Department / Commissioner-cum-Secretary, School & Mass Education Department for kind information.

Director, SC Welfare

Memo No. 7799/SSD., dated 21-04-2017.

Copy forwarded to Office of the Revenue Divisional Commissioner, Central Division, Odisha Cuttack / Revenue Divisional Commissioner, South Division , Odisha Berhampur / Revenue Divisional Commissioner, North Division, Odisha Sambalpur for favour of kind information

Director, SC Welfare

Memo No. 7800/SSD., dated 21-04-2017.

Copy forwarded to Director, Secondary Education, S&ME Deptt./ Director, Elementary Education S&ME Deptt./ SPD, OPEPA & SPD, RMSA for kind information and with a request to send necessary directions to their field officials.

Director, SC Welfare

Annexure A

ପ୍ରିୟ ଅଭିଭାବକ,

ରାଜ୍ୟ ସରକାରଙ୍କର ନିଷ୍ପତ୍ତି ଅନୁସାରେ, ତଳିତ ଶିକ୍ଷା ବର୍ଷଠାରୁ ପଞ୍ଚମ ଶ୍ରେଣୀ ରୁ ଦ୍ୱାଦଶ ଶ୍ରେଣୀ ପର୍ଯ୍ୟନ୍ତ ଅଧ୍ୟୟନରତ ଅନୁସୂଚିତ ଜାତି/ଅନୁସୂଚିତ ଜନଜାତି/ପଛୁଆ ବର୍ଗ ର ଛାତ୍ରଛାତ୍ରୀମାନଙ୍କୁ, ଯାହାଙ୍କର ଜାତିଗତ ପ୍ରମାଣ ପତ୍ର ନାହିଁ, ସେମାନଙ୍କୁ ଏହି ପ୍ରମାଣ ପତ୍ର ଅଗ୍ରାଧିକାର ଭିତ୍ତି ରେ ଯୋଗାଇଦିଆଯିବ।

ଏଣୁ ଅଭିଭାବକ ମାନଙ୍କୁ ଅନୁରୋଧ ଯେ, ଗ୍ରୀଷ୍ମ ଅବକାଶ ପରେ ସ୍କୁଲ ଖୋଲିବା ଦିନ ନିଜେ କିମ୍ବା ନିଜ ପିଲା ଙ୍କ ମାଧ୍ୟମରେ ବିଦ୍ୟାଳୟର ପ୍ରଧାନ ଶିକ୍ଷକ ଙ୍କୁ ନିମ୍ନଲିଖିତ ଜରୁରୀ କାଗଜ ପତ୍ର (ଅଭିଭାବକଙ୍କ ଦସ୍ତଖତ ଥାଇ)ନିଶ୍ଚିତ ରୂପେ ପ୍ରଦାନ କରିବେ।

1. ବନ୍ଦୋବସ୍ତ କିମ୍ବା ତକବନ୍ଦୀ ଖତିଆନ/ପତ୍ତା ର ଅବିକଳ ନକଲ।
2. ପିତା , ମାତା, ଭାଇ ଓ ଭଉଣୀଙ୍କର ଜାତି ପ୍ରମାଣ ପତ୍ରର ନକଲ (ଯଦି ପୂର୍ବରୁ ପ୍ରାପ୍ତ ହୋଇଥିବେ)।
3. ପିତା/ମାତାଙ୍କ ଭୋଟର ପରିଚୟ ପତ୍ର ର ନକଲ/ପିଲା କିମ୍ବା ପିତା ମାତାଙ୍କ ଆଧାର ପତ୍ର।
4. ବ୍ୟାଙ୍କ ଜମା ଖାତା ରେ ସମସ୍ତ ବିବରଣୀ ଥିବା ପ୍ରଥମ ପୃଷ୍ଠା ର ଅବିକଳ ନକଲ।

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GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

RDM-CHS-MISC-0023-2021- 12383 /R&DM Dated 09.04.2021

From
Shri Bishnupada Sethi, IAS,
Principal Secretary to Government

To
All Collectors

Sub: Issuance of Miscellaneous and Caste certificates to students of 10th standard under School Certificate Programme.

Ref: Letter No. 51915/R&DM dated 17.12.2011, Letter No. 39334/R&DM dated 29.08.2012,Letter No.7797/SSD dated 21.04.2017, Letter No. 21845/R&DM dated 19.06.2018, Order No. 465/R&DM Dated 02.01.2020, Order No. 9618/R&DM Dated 26.02.2020

Madam/Sir,

In inviting reference to the subject and letters under reference issued by Government from time to time, I would like to reiterate that large number of miscellaneous and caste certificates are issued by the Revenue Officers under the provisions of different Acts and Rules. Most of these certificates are issued to students and are required to avail the benefits of scholarship under different Government schemes, reservation in various educational institutions for higher study or in public and private institutions for various jobs, etc.

To deliver the certificates to the students in a seamless and hassle free manner, Government have been pleased to issue the following guidelines for delivery of ST, SC, SEBC, OBC, Resident and Income certificates to 10th standard students belonging to all schools or educational institutions coming under the purview of any Administrative Department of Government of Odisha.

1. The Revenue Inspector (RI) of the locality shall make camp on a fixed date in each school before the summer vacation and distribute the application

forms to the students belonging to 10th standard in presence of Headmaster and the Class Teacher. The application forms may be printed centrally by the district administration and the expenditure towards the same shall be met from the user fees.

2. The students shall bring the filled in application forms along with requisite documents (Annexure-A) while coming to school after summer vacation which shall be counter signed by the Headmaster of the School after due diligence.

3. The Revenue Inspector shall visit the school during the month of July as per the programme and enquire into the genuineness of the particulars of the application forms in presence of Headmaster and the concerned Class Teacher.

4. The Revenue Inspector shall collect all filled in application forms from the Headmaster of the school and ensure their online filing through e-District Portal. Thereafter, the applications shall be processed as per the existing procedure.

5. The Revenue Inspector shall submit the verification / enquiry report to the Tahasildar/ Addl. Tahasildar wherever required.

6. After disposal of applications, certificates shall be issued in favour of the eligible students by the concerned Tahasildar/ Addl. Tahasildar.

7. The Revenue Inspector of the locality shall collect the certificates from Tahasils and handover the same to the students in presence of Head Master of the concerned school as per the programme.

8. The entire process starting from distribution of application forms to handing over of the certificates shall be completed by 31st August of each year.

9. The certificates can also be downloaded by the students themselves from the e-District Portal, their mailbox and DigiLocker.

10. Administrative Departments like School & Mass Education Department, ST&SC Dev & M&BCW Department and Women & Child Development Department shall issue instructions to their field officers for extending necessary support, wherever required, for timely and successful implementation of the Programme.

11. A Deputy Collector may be nominated as Nodal Officer of the district for smooth implementation of the School Certificate Programme and furnishing information regularly to Government.

12. Sub-Collectors shall monitor this programme on weekly basis. Collectors shall ensure the implementation of the programme within fixed timeline.

Yours faithfully,

Principal Secretary to Government
9.4.2021

Memo No. 12384 /R&DM Dated 09.04.2021
Copy forwarded to Additional Secretary to Hon'ble Chief Minister for kind information of Hon'ble Chief Minister.

Additional Secretary to Government

Memo No. 12385 /R&DM Dated 09.04.2021
Copy forwarded to Private Secretary to Hon'ble Minister, Revenue and Disaster Management for kind information of Hon'ble Minister.

Additional Secretary to Government

Memo No. 12386 /R&DM Dated 09.04.2021
Copy forwarded to the OSD to Chief Secretary for kind information of Chief Secretary.

Additional Secretary to Government

Memo No. 12387 /R&DM Dated 09.04.2021

Copy forwarded P.S to Development Commissioner-cum-Addl. Chief Secretary, Odisha for kind information of Development Commissioner-cum-Addl. Chief Secretary.

Additional Secretary to Government

Memo No. 12388 /R&DM Dated 09.04.2021

Copy forwarded to Principal Secretary to Government, School & Mass Education Department / Principal Secretary to Government, Women & Child Development Department / Principal Secretary to Government, ST&SC Dev & M&BCW Department for kind information and necessary action.

Additional Secretary to Government

Memo No. 12389 /R&DM Dated 09.04.2021

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.

Additional Secretary to Government

Memo No. 12390 /R&DM Dated 09.04.2021

Copy forwarded to all RDCs / DLR&S, Odisha, Cuttack for information and necessary action.

Additional Secretary to Government

Memo No. 12391 /R&DM Dated 09.04.2021

Copy forwarded to all ADMs / all Sub-Collectors / all Tahasildars for information and necessary action.

Additional Secretary to Government

Memo No. 12392 /R&DM Dated 09.04.2021

Copy forwarded to e-Governance Branch, Revenue & DM Department for uploading of the guidelines in the Department website.

Additional Secretary to Government

Annexure A

1. Resident Certificate

Any one of the following documents:

- Copy of ROR
- Electricity Bill
- Voter ID / Aadhaar card
- Landline Telephone Bill
- Water connection bill
- Ration Card
- Holding Tax Receipt
- Lease agreement with house owner
- Certificate from the Employer
- First page of bank passbook
- Extract of latest voter list
- NREGS job card
- Others (Any other documents)

2. Income Certificate

- Copy of RORs
- Salary certificate, if any
- IT returns, if any
- Documents in Support of other incomes
- Others (Any other documents)

3. SC Certificate

Any one of the following documents:

- Copy of finally published settlement ROR / Consolidation ROR
- Self-Declaration
- Land Pass Book

- Recommendation from people's Representative
- Copy of certificate issued in favour of parents/sibling if any
- Others (Any other documents)

4. ST Certificate

Any one of the following documents:

- Copy of finally published settlement ROR/ Consolidation ROR
- Self-Declaration
- Land Pass Book
- Recommendation from people's Representative
- Copy of certificate issued in favour of parents/ sibling if any
- Others (Any other documents)

5. SEBC Certificate

Identity Proof (Aadhaar Card / Voter ID / PAN Card / Driving Licence)

Any one of the following documents:

- Self-Declaration
- Copy of ROR
- Land Pass Book
- Others (Any other documents)

6. OBC Certificate:

Identity Proof (Aadhaar Card / Voter ID / PAN Card / Driving Licence)

Any one of the following documents:

- Self-Declaration
- Copy of ROR
- Land Pass Book
- Others (Any other documents)

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
*****

NOTIFICATION
Bhubaneswar, Dated the 13 JUN 2023

No. RDM-Reg-REGN-0019-2023 21456 In exercise of the powers conferred by section 78-A of the Registration Act, 1908 (16 of 1908) as amended by the Odisha Act 8 of 2002 in its application to the State of Odisha, the State Government, having been of the opinion that the instrument as specified in column (1) of the Schedule below under"Mo Ghara" Scheme, declared under the Notification No. PR-RH-SCHEME=0010-2023/11918/PR&DW Dated 03-06-2023 of Government of Odisha, Panchayatiraj & Drinking Water Department.do hereby remit the Registration fee, Search Fees, Inspection Fees, Copying Fees & User Fees as applicable under The Table of Fees, published by Government of Odisha for Fees Payable Under Section 78 of The Registration Act in respect of the said instruments, Encumbrance Certificates, Certified Copies to the extent specified in column (2) thereof .

SCHEDULE

Details	Extent of remission of the Fee
(1)	(2)
1. For Registration of all Types Mortgage Deeds including Mortgage by Deposit of Title Deed executed for availing loan from any Bank under "Mo Ghara" Scheme	Full
2. For application of E.C. (General Search) applied by any Bank against any property relating to sanction of any loan under "Mo Ghara" Scheme and certified as such on the body of the EC application by the Bank.	Full
3. For application of any Certified Copies of previously registered Documents including application for Search, Inspection and Copy for the same by any Bank relating to sanction of any loan under "Mo Ghara" Scheme and certified as such on the body of the application for such Certified Copy by the Bank.	Full

By order of the Governor
19/6/23
Additional Chief Secretary to Government

Memo No. 21457 /R&DM, dated 13 JUN 2023

Copy along with soft copy forwarded to the Odisha Gazette Cell in-charge, Commerce & Transport (Commerce) Department with a request to publish the notification in an extra-ordinary issue of the Gazette. This will bear SRO number.

10 printed copies to this Department/10 copies to the Inspector General of Registration, Odisha, Cuttack/5 copies to Member, Board of Revenue, Odisha, Cuttack may be supplied.

Additional Secretary to Government

Memo No. 21458 /R&DM, dated 13 JUN 2023

Copy forwarded to the Accountant General, Odisha, Bhubaneswar / Inspector General of Registration, Odisha, Cuttack / Secretary, Board of Revenue, Odisha, Cuttack / All Departments / All Heads of Department/ All RDCs / All Collectors / All ADM-cum-District Registrars / All District Sub-Registrars/ All Sub-Registrars for information and necessary action.

Additional Secretary to Government

Memo No. 21459 /R&DM, dated 13 JUN 2023

Copy forwarded to PR& DW Department for information and necessary action.

Additional Secretary to Government

Memo No. 21460 /R&DM, dated 13 JUN 2023

Copy forwarded to e-Governance branch, Revenue and DM Department for uploading in the Department website.

Additional Secretary to Government

Memo No. 21461 /R&DM, dated 13 JUN 2023

5 Copies forwarded to Registration branch, Revenue and DM Department for Guard file.

Additional Secretary to Government

By FAX/e-Mail/Post

GOVERNMENT OF ODISHA

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

******

No.RDM-CHS-MISC-0020-2023- 21517 **/ R&DM, dated** 16 JUN 2023

From

Shri Sashadhar Nayak

Additional Secretary to Government

To

All Collectors

Sub:- Instruction to field officers for quick issuance of miscellaneous certificates like caste certificate, income certificate etc under MO GHARA Scheme.

Sir,

In enclosing herewith the copy of the letter No 12000, dated 03.06.2023 of PR & DW Department on the subject cited above, I am directed to say that Government have introduced a new Scheme under MO GHARA Scheme. The beneficiaries require caste certificate, income certificate etc in time.

Similarly, as banks may insist for ROR from beneficiaries for sanction of loan, early mutation and conversion of land belonging to applicants is to be ensured

I would, therefore, request You to issue suitable instruction to field officers for quick issuance of miscellaneous certificates like caste certificate, income certificate etc.and ensure early mutation and conversion of land belonging to applicants. Delay on the matter shall be viewed seriously.

Yours faithfully,

16.6.2023

Additional Secretary to Government

Memo No- 21518 Dtd 16 JUN 2023

Copy forwarded to the Director , Special Project , Panchayat Raj & Drinking Water Department for information and necessary action .

16.6.2023

Additional Secretary to Government

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Government of Odisha
Revenue & Disaster Management Department
******

L. No. 9208 / R& DM dated, 2019 18 MAR 2019
From RDM-SOEIB-MISC-2018-2019
Sailendra Dwivedi,
Additional Secretary to Government

To
All Collectors

Sub:- **Issuance Income & Asset Certificate for Economically Weaker Sections (EWSs) in direct recruitment in civil posts and services under Government of India.**

Ref: Letter No.5097 dated 10.3.2019 of ST & SC Dev. Deptt.

Sir,

Inviting a reference to the above cited subject and letter of ST & SC Dev. Deptt., I am directed to say that, it has been decided by Govt. of India that the persons belonging to EWSs who are not covered under the scheme for reservation of STs, SCs and OBCs shall get 10% reservation in direct recruitment in civil posts and servicesunderGovernment of India.

The criteria for issue of such certificate as communicated by Government of India will be as follows:

1) Persons who are not covered under the scheme of reservation for SCs, STs and OBCs and 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.

2) 'Income' shall also include income from all sources, i.e., salary, agriculture, business , profession etc. for the financial year prior to the year of application.

3) Persons whose family owns or possesses any of the following assets shall be excluded from beingidentified as EWS irrespective of family income.

i) Ac.5.00 of agriculture land and above;

ii) Residential flat of 1000 sq.ft. and above;

iii) Residential plot of 100 sq.yards or 900 sq.ft. and above in NACs, Municipalities and Municipal Corporations;

iv) Residential plot of 200 sq. yards or 1800 sq.ft and above in the areas other than the urban areas mentioned above at 3 (iii);

v) 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.

4) The term '**Family**' for the 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.

5) The Tahasildar / Additional Tahasildar shall issue such certificate in their jurisdiction and they will carefully verify relevant documents before the issue of such certificate.

6) A person desirous of obtaining Income & Asset Certificate shall apply before the concerned Tahasildar / Addl. Tahasildar in the form at **Annexure-A** affixing court fees of Rs. 03/- (Rupees three only).

7) The Tahasildar / Addl.Tahasildar shall issue such certificate within 15 days in the form prescribed by Government of India (**Annexure-B**) after conducting due inquiry.

8) The user fee for issue of Income & Asset Certificate shall be Rs.30/- out of which Rs.20/- will be retained and deposited in the user fee bank account of the concerned Tahasil and Rs.10/- shall be credited to Government of Odisha account.

9) The Income & Asset Certificate shall be valid for one year from the date of issuance.

10) The procedure with regard to rectification, review, appeal etc. shall be the same as per provisions of Odisha Miscellaneous Certificate Rules,2017.

11) Steps are being taken for issuance of such certificate electronically through e-district portal.

These instructions may please be brought to the notice of all field officers immediately.

Yours faithfully,

Additional Secretary to Govt.

Memo No. 9209 / Dt 18 MAR 2019

Copy forwarded to all RDCs along with all Annexures for information and necessary action.

Additional Secretary to Govt.

Memo No. 9210 / Dt 18 MAR 2019

Copy forwarded to ST & SC& M.B.C Dev. Deptt. along with all Annexures with reference to their letter No.5097, dt.10.3.2019 for information and necessary action.

Additional Secretary to Govt.

Memo No. 9211 / Dt 18 MAR 2019

Copy forwarded to IMU Cell of R & DM Deptt. For uploading in the Departmental Website

Additional Secretary to Govt.

ANNEXURE: A

APPLICATION FORM FOR ISSUANCE OF INCOME & ASSET CERTIFICATE

1. **Personal Details**

Name of the Applicant_____

Father's / Husband's Name_____

Gender _____Marital Status_____

Age _____ Religion

_____

Mobile No. _____Aadhaar No._____

e-Mail ID _____

Paste Applicant's Photo (Passport

2. **Family Details**

Father's Name _____

Mother's Name _____

Spouse Name _____

Sibling Details _____
(Below the age of 18 years)

Children Details _____
(Below the age of 18 years)

3. **Permanent Address**

Village / Town _____Police Station_____

Post Office _____Tahasil _____

R.I. Circle _____District _____

Pin _____State_____

4. **Present Address**

Village / Town _____Police Station_____

Post Office _____Tahasil _____

R.I. Circle _____District _____

Pin _____State_____

5. **Submitter's Details**

Submitter's Name (*in case the submitter is not the applicant*) _____

Relation with Applicant: _____

6. **Purpose** _____

7. **Gross annualincome of the family**

Sl.No.	Source	Income(in Rs.)
1.	Salary	
2.	Business	
3.	Agriculture	
4.	Profession	
5.	Other sources (Please specify)	
Total		

8. **Asset Details**

Sl.No.	Asset	Area (in sq.yd / sq.ft)	Location
1.	Agricultural land		
2.	Residential Flat		
3.	Residential Plot in urban area (Municipal Corporation/Municipality/NAC)		
4.	Residential Plot in areas other than the urban areas stated above (Rural Area)		

N.B: 1 sq.yd = 9 sq.ft

9. **List of Documents attached**

i. Copies of RoR / documents in support of all asset
ii. Voter ID / Aadhaar Card
iii. Copy of salary certificate, if any
iv. IT returns of last financial year, if any

10. **Declaration**:

I, Shri/Miss/Mrs. _____ son of / daughter of / wife of _____ age_____ of _____(presently residing at village/town), PO_____ _____ PS_____ District _____of the State, Odisha, do hereby declare that the information given by me in this application form and its self-attached enclosures is true to the best of my knowledge and that the information furnished is exhaustive and I have not suppressed any fact. That, I am solely responsible for the accuracy of the declaration and information furnished and liable for action under section 199 and 200 of the Indian Penal Code in case of wrong declaration and information. Also, I am well aware of the fact that the certificate shall be summarily cancelled and all the benefits availed by me shall be summarily withdrawn in case of wrong declaration and information.

Place:
Date:

Signature of the Applicant/
Authorized Representative

Annexure: B

Government of Odisha

INCOME & ASSET CERTIFICATE TO BE PRODUCED BY ECONOMICALLY WEAKER SECTIONS

Certificate No._____ Date_____

VALID FOR THE YEAR _____

This is to certify that Shri/Smt./Kumari _____son/daughter/wife of _____ permanent resident of _____ Village / Street _____Post Office_____District _____ in the State/Union Territory _____Pin Code _____ whose photograph is attested below belongs to Economic Weaker Sections, since the gross annual income* of his/her "family"** is below Rs.8.00 lakh (Rupees Eight Lakh only) for the financial year_____. His/her family does not own or possess any of the following assets***:

I. 5 acres of agricultural land and above;

II. Residential flat of 1000 sq.ft. and above;

III. Residential plot of 100 sq.yards and above in notified municipalities

IV. Residential plot of 200 sq.yards and above in areas other than the notified municipalities

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

Recent Passport size attested photograph of the applicant

Signature with seal of Office_____
Name_____
Designation_____

*Note 1: Income covered all sources i.e. salary, agriculture, business, profession, etc.

**Note 2: The term "Family" for this purpose 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.

***Note 3: The property held by a "Family" in different locations or different places/cities have been clubbed while applying the land or property holding test to determine EWS status.

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GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

RDM-GOEB-MISC-0018-2019-9895 / R&DM Dated 26.03.2019

From

Dr. Usharani Sahoo, OAS(S)
Joint Secretary to Government

To

All Collectors

Sub: Issuance Income & Asset Certificate for Economically Weaker Sections (EWSs) in direct recruitment in civil posts and services under Government of India.

Ref- Letter No. 9208/R&DM dtd.18/03/2019

Madam/ Sir,

In continuation to the above cited letter, I am directed to clarify that pending development of application in e-District Portal, Income & Asset Certificate for Economically Weaker Sections (EWSs) shall be issued **in offline mode until further orders.**

You are, therefore, requested to instruct Tahasildars / Addl. Tahasildars under your jurisdiction accordingly.

Yours faithfully

26/03/2019

Joint Secretary to Government

Memo No. 9896 /RDM Dated 26.03.2019
Copy forwarded to all RDCs for kind information and necessary action.

26/03/2019

Joint Secretary to Government

Memo No. 9897 /RDM Dated 26.03.2019
Copy forwarded to ST&SC Development, M&BC Welfare Department for information and necessary action.

26/03/2019

Joint Secretary to Government

Memo No. 9898 /RDM Dated 26.03.2019
Copy forwarded to IMU Cell for uploading the same in the Department website.

26/03/2019

Joint Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
******

No. RDM-GOEB-MISC-0018-2019 /R&DM – 17857 dated 26 JUN 2019

From

Sailendra Dwivedi,
Additional Secretary to Government

To

All Collectors

Sub:- Issuance of **'Income and Asset Certificate'** for Economically Weaker Sections (EWSs) for admission to specified Educational Institutions under Government of Odisha

Ref: R & DM Letter No.9208 dt.18.3.2019 and 17650 dt.25.6.2019

Madam/Sir,

In continuation of this Department letters cited above, I am directed to enclose herewith the letter No. 10704/SSD dated 26.06.2019 of ST and SC Development Department and say that the State Government have decided to extend reservation for admission to specified educational institutions in the State of Odisha to the Economically Weaker Sections (EWS) candidates **who do not belong to the ST, the SC and the SEBC (State List) categories.**

The format for issue of Income and Asset Certificate for the purpose is enclosed herewith as **Annexure-'A'**. All other provisions contained in this Department Letter No.9208 dt.18.3.2019 shall apply *mutatis mutandis* for the purpose of issue of Income and Asset Certificate.

It is requested that the field officers may please be instructed accordingly. Since the admission process is ongoing, the field officers be instructed to dispose the applications most expeditiously.

Yours faithfully,

Additional Secretary to Govt.

Memo No. 17858 /R&DM Dt 26 JUN 2019

Copy along with all annexures forwarded to all RDCs for information and necessary action.

Additional Secretary to Govt.

Memo No. 17859 /R&DM Dt 26 JUN 2019

Copy along with all annexures forwarded to ST &SC Development Department for information and necessary action.

Additional Secretary to Govt.

Memo No. 17860 /R&DM Dt 26 JUN 2019

Copy along with all annexures forwarded to e-Governance Cell of R&DM Dept. for uploading in departmental website.

Additional Secretary to Govt.

Annexure-A

Government of Odisha

INCOME & ASSET CERTIFICATE TO BE PRODUCED BY ECONOMICALLY WEAKER SECTIONS

Certificate No._____ Date_____

VALID FOR THE YEAR _____

This is to certify that Shri/Smt./Kumari _____son/daughter/wife of _____ permanent resident of _____ Village / Street _____Post Office_____District _____, in the State of Odisha, Pin Code _____ whose photograph is attested below belongs to Economically Weaker Sections, since the gross annual income* of his/her "family"** is below Rs.8.00 lakh (Rupees Eight Lakh only) for the financial year_____. His/her family does not own or possess any of the following assets***:

I. 5 acres of agricultural land and above;
II. Residential flat of 1000 sq.ft. and above;
III. Residential plot of 100 sq.yards and above in notified municipalities;
IV. Residential plot of 200 sq.yards and above in areas other than the notified municipalities;

2. Shri/Smt./Kumari _____ belongs to the _____ caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Socially & Educationally Backward Class **(STATE LIST).**

3. **The certificate is being issued for the purpose of admission to specified educational institutions in the state of Odisha, notified by Government of Odisha from time to time.**

Recent Passport size attested photograph of the applicant

Signature with seal of Office_____

Name_____

Designation_____

*Note 1: Income covered all sources i.e. salary, agriculture, business, profession, etc.

**Note 2: The term "Family" for this purpose 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.

***Note 3: The property held by a "Family" in different locations or different places/cities have been clubbed while applying the land or property holding test to determine EWS status.

GOVERNMENT OF ODISHA
ST & SC DEVELOPMENT DEPARTMENT
****

No. 10704 /SSD., Dated Bhubaneswar the, 26th June, 2019
EMP-I (A)-9/2019
STSCD-RP-POLICY-0003-2019

From

Shri R. Raghu Prasad, IFS,
Commissioner-cum-Secretary to Govt.

To,

The Principal Secretary,
Revenue & Disaster Management Department.

Sub.:-Issuance of Certificate for Economically Weaker Sections (EWSs) in Admissions is specified Educational Institutions under Government of Odisha.

Ref: This Department letter No. 5097/ SSD dated 10.03.2019

Sir,

In inviting a reference to the subject cited above, I am to say that the Health & Family Welfare Department have taken approval of Government for providing 10% reservation to Economically Weaker Sections (EWSs) in admission to 3 Medical Colleges under the State Government. The Ministry of Personnel, Public Grievances & Pensions, the Ministry of Human Resources Development and the Ministry of Social Justice Empowerment had earlier issued guidelines for issuance of Income and Asset Certificates for EWS candidates seeking reservation in recruitment in civil posts and services and admissions in educational institutions under Government of India. However, there is a need to issue specific guidelines to the certificate issuing authorities for issue of Income and Asset Certificate to eligible EWS candidates seeking admissions in educational institutions under Government of Odisha.

Accordingly, the following modifications in the Income and Asset Certificate are suggested.

I. The Para No.2 of the Income and Asset Certificate may be modified as follows:

"2. Shri/ Smt./ Kumari _____ belongs to the _____ caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Socially and Educationally Backward Classes (State List)".

II. In the Income and Asset Certificate, Para.3 may be inserted as follows:

" *3. This certificate is being issued for the purpose of admission to Specified Educational Institutions in the State of Odisha, notified by Government of Odisha, from time to time ".*

In this regards, necessary guidelines may kindly be issued to the certificate issuing authorities for issue of Income and Asset Certificate to eligible EWS candidates seeking admissions in educational institutions under Government of Odisha.

This has been concurred by Law department in file No. EMP-I (A)-9/2019; STSCD-RP-POLICY-0003-2019.

Yours faithfully

26/6/2019

Commissioner cum Secretary to Govt

Memo No 10705/SSD., dated 26.06.2019

Copy forwarded to Commissioner cum Secretary, Health & Family Welfare Department for information and necessary action.

26/6/2019

Commissioner cum Secretary to Govt

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 area 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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No.36011/1/2022-Estt(Res-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
ESTT.(Estt. Reservation-I)
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(Dated 28 March, 2024)

OFFICE MEMORANDUM

Reservation for SCs, STs, OBCs, PwDs and EWS in Posts and Services in the Central Government

Pers Policy (Reservation) Division of the Department of Personnel and Training has issued various instructions, from time to time, regarding reservation in appointments to posts and services under the Central Government, and concessions/relaxations extended to the persons belonging to Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), Persons with Disabilities (PwDs), Economically Weaker Sections (EWSs) and Ex-servicemen. With a view to facilitating easy accessibility and clear understanding of these rules on reservation/concessions/relaxations, the relevant instructions on the subject (except Ex-servicemen) were last consolidated on 14/10/2022. Now, keeping in view some recent revision in the existing instructions, the consolidated instructions published on 14/10/2022 have been updated as under:

1. PROVISIONS RELATING TO SCs, STs AND OBCs

A. RESERVATION IN DIRECT RECRUITMENT AND PROMOTION

1. Reservation in Direct Recruitment (in open competition and otherwise than by open competition)

Reservation is provided to the members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes @ 15%, 7.5% and 27%, respectively, in the matter of appointment by direct recruitment to civil posts and civil services on all India basis by open competition.

In the matter of appointment by direct recruitment to civil posts and civil services on all India basis otherwise than by open competition, reservation is provided to the members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes @ 16.66%, 7.5% and 25.84% , respectively.

No. 36011/33/1981-Estt.(SCT) dated 5/10/1981

No. 36012/22/93-Estt.(SCT) dated 8/09/1993

No. 36012/22/93-Estt.(SCT) dated 22/10/1993

No. 36012/2/1996 Estt (Res) dated 2/07/1997

2. Reservation in Direct Recruitment in Group C&D attracting local candidates

Reservation for the Scheduled Castes and Scheduled Tribes in case of direct recruitment to Group C and Group D posts, normally attracting candidates from a locality or a region, was fixed on the basis of proportion of their population in the respective States/UTs, vide OMs, dated 5.7.2005, 4.7.2007, as under:

Sl.No.	Name of the State/UT	Percentage of Reservation		
		Scheduled Castes	Scheduled Tribes	Other Backward Classes
(1)	(2)	(3)	(4)	(5)
01	Andhra Pradesh	16	7	27
02	Arunachal Pradesh	1	45	0
03	Assam	7	12	27
04	Bihar	16	1	27
05	Chhattisgarh	12	32	6
06	Goa	2	12	18
07	Gujarat	7	15	27
08	Haryana	19	0	27
09	Himachal Pradesh	25	4	20
10	Jammu & Kashmir	8	11	27
11	Jharkhand	12	26	12
12	Karnataka	16	7	27
13	Kerala	10	1	27
14	Madhya Pradesh	15	20	15

15	Maharashtra	10	9	27
16	Manipur	3	34	13
17	Meghalaya	1	44	5
18	Mizoram	0	45	5
19	Nagaland	0	45	0
20	Orissa	16	22	12
21	Punjab	29	0	21
22	Rajasthan	17	13	20
23	Sikkim	5	21	24
24	Tamil Nadu	19	1	27
25	Tripura	17	31	2
26	Uttaranchal	18	3	13
27	Uttar Pradesh	21	1	27
28	West Bengal	23	5	22
29	Andaman & Nicobar Islands	0	8	27
30	Chandigarh	18	0	27
31	Dadra & Nagar Haveli	2	43	5
32	Daman & Diu	3	9	27
33	Delhi	15	7.5	27
34	Lakshadweep	0	45	0
35	Pondicherry	16	0	27

(OM.No. 36017/1/2004-Estt(Res) dated 5/07/2005)

(OM No. 36017/1/2007-Estt(Res) dated 4/07/2007)

Note : The expression 'by open competition' means all recruitments by Union Public Service Commission (UPSC), whether through written examination or by interview or by both; and recruitments made by other authorities, including Staff Selection Commission, or any other appointing authority through written competitive examination or tests (but not by interview alone). Any recruitment not made by the UPSC or not made through written competitive test held by any other authority would mean direct recruitment otherwise than by open competition.

(OM No. 36034/2/2013-Estt(Res) dated 8/04/2013)

3. Exclusion of Creamy Layer from amongst OBCs:

Members of the Other Backward Classes, who fall in creamy layer, shall not get the benefit of reservation. Criterion for determining creamy layer status amongst Other Backward Classes is, as under:

CRITERION FOR DETERMINING CREAMY LAYER

[O.M.No.36012/22/93-Estt(SCT) dated 08/09/1993 as amended from time to time]

Category	Description of Category	Who will fall in Creamy Layer
1.	2	3
I.	CONSTITUTIONAL POSTS	Son(s) and daughter(s) of a. President of India; b. Vice President of India; c. Judges of the Supreme Court and of the High Courts; d. Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India; e. Persons holding Constitutional positions of like nature.
II.	SERVICE CATEGORY A. Group A / Class I officers of the All India Central and State Services (Direct Recruits)	Sons(s) and daughter(s) of a. parents, both of whom are Class I officers; b. parents, either of whom is a Class I officer; c. parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation. d. Parents, either of whom is a Class I officers 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.

		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. 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 & State Services (Direct Recruitment)	Son(s) and daughter(s) of a. Parents both of whom are Class II officers. b. parents of whom only the husband is a Class II officers 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 International Organisation like 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 recruit or pre-forty promoted) and the wife is a Class II officers 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. 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.
	C. Employees in Public Sector Undertakings etc.	The criteria enumerated in A&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 FORCES (Persons holding civil posts are not included)	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; Provided that :- i. If the wife of an Armed Forces Officers 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. II. Persons engaged in trade, business and industry.	Criteria specified against Category VI will apply:- Criteria specified against Category VI will apply: Explanation: i. Where the husband is in some profession and the wife is in Class II or lower grade employment, the income / wealth test will apply only 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 holdings	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 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. Plantations i. Coffee, tea, rubber, etc. ii. Mango, citrus, apply plantations etc.	Criteria of income / wealth specified in Category VI below will apply. Deemed as agricultural holding and hence criteria at A above under this Category will apply.

	C. Vacant land and / or buildings in urban areas or urban agglomerations	Criteria specified in Category VI below will apply. 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) of a. Persons having gross annual income of Rs. 8 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax 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.

Further, a clarificatory letter dated 14.10.2004 addressed to the Secretaries of all States/UTs with regard to the aforesaid OM dated 8.9.1993 was also issued.

No. 36012/22/93-Estt.(SCT) dated 8.9.1993

Letter No. 36033/5/2004-Estt (Res.) dated 14/10/2004

No. 36033/1/2013-Estt (Res.) dated 13/09/2017

4 Establishment of equivalence of posts in respect of employees of PSUs, Banks, PSICs and PFIs

Department of Public Enterprises (DPE) and Department of Financial Services (DFS) vide OM dated 25.10.2017 and 06.12.2017 respectively have issued guidelines establishing equivalence of the posts in Central Public Sector Enterprises (CPSEs), Public Sector Banks (PSBs), Public Sector Insurance Companies (PSICs) and Public Financial Institutions (PFIs) vis-à-vis posts in Central Government, which have been have been circulated by DoPTto the Chief Secretaries of all States/ Union Territories vide OM No. 36033/2/2018-Estt.(Res.) dated 08.06.2018.

No. 36033/2/2018-Estt.(Res.) dated 08/06/2018

5. Reservation in Promotion

Reservation is provided at 15% and 7.5% to Scheduled Castes and the Scheduled Tribes, respectively, (i) in promotions through Limited Departmental Competitive Examination in Group B, C & D (ii) in promotion by selection in Group B, C & D and from Group B to the lowest rung of Group A and (iii) in promotion on the basis of Seniority subject to fitness in all Groups i.e. Group A, B, C & D (in all these cases). Reservation in posts by promotion, as indicated above, should be made applicable to all grades or services, in which the element of direct recruitment, if any, does not exceed 75%.

No. 36012/17/88-Estt.(SCT) dated 25/04/1989

6. Spirit of O.M., dated 12.04.2022, regarding Reservation in Promotion

In pursuance of the Hon'ble Supreme Court judgement, dated 28.1.2022, in *Jarnail Singh* batch of cases, an OM, dated 12.4.2022, has been issued, as per the opinion of Ld. Attorney General, which mandates the Ministries/Departments to satisfy certain condition before implementing the policy of reservation in promotions. These conditions, *inter alia*, are as follows:

(i) Collection of quantifiable data regarding inadequacy of representation of SCs and STs; (ii) Application of this data to each cadre separately;(iii) Maintenance of reservation roster, as per DoPT OM, dated 2.7.1997;(iv) DPC to carefully assess the suitability of officers being considered for promotion to ensure administrative efficiency; (v) The Appointing Authority to ensure that all the conditions laid down in the OM, dated 12.4.2022, are complied with before issuing any promotion order. Since the *Jarnail Singh* batch of cases is pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

(OM No.36012/16/2019-Estt. (Res.) dated 12.4.2022)

B. SCOPE OF RESERVATION

1. Reservation in Scientific and Technical Posts

Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes apply to appointments made to "scientific and technical" posts up to and including the lowest grade of Group A in the respective services.

Such 'scientific and technical' posts as satisfy all the following conditions, can be exempted from the purview of the reservation orders by the Ministries/Departments:

(i) The posts should be in grades above the lowest grade in Group A of the service concerned.

(ii) They should be classified as 'scientific or technical' in terms of Cabinet Secretariat (Department of Cabinet Affairs) [**O.M. No. 85/11/CF-61(1) dated 28-12-1961**] according to which scientific and technical posts for which qualification in the natural sciences or exact sciences or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties.

(iii) The posts should be 'for conducting research' or 'for organizing, guiding and directing research'.

Orders of the Minister concerned should be obtained before exempting any posts satisfying the above conditions from the purview of the scheme of reservation.

Reservation, however, is not applicable to the posts available in the Department of Space & Department of Electronics and with regard to recruitment of trainees to the training school of the Department of Atomic Energy. In respect of them, the orders prior to 1975 will continue to apply.

In the case of scientific and technical posts required for research up to and inclusive of lowest grade of Group A of a service which are not exempt from the purview of reservation orders, reservation should be provided for Scheduled Castes, Scheduled Tribes and Other Backward Classes as per the scheme of reservations, except that:

i. reserved vacancies in such posts need be advertised only once and not twice;
ii. In the event of non-availability of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, vacancies in such posts may be de-reserved by the administrative Ministry/Department concerned. However, the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes or the National Commission for Backward Classes, as the case may be, and the Department of Personnel and Training should be informed about the de-reservation together with the details and reasons necessitating de-reservation.

[O.M.No.9/2/73-Estt(SCT) dated 23/06/1975]

[O.M.No.36012/27/1994-Estt(SCT) dated 13/05/1994]

2. Reservation in Posts of Industrial Workers

The industrial establishments of the Government of India and the posts and grades in such establishments, whether these have been classified as group A, B, C and D or not, are covered by the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes.

[O.M.No.8/7/1974-Estt.(SCT) dated 22/08/1975]

3. Reservation in Work-Charged Posts

The principle of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes should generally be suitably applied to the extent possible, to work-charged posts also except those required for emergencies like flood relief work, accident restoration and relief etc. The percentages of reservation in such appointments may correspond to what is applicable to Group C and Group D posts.

[O.M.No.36021/9/1976-Estt.(SCT) dated 10/02/1977]

4. Reservation in Appointments of Daily Rated Staff

While it may not be practical to apply the reservation orders in toto in respect of daily rated staff, it should be ensured that persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes are recruited in such manner as their overall representation does not go below the prescribed percentage of reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes respectively.

[O.M.No.36011/18/81-Estt.(SCT) dated 16/07/1981]

5. Reservation in Ad-hoc Promotions

As a matter of basic approach, ad-hoc promotions should be avoided. However, if ad-hoc promotions are to be made in exceptional circumstances, such as during pendency of court cases, protracted seniority disputes, non-framing of recruitment rules, unforeseen delay in direct recruitment or convening of DPCs for reasons beyond the control of the appointing authority etc., following guidelines may be followed on every occasion when ad-hoc promotions are resorted to so as to ensure that the claims of eligible officers belonging to Scheduled Castes and Scheduled Tribes are also duly considered:

i. In cases where reservation orders for SCs and STs are applicable, the number of vacancies falling to the share of SCs and STs would be the same if the vacancies were to be filled on regular basis.
ii. Since ad-hoc promotions are made on the basis of non-selection, all the Scheduled Caste/Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which ad-hoc promotions are to be made, should be considered in the order of their general seniority as per the gradation list, on the principle of seniority-cum-fitness and if they are not adjudged unfit, they should all be promoted on ad-hoc basis.
iii. If the number of SC/ST candidates found fit within the range of actual vacancies is less than the number of vacancies identified as falling to their share if the vacancies were filled on a regular basis, additional SC/ST candidates to the extent required should be located by going down the seniority list, provided they are eligible and found fit for such ad-hoc appointment.
iv. All ad-hoc appointees have to be replaced by regular incumbents at the earliest opportunity. When regular promotions are made subsequently, reversion of the ad-hoc appointees should take place strictly in the reverse order of seniority, the junior-most candidate being reverted first. No special concessions are to be given to SC/ST candidates at the time of such reversion.
v. There is no need for maintaining any separate formal register or roster register for ad-hoc promotions. The concept of de-reservation, carrying forward of reservation etc. will also not be applicable in the case of ad-hoc appointments. However, a simple register called Ad-hoc Promotions Register may be maintained for different categories of posts for which ad-hoc appointments are made to facilitate a record being kept of the ad-hoc appointments and for ensuring reversion in the proper order on regular promotions being made to the posts in question.

[No. 36011/14/83-Estt.(SCT) dated 30/04/1983]

[O.M.No.36012/27/2000-Estt.(Res) 15/03/2002]

6. Reservation in case of a Single Vacancy

The concept of reservation in single vacancy has been clarified vide OM No. 1/9/74-Estt. SCT dated 29.4.1975. The OM dated 29.4.1975 provides that in cases where only one vacancy occurs in the initial recruitment year and the corresponding roster point happens to be for a Scheduled Caste and Scheduled Tribes, it should be treated as unreserved and filled accordingly and the reservation carried forward to subsequent three recruitment years. In the subsequent year(s), even if there is only one vacancy, it should be treated as "Reserved" against the carried-forward reservation form the initial recruitment year and a Scheduled Caste/Scheduled Tribes candidate, if available, should be appointed against that vacancy, although it may happen to be the only vacancy in that recruitment year(s). For instance, if a single vacancy arises in the initial recruitment year 1975, and it falls at a reserved point in the roster, it will be treated as 'unreserved' and filled accordingly in that year but the reservation would be carried-forward to subsequent recruitment year(s). In the first subsequent year, i.e. 1976, if, again a single vacancy occurs, then it should be treated as reserved against the reservation carried-forward from 1975, and a Scheduled Caste/Scheduled Tribes candidate, as the case may be, should be appointed against that vacancy, in spite of the fact that the vacancy happens to be the only vacancy in that recruitment year. In the event of a Scheduled Caste/Scheduled Tribes candidate not being available to fill the reserved vacancy in 1976, the reservation would be further carried-forward to 1977

and 1978, when also a single vacancy, if any, arising in those years should be treated as "reserved" against the carried-forward reservation, whereafter, the reservation will lapse. The year in which no vacancy arises will be ignored for counting the effective years towards the period of carry-forward.

If a single vacancy falls at a reserved point for SC/ST and is filled by SC/ST candidate on the basis of own merit or seniority, it need not be treated as unreserved and reservation should not be carried forward. Further, if a single vacancy falls at a reserved point for SC/ST and is filled by a candidate of the other reserved community on the basis of his own merit or seniority, as the case may be, the vacancies will be treated as unreserved and treated as if it is filled by a general category candidate and the vacancy shall also be carried forward.

[1/9/74Estt.(SCT) dated 29/04/1975]

[36011/39/81-Estt.(SCT) dated 30/11/1981]

In cadres having more than 13 posts, number of posts filled by reservation by any category at any point of time should ideally be equal to the quota determined as per percentage of reservation prescribed for that category. Whenever the posts are filled, efforts have to be made to complete reservation quota for SCs/STs/OBCs in case of direct recruitment and for SCs/STs in case of promotion so that the number of posts filled by reservation by SCs, STs and OBCs as the cases may be, in the cadre is equal to the number of posts earmarked for them. It means that if reservation quota is not complete, efforts would be made to complete the reservation quota whenever the recruitments are made I the cadre. Thus, reservation would not lapse in case of post-based reservation for the reason that reserved posts could not be filled for a specified number of years.

In cadres having 13 or less number of posts where 14 point L-shaped roster are applied, if a reserved vacancy is filled by a candidate belonging to other community after dereservation, the reservation will be carried forward for subsequent recruitment year. Such carry forward of reservation would be permitted for three subsequent recruitment years. In the third year of carried forward of reservation, the vacancy will be treated reserved for the concerned category, but if it cannot be filled by reservation in the third year of carried forward of reservation by a candidate of the concerned category, reservation will be treated as lapsed and it will be filled as an unreserved vacancy.

(OM No. 36012/17/2002 Estt.(Res) dated 06/11/2003)

NOTE: For dereservation of vacancy, instructions issued vide OM No. 3602012/2007-Estt(Res) dated 7/12/2009 may be referred, which was issued after 2.7.1997 when the instructions for introduction of post based reservation roster was issued vide OM No. 36012/2/96-Estt (Res.) dated 02/07/1997

7. Reservation in PSUs, Autonomous Bodies etc

Instructions contained in this Compendium relate to reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in posts/services under the Government of India. The Public Sector Undertakings, Statutory and Semi-Government Bodies, Autonomous Bodies/Institutions, including Municipal Corporations, Cooperative Institutions, Universities etc. under the control of the Government, may make reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services on the lines of the reservations in services under Government. The Department of Public Enterprises, Ministry of Heavy Industries and Public Enterprises may arrange for issue of suitable directives to the various public sector undertakings, through the administrative Ministries concerned for making reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services. The Ministries/Departments should take suitable action to provide for reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the services of the autonomous bodies/institutions which are receiving grants-in-aid from the Government of India by making suitable provision in the relevant statutes or in the Articles of Association of the respective bodies.

[O.M.No.39/40/74(SCT)(I) dated 30/09/1974]

8. Reservation in Voluntary Agencies

The Ministries/Departments should insist as a pre-condition to the sanction of grants-in-aid from Central Government to a non-Government organizations/ voluntary agency etc. that it shall provide reservation to the extent of 15% to SCs, 7.5% to STs and 27% to OBCs in case of direct recruitment on all India basis and as shown in the table under in case of direct recruitment to posts normally attracting candidates from a locality or region where:

a. The recipient body employs more than 20 persons on a regular basis and at least 50 percent of its recurring expenditure is met from grants-in-aid from the Central Government; and
b. The body is a registered society or a cooperative institution and is in receipt of a general purpose annual grants-in-aid of Rs.2lakh and above from the Consolidated Fund of India.

A clause providing for reservations in the services under the voluntary agencies should be included in the terms and conditions under which such voluntary agencies /organizations etc. are given grants-in-aid by Government, somewhat on the following lines:

"…….(Name of Organization/ Agency etc.) agrees to make reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the posts/services under its control on the lines indicated by the Government of India."

While sanctioning grants-in-aid to various voluntary agencies the progress made by such agencies in employing Scheduled Caste, Scheduled Tribe and Other Backward Class candidates in their services should be kept in view by the administrative Ministries/Departments. The voluntary agencies etc. should be informed that the progress in respect to the employment by them of Scheduled Castes, Scheduled Tribes and OBCs in the services under them would be taken into account by Government while sanctioning future grants-in-aid to them.

[O.M.No.27/12/73-Estt.SCT) dated 7/10/1974]

9. Reservation in temporary appointments lasting for 45 days or more

In respect of appointments to Central Government posts and services, there shall be reservation for Scheduled Caste/Scheduled Tribe/ Other Backward Class candidates in temporary appointments which are to last for 45 days or more.

[27/4/67(II)-Estt.(SCT) dated 24/09/1968]

[36036/3/2018-Estt.(Res.) dated 15/05/2018]

[41034/4/2022-Estt.(Res-I) dated 21/11/2022]

C. RELAXATIONS AND CONCESSIONS

1. Concession in Promotions within Group A

There is no reservation in case of promotion by 'selection' from a Group A post to another Group A post. But when promotion by 'selection' is made from a Group A post to a Group A post carrying Grade pay of Rs.8700/- or less, the Scheduled Caste and Scheduled Tribe Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list, provided they are not considered unfit for promotion. Their position in the select list would, however, be same as assigned to them by the Departmental Promotion Committee on the basis of their record of service.

[O.M No. 36028/8/2009-Estt(Res) dt.7/06/2013]

2. Consideration for Appointment by Deputation and Absorption

Reservations do not apply to posts filled by deputation or absorption, but whenever a Ministry/Department/Attached Office/Subordinate Office etc. proposes to depute, in public interest, officers serving under them, to a post in or under another Ministry/Department etc., the Scheduled Caste/Scheduled Tribe employees serving under them, who are eligible to be sent on deputation should also be considered, along with other eligible employees for such deputation. The Ministries/Departments, under whose control the posts to be filled by deputation or absorption arise, should also, while selecting persons for such post(s), duly consider the cases of eligible Scheduled Caste and Scheduled Tribe employees whose names have been forwarded, for appointment on deputation or absorption to those posts. Where the number of posts to be filled on deputation or absorption by any employing Ministry or Office is fairly substantial, the employing Ministry/Head of Office concerned should endeavor to see that a fair proportion of such posts is filled by employees belonging to Scheduled Castes/Scheduled Tribes, subject of course, to availability, from the feeder categories, of qualified persons belonging to these communities.

[DP&AR OM No. 36021/6/75-Estt(SCT), dt. 9/10/1975]

[DP&AR O.M No36012/7/77-Estt (SCT) dt. 21/01/1978]

3. Age Relaxation in Direct Recruitment

The maximum age-limit prescribed for direct recruitment to a service or post shall be increased by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes and by 3 years in the case of candidates belonging to OBCs.

[MHA No.15/1/55-SCT dt.30/04/1955]

[OM No. 43013/2/95-Estt(SCT), dt. 25/01/1995]

4. Age Relaxation in Promotion

Where an upper age-limit not exceeding 50 years is prescribed for promotion to a service/post, it shall be relaxed by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes. This, however, would not apply to posts which have arduous field duties or are meant for operational safety and to posts in para-Military Organizations.

[O.M No. 21/9/70-Estt(SCT), dt.8/12/1971]

5. Concession in Fee

The candidates belonging to Scheduled Castes and Scheduled Tribes will not be required to pay any fees for admission to any recruitment examination/selection.

[O.M No. 36011/3/84-Estt(SCT) dt. 1/07/1985]

6. Relaxation of Experience Qualification for SCs and STs in Direct Recruitment

Where some period of experience is prescribed as an essential qualification for direct recruitment to a post, and where, in the opinion of the Ministry/Department concerned, the relaxation of the experience qualification will not be inconsistent with efficiency, a provision should be inserted under the 'Essential Qualification' in the relevant Recruitment Rules as at (a) or (b) below to enable the Union Public Service Commission/competent authority to relax the 'experience' qualification in the case of Scheduled Caste/Scheduled Tribe candidates in the circumstances mentioned in the provisions:-

a. Where the post is filled by direct recruitment through the Union Public Service Commission, the provision to be inserted will be:

> "The qualification regarding experience is relaxable at the discretion of the Union Public Service Commission in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. The appointing authority shall record the reasons for relaxing the qualifications regarding experience in writing while doing so."

b. Where the post is filled by direct recruitment otherwise than through the Union Public Service Commission, the provision to be inserted will be:

"The qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage of selection the competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available

> to fill up the vacancies reserved for them. The appointing authority shall record the reasons for relaxing the qualifications regarding experience in writing while doing

so."

When any vacancies reserved for Scheduled Castes and Scheduled Tribes are advertised or intimated to the Employment Exchange, it should be specifically mentioned in the advertisement/requisition that the period of experience prescribed is relaxable, at the discretion of the Union Public Service Commission or the competent authority, as the case may be, in the case of Scheduled Caste/Scheduled Tribe candidates as provided in the Recruitment Rules. This is intended to ensure that the aspirants who may fall slightly short of the requisite experience may know about the possibility of relaxation in their regard.

[DP&AR O.M No.27/10/71-Estt (SCT) dt. 5/09/1975]

7. Relaxation of Standard of Suitability in Direct Recruitment

In direct recruitment whether by examination or otherwise, if sufficient number of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities should be selected to fill up the remaining vacancies reserved for them, provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes cannot be filled on the basis of general standard, candidates belonging to these communities will be taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/posts in question.

[MHA O.M No. 1/1/70-Estt (SCT), 25/07/1970]

In addition to the concession referred to above, in cases where the requisite number of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates fulfilling even the relaxed standards admissible in their cases are not available to fill the vacancies reserved for them in non-technical and quasi-technical Group C and D services/posts required to be filled by direct recruitment otherwise than by written examination, the selecting authorities should, to the extent of the vacancies reserved for Scheduled Castes/Scheduled Tribe/Other Backward Class, select for appointment the best among the Scheduled Caste/Scheduled Tribe/Other Backward Class candidates who fulfill the minimum educational qualifications laid down in the notice for recruitment of advertisement. In order to bring such candidates to the minimum standard necessary for the posts and for the maintenance of efficiency of administration, they should be given in-service training. The in-service training will be provided by the appointing authorities within their own offices. Such candidates will, on their appointment, be placed on probation and the rules/orders regarding probation will apply to them.

Ministries /Departments should instruct all authorities under them to prepare a list of non-technical and quasi-technical posts in Group C and D to which the provisions given above apply. While

notifying vacancies in such posts or advertising them, it should be indicated that the posts are non-technical in Group C and D.

(**O.M.No 24/7/67(I)-Estt.(SCT) dated 24/09/1968**)

8. No Relaxation in Educational Qualification

Where an educational qualification has been prescribed in the recruitment rules, all candidates including the SC, ST and OBC candidates shall satisfy the said qualification. Sometimes, a minimum number of marks or a minimum grade is prescribed as part of the educational qualification in the recruitment rules. In such cases, the minimum marks/grade so prescribed shall uniformly apply to all candidates including SC, ST and OBC candidates.

[OM No. 36011/8/84-Estt(SCT) dt. 29/05/1985]

9. Relaxation of Standards in Departmental Competitive / Qualifying Examinations

If in case of promotions made through departmental competitive examinations, sufficient number of Schedule Caste / Scheduled Tribe candidates are not available on the basis of general standard to fill all the vacancies reserved for them, Scheduled Caste/Scheduled Tribe candidates who have not acquired the general qualifying standard can also be considered for promotion to fill up the remaining vacancies reserved for them provided they are not found unfit for such promotions. In other words, the qualifying standard in such examinations can be relaxed in favor of Scheduled Caste and Scheduled Tribe candidates if sufficient number of Scheduled Caste/Scheduled Tribe candidates is not available on the basis of general standard to fill all the vacancies reserved for them.

In promotions made on the basis of seniority subject to fitness in which there is reservation for Scheduled Castes and Scheduled Tribes and where a qualifying examination is held to determine the fitness of candidates for such promotion, suitable relaxation in the qualifying standard in such examination should be made in the case of Scheduled Caste/Scheduled Tribe candidates. Similar relaxation of standard should be made in favor of Scheduled Caste/Scheduled Tribe candidates in such departmental qualifying examinations for promotions also, where promotion is made by selection and merit is determined by qualifying examination out of the qualified candidates. The extent of relaxation in above cases should be decided on each occasion whenever such an examination is held taking into account all relevant factors including (i) the number of vacancies reserved, (ii) the performance of Scheduled Caste/Scheduled Tribe candidates as well as general candidates in that examination, (iii) the minimum standard of fitness for appointment to the post, and

also (iv) the overall strength of the cadre and that of the Scheduled Castes and Scheduled Tribes in that cadre.

[DP&AR O.M No. 36021/10/76-Estt(SCT), 21/01/1977]

D. RESERVATION ROSTER, GROUPING OF POSTS, OWN MERIT APPOINTMENT AND COMPASSIONATE APPOINTMENT

1. Post based reservation roster

In '*R. K. Sabharwal And Ors vs State Of Punjab And Ors*', Hon'ble Supreme Court, considered the legal/constitutional validity of the reservation policy, applicable in the matter of promotion of the officers of Engineering cadre in the Irrigation Department of the State of Punjab. Vide its judgement dated 10.2.1995, Hon'ble Supreme Court held, "*When a percentage of reservation is fixed in respect of a particular cadre and the roster indicates the reserve points, it has to be taken that the posts shown at the reserve points are to be filled from amongst the members of reserve categories and the candidates belonging to the general category are not entitled to be considered for the reserve posts. On the other hand the reserve category candidates can compete for the non-reserve posts and in the event of their appointment to the said posts their number cannot be added and taken into consideration for working out the percentage of reservation.*" The Hon'ble Court further held, "*When all the roster-points in a cadre are filled the required percentage of reservation is achieved. Once the total cadre has full representation of the Scheduled Casts/Tribes and Backward Classes in accordance with the reservation policy then the vacancies arising thereafter in the cadre are to be filled from amongst the category of persons to whom the respective vacancies belong*". In pursuance of the aforesaid judgement, DoPT, vide its OM, dated 2.7.1997, has laid down detailed guidelines for maintenance and operation of the post-based reservation roster and also prescribed model reservation rosters. The broad principles to be followed for operation of the rosters are as under:

i. The vacancy-based rosters can operate only till such time as the representation of persons belonging to the reserved categories, in a cadre, reaches the prescribed percentage of reservation. Thereafter, the vacancy based rosters cannot operate and vacancies released by retirement, resignation, promotion etc. of the persons belonging to the general and the reserved categories are to be filled by appointment of persons from the respective category (i.e. post based reservation roster) so that the prescribed percentage of reservation is maintained.

ii. Rosters are only an aid to determine the entitlement of different categories with regard to the quota reserved for them. They are not to determine seniority.
iii. There should be separate rosters for direct recruitment and promotion where reservation in promotion applies.
iv. While cadre is generally to be construed as the number of posts in a particular grade, for the purpose of preparation of roster, it shall comprise posts required to be filled by a particular mode of recruitment in terms of the applicable recruitment rules.
v. Whenever there is any increase or decrease in the cadre strength, the roster shall be correspondingly expanded or contracted. The same will also apply whenever there is a change in recruitment rules which affects the proportion of posts to be filled by a particular mode of recruitment
vi. While operating the roster, persons belonging to communities for whom reservation has been made, but who are appointed on merit and not owing to reservation should not be shown against reserved points. They will occupy the unreserved points.
vii. In the case of small cadres (up to 13 posts) all the posts shall be earmarked on the same pattern as in the model post-based rosters. Initial recruitment against these posts shall be by the category for which the post is earmarked. Replacement of incumbents of posts shall be by rotation as shown horizontally against the cadre strength as applicable. While operating the relevant roster, care will have to be taken to ensure that on no occasion the percentage of reserved category candidates exceed 50%. If such a situation occurs at any time, the relevant reserved point occurring as a result of rotation will be skipped.

However, for detailed instructions, O.M.No.36012/2/96-Estt.(Res.) dated 2/07/1997, may be referred.

2. Manner of filling up of the reserved vacancies

While filling up of vacancies in a year, efforts shall be made to make up the shortfall of reservation for all the three categories, namely, SCs, STs and OBCs subject, however, to the condition that total number of vacancies reserved for SCs, STs and OBCs is not more than 50% of the vacancies of the year.

The ceiling of 50% reservation on filling of reserved vacancies would apply only to the vacancies which arise in the current year and the backlog reserved vacancies of SCs, STs and OBCs in case of direct recruitment and backlog reserved vacancies of SCs and STs in case of promotion of earlier years, would be treated as a separate and distinct group, and would not be considered together with the reserved vacancies of the year in which they are filled for determining the ceiling of 50% reservation on total number of vacancies of that year.

However, backlog and/or carried forward reservation will automatically lapse in a cadre as soon as combined representation of a reserved category in direct recruitment as well as promotion is either equal to or more than the prescribed number of reserved posts in the relevant post-based rosters **(OM No. 36012/5/97-Estt (Res.) (Vol.II) dated 20.7.2000)**.

Note 1: **Shortfall of reservation** of a particular reserved category in a cadre means the difference between the 'total number of reserved posts for that category in the cadre' and 'the number of persons of that category appointed by reservation and holding the posts in the cadre'.

Note 2: Backlog **reserved vacancies** of a category are those vacancies which were earmarked reserved for that category in an earlier recruitment year(s) but remained unfilled in the previous recruitment attempt(s) on account of non availability of suitable candidates belonging to that category and are still lying unfilled.

Given below is an illustration which would clarify the method of earmarking reservation for SCs, STs, and OBCs. Since backlog does not apply to EWS, the EWS category is not finding mention in this example.

i. There is a cadre having a total number of 1000 posts which are filled by direct recruitment on all India basis by open competition. The number of SC, ST and OBC employees appointed by reservation in the cadre should ideally be 150, 75 and 270 respectively when all the posts are filled.
ii. Suppose all the 1000 posts stood filled in the year 2006 but the number of SC, ST and OBC employees appointed by reservation was 130, 75 and 100 respectively. There was, thus, a shortfall of 20 SCs and 170 OBCs in the cadre in that year.
iii. Suppose 200 vacancies occurred in the cadre in the recruitment year 2007, of which 20 were vacated by SCs, 10 by STs and rest by unreserved category candidates. After vacation of these posts, shortfall of SCs, STs and OBCs in the cadre became 40, 10 and 170 respectively. Though there was a big shortfall of SCs, STs and OBCs in the cadre, only 100 of these vacancies could be earmarked reserved because all the 200 vacancies were current vacancies and limit of 50% on reservation in a year would apply on these vacancies.
iv. Shortfall of SCs and OBCs was more than 15% and 27% respectively of the current vacancies. Therefore, 15% of the current vacancies were straightway earmarked reserved for SCs and 27% for OBCs i.e. 30 vacancies were earmarked reserved for SCs and 54 for the OBCs. Shortfall of STs was 10 which is less than 7.5% of total vacancies. Therefore, only 10 vacancies were earmarked reserved for STs. Applying the above principle, 94 vacancies were earmarked reserved. This left room for 6 {100-(30+54+10)} more vacancies to be earmarked reserved to make up the shortfall. These 6 vacancies were apportioned between SCs and OBCs in the ratio of percentage of reservation prescribed for these categories viz. 15: 27, i.e. 2 for SCs and 4 for OBCs (fractions rounded off to the nearest whole number). However, while making such distribution, it has to be kept in view that the number of vacancies earmarked reserved for any category is not more than the shortfall of that category. Thus, final earmarking of reservation in respect of the vacancies for the year 2007 was 32 for SCs, 10 for STs and 58 for OBCs.
v. Suppose only 20 SC candidates, 5 ST candidates and 50 OBC candidates could be appointed in the recruitment year 2007 against the vacancies reserved for them. Thus, 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved could not be filled and remained vacant. These 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved but remained vacant in the recruitment attempt will be treated as backlog reserved vacancies for the subsequent recruitment year. After the recruitment process for the year 2007 was over, total number

of posts filled was 975, of which 130, 70 and 150 were held respectively by SCs, STs and OBCs. It may be noted that shortfall of reservation of SCs, STs and OBCs at this stage was 20, 5 and 120 respectively. However, number of backlog reserved vacancies of SCs, STs and OBCs was 12, 5 and 8 respectively.

vi.Suppose 200 vacancies occurred in the recruitment year 2008 of which 20 were vacated by SCs, 10 by STs and 20 by OBCs. At this stage shortfall of SCs, STs and OBCs was 40, 15 and 140 respectively. Total vacancies in the year were 200+12+5+8=225, of which 200 were current vacancies and 25 backlog vacancies. While earmarking reservation, 25 backlog reserved vacancies of SCs, STs and OBCs will be treated as a separate and distinct group and will be kept reserved-12 for SCs, 5 for STs and 8 for OBCs. Of the 200 current vacancies, not more than 100 can be earmarked reserved. By applying the same principles as in the year 2007, out of 200 current vacancies, 28 were earmarked reserved for SCs,10 for STs and 62 for OBCs. Thus the number of vacancies reserved for SCs, STs and OBCs in the recruitment year 2008, including the backlog reserved vacancies, were 40, 15 and 70 respectively. If only 35 SCs, 12 STs and 50 OBCs become available to fill up the reserved vacancies, 5 vacancies of SCs, 3 vacancies of STs and 20 vacancies of OBCs will be kept vacant and will be treated as backlog reserved vacancies for the subsequent recruitment year.

(O.M.No.36033/1/2008-Estt.(Res.) dated 15/07/2008)

(OM No. 36012/5/97-Estt (Res.) (Vol.II) dated 20/07/2000)

3. Non- permissibility of exchange of reservation between SCs and STs

After the introduction of post-based reservation, various ministries/departments have been seeking clarification whether it is possible to fill up a post reserved for Scheduled Tribes by a Scheduled Caste candidate or vice versa by applying the principle of exchange of reservation between Scheduled Castes and Scheduled Tribes as was possible when vacancy-based rosters were in vogue.

2. Basic principle of post-based reservation is that the number of posts filled by reservation by any category in a cadre should be equal to the quota prescribed for that category. If exchange of reservation between SCs and STs is permitted, number of employees of one reserved category of employees appointed by reservation will go beyond reservation prescribed for that category. It would be against the spirit of post-based reservation. Therefore, after introduction of post-based reservation, it is not permissible to fill up a post reserved for Scheduled Tribes by a Scheduled Caste candidate or vice-versa by exchange of reservation between SCs and STs.

(OM No.36012/17/2002-Estt.(Res) dated 6/11/2003)

4. Grouping of Posts

In the case of posts filled by direct recruitment, isolated posts and small cadres may be grouped with posts in the same class for the purpose of reservation orders taking into account the status, salary and qualifications prescribed for the posts in question.

For the purposes of determining the reservation, the vacancies occurring in various constituents of the Group may be plotted on the roster strictly in a chronological order i.e. sequence of date of occurrence.

While reservations would be made according to the groups as provided above, the total reservation in any of the posts/services so grouped should not exceed 50 per cent of the vacancies to be filled in it i.e. in the particular post/service, in a recruitment year. The total reservation for SCs, STs and OBCs in any post or service should also not exceed 50 percent of the total number of posts in the particular post/service.

(OM No. 1/4/1970-Estt (SCT) dated 11/11/1971)

(OM No. 8/1/1974-Estt (SCT) dated 12/12/1974)

(OM No. 36011/17/85-Estt.(SCT), dated the 23/07/1985)

5. Appointment of SC/ST/OBC on Own Merit

i. **Own Merit in direct recruitment:** In case of direct recruitment, SC/ST/OBC candidates, who are selected on the same standard as applied to general candidates i.e. without relaxation in age limit, experience qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided to the general category candidates etc., shall not be adjusted against reserved vacancies.

(OM No. 36011/1/98-Estt (Res) dated 1/07/1998)

ii. **Own Merit in promotion:** In case of promotion, the instructions relating to own merit are as under:

- The SC/ST candidates appointed by promotion on their own merit and not owing to reservation or relaxation of qualifications will not be adjusted against the reserved points of the reservation roster. They will be adjusted against unreserved points.
- If an unreserved vacancy arises in a cadre and there is any SC/ST candidate within the normal zone of consideration in the feeder grade, such SC/ST candidate cannot be denied promotion on the plea that the post is not reserved. Such a candidate will be considered for promotion along with other candidates treating him as if he belongs to general

category. In case he is selected ,he will be appointed to the post and will be adjusted against the unreserved point.

- SC/ST candidates appointed on their own merit (by direct recruitment or promotion)and adjusted against unreserved points will retain their status of SC/ST and will be eligible to get benefit of reservation in future/further promotions, if , any.
- 50% limit on reservation will be computed by excluding such reserved category candidates, who are appointed/promoted on their own merit.
- The principle of Own Merit will apply whether the promotion is made by selection method or non-selection method.

(OM No.36028/17/2001 – Estt (Res.) dated 11/07/2002)

(OM No.36028/17/2001 – Estt (Res.) dated 31/01/2005)

(OM No. 36012/45/2005-Estt. (Res.) dated 10/08/2010)

Note: DoPT OM dated 10.8.2010 regarding promotion of SC/ST on Own Merit is presently sub judice before the Hon'ble Supreme Court in the SLP No. 30621/2011 titled *'Jarnail Singh &Ors Vs. LachhmiNarain Gupta &Ors.'*.

6. Adjustment of Compassionate Appointees

A person selected for appointment on compassionate grounds should be adjusted in the reservation register/ reservation roster register against the appropriate category viz. SC/ST/OBC/UR category, depending upon the category to which he belongs. For example, if he belongs to SC, he shall be adjusted against a vacancy reserved for SCs. Similarly if he is an ST or OBC candidate, he shall be adjusted against vacancy reserved for STs or OBCs, as the case may be. An unreserved category candidate shall be adjusted against an unreserved vacancy.

(O.M.No.14014/6/1995-Estt(D) dated 26/09/1995)

E. DE-RESERVATION

1. DE-RESERVATION

A vacancy reserved for SCs or STs or OBCs cannot be filled by a candidate other than an SC or ST or OBC candidate, as the case may be. However, a reserved vacancy may be declared unreserved in exceptional cases, by following the procedure of de-reservation, as given below where-after it can be filled as an unreserved vacancy.

De-reservation in case of Direct Recruitment

There is a general ban on de-reservation of reserved vacancies in case of direct recruitment. However, in rare and exceptional cases when a vacancy in a Group 'A' service cannot be allowed to remain vacant in public interest, the administrative Ministry/Department may prepare a proposal for de-reservation of the vacancy giving following information:

i. Designation of the post;
ii. Pay scale of the post;
iii. Name of the service to which the post belongs;
iv. Duties and responsibilities attached to the post;
v. Educational and other qualifications prescribed for the post;
vi. Efforts made to fill up the post;
vii. Reasons why it cannot be allowed to remain vacant;
viii. Justification for de-reservation; and
ix. Any other relevant information.

The administrative Ministry shall consult the National Commission for Scheduled Castes in respect of vacancy reserved for SCs, the National Commission for Scheduled Tribes in respect of vacancy reserved for STs and the National Commission for Backward Classes in respect of vacancy reserved for OBCs. After obtaining the comments of the concerned Commission, the administrative Ministry/Department shall place the proposal alongwith the Commission's comments before a Committee comprising of the Secretaries in the Department of Personnel and Training, the Ministry of Social Justice and Empowerment, and the Ministry/Department under which the recruitment is to be made for consideration and recommendation. The recommendations of the Committee shall be placed before the Minister in charge of the Department of Personnel and Training for taking a final decision. If de-reservation of the vacancy is approved, it can be filled as an unreserved vacancy.

De-reservation in case of Promotion

In case of promotion, if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be de-reserved and filled by the candidates of other communities. The power to accord approval to de-reservation of the reserved vacancies in such

cases is delegated to the administrative Ministries and Departments subject to the following conditions:

i. no candidate belonging to the category for which the vacancy is reserved is available within the zone of consideration or extended zone of consideration or eligible for promotion in the feeder cadre(s) specified in the relevant service / recruitment rules / orders;
ii. the proposal for de-reservation has been seen and concurred in by the Liaison Officer of the Ministry / Department;
iii. the proposal for de-reservation is agreed to at a level not lower than that of Joint Secretary to the Government of India, in the administrative Ministry / Department (proper)concerned; and
iv. in the event of disagreement between the appointing authority and the Liaison Officer, the advice of the Department of Personnel & Training is obtained.

Before taking a decision to de-reserve a vacancy under the delegated powers, the administrative Ministry / Department shall prepare a proposal in the proforma given in the **Annexure** and send one copy thereof each to the Department of Personnel & Training and the National Commission for Scheduled Castes in respect of vacancies reserved for SCs and to the National Commission for Scheduled Tribes in respect of vacancies reserved for STs. After sending the proposal, the Ministry / Department shall wait for a period of at least two weeks for the comments of the Department of Personnel & Training and the concerned National Commission. If no comments are received from the Department of Personnel & Training or the concerned Commission within two weeks, the administrative Ministry / Department may presume that the DOPT or the concerned National Commission, as the case may be, do not have any comments to offer and may take a decision regarding de-reservation of the vacancy. In case the Ministry / Department receives comments from the DOPT or the concerned Commission within two weeks, the comments so received shall be considered while taking a decision in the matter.

While sending the copy of the proposal to the Commissions / Department of Personnel & Training, it should be ensured that the proposal / proforma duly filled in is signed by an officer of the rank of Under Secretary or above in the administrative Ministry / Department.

The Attached / Subordinate Offices etc. should not send the proposal direct to the Department of Personnel and Training or to the concerned National Commission. They should send the proposal to the administrative Ministry/ Department who will examine the proposal and send it to the Department of Personnel and Training and to the concerned National Commission.

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Annexure

PROPOSAL FOR DE-RESERVATION OF VACANCIES RESERVED FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN POSTS FILLED BY PROMOTION.

1. Name of the Office/Organisation to which the post (s) relate	
2. Particulars of the post in which vacancies are proposed to be de-reserved (a) Name of the post (b) Group (Class) (c) Scale of Pay	
3. Information about posts in the promotion quota (a) Mode of promotion viz by Selection or Non-Selection or by Departmental Examination etc. (b) No. of posts already filled by the given mode of promotion (c) Number of backlog reserved vacancies in respect of the given mode of promotion (d)Number of current vacancies to be filled by the given mode of promotion (e) Total number of vacancies to be filled (current vacancies + backlog vacancies) by the given mode of promotion (f) Total number of posts in the given mode of promotion (b+e)	SCs……. STs……Total…….
4. No. of posts already held by the candidates appointed by reservation in the cadre	SCs……. STs…….
5. If cadre strength is less than 14 and reservation is given by rotation, cycle no. and point no. of the roster on which the vacancy falls	Cycle No……Point No…….

6. Number of vacancies earmarked reserved (a)Out of the current vacancies (b) Backlog reserved vacancies (c)Total reserved vacancies (a+b)	SCs……. STs……. SCs……. STs……. SCs……. STs…….
7. Number of vacancies proposed to be de-reserved	SCs……. STs……

8. <u>If promotion is by non-selection</u> (a) Whether the SC/ST candidates who are eligible for promotion including those holding lower positions in the general seniority list were considered for promotion (b) Total number of SC/ST candidates in the feeder grade (c) No. of eligible SC/ST candidates in the feeder grade (d) Number of SC/ST candidates considered fit for promotion (e) Number of SC/ST candidates considered not fit for promotion (f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior most SC/ST candidate in the grade will become eligible for promotion	SCs.....STs..... SCs.....STs..... SCs.....STs..... SCs.....STs..... SCs.....STs.....

9. <u>If promotion is by selection</u> (a) Size of the normal zone of consideration (b) Size of the extended zone of consideration for SCs/STs (5 times the total number of vacancies) (c) Number of eligible SC/ST candidates in the extended zone of consideration (d) Number of SC/ST candidates found fit for promotion (e) Number of SC/ST candidates considered not fit for promotion (f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior–most SC/ST candidate will become eligible for promotion and his place in the seniority list	SCs……STs…… SCs……STs…… SCs……STs…… SCs……STs……
10. If promotion is through Departmental Qualifying or Departmental Competitive Examination, the number of SC/ST candidates who qualified the examination	SCs……..STs……
11. Whether other category candidates are available in the Select List for appointment to the vacancies sought to be de-reserved	
12(a)Whether SC/ST candidates considered unfit had any adverse entries in their C.R.s considered by the DPC (b) If yes, whether such adverse entries were communicated in time to the SC/ST officer (s) concerned (c) Whether the cases of the eligible SC/ST candidates not found fit for promotion were submitted / reported to the Minister / Minister of State / Deputy Minister / Secretary / Head of the Department, as the case may be	
13. Where interviews are prescribed, whether SC/ST	

candidates were interviewed on a day or sitting of theSelection Committee other than the day / sitting on / in which general candidates were interviewed	
14(a) If ex-post-facto approval is sought to the de-reservation of vacancies, the reasons why proposal for prior de-reservation was not made, and what steps have been taken to prevent its recurrence	
(b)The level at which it was decided to fill the reserved vacancies by other category candidate (s) without prior de-reservation	

It is certified

(1) that the proposal for de-reservation is agreed to at the level of Joint Secretary to the Government of India in the administrative Ministry / Department.

(2) that the proposal has been seen and concurred in by the Liaison Officer of the Ministry / Department.

(3) that copies of this proposal are simultaneously being sent to the National Commission for Scheduled Castes / National Commission for Scheduled Tribes and the Department of Personnel & Training.

Signature.....

Name of the Signing Officer.....

Designation.....

Tele. No.....

No._____

Date_____

To

1. Department of Personnel & Training, New Delhi.

National Commission for Scheduled Castes / National Commission for Scheduled Tribes.

(OM No. 3602012/2007-Estt(Res) dated 7/12/2009)

NOTE: DoPT does not encourage dereservation of reserved vacancies. On receiving the proposal from the Ministries/Departments, they are advised by DoPT to explore the possibility of filling up the reserved vacancy by other mode of recruitment as per provision of the Recruitment Rules.

F. VERIFICATION OF THE CASTE/COMMUNITY/TRIBE CERTIFICATE

1. Responsibility for issue and verification of caste/community/tribe certificate lies with the concerned State/UT Government

The responsibility for issue and verification of caste/community lies with the concerned State/UT Government. Hon'ble Supreme Court, vide its judgement, dated 2.9.1994, in the matter of 'Kumari Madhuri Patil vs Addl. Commissioner', has held that the admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates, as enjoined in the Constitution, of the benefits conferred on them by the Constitution. Accordingly, in order to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, the Hon'ble Supreme Court, vide its aforesaid judgement, has laid down detailed criteria/guidelines to be followed by the State Governments for the issuance of social status certificates, their scrutiny and their approval.

2. Authorities competent to issue caste/tribe/community certificates

DoPT, vide OM No. 36012/6/88-Estt (SCT) dated 24.4.1990 and letter No. 36012/22/93-Estt (SCT) dated 15.11.1993 had prescribed authorities in the States/UTs for issuance of Caste/Tribe/Community certificates in respect of SC/ST/OBC. However, it has come to the notice of this Department that in some States, such Certificates have not been issued by the authorities prescribed by this Department leading to avoidable hardship for the candidates.

2. As already stated above, the responsibility for issue and verification of caste/community certificate lies with the concerned State Government/UT Administration and that the Hon'ble Supreme Court, vide its judgement dated 2.9.1994 in the matter of 'Kumari Madhuri Patil vs Addl. Commissioner', has already laid down detailed guidelines to be followed by the State Government to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval. The State Governments/UT Administrations are required to streamline the procedure for issuance and verification of Caste/Tribe/Community certificates in respect of SC/ST/OBC keeping in view the directions of the Hon'ble Supreme Court vide its order in 'Kumari Madhuri Patil vs Addl. Commissioner'.

3. In view of the aforesaid judgement of the Hon'ble Supreme Court, it has been decided to delegate the powers to the State Government/UT Administration to decide the authorities competent to issue the Caste/ Tribe /Community certificates in respect of SC/ST/OBC. The State Governments/UT Administrations shall upload on their website the details of the authorities competent to issue such caste/tribe/community Certificate. The earlier instructions issued vide OM No. 36012/6/88-Estt (SCT) dated 24.4.1990 and letter No. 36012/22/93-Estt (SCT) dated 15.11.1993 with regard to the authorities prescribed for issuance of Caste/Tribe/Community certificates in respect of SC/ST/OBC are modified to that extent.

4. The format of caste/tribe certificate in respect of Scheduled Castes/Tribes is at Annexure I and the format of community certificate in respect of Other Backward Classes is at Annexure II.

(DoPT O.M No. 36036/2/2013-Estt.(Res) dated the 30/05/2014)

(DoPT letter No. 36039/1/2019-Estt.(Res.-II) dated 15/3/2024)

Annexure I

FORM OF SCHEDULED CASTE/TRIBE CERTIFICATE

This is to certify that Shri/Shrimati*/Kumar*_____ son/daughter* of _____of village* /town*_____in district/Division* _____ belongs to the _____Caste/Tribe* which is recognised as a Scheduled Caste/Scheduled Tribe* under:

@The Constitution (Scheduled Castes) Order, 1950.

@ The Constitution (Scheduled Tribe) Order, 1950.

@ The Constitution (Scheduled Castes) (Union Territories) Order, 1951.

@ The Constitution (Scheduled Tribes) (Union Territories) Order, 1951.[as amended by the Scheduled Caste or Scheduled Tribes Lists (Modification) Order, 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State Himachal Pradesh Act, 1970, the North Eastern Areas (Reorganisation) Act, 1971 and the Scheduled Caste and Scheduled Tribe Orders (Amendment) Act, 1976].

@ The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

@ The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959.

@ The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962.

@ The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962.

@ The Constitution (Pondicherry) Scheduled Castes Order, 1964.

@ The Constitution Scheduled Tribes (Uttar Pradesh) Order, 1967.

@ The Constitution (Goa, Daman & Diu) Scheduled Castes Order, 1968.

@ The Constitution (Goa, Daman & Diu) Scheduled Tribes Order, 1968.

@ The Constitution (Nagaland) Scheduled Tribes Order, 1970.

@ The Constitution (Sikkim) Scheduled Castes Order, 1978.

@ The Constitution (Sikkim) Scheduled Tribes Order, 1978.

%2. Application in the case of Scheduled Caste/Scheduled Tribes persons who have migrated from one State/Union Territory Administration:

This Certificate is issued on the basis of the Scheduled Caste/Scheduled Tribes certificate issued to Shri/Shrimati*_____ father/mother of Shri/Shrimati/Kumari*_____ of village/town*_____in district/Division_____ of the State/Union Territory* _____who belongs to the_____ Caste/Tribe* which is recognised as a Scheduled Caste/Scheduled Tribes in the State/Union Territory* _____ issued by the _____(name of prescribed authority) vide their No._____ dated_____

%3. Shri/Shrimati*/Kumari*_____and/or his/her* Family ordinarily reside(s) in village/town*_____ of _____ District/Division of the State/Union Territory of_____.

Signature _____

**Designation _____

(With Seal of Office)

Place _____

State/Union Territory

Date _____

* Please delete the words which are not applicable

@Please quote specific Presidential Order

%Delete the paragraph which is not applicable.

Note: The term "Ordinarily resides(s)" used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.

Annexure-II

FORM OF CERTIFICATE FOR OTHER BACKWARD CLASSES

This to certify that Shri/Smt./Kumari _____ son/daughter of _____ of village/town _____ in District/Division _____ in the State/Union Territory _____ belongs to the _____ community which is recognised as a backward class under the Government of India, Ministry of Social Justice and Empowerment's Resolution No._____ dated _____. Shri/Smt./Kumari _____ and/or his/her family ordinarily reside(s) in the _____District/Division of the _____State/Union Territory. 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 OM No.36012/22/93-Estt(SCT) dated 8.9.1993**.

District Magistrate,

Deputy Commissioner etc.

Dated:

Seal

***** The authority issuing the certificate may have to mention the details of Resolution of Government of India, in which the cast of candidate is mentioned as OBC.

** As amended from time to time.

(OM No. 36036/2/2013-Estt.(Res) dated 30/05/2014)

3. Issue of Caste Certificate Format in Scheduled Languages

The Committee on the Welfare of Other Backward Classes in its report on "Measures undertaken to Secure Representation of OBCs in employment and their welfare in AAI" observed that AAI has been accepting OBC certificates in scheduled languages while recruiting candidates belonging to OBC community. The Committee therefore recommended that DoPT may circulate guidelines to be followed by all Ministries/ Departments and PSUs thereunder regarding acceptance of OBC certificates in scheduled languages. They also recommended that the digital copy of the OBC certificates may also be made online to verify the authenticity of such certificates by the recruiting organizations.

2. In view of the recommendations of the Committee, States/UTs have been informed that there may be no objection if, in addition to the official language, the State/ UT Governments

issue a caste/community certificate for SC/ST/OBC in any of the scheduled languages in the prescribed format. Further, States/UTs have been requested that they may make efforts to make available a digital copy of the such certificates online to verify their authenticity by the recruiting organizations.

(Letter No.43011/2/2022-Estt. (Res-I) dated 13/04/2023)

4. Provisional appointment in case of false certificate produced by the candidates

Where a candidate belonging to a Scheduled Caste(SC) Scheduled Tribe(ST) and Other Backward Classes(OBC) is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Magistrate concerned.

(DoPT OM No. 36019/7/1975-Estt (SCT) dated 31/10/1975)

(DoPT OM No. 36011/1/2012-Estt (Res.) dated 08/10/2015)

(DoPT letter No. 41034/4/2020-Estt (Res.) dated 19/03/2021)

In case of OBC certificate, it consists of two parts. The first part indicates that the concerned person belongs to a community listed as OBC and the second part indicates that the candidate does not fall in the creamy layer. While the OBC status of a candidate may change only when the community of the concerned candidate is removed from the OBC list, his/her creamy layer status may change any time.

Every candidate, seeking reservation as OBC, is required to submit a certificate regarding his/her 'OBC status and non-creamy layer status' issued by the prescribed authority. The 'OBC status' and /or 'non-creamy layer status' of the candidate, as pointed out above, may change after issue of the certificate making him/her ineligible for reservation. In order to ensure that candidates not eligible to get reservation do not seek reservation, a declaration, in addition to certificate issued by the competent authority, may be obtained from the candidates seeking reservation as OBCs in the following format:

> "I,_____son/daughter of Shri _____resident of village/town/city_____district _____ State _____ hereby declare that I belong to the _____community which is recognized as a backward class by the Government of India for purpose of reservation in services as per orders contained in Department of Personnel and Training Office Memorandum No.36012/22/93-Estt.(SCT) dated 8.9.1993. It is also declared that I do not belong to persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the above referred Office Memorandum dated 8.9.1993."

The appointing authority before appointing a person seeking appointment on the basis of reservation to OBCs should verify the veracity of the community certificate submitted by the candidate and also the fact that he/she does not fall in creamy layer on the crucial date. The crucial date for this

purpose may be treated as the closing date for receipt of applications for the post except in cases where crucial date is fixed otherwise.

(DoPT OM No. 36033/4/97-Estt (Res.) dated 25/07/2003)

In view of the above, the appointing authorities should, in the offer of appointment to the candidates belonging to SC/ST/OBC, insert the following clause in the offer of appointment:

(a) The clause to be inserted in the offer of appointment in case of SC/ST candidates:

"The appointment is provisional and is subject to the castes/tribe certificates being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste and Scheduled Tribes, as the case may be is 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 false certificate."

(DoPT OM No. 36012/6/88-Estt.(SCT) dated the 24/04/1990)

(DoPT OM No. 36011/3/2005-Estt (Res.) dated 9/09/2005)

(b) The clause to be inserted in the offer of appointment in case of OBC candidates:

"The appointment is provisional and is subject to the community certificate being verified through the proper channels. If the verification reveals that the claim of the candidate to belong to Other Backward Classes or not to belong to creamy layer is false, his/her 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 Indian Panel Code for production of false certificate."

(DoPT OM No. 36033/4/97-Estt (Res.) dated 25/07/2003)

5. Timely verification of caste certificate

Government of India has been issuing instructions to all the States/UT Government for streamlining the process of verification of Caste certificate and ensuring its timely completion.

2. In this regard, this Department, vide letter No.41034/4/2020-Estt.(Res-I), dated 19.03.2021, addressed to the Chief Secretaries of all States/UTs and letter No.41034/2/2022-Estt. (Res-I), dated 21.10.2022, addressed to the Secretaries (General Administrative Departments) of all States/UTs, invited attention of all the States/ UT Governments towards some cases of withholding of pensionary benefits of the employees of the Central Government belonging to ST category due to pendency of their caste verification process at the end of concerned State Government. The concern and the serious view taken by the Parliamentary Committee on the Welfare of SC and ST in this regard was also communicated to the State/ UT Governments vide the aforesaid letters. Copies of the aforesaid two letters are attached.

3. The Parliamentary Committee on the Welfare of SC and ST, vide its recommendations in its 21st Report (17th Lok Sabha), has reiterated its earlier recommendations for timely completion of caste verification process.

4. The State/UT Governments have been requested from time to time that they are required to ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments are also required to initiate disciplinary proceedings against the officers of the State who default in timely verification of Caste Status.

5. In view of the above, all the State/ UT Governments have once again been requested to ensure adherence to the aforesaid instructions and ensure that veracity of the Caste/Community certificate, referred to the district authorities, is verified and reported to the appointing authority within one month of receipt of request from such authority.

(DoPT letter No. 36022/1/2007 – Estt (Res) dated 20.3.2007)

(DoPT letter No. 41034/1/2022 – Estt (Res) dated 29.3.2023)

6. In order to ensure that the benefit of reservation and other schemes of concessions, etc. meant for SCs/STs/OBCs go only to the rightful claimants, it is necessary to ascertain the caste verification status of an employee. Hon'ble Supreme Court, vide its judgement, dated 2.9.1994, in the matter of 'Kumari Madhuri Patil vs Addl. Commissioner', has held that the admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates, as enjoined in the Constitution, of the benefits conferred on them by the Constitution. Accordingly, in order to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, the Hon'ble Supreme Court, vide its aforesaid judgement, has laid down detailed guidelines to be followed by the State Governments (as already stated above).

7. DoPT has issued instructions from time to time for streamlining the process of verification of caste certificate of the employees. DoPT instructions provide that wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc., for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If, he is probationer or a temporary Government servant, he should be discharged or his services should be terminated. If he has become a permanent Government servant, an inquiry as prescribed in Rule 14 of CCS(CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed.

8. The instructions further provide that where a candidate belonging to a SC, ST and OBC is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Authorities concerned.

9. Communications have also been issued to the State/UT Governments from time to time requesting them to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the districts to the effect that they should ensure at their own level that the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments have also been requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status.

10. However, instances have come to notice that the appointing authority has taken an unduly long time in getting the caste status of an employee verified through the concerned State authorities and the pensionary benefits of such employees have been withheld on the ground that their caste verification is pending. Such action on the part of the concerned authorities of the Ministries/ Departments of the Government of India is totally in contravention of the existing instructions. The Parliamentary Committee on the Welfare of SC and ST has taken a serious view of it.

11. In view of the above, all the Ministries/ Departments, including their attached, subordinate offices, PSUs, Autonomous Bodies etc., are required to ensure that process for verification of the caste certificate of the employee may be initiated immediately and a communication may be issued to the concerned State/ UT Authorities within a week of joining of government service by the employee. As already stated above, the State/UT Authorities have been requested from time to time to verify the caste/community certificate of the candidates/ employees and report the same to the appointing authority within one month of receipt of request from such appointing authority. Hence, if no report is received from the concerned State/UT Authorities within a period of one month, the matter may be taken up at the highest level and it may be ensured that the process for verification of the caste/tribe/community certificate of the employee is completed within a period of six months of her/his joining the service.

(DoPT letter No. 36022/1/2007 – Estt (Res) dated 20.3.2007)

(DoPT OM No. 36011/1/2012-Estt (Res.) dated 08.10.2015)

(OM No. 36011/1/2012-Estt.(Res.) dated 10.1.2013)

(OM No. 41034/1(ii)/2022 – Estt (Res) dated 29.3.2023)

6. Verification of caste status is necessary at every important upturn of employee's career

A candidate who entered into service as a Scheduled Caste/ Scheduled Tribe candidate may discontinue to be so if the caste/community to which he belongs is de-scheduled subsequently. A Scheduled Caste candidate also loses his status of Scheduled Caste if he embraces a religion other than Hinduism, Sikhism or Buddhism. Though such officers who lose the status of SC or ST after entering into service are required to inform the Government about it, many of them do not do so. In the absence of necessary vigil, there are possibilities of non-SC/ST candidates getting benefit of reservation and various concessions in the matter of promotion. Therefore, verification of caste status at every important upturn of employee's career is necessary so that the benefit of reservation and other schemes of concessions, etc. meant for SCs/STs go only to the rightful claimants and not those who become disentitled to them. With a view to facilitating such verification, the caste/community to which the SC/ST person belongs, his place of residence and the name of the State should be pasted on the top of

the Service Book, personal file and other relevant documents relating to the employee. Further, caste/community status and creamy layer status of OBC candidates should be verified at the time of initial appointment as well.

(DoPT O.M. No.36033/16/80-Estt.(SCT) dated 27.2.1981)

(DoPT OM No. 36011/3/2005-Estt (Res) dated 9.9.2005)

7. Termination/dismissal/removal of candidates who have secured appointment on the basis of false caste certificate

Wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc., for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If, he is probationer or a temporary Government servant, he should be discharged or his services should be terminated. If he has become a permanent Government servant, an inquiry as prescribed in Rule 14 of CCS(CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed.

The cases other than those protected by the specific order of the Apex Court should be dealt with in accordance with the instructions contained above. However, it has been observed that disciplinary proceedings in the cases involving appointments on the basis of false/fake caste certificates take considerable time and the persons who have secured employment on the basis of false caste certificates enjoy the benefits of Government service whereas such Government servants should be removed/ dismissed from the service at the earliest. Hence, disciplinary enquiries involving the matter of securing jobs on the basis of false/fake certificates should be completed in a time bound manner and unscrupulous persons who have got appointment on the basis of fake/ false caste certificates should not be retained in service and should be dismissed/ removed thenceforth.

(DoPT OM No. 36011/1/2012-Estt (Res) dated 10.1.2013)

G. PROVISIONS FOR SAFEGUARING THE INTERESTS OF SCs/STs/OBCs

1. Liaison Officer

In each Ministry/Department the Deputy Secretary in charge of administration or any other officer at least of the rank of Deputy Secretary shall act as a Liaison Officer in respect of matters relating to the representation of Scheduled Castes, Scheduled Tribes and Persons with Disabilities in all establishments and services under the administrative control of the Ministry/Department. A separate Liaison Officer should be appointed for Other Backward Classes.

It is the duty of the Liaison Officer to ensure due compliance by the subordinate appointing authorities of the orders and instructions pertaining to the reservation of vacancies

in favour of SCs/STs/PwDs/OBCs and other benefits admissible to them. The Liaison Officer is required to conduct annual inspection of the reservation registers/roster registers maintained in the Ministry/Department/ Offices under the control of the Ministry/ Department with a view to ensuring proper implementation of the reservation orders. Cases of negligence or lapse in the matter of following the reservation and other orders relating to the SCs/STs/PwDs/OBCs, coming to the light through the inspections carried out by the Liaison Officer, is required to be reported/ submitted by him to the Secretary/Additional Secretary to the Government of India in the respective Ministry/ Department or to the Head of the Department in respect of offices under the Heads of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department is required to pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned. These instructions also provide that each Ministry/Department is required to set up a Special Reservation Cell within the Ministry/Department under the direct control of the Liaison Officer to assist the Liaison Officer in discharging of his duties effectively. Public Sector Undertakings, Autonomous Bodies, Institutions etc. under the Central Government are required to appoint Liaison Officer in the same manner as existing in the Ministries/Departments.

Detailed duties and responsibilities of the Liaison Officer may be seen in the **No.43011/153/2010-Estt.(Res.) dated 04/01/2013** and **OM No. 43011/153/2010-Estt (Res.) dated 08/12/2022)**

2. Representation of SC, ST, OBC, Minorities and the Women on Selection Board/Committees

Wherever a Selection Committee/Board exists or has to be constituted for making recruitment to 10 or more vacancies in any level of posts or services, it shall be mandatory to have one Member belonging to SC/ST, one Member belonging to OBC category and one Member belonging to Minority Community in such Committees/Boards. Further, one of the members of the Selection Committee/Board, whether from the general category or from the minority community or from the SC/ST/OBC community should be a lady failing which a lady member should be co-opted on the Committee/Board. It may also be ensured that where the number of vacancies against which selection is to be made is less than ten, no effort should be spared in finding the SC/ST, OBC officer and the Minority Committee Officer and a lady officer, for inclusion in such Committees/Boards.

(OM No.42011/2/2014-Estt.(Res.) dated 13.2.2014)

H. OTHER PROVISIONS

1. Arrangements for Training

The following steps should be taken for training of Group A Officers belonging to Scheduled Castes and Scheduled Tribes:

i. More intensive training should be arranged for directly recruited Group A officers belonging to Scheduled Castes and Scheduled Tribes by the Heads of the Training Institutions, wherever necessary, along with other officers. **[DoPT's OM No.1/9/69-Estt. (SCT) dated 15.11.1971].**
ii. In drawing up such training programmes, adequate margin should be provided to take in, as many Scheduled Caste and Scheduled Tribe officers as are sponsored by the Ministries. It would be useful to earmark 25 per cent of the seats for officers of Scheduled Castes and Scheduled Tribes, wherever possible. In case this becomes difficult in any particular programme, then such officers could be covered in the next course or a special programme may be arranged for them. It would also be useful if officers of Scheduled Castes and Scheduled Tribes were **included in the various training programmes abroad.** It would enable them to broaden their outlook and also build up specialized knowledge. It is also likely to boost up the morale of the officers of these communities. **[DP&AR's OM No.1/1/73-Estt.(Res.) dated 10.12.73 and DP&AR's OM No.36022/13/76-Estt.(SCT) dated 14.9.1976 and DP&AR's OM No.36013/18/77-Est.(SCT) dated 4.9.78].**
iii. Superiors of Scheduled Caste and Scheduled Tribe Officers should be asked to take special care regarding on the job training of these officers, identify areas where special training is considered necessary and take appropriate steps for such training in consultation with the Training Division of the Department of Personnel & Training. **[M/o Home Affairs OM No.27/2/70-Estt.(SCT) dated 21.4.70].**
iv. Cases of Scheduled Caste and Scheduled Tribe Officers should be considered sympathetically and they should be given preference while nominating officers for training or deputing them for attending seminars/conferences, symposia etc. While nominating officers for training programmes run by the various Departments and Training Institution or for training programmes abroad or for training, seminars and conferences, it should be indicated as to which of the officers nominated belong to Scheduled Castes and Scheduled Tribes, so that their cases may be duly considered by the appropriate authorities at the time of selection. **[DP&AR's OM No. 1/1/73-Estt (SCT) dated 10.12.1973 and DP&AR's OM No.16/4/74-Estt.(SCT) dated 18.4.1974].**

2. Selection of Persons for Posting Abroad

While it will not be possible to provide for any specific norm of relaxation in favour of Scheduled Caste and Scheduled Tribe employees in the matter of posting in foreign countries, **when a Ministry/Department etc. makes selection of persons for posting in its units etc. located in a foreign country, it should see that eligible employees belonging to Scheduled Castes and Scheduled Tribes are also considered** along with others for such posting.

(DP&AR's OM No. 16/32/74-Estt (SCT) dated 3.4.1976)

3. Forwarding of Application for Employment

Application for employment elsewhere of temporary or permanent Central Government servants belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes **should be readily forwarded except in very rare cases where there may be compelling grounds of public interest** for withholding such applications. Cases where applications of employees belonging to Scheduled Castes/Scheduled Tribes /Other Backward Classes could not be forwarded due to compelling grounds of public interest, should be reported within a month to the officer nominated as Liaison Officer in the administrative Ministry/ Department or in offices under the Head of Department**.**

[M/o Home Affairs' OM No.1/6/64-SCT(I) dated 19.3.1964 and DoPT's OM No.27/4(iv)/70-Estt. (SCT) dated 2.9.70].

4. Prevention of Discrimination

It has been pointed out on many occasions that the Scheduled Caste and Scheduled Tribe Officers, after appointment, are subjected to harassment and discrimination on grounds of their social origin. It has been pointed out that SC/ST officers are some times transferred to far-off places and also placed at insignificant positions. It has also been stated that these officers are not accepted at their places of postings by the concerned superior officers in some cases. In this connection, it is emphasized that Government servants should desist from any act of discrimination against members of SC/ST communities on grounds of their social origin. Senior officers, including the Liaison Officers of the Ministry/Department, should keep a close watch to ensure that such incidents do not occur at all. However, if any such incident comes to the notice of the authorities, action should be taken against the erring officials promptly.

[OM No.36026/3/85-Estt.(SCT) dated 24th June, 1985].

5. Provisions in Recruitment Rules/Regulations For Examination

The recruitment rules in respect of all services/posts within the purview of the reservation orders should contain a separate rule on the following lines:-

> "Savings: Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with Disabilities and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard."

[DoPT's OM No. 8/12/71-Estt. (SCT) dated 21st September, 1971].

6. Clarifications about SC/ST/OBC Status

As per the Government of India Allocation of Business Rules, Ministry of Social Justice and Empowerment is the nodal Ministry for the overall policy, planning and coordination of programmes relating to SCs, OBCs, EWS etc. and Ministry of Tribal Affairs is the nodal Ministry for policy matters related to STs. Amendment in 'The Constitution (Scheduled Castes) Order' for inclusion/exclusion of a

caste and amendment of Central list of OBCs for inclusion/exclusion of a community pertains to Ministry of Social Justice. 'The Constitution (Scheduled Tribes) Order' for inclusion/exclusion of a tribe pertains to Ministry of Tribal Affairs. Further, the subject matter relating to 'Creamy Layer in OBC pertains to Ministry of Social Justice and Empowerment. DoPT issues instructions related to reservation in posts and services under the Central Government based on the policy decision taken by the above concerned nodal Ministries.

Cases in which a doubt arises whether a person belongs to a Scheduled Caste or Other Backward Class or whether a caste or community is a Scheduled Caste or included in Other Backward Classes may be referred to the Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi. If such a doubt arises about Scheduled Tribe status of a person or community, reference may be made to the Ministry of Tribal Affairs, Shastri Bhavan, New Delhi.

However, a set of points which should be taken into account by the certificate issuing authorities are given below. **[M/o Home Affairs' Circular letter No. 35/1/72-RU(SCTV) dated 2.5.75]**

(a) General (Applicable to all cases):

Where a person claims to belong to a Scheduled Caste, Scheduled Tribe or a Backward community by birth, it should be verified :

(i) That the person and his parents actually belong to the community claimed;

(ii) That this community is included in the Presidential Orders specifying the Scheduled Castes and Scheduled Tribes or included in the Central list of OBCs notified by the Ministry of Social Justice and Empowerment, Government of India in relation to the concerned State;

(iii) That the person belongs to that State and to the area within that State in respect of which the community has been scheduled/notified.

(vi) If the person claims to be a Scheduled Caste, he should profess either the Hindu or the Sikh or the Budhist religion.

(b) Cases of Migration

(i) Where a person migrates from the portion of the state in respect of which his community is scheduled/notified to another part of the same State in respect of which his community is not scheduled/notified, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be in relation to that State;

(ii) Where a person migrates from one state to another, he can claim to belong to a Scheduled Caste or Scheduled Tribe or Other Backward Class only in relation to the State to which he

originally belonged and not in respect of the State in which he has migrated.

(iii) Further, when a person belonging to OBC migrates from one State to another for the purpose of employment, education, etc. the prescribed authority of a State/U.T. Administration may issue the OBC Certificate to a person who has migrated from another State on the production of a genuine certificate issued to his father by the prescribed authority of the State of his father's origin except where the prescribed authority feels that a detailed enquiry is necessary through the State of origin before the issue of the Certificate. The Certificate will be issued irrespective of whether the OBC candidate in question is included in the list of OBC pertaining to the State/U.T. to which the person has migrated. The facility does not alter the OBC status of the person in relation to the one or the other State/U.T. The OBC person on migration from the State/U.T. of his origin to another State/U.T. where his caste is not in the OBC list is entitled to the concessions/benefits admissible to the OBCs from the State of his origin and Union Government but not from the State where he has migrated. The competent authorities are required to issue the OBC Certificate after satisfying themselves of the correctness of the Certificate.

(c) Claims through Marriage

No person who was not a member of Scheduled Caste or a Scheduled Tribe or Other Backward Class by birth will be deemed to be a member of Scheduled Caste or Scheduled Tribe or Other Backward Class merely because he or she had married a person belonging to a Scheduled Caste or Scheduled Tribe or Other Backward Class. On the other hand a person who is a member of a Scheduled Caste or a Scheduled Tribe or an OBC would continue to be a member of that Scheduled Caste, Scheduled Tribe or OBC, as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe or an Other Backward Class.

(d) Cases of Conversion and Reconversion

(i) Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism or Buddhism and then reconverts himself back to Hinduism or Sikhism or Buddhism, he will be deemed to have reverted to his original Scheduled Caste, if he is accepted by the members of that particular caste as one among them.

(ii) In the case of a descendant of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism or Buddhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste to which his forefathers belonged. It will have to be established that such a convert has been accepted by the members of the caste claimed as one among themselves and has thus become a member of that caste.

(e) Cases of Adoption

Great care has to be exercised in dealing with cases where a person claims to be a member of Scheduled Caste or Other Backward Class on the ground that he has been adopted by a Scheduled Caste/OBC person. The validity of the adoption has to be clearly established before any caste certificate can be given. It is for the party to prove his claim by cogent and reliable evidence:

(i) The requirements of valid adoption are given in sections 6 to 11 of the Hindu Adoption Maintenance Act, 1956. The actual giving and taking of the child in adoption is a mandatory requirement and thereafter the adopted child is deemed to be the child of his or her adoptive father or mother for all purposes and the child severs all ties with the family of his or her birth. Ordinarily, no child who has attained the age of 15 years or who

is married can be given in adoption unless there is a custom or usage applicable to the parties.

(ii) In deciding whether an adoption is valid, the certificate issuing authority should satisfy himself that all the requirements of law have been complied with. He should also take into account the behaviour of the child after adoption whether he physically lives with and is supported by his adoptive parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.

(iii) Where the case relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the District Magistrate who shall after making due enquiries as to the validity of the adoption as to whether such adoption is permitted by a custom or usage applicable to the parties, make an endorsement to that effect on the certificate. Such custom or usage should have been continuously and uniformly observed for a long time and obtained the force of law among the Hindus of that particular area, or that community, group of family provided that the custom or usage is certain and not unreasonable or opposed to public policy and in the case of custom or usage in respect of a particular family that the custom or usage has not been discontinued. In addition, it should be verified that all other conditions for a valid adoption, including the physical transfer of the adopted person to the family of the adoptive parents and that he has severed all ties with the original parents are fulfilled.

(M/o Home Affairs' Circular letter No. 35/1/72-RU(SCTV) dated 2.5.75)
(Ministry of Welfare's letter No.12011/11/94-BCC(C), dated 8.4.1994)

2. PROVISIONS RELATING TO ECONOMICALLY WEAKER SECTIONS (EWS)

A. GENERAL GUIDELINES

The following instructions are issued in consultation 'with' Ministry of Social Justice and Empowerment and Department of Legal Affairs regarding reservation for EWSs not covered under the reservation scheme for SCs/STs/OBCs in respect of direct recruitment in civil posts and services in' the Government of India.

2. QUANTUM OF RESERVATION

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.

3. EXEMPTION FROM RESERVATION

3.1 "Scientific and Technical" posts which satisfy all the following conditions can be exempted from the purview of the reservation orders by the Ministries/ Departments:

(i) The posts should be in grades above the lowest grade in Group A of the service concerned.

(ii) They should be classified as "scientific or technical" in terms of Cabinet Secretariat [OM No. 85/11/CF-61(1) dated 28.12.1961], according to which scientific and technical posts for which qualifications in the natural sciences or exact sciences or applied sciences or in technology are prescribed and, the incumbents of which have to use that knowledge in the discharge of their duties.

(iii) The posts should be 'for conducting research' or 'for organizing, guiding and directing research'.

3.2 Orders of the Minister concerned should be obtained before exempting anyposts satisfying the above condition from the purview of the scheme of reservation.

4. CRITERIA OF INCOME & ASSETS:

4.1 Persons who are not covered under the scheme of reservation for SCs, STs and OBCs and 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 shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.

Also persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS, irrespective of the family income:-

i. 5 acres of agricultural land and above;
ii. Residential at of 1000 sq ft. and above;
iii. Residential plot of 100 sq. yards and above in notified municipalities;
iv. Residential, plot of 200 sq. yards and above in areas other thanthe notified municipalities.

4.2. 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.

4.3 The term "Family" for this purpose willinclude 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.

5. INCOME AND ASSET CERTIFICATE ISSUING AUTHORITY AND VERIFICATION OF CERTIFICATE:

5.1 The benefit of reservation under EWS can be availed upon production of an Income and Asset Certificate issued by a Competent Authority. Vide **letter No. 36039/1/2019-Estt (Res.II) dated 15.3.2024**, States/UTs have been delegated the powers to decide the authorities competent to issue Income and Asset Certificate for availing the benefit of EWS reservation in the posts and services under the Central Government

5.2 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.

5.3 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.

5.4 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

5.5 Instructions referred to above should be strictly followed so that it may not be possible for an unscrupulous person to secure employment on the basis of a false claim and if any person gets an appointment on the basis of such false claim, her/his services shall be terminated invoking the conditions contained in the offer of appointment

6. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:

6.1 Department of Personnel and Training had circulated Office Memorandum No.36012/2/96-Estt(Res) dated July 2, 1997 regarding implementation of post based reservation roster. The general principles for making and operating postbased reservation roster would be as per the principles laid down in the said Office Memorandum.

6.2 Every Government establishment shall now recast group-wise post-based reservation roster register for direct recruitment in accordance with format given in Annexure II, III, IV and V, as the case may be, for effecting 10% reservation for EWSs interpolating them with the SCs, STs and OBCs. While fixing roster point, if the EWS roster point coincides with the roster points of SCs/STs/OBCs the next available UR roster point has been allotted to the EWSs and also the principle of "squeezing" has been kept in view. While drawing up the rosters, the cadre controlling authorities may similarly "squeeze" the last points of the roster so as to meet prescribed 10% reservation.

6.3 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.

6.4 Persons belonging to EWS selected against the quota for persons with benchmark disabilities/ex-servicemen shall be placed against the roster points earmarked for EWS.

7. ADJUSTMENT AGAINST UNRESERVED VACANCIES:

A person belonging to EWS cannot be denied the right to compete for appointment against an unreserved vacancy. Persons belonging to EWS who are selected on the basis of merit and not on account of reservation are not to be counted towards the quota meant for reservation.

8. FORTNIGHTLY/ANNUAL REPORTS REGARDING REPRESENTATION OF EWS:

The Ministries/Departments shall send single consolidated fortnightly report including their attached/subordinate offices beginning from 15.2.2019 as per format at Annexure-VL

From 01.01.2020, the Ministries/Departments shall upload data on representation of EWSs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.inas on 1st January of every year. All Ministries/Departments have already been provided respective user code and password with guidelines for operating the URL.

9. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:

9.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

9.2 Any person aggrieved with any matter relating to discrimination in employment against any EWS may file a complaint with the Grievance Redressal Officer of the respective Government establishment. The name, designation and contact details of the Grievance Redressal Officer may be displayed prominently on the website and in the office of the concerned establishment.

10. LIAISON OFFICER:

Ministries/Departments/Attached and Subordinate Offices shall appoint Liaison Officer to monitor the implementation of reservation for EWSs.

(Duties and Responsibilities of the Liaison Officer may be seen in the **OM No. 43011/153/2010-Estt (Res.) dated 08/12/2022**)

11. The above scheme of reservation will be effective in respect of all direct recruitment vacancies to be notified on or after 01.02.2019.

OM No. 36039/1/2019-Estt (Res), dated 31.1.2019.

Letter No. 36039/1/2019-Estt (Res.II) dated 15.3.2024

B. FREQUENTLY ASKED QUESTIONS (FAQs) ON RESERVATION TO ECONOMICALLY WEAKER SECTIONS (EWSs) IN POSTS/ SERVICES UNDER CENTRAL GOVERNMENT

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 area 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.

FAQs on vacancies

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

Answer: As per Pare 6.3 of DoPT OM No. 36039/112019-Estt.(Res.), dated 31.3.2019, 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, Ill, 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 Provided 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: AnchalAdhikari 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 arenotified 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.

OM.No. 43011/11/2022 – Estt. Res-II, dated 19/09/2022

3. PROVISIONS RELATING TO PERSONS WITH BENCHMARK DISABILITY (PwBDs)

A. RESERVATION FOR PwDs IN DIRECT RECRUITMENT

Previous OMs on the subject

OM.No. 36035/16 /91-Estt.(SCT), dated 18.02.1997

OM.No. 36035/3/ 2004- Estt.(Res), dated 29.12.2005

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With enactment of THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016' from 19thApril, 2017 and notification of THE RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017' on 15thJune, 2017, the following instructions have been issued in line with the provisions made therein regarding reservation for Persons with Benchmark Disabilities, as defined under Section 2(r) of the Act against the posts and services of the Central Government.

2. QUANTUM OF RESERVATION

2.1 In case of direct recruitment, four percent of the total number of vacancies to be filled up by direct recruitment, in the cadre strength in each group of posts i.e. Groups A, B and C shall be reserved for persons with benchmark disabilities.

2.2 Against the posts identified for each disabilities, of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent, under clauses (d) and (e), unless otherwise excluded under the provisions of Para3 herein under:-

(a) Blindness and low vision;
(b) Deaf and hard of hearing;
(c) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
(d) autism, intellectual disability, specific learning disability and mental illness;
(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness

3. EXEMPTION FROM RESERVATION:

If any Ministry/Department in the Central Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation for persons with benchmark disabilities, it shall make a reference to the Department of Empowerment of Persons with Disabilities giving full justification for the proposal, who having regard to the type of work carried out in any Government establishment by notification and subject to such condition, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD) may exempt any Establishment or any cadre(s) fully or partly from the provisions of reservation for persons with benchmark disabilities.

4. ADJUSTMENT AGAINST UNRESERVED VACANCIES::

4.1 In the category of posts which are identified suitable for persons with benchmark disabilities, a person with benchmark disability cannot be denied the right to compete for appointment by direct recruitment against an unreserved vacancy. Thus a person with benchmark disability can be appointed by direct recruitment against vacancy not specifically reserved for the persons with benchmark disability, provided the post is identified suitable for persons with benchmark disability of the relevant category.

4.2 Persons with benchmark disabilities selected without relaxed standards along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities which will thus comprise of candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards.

5. CERTIFICATE OF DISABILITY:

A person who wants to avail the benefit of reservation will have to submit a certificate of disability issued by a Competent Authority. Such certificate in the event of selection of such person for any post, will be subject to such verification/re-verification as may be decided by the competent authority.

6. COMPUTATION OF NUMBER OF POSTS TO BE RESERVED:

6.1 The number of posts to be reserved for persons with benchmark disabilities in case of Group C posts shall be computed on the basis of total number of vacancies in the cadre strength of Group C posts, in the establishment, although the recruitment of the persons with benchmark disabilities would only be against the category of posts identified suitable for them. The number of vacancies to be reserved for the persons with benchmark disabilities in case of direct recruitment to Group 'C' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified category of posts under the establishment. Since reservation, wherever applicable, for Persons with Benchmark Disabilities is provided computing total number of vacancies in the cadre strength in identified category of posts as well as unidentified category of posts, it may be possible that number of persons appointed by reservation in an identified category of post may exceed four per cent.

6.2 Reservation for persons with benchmark disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in the cadre in all the Group 'A' posts or Group 'B' posts respectively, and the computation of total vacancies shall include vacancies arising in the identified and non-identified category of posts.

7. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS::

7.1 Every Government establishment shall maintain group-wise a separate vacancy based 100 point vacancy based reservation roster register in the format given in Annexure for determining/effecting reservation for the Persons with Benchmark Disabilities - one each for Group 'A' posts filled by direct recruitment, Group 'B' posts filled by direct recruitment and Group 'C' posts filled by direct recruitment.

7.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

1st Block - point No. 01 to point No. 25

2nd Block - point No. 26 to point No. 50

3rd Block - point No. 51 to point No. 75

4th Block — point No. 76 to point No.100

7.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for persons with benchmark disabilities - one point each for four respective categories of disabilities. The Head of the establishment shall ensure that vacancies identified at Sl. No.1, 26, 51 and 76 are earmarked for the respective categories of the persons with benchmark disabilities. However, the Head of the establishment shall decide the placement of the selected candidate in the roster register.

7.4 All the vacancies arising irrespective of vacancies reserved for Persons with Benchmark Disabilities shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the Person with Benchmark Disability or the Head of the establishment considers it desirable not to fill it up by Persons with Benchmark Disabilities or it is not possible to fill up that post by the Persons with Benchmark Disabilities for any other reason, one of the vacancies falling at any of the points from 2 to 25 shall be treated as reserved for the person with benchmark disability and filled as such.

7.5 Likewise, a vacancy falling at any of the points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the Persons with Benchmark Disabilities. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy.

7.6 There is a possibility that none of the vacancies from 1 to 25 is suitable for any category of the person with benchmark disability. In that case two vacancies from 26 to 50 shall be filled as reserved for persons with benchmark disabilities. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 51 to 75. This means that if no vacancy can be reserved in a particular block, it shall be carried over into the next block

7.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

7.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies) or two (say 50 vacancies), the category of the persons with benchmark disabilities should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category, the Head of the establishment shall decide the category on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

8. INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:

8.1 Where in any recruitment year any vacancy cannot be filled up due to non availability of a suitable person with benchmark disability or for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the following four categories of disabilities, at one percent each to each category:

(A)

(a) blindness and low vision;

(B)

(b) deaf and hard of hearing;

(C)

(c)locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(D)

(d) autism, intellectual disability, specific learning disability and mental illness;

(e)multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

8.2 Only when there is no person with benchmark disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with benchmark disability.

8.3 If the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged with the prior approval of Department of Empowerment of Persons with Disabilities, among the above mentioned four categories.

8.4 If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

8.5 In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation. In case no suitable person with benchmark disability is available for filling up the vacancy in the succeeding year also, the employer may fill up the vacancy by a person other than a person with benchmark disability. If the vacancy is filled by a person with benchmark disability of the category for which it was reserved or by a person of other category of benchmark disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with benchmark disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these

two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

8.6 The Government establishment shall interchange vacancies only if due process of recruitment viz. proper advertisement of vacancy to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.

8.7 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the persons with benchmark disabilities candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the current vacancies would be carried forward if not filled up provided that in every recruitment, the number of vacancies reserved for Persons with Benchmark Disabilities including carried forward vacancies will be announced beforehand, for the information of all aspirants

9. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES:

9.1 Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such as persons with benchmark disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected against the quota for persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year there are two vacancies reserved for the persons with benchmark disabilities and out of two persons with benchmark disabilities appointed, one belongs to Scheduled Caste and the other belongs to Unreserved category, then the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

9.2 Since the persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with benchmark disabilities to indicate whether they belong to SC/S T/OBC or Unreserved. Thus, reservation for persons with benchmark disabilities is horizontal.

10. CERTIFICATE BY REQUISITIONING AUTHORITY

10.1 In order to ensure proper implementation of the provisions of reservation for persons with benchmark disabilities, the requisitioning authority while sending the requisition to the recruiting

agency or authority as the case may be for filling up of posts shall furnish the following certificate to the recruiting agency:-

"It is certified that the requirements of the THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016' which has become effective from 19 thday of April, 2017 and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no ……..of cycle no ……. of 100 point reservation roster out of ……. which number of vacancies are reserved for persons with benchmark disabilities."

10.2 At the time of initial appointment against a vacancy reserved for persons with benchmark disabilities, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

11. RELAXATION OF STANDARD OF SUITABILITY:

11.1 If sufficient number of candidates with benchmark disabilities candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of disability.

11.2 Same relaxed standard should be applied for all the candidates with Benchmark Disabilities whether they belong to Unreserved/SC/ST/OBC. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

12. MEDICAL EXAMINATION:

As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with benchmark disabilities for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with benchmark disabilities of the relevant category and the candidate shall then be examined medically keeping this fact in view.

13. ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES:

The Ministries/Departments shall continue to upload data on representation of Persons with Benchmark Disabilities along with data on SCs, STs, OBCs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.in as on 1 st January of every year. All Ministries/Departments have been provided respective usercode and password with guidelines for operating the URL.

14. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:

14.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

14.2 The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:-

(a) date of complaint;

(b) name of complainant;

(c) the name of the establishment or person against whom the complaint is made;

(d) gist of the complaint;

(e) date of disposal by the Grievance Redressal Officer; and

(f) any other information.

14.3 Any person aggrieved with any matter relating to discrimination in employment against any person with disability may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

14.4 Every complaint filed as per Para 14.3 above, shall be inquired into within two months of its registration and outcome thereof or action taken thereon shall be communicated to the complainant / Person with Benchmark Disability.

Note : For Annexure, OM dated 15.1.2018 as hyperlinked below may please be referred.

(DoPT O.M. No. 36035/02/2017-Estt.(Res.), dated 15.01.2018)

LIAISON OFFICER: Implementation of Reservation for PwDs is to be ensured through Liaison Officer. Duties and Responsibilities of the Liaison Officer may be seen in the **OM No.43011/153/2010-Estt.(Res.) dated 04/01/2013** and **OM No. 43011/153/2010-Estt (Res.) dated 08/12/2022**)

B. RESERVATION FOR PwDs IN PROMOTION

The matter regarding reservation in promotion for Persons with Benchmark Disabilities (PwBDs) had been under litigation before various courts of law for quite some time, and the Hon'ble Supreme Court, in its order, dated 28.9.2021, delivered in the 'Application for Clarification' in the matter of 'Siddaraju vs. State of Karnataka', Civil Appeal No. 1567/2017, directed the Government to issue instructions on 'Reservation in Promotion', as provided in Section 34 of the Rights of Persons with Disabilities Act, 2016. Accordingly, the following instructions have been issued for grant of reservation in promotion to PwBDs, in the posts and services of the Central Government, as defined under Section 2(r) of the said Act, notified by the Department of Empowerment of Persons with Disabilities (DEPwD).

2. QUANTUM OF RESERVATION

2.1 In case of promotion, four per cent of the total number of vacancies in the cadre strength within Group 'C, from Group 'C to Group 'B', within Group 'B' and from Group 'B' to the lowest rung of Group 'A' shall be reserved for PwBDs. Reservation in promotion shall be applicable in the cadres in which the element of direct recruitment, if any, does not exceed 75%.

2.2 Against the posts identified for each disability, one per cent each shall be reserved for PwBDs under clauses (a), (b) and (c), respectively, and one per cent combined, under clauses (d) and (e) below, unless otherwise excluded under the provisions of Para 3 hereinunder; -

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

2.3 The authenticity of any certificate, issued by the competent medical authority, may be got verified/re-verified by the appointing authority at the time of appointment.

3. EXEMPTION FROM RESERVATION IN PROMOTION

3.1 Proviso to Section 20(1) of the Right of Persons with Disabilities Act, 2016, states that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this Section.

3.2 Accordingly, if any Ministry/Department in the Central Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation in promotion for PwBDs, it shall make a reference to the DEPwD, giving full justification for the proposal. The DEPwD, having regard to the type of work carried out in any Government establishment, by notification, and subject to such condition, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD), may exempt any Establishment or any cadre(s), fully or partly, from the provisions of reservation for PwBDs. While doing so, Notes 1 to 9 under the Notification No.38-16/2020-DD.II, dated the 4th January, 2021, issued and as modified from time to time by the DEPwD, may kindly be kept in view

4. NO DENIAL OF PROMOTION MERELY ON THE GROUND OF DISABILITY

4.1 In terms of Section 20(3) of the Rights of Persons with Disabilities Act, 2016, no promotion shall be denied to a person merely on the ground of disability. Further, in terms of Section 20(4) of the Act, no Government establishment shall dispense with or reduce in rank an employee who acquires a disability during his/her service. As per the proviso to this sub-section, if an employee, after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits. This section further provides that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier. However, in case the PwBDs for whom the supernumerary post was created is eligible for next promotion to higher pay level, and it is not possible to adjust the employee against any post, a fresh creation of supernumerary post in next higher level will be required by surrendering the previously created supernumerary post at the lower level, and the proposal for the same may be submitted to the Department of Expenditure.

4.2 An employee who acquires disability, after entering into service, will be entitled to get the benefit of reservation in promotion as a PwBD. However, his seniority among PwBDs will be counted from the date of certification of his/her disability, i.e., disability of 40% or more in the categories covered under Section 34(1) of the Rights of Persons with Disabilities Act, 2016.

4.3 No benefit of reservation shall be given on the basis of temporary certificate of disability

5. IDENTIFICATION OF POSTS;

5.1 The DEPwD has already identified posts suitable for being held by PwBDs and the physical requirement for all such posts, have been notified, vide their Notification No. 38-16/2020-DD-III, dated the 4th January, 2021. The posts mentioned in AnnexureC of the said notification (to be read in conjunction with Notes 1 to 9 mentioned under the main Notification, dated 4th January, 2021) shall be used by the Cadre Controlling Authorities to give effect to reservation in promotion to the PwBDs.

6. RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES

6.1 If in a Ministry/Department/Organization, a post is identified suitable only for one category of disability, reservation in promotion in that post shall be given to persons with that category of benchmark disability only. However, reservation of 4% for PwBDs shall not be reduced in such cases and total reservation in the cadre will be given to PwBDs for which it has been identified. Likewise, in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally, as far as possible. It shall, however, be ensured that reservation in different posts in the establishment is distributed in such a way that the PwBDs, as far as possible, get equal/fair representation. The points used in the 100-point Roster after a gap of 25 points shall be used to give reservation. In other words, it will be given only at the points reserved for PwBDs, and not in a bunched manner.

7. ADJUSTMENT OF PwBD CANDIDATES WHO ARE IN THE ZONE OF CONSIDERATION AGAINST GENERAL VACANCY

7.1 In case of promotions by seniority-cum-fitness, if a PwBD is otherwise eligible and is in the list of candidates finally approved for promotion, he/she may be promoted against the vacancy not specifically reserved for PwBD. In other words, a PwBD cannot be denied promotion on the ground that the vacancy is not earmarked for his category

7.2 In the case of promotion by selection, PwBDs selected without relaxed standards, along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but, otherwise found suitable for appointment, if necessary, by relaxed standards.

8. RELAXATION OF STANDARD OF SUITABILITY

8.1 If sufficient number of PwBD candidates with benchmark disabilities are not available on the basis of prescribed standard to fill all the vacancies (in case of promotion through Limited Departmental Competitive Examination/Departmental Examination, etc.) reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them, provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of benchmark disability.

8.2 The same relaxed standard should be applied for all the PwBD candidates with benchmark disabilities, irrespective of whether they belong to the Unreserved/SO/ ST/ OBC category. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

9. COMPUTATION OF NUMBER OF VACANCIES TO BE RESERVED

9.1 Number of vacancies in a recruitment year to be reserved for PwBDs in Group 'C, Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable, shall be computed as 4% of the total number of vacancies in the cadre strength, although the PwBDs would be posted against the category of posts identified as suitable for them

10. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS

10.1 Every Government establishment shall maintain, cadre wise and group-wise, a separate 100-point vacancy-based reservation roster/register, as in the case of direct recruitment, for determining/effecting reservation for the PwBDs in promotion. There will be separate roster / register, in each cadre in Group 'C', Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable. There shall be separate roster/register for promotion and direct recruitment.

10.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

1st Block - Point No. 01 to point No. 25

2nd Block - Point No. 26 to point No. 50

3rd Block - Point No. 51 to point No. 75

4th Block — Point No. 76 to point No. 100

10.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for PwBDs - one point each for category under (a), (b), (c) of Para 2.2 above, respectively, and one point for category (d) and (e) conjointly. The Head of the establishment shall ensure that vacancies identified at Sl. No.1, 26, 51 and 76 are earmarked for the respective categories of the PwBD. However, the Head of the Department shall decide the placement of the selected candidate in the roster/ register. In other words, the category to be appointed first will be decided by the Head of the Department based on the functional requirement.

10.4 All the vacancies in each recruitment year in a grade, arising irrespective of vacancies reserved for PwBDs, shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the PwBD, or if the Head of the Department feels that it is not possible to fill up that post by the PwBDs for any other reason to be recorded in writing, one of the vacanciesfalling at any of the points from 2 to 25 shall be treated as reserved for the PwBD and filled, as such.

10.5 Likewise, one vacancy out of the total vacancies falling at points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the PwBDs. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy by the PwBD candidate of the category for which the post is earmarked.

10.6 There is a possibility that none of the vacancies from 1 to 25 is found suitable for any category of the PwBD. In that ease, two vacancies from 26 to 50 shall be filled from amongst the PwBDs. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies in the third block 51 to 75 shall be filled as reserved. This means that if no vacancy can be reserved in a particular block, it shall be carried over to the next block.

10.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

10.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies, including PwBD quota, if any) or two (say 50 vacancies, including the quota, if any), the category of the PwBDs should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category of disability, the Head of the Department shall decide the category on the basis of the nature of the post, the level of representation of the specific category in the grade/post concerned, etc.

11. CERTIFICATE BY REQUISITIONING/CADRE CONTROLLING AUTHORITY WHILE SENDING APPLICATION FOR SELECTION BY PROMOTIONS /DEPARTMENTAL EXAMINATION INCLUDING LIMITED COMPETITIVE DEPARTMENTAL EXAMINATION;

11.1 In order to ensure proper implementation of the provisions of reservation for PwBDs, the requisitioning/cadrecontrolling authority, while sending the requisition/proposal to the recruiting agency/DPC, as the case may be, for filling up of vacancies through promotion by selection/Departmental Examination/Limited Competitive Departmental Examination, shall furnish the following certificate to the recruiting agency/DPC:

"It is certified that the requirements of the THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 which has become effective from 19th day of April, 2017 and Rules made thereupon, vide Rights of Persons with Disabilities Rules, 2017, and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition/proposal. The vacancies reported in this requisition/proposal fall at points no……. of cycle no ……of 100-point reservation roster out of which…… number of vacancies are reserved for persons with benchmark disabilities."

12. NOTICE OF VACANCIES FOR PROMOTION BY SELECTION

12.1 In order to ensure that PwBDs get a fair opportunity in consideration for appointment against an identified post, the following points shall be kept in view while sending the requisition notice/proposal to the recruiting agencies (SSC, UPSC etc.) and DPCs-

(i) Number of vacancies reserved for SCs, STs and each category of PwBDs should be indicated clearly.

(j) In respect of vacancies in posts identified suitable for being held by PwBD, it shall be indicated that the post is identified for that respective category of PwBDs from amongst the categories, as mentioned in (a) to (e) of Para 2.2 above, as the case may be. Functional classification for performing the duties attached to such post(s), shall also be indicated clearly.

(k) The PwBDs belonging to the category/categories for which the post is identified shall be allowed to apply for the post advertised for being filled up by Limited Departmental Competitive Examination, even if no vacancy is reserved for them. However, they will not be allowed any relaxed standard. Such PwBD candidates will be considered for selection for appointment to the post by general standards of merit.

(l) It shall also be indicated that persons with valid certificate of benchmark disability shall alone be eligible for the benefit of reservation. However, no benefit of reservation shall be given on the basis of temporary certificate of disability.

13. ZONE OF CONSIDERATION. INTERSE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION

13.1 While filling up the reserved vacancies by promotion by selection, those PwBD candidates who are within the normal zone of consideration shall be considered for promotion. However, if adequate number of PwBD candidates of the respective category are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the PwBD candidate falling within the extended zone may be considered for promotion. In the event of non availability of candidates even in the extended zone, the vacancy shall not be filled and be carried forward to the subsequent year. In the subsequent year, if a PwBD of the required category is not available, the reservation can be exchanged with the other categories, so that post can be filled by a person with other category of disability, if possible. If a PwBD candidate of other category is within the zone of consideration and within the number of vacemcies available, he cannot be denied promotion on the grounds of disability. If it is not possible to fill up the post by reservation even in the 2nd year, the post may be filled by a person other than a PwBD, and the reservation shall be carried forward for two subsequent recruitment years, whereafter it shall lapse.

13.2 While filling up vacancies by promotion by non-selection, the eligible candidates with benchmark disabilities within the normal zone of consideration shall be considered for promotionagainst the reserved vacancies. In case no eligible candidate of the respective category of disability is available in the normal zone of consideration, additional PwBD candidates of respective category to the extent required shall be considered by going down the seniority list, provided they are eligible, and that the post is identified for them. In the event of non-availability of PwBD candidates for promotion even in the extended zone, the vacancy shall not be filled and shall be carried forward. In the subsequent year; if PwBD of respective category is not available, the same can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the vacancy by reservation even by exchange, the reservation shall be carried forward for two subsequent recruitment years, where-after it shall lapse.

13.3 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the PwBD candidates shall first be counted against the vacant posts brought forward from previous years, if any, in the chronological order. If candidates are not available for all the vacancies, the older carried-forward posts shall be filled first, and the current vacancies shall be carried forward, if not filled up, provided that in every recruitment, the number of vacancies reserved for PwBD, including the carried forward vacancies, shall be announced beforehand, for the information of all aspirants.

14. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES

14.1 Reservation for backward classes of citizens (SCs, STs and OBCs) is called 'vertical' reservation and the reservation for categories such as PwBDs and ex-servicemen is called 'horizontal' reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected/promoted against the quota for PwBDs have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved, depending upon the category to which they belong in the foster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year, there are two vacancies reserved for the PwBDs, and out of two PwBDs promoted, one belongs to Scheduled Caste and the other belongs to Unreserved, the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against the unreserved point in the relevant roster. In ease none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SC.

14.2 Since the PwBDs have to be placed in the appropriate category, viz. SC/ST/OBC/Unreserved in the roster meant for reservation of SCs/STs/OBCs, the application form (in respect of Departmental examination for promotion) for the post should require the candidates applying under the quota reserved for PwBDs to indicate whether they belong to SC/ST/OBC or unreserved.

15. ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES

15.1 The Ministries/Departments shall continue to upload data on promotion of PwBDs, along with data on representation/ direct recruitment of PwBDs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.in, as on 1st January of every year. All Ministries/Departments have been provided respective user code and password with guidelines for operating the URL.

16. LIAISON OFFICER FOR PERSONS WITH BENCHMARK DISABILITIES:

16.1 Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to PwBDs and shall ensure compliance of instructions, as contained in DoPT OM No.43011/153/2010-Estt (Res), dated 4.1.2013. (reiterated vide **OM of even number dated 8.12.2022**).

17. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT

17.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

17.2 The Grievance Redressal Officer shall maintain a register of complaints of Persons with Benchmark Disabilities with the following particulars, namely: -

(a) date of complaint;

(b) name of complainant;

(c) the name of the establishment or person against whom the complaint is made;

(d) gist of the complaint;

(e) date of disposal by the Grievance Redressal Officer; and any other information.

17.3 Any person aggrieved with any matter relating to discrimination in promotion, may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

17.4 Every complaint filed, shall be inquired into within two months of its registration, and outcome thereof or action taken thereon, shall be communicated to the complainant / PwBD.

(O.M. No. 36012/1/2020-Estt.(Res.-II), dated 17.05.2022)

RESERVATION IN PROMOTION TO PwDs FROM 30.6.2016 ON NOTIONAL BASIS

In a Contempt Petition (Civil) No.873/2023 filed by Shri S. S. Sundaram against Department of Revenue, the Hon'ble Supreme Court vide its order dated 18.7.2023 has directed "Though it is pointed out that the judgement of this Court of which breach is alleged, has been complied with effect from 15.7.2023, the fact remains that the judgement is of 30.6.2016 directing the respondents to implement the 1995 Act. Therefore, the respondent will have to consider of giving at least notional promotion to those who are eligible from an earlier date".

2. The aforesaid directions dated 18.7.2023 of the Hon'ble Supreme Court has been considered in consultation with the Department of Legal Affairs and it has been decided to grant notional promotions to the PwD candidates w.e.f. 30.6.2016 as under:

(i) PwD employees in posts and services of the Central Government, will be considered for grant of the benefit of reservation in promotion upto the lowest rung of Group 'A' on notional basis w.e.f. 30.6.2016 subject to their fulfilment of the eligibility conditions as laid down in the DoPT OM of even number dated 17.5.2022 regarding reservation in promotion to PwDs. However, the extent of reservation in promotion may be in accordance with the relevant provisions contained in the PwD Act 1995 and RPWD Act 2016. Further, this benefit may be extended after holding Review DPC as per the extant instructions issued by DoPT on the subject.

In case the PwD employees are found eligible and suitable for promotion from any date subsequent to 30.6.2016, then the benefit of reservation in promotion may be extended to them from the date they become eligible for promotion. This promotion on notional basis includes promotion on seniority quota as well as Departmental Examination/Departmental Competitive Examination. In case of Departmental Examination/Departmental Competitive Examination, which has already been held during the period from 30.6.2016 to 16.5.2022, the eligibility of the PwD candidates may be assessed on the basis of their performance in the said examination. The concerned Administrative Authorities are given discretion to consider holding of special examination for assessing the suitability or eligibility of PwD employees for such Departmental Competitive Examination.

(ii) Any such promotion during the period from 30.6.2016 till the PwD employee actually assumes the charge of the post will be only on notional basis and the actual financial benefit of promotion will be effective to them with effect from the date they actually assume charge of the promoted post meaning that no financial arrear will be admissible to them for the period from the date on which they get the benefit of notional promotion and the date on which they actually assume or have already assumed the charge of such promoted post.

(iii) Extending the benefit of reservation in promotion to the PwD employees on notional basis between 30.6.2016 and actual assumption of the charge of the post may affect the inter-se-seniority of the officials in various grades. Due to this, there may be cases in which some officials may have to be placed in a select list/seniority list, subsequent to the year of their existing/present seniority list/select list. This may have a chain effect as it may result in revision in seniority lists in subsequent years in many cases which may cause administrative inconvenience. In order to avoid such situation, supernumerary posts may be created to adjust the lien of such PwD employees with effect from the date on or after 30.6.2016, when they become eligible to get the benefit of reservation in promotion, till the availability of vacancy in which the promotion is to be made or till they vacate the post on their retirement, further promotion etc. whichever is earlier.

(iv) The creation of supernumerary post, as stated above, will be personal to the PwD employee who is given the benefit of reservation in promotion on notional basis and such supernumerary post will stand abolished on the date when such PwD employee is adjusted against available vacancy in the grade in which the promotion is given or when that PwD employee vacates the post on his/her retirement, further promotion etc., whichever is earlier.

(v) Ministries/Departments are advised to undertake an exercise to ascertain the requirement of supernumerary posts required by them and submit the proposal for creation of posts to the Department of Expenditure through DoPT. Such proposal shall contain the proposal in respect of the entire Department/Ministry and the proposal in piecemeal shall not be accepted. A certificate to the effect that the proposal is complete in all respects and the requirement of creation of supernumerary posts has been projected in respect of the entire Department may also be furnished along with the proposal. Further, each proposal shall have the concurrence of the Liaison Officer for PwDs of the Department/Ministry concerned and shall be forwarded with the approval of the Secretary of the Administrative Department/Ministry.

(vi) It is clarified that the benefit of notional promotion, as proposed above, shall not adversely affect those PwD candidates who have already been granted the benefit of reservation in promotion in personam in pursuance of the Orders/judgements of various Courts of Law.

OM No. 36012/1/2020-Estt (Res-II) dated 28.12.2023

C. EXEMPTION FROM PAYMENT OF EXAMINATION FEE AND APPLICATION FEE IN RESPECT OF PwBD

Persons with Benchmark Disabilities shall continue to be exempted from payment of application fee and examination fee, prescribed in respect of competitive examinations held by the Staff Selection Commission, the Union Public Service Commission, etc, for recruitment to various posts. This exemption shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for that post (including any concession specifically extended to the Persons with Benchmark Disabilities) and who enclose with the application form, necessary certificate from a competent authority in support of their claim of disability.

For detailed instructions **OM No. 36035/2/2017-Estt.(Res), dated 23.8.2019**, may be referred.

D. RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES - CLARIFICATION WITH REGARD TO THE CONCEPT OF OWN MERIT.

Para 4.2 of the OM of even number, dated 15.1.2018 and Para 7.2 of OM No. 36012/1/2020-Estt(Res.-II), dated 17.5.2022, inter alia, state that the Persons with Benchmark Disability (PwBD) selected without relaxed standard, along with other unreserved candidates, will not be adjusted against the vacancies reserved for them and that the vacancies reserved for PwBDs will be filled up separately from amongst the eligible PwBD candidates who are lower in merit than the last unreserved candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standard.

2. Queries have been received in this Department, from time to time, on the following three aspects: -

(i) whether PwBD candidates who have qualified on their own merit without any relaxed standard should be appointed against the vacancies not reserved for PwBDs, i.e., against the unreserved vacancies which will be in addition to the vacancies earmarked for PwBD category candidates;

(ii) whether the facility of a scribe availed by a PwBD candidate, along with the compensatory time, shall be treated as relaxed standard; and

(iii) whether the disability a PwBD candidate is suffering from, shall be treated as relaxation in medical standard, which will disable him from being treated as own merit category.

3. In this connection, it is also pertinent to mention that this Department had constituted a Committee which deliberated upon the above three aspects, particularly in respect of Civil Services Examination (CSE), and recommended, inter-alia, the following: -

(i) The 'own merit' concept for PwBD category candidates should be implemented in CSE, in accordance with Establishment (Reservation) Division's OM No.36035/2/2017-Estt(Res), dated 15.01.2018.

(ii) The facility of scribe, extra-time and relaxation in medical standards available to PwBD category candidates should not be treated as 'relaxed standard'.

4. Accordingly, the following clarifications are issued: -

(i) In line with the spirit of the O.M. No.36035/2/2017- Estt(Res.), dated 15.1.2018, and O.M. No.36012/1/2020- Estt(Res-II), dated 17.5.2022 on the subject, the concept of own merit for PwBD shall be implemented in all direct recruitment examinations, including the CSE and promotions, wherever applicable. In other words, PwBD category candidates selected without relaxed standard, along with other unreserved candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities, who are lower in merit than the last unreserved candidate in general merit list, but otherwise found suitable for appointment, if necessary, by relaxed standards.

(ii) In accordance with Para 3 of the OM No.29-6/2019-DDIII, dated 10.8.2022, issued by the Department of Empowerment of Persons with Disabilities, the facility of scribe, along with compensatory time shall not be treated as relaxed standard. DoPT, in agreement with this provision, reiterates that the facility of scribe taken by a PwBD candidate, along with compensatory time, shall not be treated as relaxed standard.

(iii)In terms of Corrigendum No. 34-02/2015/DD-III(Pt.), dated 08.02.2019, the phrase 'extra time or additional time' is required to be replaced by the phrase 'compensatory time'.

(iv) The spirit of the term 'own merit' will get defeated if the disability, a person is suffering from, is treated as relaxed medical standard, as no PwBD will get the benefit of the term 'own merit' as stipulated in the OMs, dated 15.1.2018 and 17.5.2022 in such a scenario. Accordingly, it is clarified that disability of a person, which he is suffering from, shall not be treated as relaxed standard in medical fitness test for the purpose of 'own merit'.

(OM No. 36035/02/20 17-Estt(Res) dated 27.9.2022)

E. GUIDELINES FOR PROVIDING CERTAIN FACILITIES IN RESPECT OF PERSONS WITH DISABILITIES WHO ARE ALREADY EMPLOYED IN GOVERNMENT FOR EFFICIENT PERFORMANCE OF THEIR DUTIES.

DoPT, vide OM No.36035/3/2013-Estt (Res), dated 31.3.2014, has issued detailed guidelines conveying the additional facilities/amenities which are required to be provided to the Persons with Disabilities (PwDs) to enable them to effectively discharge their duties. Vide this OM, facilities such as identification of jobs, post recruitment and pre-promotion training, assistive devices, free accessibility preference in transfer/posting, special casual leave, etc. have been identified as areas which require

special attention. The facilities indicated in the guidelines are applicable in respect of such employees working in the Ministries/Departments of the Government of India, their attached and subordinate offices, Central Public Sector Enterprises, Cantonment Boards etc. Further, vide OM No. 42011/3/2014-Estt (Res), dated 8.10.2018, exemption from the routine exercise of transfer/rotational transfer has also been extended to the employees, who are caregiver of Persons with Disability dependents. However, in the 18th National Review Meeting of the State/UT Commissioners for Persons with Disabilities, held on 29th and 30th November, 2023 at New Delhi, it has, inter-alia, been recommended that the Central Government may issue consolidated instructions regarding posting and transfer of employees with disabilities, covering the parents who have children with disabilities and an employee having parents with disabilities.

2. In view of the above, it has been decided to reiterate the guidelines as conveyed vide the aforesaid OM dated 31.3.2014 and 8.10.2018 as under:

A. Identification of jobs

Each Ministry/Department of the Government of India, their attached and subordinate offices, Central Public Sector Enterprises, Cantonment Boards etc. should identify the types of jobs which could be easily performed by them specially for Group B, C and D posts where the number of jobs are more. Such persons should preferably be posted to perform such identified jobs and they be allowed to continue performing such jobs, as far as possible. If the concerned PWI) officer could perform all the jobs as pop1e without disability or could perform several types of jobs efficiently no effort should be made to instruct them to certain types of jobs only.

B. Post recruitment and Pre-promotion training

Induction training is an essential component of the service requirement of an employee. Induction training programme for the persons with disabilities should be imparted together with the other employees.

Job specific post-recruitment as well as pre-promotion training programmes are required to be organized for the persons with disabilities. Outlining a specific module/norm for training programme for the persons with disabilities common to all the Ministries/Departments and their attached/subordinate offices, Central Public Sector Enterprises, Cantonment Board, etc. may not be possible as the training requirement may be different on the basis of the work pattern. All the Ministries/Departments should take definite action to conduct job specific inclusive training programmes for the persons with disabilities with other employees.

Duration and training contents may be finalized in consultation with the National Institutes under the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment and, if felt necessary, prominent Associations/ Federations/ Confederations working in the sphere of disability can be consulted. It should also be ensured that training programmes are conducted at the time of change in job, introduction of new technology, after promotion of the employee, etc. The venue of the training may be fixed as considered suitable for conducting such training. The Ministries/Departments and their offices shall utilize existing Budget provisions for undertaking the aspects. of training programme.

The employee with disability shall be placed with an experienced employee for at least one month on resuming responsibility of a post. This would hell) him to pick up skills required to perform the job and also the adaptations that may be required in individual cases.

C. Providing aids/assistive devices

The persons with disabilities could perform their duties efficiently if they are provided with aids and appliances which are suitable to their needs. Ministries/Departments and their attached and subordinate offices, Central Public Sector Enterprises, Cantonment Board, etc. should assist the persons with disabilities by providing them high tech/latest technology led assistive devices (including low vision aids, hearing aids with battery), special furniture, wheel chairs (motorized, if required by the employee), software scanners, computer and other hardware, etc. in accordance with their requirement, which would improve their efficiency.

They should either provide or shall reimburse the cost of such devices with a specific time period for such devices to persons with disabilities in accordance with the price/durability of the special devices, special furniture, software, scanners, computer and other hardware, etc. as fixed by them, in consultation with various National Institutes working in the sphere of disability. A review exercise shall he carried out by the Department/Ministries every three years to check the availability or need for introduction of enhanced/upgraded versions of such devices/software etc. They shall utilise their existing budget provisions for providing these facilities.

D. Accessibility and barrier free environment at work place

In addition to the guidelines for modification in all public buildings including Government offices to provide easy accessibility and barrier free environment for PwDs as per the provisions of the PWD Act, all Government offices should take special steps to provide barrier free and accessible work stations to PWD employees, access from main building entrance to their work stations and access to common utility areas such as Toilets, canteens etc. Lifts/elevators should be made accessible by providing Braille Signage and Audio Outputs. Wherever required, suitable colour contrast may also be made available in buildings, utilities, staircases, etc. for the benefit of low vision employees.

E. Preference in Govt. accommodation

The Directorate of Estates may give preference to the persons with disabilities for providing them accessible accommodation near their place of posting and they may be preferred for allotment of ground floor accommodation. Possibility of existing housing accommodations being renovated to make them conveniently accessible to persons with disabilities, be explored by the Directorate of Estates.

F. Grievance redressal

Some of the employees including persons with disability may be got trained by the empaneled Master Trainer/Officers of various National Institutes working in the sphere of disability to develop their skills in handling grievances relating to PWDs.

The Liaison Officer appointed to look after reservation matters for SCs, STs may also act as the Liaison Officer for reservation matters relating to persons with disabilities. The Liaison Officer would also look after the issues relating to providing of amenities for the persons with disabilities. In addition, every Ministry/Department, their attached and subordinate offices, Central Public Sector Enterprises, Cantonment Board, etc., would preferably constitute a Grievance Redressal Mechanism headed by the Head of Administration and comprising at least two employees including a PWD having knowledge in disability matters. The Committee so constituted would receive and try to redress the grievances of Persons with Disabilities within a reasonable time frame.

G. Special Casual Leave

Vide this Department's OM No. 25011/1/2008-Estt.(A) dated 19.11.2008, a provision of Special Casual Leave for 4 days in a calendar year has been made for the employees of Central Government with disabilities for specific requirements relating to disabilities of the official. Further, vide this

Department's OM No. 28016/02/2007-Estt(A) dated 14.11.2007, there is also a provision of 10 days Special Casual Leave in a calendar year subject to exigencies of work for the differently abled Central Government employees with disabilities for participating in Conference/Seminars/Trainings/Workshop related to disability and development to be specified by Ministry of Social justice & Empowerment.

H. Preference in transfer/posting

As far as possible, the persons with disabilities may be exempted from the rotational transfer policy/transfer and be allowed to continue in the same job, where they would have achieved the desired performance. Further, preference in place of posting at the time of transfer/promotion may be given to the persons with disability subject to the administrative constraints.

The practice of considering choice of place of posting in case of persons with disabilities may be continued. To the extent feasible, they may be retained in the same job, where their services could be optimally utilised.

I. Exemption from routine exercise of transfer/rotational transfer in respect of Government employee, who is a caregiver of Person with Disability dependents:

(i) A Government employee who is a care-giver of dependent daughter/ son/parents/spouse/brother/sister with Specified Disability, as certified by the certifying authority, as a Person with Benchmark Disability, as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016 may be exempted from the routine exercise of transfer/rotational transfer subject to the administrative constraints.

(ii) The term 'Specified Disability as defined in the Schedule to the Rights of Persons with Disabilities Act, 2016, covers (i) Locomotor disability including leprosy cured person, cerebral palsy, dwarfism, muscular dystrophy and Acid attack victims (ii) Blindness (iii) Low vision (iv) Deaf (v) Hard of hearing (vi) Speech and language disabilities (vii) Intellectual disability including specific learning disabilities and autism spectrum disorder (viii) Mental illness (ix) Disability caused due to: (a) Neurological conditions such as Multiple sclerosis and Parkinson's disease (h) Blood disorder- Haemophilia, Thalassemia and Sickle cell-disease and (x) Multiple disabilities (more than one of the above specified disabilities) including deaf blindness and any other category of disabilities as may be notified by the Central Government.

(iii) The term 'Specified Disability as defined herein is applicable as grounds only for the purpose of seeking exemption from routine transfer/ rotational transfer by a Government employee, who is a caregiver of dependent daughter/son/parents/spouse/brother/sister as stated in Para I (i) above.

3. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control, for information and compliance. The Department of Public Enterprises may ensure to give effect the above guidelines in all the Central Public Sector Enterprises.

(OM No.36035/44/2023-Estt(Res-II) dated 2.2.2024)

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THE GOVERNMENT OF INDIA (SCHEDULED CASTES) ORDER, 1936.

AT THE COURT AT BUCKINGHAM PALACE,

The 30th day of April, 1936.

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by certain provisions in the First, Fifth and Sixth Schedules to the Government of India Act, 1935, His Majesty in Council is empowered to specify the castes, races or tribes or parts of or groups within castes, races or tribes which are to be treated as the scheduled castes for the purposes of those Schedules:

AND WHEREAS a draft of this Order was laid before Parliament in accordance with the provisions of subsection (1) of section three hundred and nine of the said Act and an Address has been presented by both Houses of Parliament praying that an Order may be made in the terms of this Order:

NOW, THEREFORE, His Majesty, in the exercise of the said powers and of all other powers enabling Him in that behalf, is pleased by and with the advice of His Privy Council to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The Government of India (Scheduled Castes) Order, 1936."

2. Subject to the provisions of this Order, for the purposes of the First, Fifth and Sixth Schedules to the Government of India Act, 1935, the castes, races or tribes, or parts of or groups within castes, races or tribes specified in Parts I to IX of the Schedule to this Order shall, in the Provinces to which those Parts respectively relate, be deemed to be scheduled castes so far as regards members thereof resident in the localities specified in relation to them respectively in those Parts of that Schedule.

3. Notwithstanding anything in the last preceding paragraph—

(a) no Indian Christian shall be deemed to be a member of a scheduled caste;

(b) in Bengal no person who professes Buddhism or a tribal religion shall be deemed to be a member of any scheduled caste;

and if any question should arise as to whether any particular person does or does not profess Buddhism or a tribal religion, that question shall be determined according to the answers which he may make, in the prescribed manner, to such questions as may be prescribed.

4. In this Order the expression "Indian Christian" has the same meaning as it has for the purposes of Part I of the First Schedule to the Government of India Act, 1935, and the expression "prescribed" means prescribed by rules made by the Governor of Bengal, exercising his individual judgment.

5. Any reference in the Schedule to this Order to any division, district, subdivision, tahsil or municipality shall be construed as a reference to that division, district, subdivision, tahsil or municipality as existing on the first day of July, nineteen hundred and thirty-six.

M. P. A. Hankey.

SCHEDULE.

PART I.—MADRAS.

(1) Scheduled castes throughout the Province :—

Adi-Andhra	Gosangi	Paidi
Adi-Dravida	Haddi	Painda
Adi-Karnataka	Hasla	Paky
Ajila	Holeya	Pallan
Arunthuthiyar	Jaggali	Pambada
Baira	Jambuvulu	Pamidi
Bakuda	Kalladi	Panchama
Bandi	Kanakkan	Paniyan
Bariki	Kodalo	Panniandi
Battada	Koosa	Paraiyan
Bavuri	Koraga	Paravan
Bellara	Kudumban	Pulayan
Byagari	Kuravan	Puthirai Vannan
Chachati	Madari	Raneyar
Chakkiliyan	Madiga	Relli
Chalavadi	Maila	Samagara
Chamar	Mala	Samban
Chandala	Mala Dasa	Sapari
Cheruman	Matangi	Semman
Dandasi	Moger	Thoti
Devendrakulathan	Muchi	Tiruvalluvar
Ghasi	Mundala	Valluvan
Godagali	Nalakeyava	Valmiki
Godari	Nayadi	Vettuvan
Godda	Pagadai	

(2) Scheduled castes throughout the Province except in any special constituency constituted under the Government of India Act, 1935, for the election of a representative of backward areas and backward tribes to the Legislative Assembly of the Province :—

Aranadan	Kattunayakan	Kuruman
Dombo	Kudiya	Malasar
Kadan	Kudubi	Mavilan
Karimpalan	Kurichchan	Pano

PART II.—BOMBAY.

Scheduled castes :—

(1) Throughout the Province :—

Asodi	Dhor	Mang Garudi
Bakad	Garode	Meghval, or Menghwar
Bhambi	Halleer	Mini Madig
Bhangi	Halsar, or Haslar, or Hulsavar	Mukri
Chakrawadya-Dasar	Holaya	Nadia
Chalvadi	Khalpa	Shenva, or Shindhava
Chambhar, or Mochi-gar, or Samagar	Kolcha, or Kolgha	Shingdav, or Shingadya
Chena-Dasaru	Koli Dhor	Sochi
Chuhar, or Chuhra	Lingader	Timali
Dakaleru	Madig, or Mang	Turi
Dhed	Mahar	Vankar
Dhegu-Mega		Vitholia

(2) Throughout the Province except in the Ahmedabad, Kaira, Broach and Panch Mahals and Surat districts—Mochi.

(3) In the Kanara district—Kotegar.

PART III.—BENGAL.

Scheduled castes throughout the Province :—

Agariya	Bhatiya	Dhoba
Bagdi	Bhuimali	Doai
Bahelia	Bhuiya	Dom
Baiti	Bhumij	Dosadh
Bauri	Bind	Garo
Bediya	Binjhia	Ghasi
Beldar	Chamar	Gonrhi
Berua	Dhenuar	Hadi

Hajang	Konai	Namasudra
Halalkhor	Konwar	Nat
Hari	Kora	Nuniya
Ho	Kotal	Oraon
Jalia Kaibartta	Lalbegi	Paliya
Jhalo Malo, or Malo	Lodha	Pan
Kadar	Lohar	Pasi
Kan	Mahar	Patni
Kandh	Mahli	Pod
Kandra	Mal	Rabha
Kaoraj	Mallah	Rajbanshi
Kapuria]	Malpahariya	Rajwar
Karenga	Mech	Santal
Kastha	Mehtor	Sunri
Kaur	Muchi	Tiyar
Khaira	Munda	Turi
Khatik	Musahar	
Koch	Nagesia	

PART IV.—UNITED PROVINCES.

Scheduled castes :—

(1) Throughout the Province :—

Agariya	Chamar	Kharot
Aheriya	Chero	Kharwar (except Benbansi)
Badi	Dabgar	Khatik
Badhik	Dhangar	Kol
Baheliya	Dhanuk (Bhangi)	Korwa
Bajaniya	Dharkar	Lalbegi
Bajgi	Dhobi	Majhwar
Balahar	Dom	Nat
Balmiki	Domar	Pankha
Banmanus	Gharami	Parahiya
Bansphor	Ghasiya	Pasi
Barwar	Gual	Pateri
Basor	Habura	Rawat
Bawariya	Hari	Saharya
Beldar	Hela	Sanaurhiya
Bengali	Kalabaz	Sansiya
Beriya	Kanjar	Shilpkar
Bhantu	Kapariya	Tharu
Bhuiya	Karwal	Turaiha
Bhuyiar	Khairaha	
Boriya		

(2) Throughout the Province except in the Agra, Meerut and Rohilkhand divisions—Kori.

PART V.—PUNJAB.

Scheduled castes throughout the Province :—

Ad Dharmis	Marija, or Marecha	Khatik
Bawaria	Bangali	Kori
Chamar	Barar	Nat
Chuhra, or Balmiki	Bazigar	Pasi
Dagi and Koli	Bhanjra	Perna
Dumna	Chanal	Sapela
Od	Dhanak	Sirkiband
Sansi	Gagra	Meghs
Sarera	Gandhila	Ramdasis

PART VI.—BIHAR.

Scheduled castes :—

(1) Throughout the Province :—

Chamar	Halalkhor	Mochi
Chaupal	Hari	Musahar
Dhobi	Kanjar	Nat
Dusadh	Kurariar	Pasi
Dom]	Lalbegi	

(2) In the Patna and Tirhut divisions and the Bhagalpur, Mong Palamau and Purnea districts :—

Bauri	Bhumij	Rajwar
Bhogta	Ghasi	Turi
Bhuiya	Pan	

(3) In the Dhanbad subdivision of the Manbhum district and the Central Manbhum general rural constituency, and the Purulia and Raghunathpur municipalities :—

Bauri	Ghasi	Rajwar
Bhogta	Pan	Turi
Bhuiya		

PART VII.—CENTRAL PROVINCES AND BERAR.

Scheduled Castes.	*Localities.*
Basor, or Burud Chamar Dom Gauda Mang Mehtar, or Bhangi Mochi Satnami	Throughout the Province.
Audhelia	In the Bilaspur district.
Bahna	In the Amraoti district.
Balahi, or Balai	In the Berar division and the Balaghat, Bhandara, Betul, Chanda, Chhindwara, Hoshangabad, Jubbulpore, Mandla, Nagpur, Nimar, Saugor and Wardha districts.
Bedar	In the Akola, Amraoti and Buldana districts.
Chadar	In the Bhandara and Saugor districts.
Chauhan	In the Drug district.
Dahayat	In the Damoh subdivision of the Saugor district.
Dewar	In the Bilaspur, Drug and Raipur districts.
Dhanuk	In the Saugor district, except in the Damoh subdivision thereof.
Dhimar	In the Bhandara district.
Dhobi	In the Bhandara, Bilaspur, Raipur and Saugor districts, and the Hoshangabad and Seoni-Malwa tahsils of the Hoshangabad district.
Dohor	In the Berar division, and the Balaghat, Bhandara, Chanda, Nagpur and Wardha districts.
Ghasia	In the Berar division and in the Balaghat, Bhandara, Bilaspur, Chanda, Drug, Nagpur, Raipur and Wardha districts.
Holiya	In the Balaghat and Bhandara districts.
Jangam	In the Bhandara district.
Kaikari	In the Berar division, and in Bhandara, Chanda, Nagpur and Wardha districts.
Katia	In the Berar division, in the Balaghat, Betul, Bhandara, Bilaspur, Chanda, Drug, Nagpur, Nimar, Raipur and Wardha districts, in the Hoshangabad and Seoni-Malwa tahsils of the Hoshangabad district, in the Chhindwara district, except in the Seoni subdivision thereof, and in the Saugor district, except in the Damoh subdivision thereof.
Khangar	In the Bhandara, Buldana and Saugor districts and the Hoshangabad and Seoni-Malwa tahsils of the Hoshangabad district.
Khatik	In the Berar division, in the Balaghat, Bhandara, Chanda, Nagpur and Wardha districts, in the Hoshangabad tahsil of the Hoshangabad district, in the Chhindwara district, except in the Seoni subdivision thereof, and in the Saugor district, except in the Damoh subdivision thereof.
Koli	In the Bhandara and Chanda districts.

Scheduled Castes.	Localities.
Kori	In the Amraoti, Balaghat, Betul, Bhandara, Buldana, Chhindwara, Jubbulpore, Mandla, Nimar, Raipur and Saugor districts, and in the Hoshangabad district, except in the Harda and Sohagpur tahsils thereof.
Kumhar	In the Bhandara and Saugor districts and the Hoshangabad and Seoni-Malwa tahsils of the Hoshangabad district.
Madgi	In the Berar division, and in the Balaghat, Bhandara, Chanda, Nagpur and Wardha districts.
Mala	In the Balaghat, Betul, Chhindwara, Hoshangabad, Jubbulpore, Mandla, Nimar and Saugor districts.
Mehra, or Mahar	Throughout the Province, except in the Harda and Sohagpur tahsils of the Hoshangabad district.
Nagarchi	In the Balaghat, Bhandara, Chhindwara, Mandla, Nagpur and Raipur districts.
Ojha	In the Balaghat, Bhandara and Mandla districts and the Hoshangabad tahsil of the Hoshangabad district.
Panka	In the Berar division, in the Balaghat, Bhandara, Bilaspur, Chanda, Drug, Nagpur, Raipur, Saugor and Wardha districts and in the Chhindwara district, except in the Seoni subdivision thereof.
Pardhi	In the Narsinghpur subdivision of the Hoshangabad district.
Pradhan	In the Berar division, in the Bhandara Chanda, Nagpur, Nimar, Raipur and Wardha districts and in the Chhindwara district, except in the Seoni subdivision thereof.
Rujjhar	In the Sohagpur tahsil of the Hoshangabad district.

PART VIII.—ASSAM.

Scheduled castes :—

(1) In the Assam Valley :—

Namasudra	Hira	Mehtar, or Bhangi
Kaibartta	Lalbegi	Bansphor
Bania, or Brittial-Bania		

(2) In the Surma Valley :—

Mali, or Bhuimali	Sutradhar	Kaibartta, or Jaliya
Dhupi, or Dhobi	Muchi	Lalbegi
Dugla, or Dholi	Patni	Mehtar, or Bhangi
Jhalo and Malo	Namasudra	Bansphor
Mahara		

PART IX.—ORISSA.

Scheduled castes :—

(1) Throughout the Province :—

Adi-Andhra	Godra	Mangan
Audhelia	Gokha	Mehra, or Mahar
Bariki	Haddi, or Hari	Mehtar, or Bhangi
Basor or Burud	Irika	Mochi, or Muchi
Bavuri	Jaggali	Paidi
Chachati	Kandra	Painda
Chamar	Katia	Pamidi
Chandala	Kela	Panchama
Dandasi	Kodalo	Panka
Dewar	Madari	Relli
Dhoba, or Dhobi	Madiga	Sapari
Ganda	Mahuria	Satnami
Ghusuria	Mala	Siyal
Godagali	Mang	Valamiki
Godari		

(2) Throughout the Province except in the Khondmala district, the district of Sambalpur, and the areas transferred to Orissa under the provisions of the Government of India (Constitution of Orissa) Order, 1936, from the Vizagapatam and Ganjam Agencies in the Presidency of Madras :—

Pan, or Pano.

(3) Throughout the Province except in the Khondmals district and the areas so transferred to Orissa from the said Agencies :—

Dom, or Dombo.

(4) Throughout the Province except in the district of Sambalpur :

Bauri	Bhumij	Turi
Bhuiya	Ghasi, or Ghasia	

(5) In the Nawapara subdivision of the district of Sambalpur :—

Kori	Nagarchi	Pradhan

C. K. RHODES,
Joint Secy. to the Govt. of India.

रजिस्ट्री सं॰ डी॰एल॰-33004 / 2002 REGISTERED NO. DL-33004/2002

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

SJE

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 18*th December,* 2002/*Agrahayana* 27, 1924 *(Saka)*

The following Act of Parliament received the assent of the President on the 17th December, 2002, and is hereby published for general information:—

THE CONSTITUTION (SCHEDULED CASTES) ORDERS (SECOND AMENDMENT) ACT, 2002

No. 61 OF 2002

[17*th December,* 2002.]

An Act further to amend the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 and the Constitution (Pondicherry) Scheduled Castes Order, 1964.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Castes) Orders (Second Amendment) Act, 2002.

Amendment of Scheduled Castes Orders.

2. (*1*) The Schedule to the Constitution (Scheduled Castes) Order, 1950 is hereby amended in the manner and to the extent specified in Schedule I.

(*2*) The Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951 is hereby amended in the manner and to the extent specified in Schedule II.

(*3*) The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956 is hereby amended in the manner and to the extent specified in Schedule III.

(*4*) The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 is hereby amended in the manner and to the extent specified in Schedule IV.

(*5*) The Constitution (Pondicherry) Scheduled Castes Order, 1964 is hereby amended in the manner and to the extent specified in Schedule V.

SCHEDULE I

[*See* section 2(*1*)]

AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

1. In PART I.—*Andhra Pradesh*,—

(*i*) for entry 9, substitute—

"9. Beda (Budga) Jangam (in the districts of Hyderabad, Ranga Reddy, Mahbubnagar, Adilabad, Nizamabad, Medak, Karimnagar, Warangal, Khammam and Nalgonda)";

(*ii*) for entry 11, substitute—

"11. Byagara, Byagari";

(*iii*) for entry 14, substitute—

"14. Chamar, Mochi, Muchi, Chamar-Ravidas, Chamar-Rohidas";

(*iv*) for entry 23, substitute—

"23. Godagali, Godagula (in the districts of Srikakulam, Vizianagaram and Vishakhapatanam)";

(*v*) for entry 30, substitute—

"30. Kolupulavandlu, Pambada, Pambanda, Pambala";

(*vi*) for entry 35, substitute—

"35. Mala, Mala Ayawaru";

(*vii*) omit entry 52;

(*viii*) after entry 59, insert—

"60. Yatala

61. Valluvan.".

2. In PART III.—*Bihar*,—

(*i*) for entry 6, substitute—

"6. Chamar, Mochi, Chamar-Rabidas, Chamar-Ravidas, Chamar-Rohidas, Charmarkar";

(*ii*) for entry 9, substitute—

"9. Dhobi, Rajak";

(*iii*) for entry 10, substitute—

"10. Dom, Dhangad, Bansphor, Dharikar, Dharkar, Domra";

(*iv*) for entry 20, substitute—

"20. Pan, Sawasi, Panr".

3. In PART IV.—*Gujarat*,—

(*i*) for entry 4, substitute—

"4. Bhambi, Bhambhi, Asadaru, Asodi, Chamadia, Chamar, Chamar-Ravidas, Chambhar, Chamgar, Haralayya, Harali, Khalpa, Machigar, Mochigar, Madar, Madig, Mochi (in Dangs district and Umergaon Taluka of Valsad district only), Nalia, Telugu Mochi, Kamati Mochi, Ranigar, Rohidas, Rohit, Samgar";

(*ii*) for entry 5, substitute—

"5. Bhangi, Mehtar, Olgana, Rukhi, Malkana, Halalkhor, Lalbegi, Balmiki, Korar, Zadmalli, Barwashia, Barwasia, Jamphoda, Zampada, Zampda, Rushi, Valmiki".

4. In PART V.—*Haryana,*—

(*i*) for entry 9, substitute—

"9. Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi, Ravidasi, Balahi, Batoi, Bhatoi, Bhambi, Chamar-Rohidas, Jatav, Jatava, Mochi, Ramdasia";

(*ii*) for entry 23, substitute—

"23. Mazhabi, Mazhabi Sikh";

(*iii*) for entry 25, substitute—

"25. Nat, Badi";

(*iv*) for entry 34, substitute—

"34. Sapela, Sapera";

(*v*) for entry 36, substitute—

"36. Sikligar, Bariya".

5. In PART VI.—*Himachal Pradesh,* after entry 56, insert—

"57. Barwala.".

6. In PART VII.—*Karnataka,*—

(*i*) for entry 17, substitute—

"17. Banjara, Lambani, Lambada, Lambadi, Lamani, Sugali, Sukali";

(*ii*) for entry 23, substitute—

"23. Bhovi, Od, Odde, Vaddar, Waddar, Voddar, Woddar";

(*iii*) for entries 53 and 54, substitute—

"53. Koracha, Korachar

54. Korama, Korava, Koravar".

7. In PART VIII.—*Kerala,*—

(*i*) omit entries 9 and 11;

(*ii*) for entry 12, substitute—

"12. Bharathar (other than Parathar), Paravan";

(*iii*) omit entries 13, 19, 20 and 21;

(*iv*) for entry 26, substitute—

"26. Kakkalan, Kakkan";

(*v*) for entry 28, substitute—

"28. Kanakkan, Padanna, Padannan";

(*vi*) for entry 30, substitute—

"30. Kavara (other than Telugu speaking or Tamil speaking Balija, Kavarai, Gavara, Gavarai, Gavarai Naidu, Balija Naidu, Gajalu Balija or Valai Chetty)";

(*vii*) for entry 34, substitute—

"34. Kuravan, Sidhanar, Kuravar, Kurava, Sidhana";

(*viii*) for entry 37, substitute—

"37. Mannan, Pathiyan, Perumannan, Vannan, Velan";

(*ix*) for entry 39, substitute—

"39. Moger (other than Mogeyar)";

(*x*) omit entries 44 and 49;

(*xi*) for entry 50, substitute—

"50. Paraiyan, Parayan, Sambavar, Sambavan, Sambava, Paraya, Paraiya, Parayar";

(*xii*) omit entries 51 to 53;

(*xiii*) for entry 54, substitute—

"54. Pulayan, Cheramar, Pulaya, Pulayar, Cherama, Cheraman, Wayanad Pulayan, Wayanadan Pulayan, Matha, Matha Pulayan";

(*xiv*) omit entry 55;

(*xv*) for entry 60, substitute—

"60. Semman, Chemman, Chemmar";

(*xvi*) omit entries 65 and 66;

(*xvii*) for entry 68, substitute—

"68. Vettuvan, Pulaya Vettuvan (in the areas of erstwhile Cochin State only)

69. Nerian.".

8. In PART IX.—*Madhya Pradesh*,—

(*i*) for entry 36, substitute—

"36. Mahar, Mehra, Mehar, Mahara";

(*ii*) after entry 47, insert—

"48. Sargara.".

9. In PART XIII.—*Orissa*,—

(*i*) for entry 2, substitute—

"2. Amant, Amat, Dandachhatra Majhi";

(*ii*) for entry 10, substitute—

"10. Bauri, Buna Bauri, Dasia Bauri";

(*iii*) for entry 24, substitute—

"24. Dewar, Dhibara, Keuta, Kaibarta";

(*iv*) for entry 42, substitute—

"42. Kandra, Kandara, Kadama";

(*v*) for entry 45, substitute—

"45. Kela, Sapua Kela, Nalua Kela, Sabakhia Kela, Matia Kela";

(*vi*) for entry 56, substitute—

"56. Mala, Jhala, Malo, Zala, Malha, Jhola";

(vii) for entry 69, substitute—

"69. Pan, Pano, Buna Pana, Desua Pana";

(viii) for entry 86, substitute—

"86. Siyal, Khajuria".

10. In PART XIV.—*Punjab,*—

(i) for entry 5, substitute—

"5. Batwal, Barwala";

(ii) for entry 23, substitute—

"23. Mazhabi, Mazhabi Sikh".

11. In PART XVII.—*Tripura,* after entry 32, insert—

"33. Dhuli, Sabdakar, Badyakar

34. Natta, Nat.".

12. In PART XXI.—*Arunachal Pradesh,* omit entries 1 to 16.

SCHEDULE II

[*See* section 2(*2*)]

AMENDMENTS TO THE CONSTITUTION (SCHEDULED CASTES) (UNION TERRITORIES) ORDER, 1951

1. In PART I.—*Delhi,* for entry 29, substitute—

"29. Nat (Rana), Badi".

2. In PART II.—*Chandigarh,* for entry 4, substitute—

"4. Batwal, Barwala".

3. In PART III.— *Daman and Diu,* for entry 2, substitute—

"2. Chambhar, Mochi".

SCHEDULE III

[*See* section 2(*3*)]

AMENDMENTS TO THE CONSTITUTION (JAMMU AND KASHMIR) SCHEDULED CASTES ORDER, 1956

(i) for entry 4, substitute—

"4. Chamar or Ramdasia, Chamar-Ravidas, Chamar-Rohidas";

(ii) for entry 5, substitute—

"5. Chura, Bhangi, Balmiki, Mehtar";

(iii) for entry 7, substitute—

"7. Doom or Mahasha, Dumna".

SCHEDULE IV

[*See* section 2*(4)*]

AMENDMENT TO THE CONSTITUTION (DADRA AND NAGAR HAVELI) SCHEDULED CASTES ORDER, 1962

For entry 4, substitute—

"4. Mahayavanshi.".

SCHEDULE V

[*See* section 2*(5)*]

AMENDMENT TO THE CONSTITUTION (PONDICHERRY) SCHEDULED CASTES ORDER, 1964

After entry 15, insert—

"16. Puthirai Vannan.".

SUBHASH C. JAIN,
Secy. to the Govt. of India.

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