

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL & TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 1520
(TO BE ANSWERED ON 27.12.2017)

RESERVE CATEGORY REPRESENTATION

†1520. SHRI GANESH SINGH:

Will the **PRIME MINISTER** be pleased to state:

- (a) whether there is any provision in the Constitution to grant reservation below 50 percent;
- (b) if so, the details thereof;
- (c) whether some States including Madhya Pradesh provide reservation to OBCs in Government and Semi Government services below 27 percent despite having more than 27 percent of OBC population;
- (d) if so, the details thereof; and
- (e) the reaction of the Union Government thereto?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a) & (b): Article 16(4) of the Constitution enables provision of reservation to backward class of citizens, who are not adequately represented in the services under the State.

As per extant instructions, reservation is provided to Scheduled Castes, Scheduled Tribes and Other Backward Classes at the rate of 15%, 7.5% and 27% respectively in case of direct recruitment on all India basis by open competition. In case of direct recruitment on all India basis otherwise than by open competition, the percentage fixed is 16.66% for Scheduled Castes, 7.5% for Scheduled Tribes and 25.84% for Other Backward Classes .

In case of direct recruitment to Group C posts normally attracting candidates from a locality or a region, the percentage of reservation is generally fixed on the basis of proportion of their population in the respective States/Union Territories.

(c) to (e): The services under the State come under the List II of the Seventh Schedule i.e. State List of the Constitution. The information on the state-wise provisions for reservation is not centrally maintained.

As per the 9 Judge Bench Constitutional judgment of the Hon'ble Supreme Court in Indira Sawhney case, total reservation cannot exceed the limit of 50%. In the same judgment, the Hon'ble Supreme Court has also observed that clause (4) of Article 16 of Constitution speaks of adequate representation and not proportionate representation.
